



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2019/20**

**SPECIAL OVERVIEW & SCRUTINY COMMITTEE**

**31<sup>st</sup> JULY 2019**

**21ST CENTURY SCHOOLS PROGRAMME – PROPOSALS TO REORGANISE  
PRIMARY SCHOOLS, SECONDARY SCHOOLS AND SIXTH FORM PROVISION IN  
THE GREATER PONTYPRIDD AREA**

**REPORT OF THE SERVICE DIRECTOR OF DEMOCRATIC SERVICES &  
COMMUNICATION**

**1. MEMBERS WILL FIND ENCLOSED:**

**Appendix A** – Copy of the Cabinet Report (Pages 9 - 228)

**Appendix B** - Copy of the Cabinet Decision Notice (Pages 229 - 236)

**Appendix C** –Extract of the Council's Overview and Scrutiny Procedure Rules  
re: Call-in (Pages 237 – 240)

**Appendix D(i) and D(ii)** - Copy of Prescribed Call-in Forms (Pages 41 - 252)

**2. RECOMMENDATIONS:**

- 2.1 To note the procedure for the conduct of the meeting as set out in paragraph 4.1 below;
- 2.2 To determine whether or not to refer the matter back to the Cabinet for reconsideration.

### **3. BACKGROUND**

- 3.1 On the 18<sup>th</sup> July 2019, a meeting of [Cabinet](#) was held and consideration was given to the report of the Chief Executive related to the 21<sup>st</sup> Century Schools Programme (Copy of the report is attached as Appendix A)
- 3.2 The [Cabinet decision](#) in respect of the above was published on the 18<sup>th</sup> July 2019. (Copy of the decision is attached as Appendix B.)
- 3.3 Rule 17 of the Overview and Scrutiny Procedure Rules dealing with call-in is reproduced as Appendix C of this report.
- 3.4 Two call-in forms were received on the 23 July 2019, which complied with the relevant criteria. For the purpose of clarification we will refer to the received forms as **Call –in 1 and Call –in 2** (A copy of the prescribed call in forms are attached as Appendix D)

### **4. PROCEDURE**

- 4.1 Each case for Call-in must be considered on its merits and the procedure for the conduct of the meeting will be in accordance with the Overview and Scrutiny Procedure Rule 17.1B, as shown below:-

#### **17.1 Procedure at call-in meetings held under Rule 17.1**

1. Declarations of interest (including whipping declarations);
2. Welcome by Chair outlining reason for the call-in meeting as per details recorded on the notice call-in form viz:-

#### **Call –in 1**

*“(i). The officers report and subsequent decision is contradictory to what the Cabinet and officers are asking the Welsh Government to fund. The report used to make the decision states that even after the officers recommendations are agreed that there will be, and I quote the Director of educations words from the cabinet meeting on the 18<sup>th</sup> of July regarding surplus spaces at the two High schools in Pontypridd that even after the implementation of the recommendations “there will be 785 secondary surplus spaces in the greater Pontypridd area” and “in essence, the council is funding one secondary school to many”! Do the administration seriously believe that the Welsh Government are going to support a spend of £34.7m to still provide a surplus high school in the area based upon the officers report?*

(ii) *Lack of scrutiny over:*

(1) *Responses following initial consultation period*

(2) *Lack of scrutiny over the proposals in light of:*

a) *responses following initial consultation period*

b) *objections received during statutory notice period. This is particularly in light of significant opposition from the public following consultation process that residents found difficult to access. During the statutory process a resident-led website designed to facilitate resident engagement with the process 348 validly received and consented objections from members the public yet was separated out to suggest they were of a different validity to other responses received.*

(iii) *The Cabinet have failed to take into consideration that the proposals to close YGG Pont Sion Norton are removing the choice of Welsh medium education from low income families/ families without a car living in Ynysybwl, Glyncoch and Cilfynydd and will impact negatively on the wellbeing of children living in these communities as well as the growth of the Welsh language. Children and parents will face barriers in accessing school breakfast clubs and after hour activities, and face longer journey times to reach the school in an emergency or if a child is unwell.”*

3. Chair to invite the three Members, namely County Borough Councillors:

**M. Powell, M. Fidler Jones and H. Fychan**, who have signed the call-in form to present their submissions to the Overview and Scrutiny Committee as to why they consider the relevant decision should be referred back to the decision maker for reconsideration, having regard to the reasons set out in the ‘notice of call-in form.

4. Chair to invite relevant Director(s) to respond.

5. Chair to give any Cabinet Member(s) present the opportunity to address the Committee.

6. Chair to invite any other Members of the Committee to speak (and with the Chair’s permission any non-Committee Members present, who are eligible to attend, and wish to speak).

7. If necessary, the Chair to invite any relevant Director/Cabinet Member present to respond to a Member’s question.

8. Chair to invite one of the three signatories to the call-in to make a final address to the Committee membership.

9. Chair to put the matter to the vote.
10. Legal Officer present to summarise the effect of the Committee's decision in accordance with Overview and Scrutiny Procedure Rules 17.1(e) and 17.1(f) and thereafter communicate the Committee's decision to the Proper Officer.

