

Minutes of the Joint Meeting of the Cabinet / Education Skills and Wellbeing Scrutiny Committees

19 April 2023

Multi-Location Meeting - Council Chamber, Port Talbot & Microsoft Teams

Chairperson:	Councillor R.Phillips
Vice Chairperson:	Councillor P.Rogers
Councillors:	T.Bowen, W.Carpenter, C.Clement-Williams, M.Crowley, C.Galsworthy, N.Goldup-John, J.Henton, C.James, J.Jones, R.G.Jones, C.Lewis, R.Mizen, S.Paddison, C.Phillips, S.Pursey, P.A.Rees, S.Renkes, S.H.Reynolds, A.J.Richards, M.Spooner, D.Thomas and D.Whitelock
Co-opted Voting Members:	M.Caddick
Co-opted Non Voting Members:	R.De Benedictis
Officers In Attendance	C.Barnard, N.Blackmore, R.Bowen, R.Crowhurst, C.Griffiths, J.Griffiths, Liam.Hedges, A.Jarrett, C.John, H.Jones, K.Jones, N.Jones, N.Pearce, A.D.Thomas, A.Thomas and J.Woodman-Ralph
Cabinet Invitees:	Councillors W.Griffiths, J.Hale, S.Harris, S.Hunt, A Llewelyn, M.Peters, S.Knoyle, N.Jenkins, S.Jones and J.Hurley.

1. **APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON**

It was proposed and seconded and agreed that Cllr Rebecca Phillips be the Chairperson for this meeting.

It was proposed and seconded and agreed that Cllr Phil Rogers be the Vice-Chairperson for this meeting.

2. **CHAIR'S ANNOUNCEMENTS**

The Chair welcomed everyone to the meeting.

3. **DECLARATIONS OF INTEREST**

The Head of Legal and Democratic Services provided advice to members on this item:

As you will know, when arriving at decisions relating to any of the Councils business, you must do so with an open mind and consider all the information before you objectively, and have due regard to the advice of your Council's officers. During the decision-making process, you must act fairly and in the public interest. You are required to make your decisions on the basis of the facts in front of you, and not to have made your mind up in advance of the meeting.

If you consider that you have come to a settled view or decision in respect of this matter prior to the meeting on the 19th April 2023 and are will be unable or unwilling to take into account any other representations or advice, you will

in all likelihood have predetermined the matter. Whilst it is expected that this is unlikely, should you find or consider yourself to have predetermined the decision, please declare this at the earliest opportunity to the Monitoring Officer. If you have pre-determined this matters you will be unable to take any part in this decision and are unlikely to be able to participate if any further decisions fall due to be made.

The proposal which falls due to be considered on the 19th April 2023 is a new and fresh decision that members will make, so the fact that you may have voted in a particular way at a previous meeting, will not

amount to pre- determination provided you retain a genuinely open mind in respect of this new meeting.

You are also entitled to hold a preliminary view about a particular matter in advance of a meeting (otherwise known as pre-disposition) as long as you keep a genuinely open mind and are prepared to consider the merits of all the arguments and points made about the matter under consideration before reaching your decision.

Pre-determination, on the other hand, as I have indicated earlier would be where you have clearly decided on a course of action in advance of a meeting and are totally unwilling to consider the evidence and arguments presented on that matter during the meeting. Accordingly if you feel you have predetermined your position you should not be taking part in any decision making process. Pre-determination could not only invalidate the decision, lead to proceedings being brought against the Council and it may also amount to a breach of the Members Code of Conduct.

To make you aware there are two different types of predetermination you must consider:

- Actual predetermination – this is when a person has closed their mind to all considerations other than an already held view.
- Apparent predetermination – this is where a fair-minded and well-informed observer, looking objectively at all circumstances, considers that there is a real risk that one or more of the decision-makers has refused even to consider a relevant argument or would refuse to consider a new argument.

It is perhaps this element of apparent predetermination that you must give great thought to.

It should be noted that the determination here is one for members to decide. If a challenge was brought as to a decision maker having predetermined a matter, it would be for that member to justify and provide evidence, in all likelihood to the Courts, that they were not predetermined.

For the sake of clarity, manifesto commitments and policy statements) which are consistent with a preparedness to consider and weigh relevant factors when reaching the final decision, are examples of legitimate predisposition, not predetermination. In addition, previously expressed views on matters which arise for

decision in the ordinary run of events are routine provided you are able to approach this particular decision with an open mind.