\*\*\*\*

### **Call – In 2**

1. Chair to outline reasons for the second call-in as per details recorded on the call –in form viz:-

*“The Cabinet failed to adequately discharge its duties under the provisions of the Welfare of Future Generations (Wales) Act 2015, as evidenced by:*

- i. Its failure, in deciding to close Cilfynydd Primary School and move its pupils to the site of Pontypridd High School, to consider adequately or at all, the extensive scientific literature drawing attention to the short term and long term adverse health outcomes (including, but not limited to, asthma, heart disease, psychosis and reduced cognition) faced by persons spending a considerable proportion of their day in close proximity to a busy and heavily polluted road such as the A470. Cabinet has also failed to note the apparent incongruity between the relaxed approach of current authority policy (based on current domestic guidelines and legislative framework) on the one hand, and the concern expressed by other public health professionals and by much of the journal literature on the other hand. This latter point is exemplified by such matters as:
  - a) The head of the World Health Organisation has referred to air pollution as affecting the majority of the globe's inhabitants and has described the situation as a “silent public health emergency.”*
  - b) Findings in the peer-reviewed journal literature to the effect that persons living or spending significant amounts of their time within 200 metres of busy highways are at significant risk of adverse health consequences (see, for example the findings of Brugge, Durant and Rioux in 2007: “Near-highway pollutants in motor vehicle exhaust: A review of epidemiologic evidence of cardiac and pulmonary health risks”).*
  - c) The publication of a significant study by Maher et al in June 2019 (“Combustion and friction-derived magnetic air pollution nanoparticles in human hearts”) showing that large numbers of people in urban areas are suffering from inhalation of billions of toxic nano-particles from air pollution, possibly affecting every single organ in the human body, and right down to the sub-cellular level, and that persons as young as three years of age are showing signs of such deadly exposure.*
  - d) The disregard in current policies as regards human health of carbon dioxide, rightly identified as a greenhouse gas, but not widely recognised outside the journal literature as posing a risk to human cognition at levels exceeding 600 parts per million.**

- ii. *Its failure to justify adequately or at all the decision to close Cilfynydd primary School in order to create a single “all-through” school for 3 to 16 year-olds at Pontypridd High. Such failure is evidenced by (among other things) the fact that the Cabinet were unable to refer to any independent evidence from the academic literature to show that such all-through schools are a better model than the current model of primary and secondary schools, despite such all-through schools existing in the various nations of the United Kingdom for a number of years.*
  
  - iii. *Its failure to consider adequately or at all its obligations arising from the commitment of the United Kingdom and other governments to the goals of the Paris 2015 Climate Accord, and the dire warnings of the Intergovernmental Panel on Climate Change of 8<sup>th</sup> October 2018 to the effect that humanity has, at best, until 2030, to change its ways and reduce carbon dioxide emissions. This has been confirmed at a domestic political level by the declarations of climate emergency at Cardiff Bay and at Westminster. Regrettably, no better example of a head-in-the-sand attitude and a “business-as-usual” approach is afforded than by the Cabinet’s decision to approve a plan which will increase road traffic and therefore carbon dioxide emissions. Such an increase will occur by virtue of:*
    - a) *Greater distances to travel to school on foot by younger pupils in villages like Cilfynydd, making travel by car more likely, especially during bad weather;*
    - b) *Greater distances to travel to school by road by virtue of the decision to abolish Sixth Form education provision at Pontypridd High School, Hawthorn High School, and at Cardinal Newman.*
  
  - iv. *The failure of the Cabinet to consider adequately or at all whether school attendance might reasonably be expected to be adversely affected by a combination of longer distances to travel and inclement weather.*
2. Chair to invite the three Members, namely County Borough Councillors **S. Belzak, L. Hooper and E. Griffiths** who signed the call –in form to present their submissions to the Overview and Scrutiny Committee as to why they consider the relevant decision should be referred back to the decision maker for reconsideration, having regard to the reasons set out in the ‘notice of call-in form.
  3. Chair to invite relevant Director(s) to respond.
  4. Chair to give any Cabinet Member(s) present the opportunity to address the Committee.
  5. Chair to invite any other Members of the Committee to speak (and with the Chair’s permission any non-Committee Members present, who are eligible to attend, and wish to speak).

6. If necessary, the Chair to invite any relevant Director/Cabinet Member present to respond to a Member's question.
7. Chair to invite one of the three signatories to the call-in to make a final address to the Committee membership.
8. Chair to put the matter to the vote.
9. Legal Officer present to summarise the effect of the Committee's decision in accordance with Overview and Scrutiny Procedure Rules 17.1(e) and 17.1(f) and thereafter communicate the Committee's decision to the Proper Officer.

**\*\*\*\***

- 4.2 If the proposal to refer the matter back for reconsideration is passed then the matter will be referred back to Cabinet: If the proposal is lost then the decision will take effect from the conclusion of this meeting.
- 4.3 The relevant Cabinet portfolio holder(s) will be invited to the meeting to answer any questions Members of the Committee may have with regards to the subject matter of the Call In.