Name	Item	Interest	Dispensation from Standards Committee	Is the Interest prejudicial and requires member to leave the meeting?
Cllr. Marcia Spooner	Item 5 SSIP	Chair of Governing Body at Rhos Primary School	Speak Vote	No
Cllr. Nathan Goldup-John	Item 5 SSIP	Governor of Coedffranc Primary School	Speak Vote	No
Cllr. Rhidian Mizen	Item 5 SSIP	Governor of Cwmafan Primary school Governor of Cwm Brombil	Speak Vote	No
Cllr. Sonia Reynolds	Item 5 SSIP	Governor YGG Gwaun-Cae-Gurwen	Speak Vote	No
Cllr. Rob Jones	Item 5 SSIP	Governor of Coed Hirwaun Primary School Governor of Ysgol Cwm Brombil	Speak Vote	no
Cllr. Dan Thomas	Item 5 SSIP	Governor of Gnoll Primary School	Speak Vote	No
Cllr. James Henton	Item 5 SSIP	Governor of YGG Tregales	Speak Vote	No
Cllr. Wayne Carpenter	Item 5 SSIP	Governor of Gnoll Primary School Governor of Melin Primary School	Speak Vote	No
Cllr. Rebeca	Item 5 SSIP	Governor of	Speak	No

Philips		YGG Pontardawe Governor of YGG Trebannws	Vote	
Cllr. Phil Rogers	Item 5 SSIP	Governor of Llangatwg Community School Governor of Catwg Primary School	Speak Vote	No
Marie Caddick (Co-Opted Member)	Item 5 SSIP	School Governor of St Josephs Primary School Neath		No
Cllr. Andrew Dacey	Item 5 SSIP	Governor of Sandfields Primary School Governor of St Joseph's RC School & 6th Form Centre	Speak Vote	No
Cllr. Wyndham Griffiths	Item 5 SSIP	Governor of Blaenhonddan Primary School Governor of Wauanceirch Primary School	Speak Vote	No
Cllr. Steve Hunt	Item 5 SSIP	Daughter works at Castell-nedd Primary School Governor of YGG Blaendulais	Speak Vote	no
Cllr. Sian Harris	Item 5 SSIP	Governor of Creunant Primary	Speak Vote	No
Cllr. Scott Jones	Item 5 SSIP	Governor of Federated	Speak Vote	No

		Primary Schools of the Upper Afan Valley.		
Cllr. Nia Jenkins	Item 5 SSIP	School Governor at Alltwen Primary School	Speak Vote Decided to not vote	No

4. **PRE-DECISION SCRUTINY - STRATEGIC SCHOOLS IMPROVEMENT PROGRAMME - PROPOSAL TO ESTABLISH AN ENGLISH - MEDIUM 3-11 SCHOOL TO REPLACE ALLTWEN, GODRE'RGRAIG AND LLANGIWG PRIMARY SCHOOLS (ENCLOSED WITHIN CABINET PAPERS)**

Officers provided a brief overview on the report outlined within the circulated agenda. This included an outline of the process and options available to Cabinet when considering the report.

Members of the scrutiny committee first considered the consultation process. Members referred to the risk outlined within the report concerning the staff and community resisting any change to education as a result of any decision made. Officers advised that the Risk Assessment contained mitigations around this and officers also emphasised their knowledge and experience in delivering school reorganisation across the borough.

Officers confirmed that there were 13 different face to face meetings with various representatives from the community. There was also one face to face public meeting and one online public meeting. Members had been provided all the consultation responses received. Where possible, the consultation report had outlined facts and evidence to respond to comments received.

It was confirmed that the political aspects of any correspondence that was sent out during the consultation period, had nothing to do with officers.

Officers outlined that the intention of consultation was to assist with shaping a proposal and to ensure that officers have thought of everything to assist with formulating recommendations for Cabinet to consider. From officers' experience, the majority of consultation responses usually received are against a proposal.

It was confirmed that the £14.7million capital grant from Welsh Government has been ring fenced for school reorganisation within Neath Port Talbot. However, members could not determine where this money could be spent if the proposals were not agreed by Cabinet. A further satisfactory grant funding application would have to be made to access any money from Welsh Government.

As part of the process, officers are obliged to undertake a community impact assessment. It was undertaken and included as part of the consultation documentation. That concluded that there was very little use of the schools by the community. The use that is being made by the community is mainly by parents or family groups. It was confirmed that new schools are obliged to have properly considered and thought out community access. Members were concerned that the new facilities would not be within the same communities that they are currently situated.

With regards to the playing fields, it was confirmed that the new site does have sufficient room for the school and to maintain the current number of playing fields. Further that they would be compliant with requirements of various sports.

Welsh Government are keen to promote community use of new school provisions. It would be incumbent on the governing body of the school to ensure that this happens.

Officers outlined that the LDP is currently undergoing a review. The LDP has to ensure that sustainable communities are delivered going forward and has to be aligned with various other policies and strategies. It was acknowledged that the site identified for the potential new school is a difficult site. However, a long list of sites was considered prior to this one being agreed and the identified site was the most acceptable, including access to public transport and walking and cycling routes. Specific issues in relation to the planning of the site, would be fully considered at the planning application stage.

Members expressed their concern at the pupil numbers identified for the new school .The numbers of the three schools amalgamated together do not meet the numbers required for the new school. Members queried how these figures were arrived at. Officers confirmed that the proposal outlines the number of pupils that could claim a place within the catchment. It does not include Welsh medium schools. Further there are no intentions to close any other schools

within the Swansea Valley. The number includes future planning, future developments and the number of pupils that could claim a place within the catchment area.

It was noted that over the last 10 years, the number of pupils attending schools in the Swansea Valley has increased by 160. Members specifically questioned the safe routes to school plan in relation to Alltwen. Officers outlined the route from the current Alltwen Primary School site down to the proposed site of the new school. Officers confirmed that should the proposal proceed then every pupil accessing the new school would have their safe route to school individually assessed.

Relevant detailed traffic management plans would be undertaken as part of the planning process, not as part of the current process. However officers were confident that it would be only require minor highway works to be undertaken should the proposal progress. A survey has been undertaken to determine the current existing transport in the area.

Members raised concerns with industry capacity issues for the required home to school transport. Officers advised that currently it was only planned for one extra bus to be required, therefore this should not be an issue.

Officers outlined how the school could ensure that children accessing the transport could still attend after school clubs. This would be a decision for the school governing body on how this was managed.

Members were concerned that unless a child was in full-time education then they could not access home to school transport and this could ultimately result in a decline in the number of children attending nursery. Welsh Government policy sets out that transport does not have to be provided for nursery children, however officers confirmed that members could look at the NPT policy if they wished to do so.

It was noted that active travel is a priority of Welsh Government and there is ongoing investment with regards to it in terms of bidding for the funding. There is ongoing work being undertaken by the authority to assess active travel routes and ensure that the community have maximum access to suitable routes.

Members expressed their concern that there were no exact costings with regards to changes to highways in response to the proposal. Officers advised that they are experienced at delivering schemes within the funding envelopes that are in place. It was agreed that both Welsh Government and NPTCBC contributions would have increased since the original case was put together in 18/19.

Officers advised that they were satisfied that the highway network could accommodate the increase in volume of traffic. However, officers informed that they did not know the exact costings for any highway works and if any further amendments would need to be made to highway plans.

Officers confirmed the two biggest factors that determine the standard in a school are the quality of leadership and management in a school and the quality of teaching. As a general rule, there are better quality applicants for larger schools than smaller schools in terms of headship.

Members were reminded that Estyn were a statutory consultee with regards to the proposals. Their comments indicated that the standards across the schools would at least be maintained, if not improved.

Members were informed that if the proposals were approved a shadow governing body would be formed. This governing body would appoint a new Headteacher for the school. A structure will then be agreed for the school. The local authority will then ask the shadow governing body to take a decision to ring fence all the jobs in the new school from the existing staff at the schools.

It was confirmed that Welsh Government would fund significant remodelling of schools, in addition to new builds. However, any business case would need to satisfy the 5 case business model and also the BREEAM standards.

Members considered the Welsh Language impact assessment. There are 13 impacts identified. There are mitigations identified in the assessment. Officers noted that it is an assessment only and not documented facts. The assessment considers the proposal as a whole and identifies potential impacts – both positive and negative. Many of the identified actions have also been input into the WESP.

Welsh language primary schools are still experiencing low transfer numbers. Members were concerned the proposal will have a further negative impact on pupils attending Welsh medium schools.

Officers confirmed the proposed school projected numbers was based upon the current numbers from the three schools and the pupils in the catchment area for the proposed schools.

Officers confirmed that pupils can travel across border to attend schools outside of NPT. Officers confirmed if they were able to put an ASD provision into the current schools, this would have been done already. If the proposal falls, a suitable provision will need to be sourced elsewhere within the county.

Members considered the new swimming pool which is part of the proposal. Members queried if the proposal falls, what are the consequences for the three schools and the swimming pool moving forward?

With regards to Alltwen and Llangiwig, the schools will continue to remain open and they will be maintained as all current schools are within the current maintenance budget and programme. With regards to Godre'graig, advice will need to be given with regards to how to proceed, including provision for a new school and business cases to be drafted. Officers confirmed it will be very difficult to secure capital funding for a new school. In terms of the swimming pool, this would not be funded by Welsh Government. There is possible grant funding available from Sports Wales, up to £300,000 however the potential cost of a replacement pool would be £13million at this time. Officers confirmed the pool will close in two years' time, at the longest.

Officers outlined the current state and potential maintenance of the swimming pool.

Following scrutiny

A recorded vote was proposed and seconded and agreed.

The recommendation as outlined on page 36 of the Cabinet report was proposed and seconded.

For: Cllrs C.Clement-Williams, M.Crowley, C.Galsworthy, R.Jones, R.Mizen, S.Paddison, S.Pursesey, P.Rees, S.Renkes, S.Reynolds, D.Whitelock,

Against: Cllrs T.Bowen, W.Carpenter, N.Goldup-John, J.Henton, C.James, J.Jones, C.Lewis, C.Phillips, R.Phillips, A.Richards, P.Rogers, M.Spooner, D.Thomas,

Abstain: M.Caddick.

Following scrutiny, the recommendation was not supported to Cabinet.

5. **URGENT ITEMS**

There were no urgent items.

Councillor R.Phillips

Chairperson