

Executive Board Meeting - 13th December 2016

Agenda Item 71 - The Groves School

Councillor Mark Pritchard (MP) - Chair ; **Councillor I Roberts (IR)** - Vice Chair

MP: “Thank you Chair. At the meeting of the board on the 6th September, members of the board authorised a challenge to the High Court to be pursued. The challenge was to be a decision of the Welsh Government Cabinet Secretary for the Economy and Infrastructure to list The Groves with effect from the 22nd August 2016. The Council was successful with its challenge and the High Court issued an order on the 7th November quashing the decision of the Cabinet Secretary, awarding costs to Wrexham Council.

As part of the order the Welsh Ministers were given until 30th November 2016 to reconsider their decision in relation to this building, and on the 20th November 2016 a further Cabinet Secretary, namely the Cabinet Secretary for Local Government, relisted the building. His reasoning for this is contained in the Appendix for this report.

It’s disappointing to read that the Cabinet Secretary dismissed the experts’ advice on his own professionals, choosing to apply his own rather than his experts judgement to reach his conclusion.

I have instructed the Head of Corporate and Customer Services to seek further legal advice on this further listing decision and we have requested full disclosure from the Welsh Government of all the advice given to the current Minister who has decided to relist the building.

If the Council is to challenge the latest decision it has until January to do so. I am therefore requesting the Board to give me delegated authority to decide whether to challenge the latest decision.

In deciding whether to exercise the delegation I will consult with the Deputy Leader, Lead Manager for People and Children’s Services and Education, The Executive Director for Place, Economy and the Head of Corporate, Customer Services. I therefore move the recommendations within the report 3.1 to 3.5.1 printed in the report.

Thank you Chair.”

IR: “Any questions or comments from the Board? No? Right, can I open it up to members then – I’ve got one from Alun Jenkins first, Malcolm next.”

Councillor Alun Jenkins (AJ):

AJ: “Bore da, good morning. Can I first of all give an apology from Carole O’Toole. This was meant to be the first item on the agenda and the agendas been re-jigged and unfortunately Carole hasn’t been able to stay, even though she would want to be here and would want to speak. This is a building which is in her ward, she’s a local member for that area and obviously its a considerable number of questions about what is going on there and she needs to keep members of her ward informed of where we’re up to.

If I can say from my own point of view, I’m at a loss to know exactly what’s going on, or to understand the reasoning behind it. It’s difficult to understand how Assembly Ministers could first decide to list the building, then after a judicial review and a consent order – technical terms I don’t’ fully understand – but they’re been through a legal process. They then decide to delist the building and give Council its legal costs and then for a new Minister to come and relist the building. As I say, I’m at a loss to understand the thinking behind that.

No doubt the Assembly Government must have some justifiable reasons for changing their minds again and again. It rather smacks of the hokey-kokey, doesn’t it? One foot in, one foot out, and it reduces the whole thing to a level of a farce, even though its all so serious. So I just wish we weren’t where we are at the moment.

It’s clear from the report before us today that Executive Board members and what the Leader has moved now, are intent on pursuing the matter further and taking further legal action if that’s necessary. Whether that is going to be for a new judicial review or whether its going to be on appeal against the original judicial review is not clear, and I don’t think it will be clear until you get an answer to the questions that have been raised in paragraph 2.4.

It goes through my mind now, we asked the questions, are we bound to get the answers from the Assembly? Is there a requirement that they are open and transparent, and will provide the info that we’re asking for? The question arises if they don’t, how do we then decide what legal action we’re going to be taking?

It’s quite clear from the report that there was a conflict of advice given to the Ministers by CADW. You’ve only got to read what’s in paragraph 2.2 and whats in 2.4. One thing that the report doesn’t include now is the costs that we’re likely to encounter. When we went through the previous report we were given a figure at that time. It was quite likely that we had to pursue legal action that we’d have been spending more than that. We’re giving delegated powers to officers and members to be able to take those decisions.

In this report now there’s no mention under the financial or budget heading of what the legal costs are likely to be. Can I say, finally, that it’s a good thing that this report is in Part 1 so that members of the public can be present, can hear the debate and see all of the information? However, seeking standing order 43 to deal with this as an urgent item does raise concerns, because it gives powers to the Legal Officer and the Executive Director, and to the Deputy Leader and to the lead members. Matters are likely to move on very, very quickly. You

mention now that an appeal has to be in by the beginning of January, so things are going to be happening during the Christmas break.

Can I ask that all members are kept fully informed and up to date on things as they happen? I find it very galling that in order to know what's going on in Wrexham, I have to go onto wrexham.com, because they seem to get to know what's going on before I do, and I think that applies to many members of the Council.

We're a council of fifty two members, and I don't think I'm being unkind now, ten members of the Council do tend to know what's going on, forty two members are second class citizens. Please can I have an assurance that this information will be shared with us? If it's of confidential nature then you must trust forty two members to deal with it confidentially. But as soon as it's capable of being released to the public I would hope that we'd be making formal press statements so that the public too can be kept informed of what is going on.

As I say, it's being reduced to the level of a farce at the moment. I don't like where we are at the moment. It makes it very difficult to take pride in being a member of the Council to be quite honest. I just hope that this can be dealt with quite quickly. I think as part of this openness and transparency the ten lead members need to be telling us exactly what's going on as it's going on. Thank you."

MP: "Yes Alun, I can confirm we will keep you informed as and when the information comes in. I haven't a problem with that at all. I wouldn't disagree with you Alun, it is a little bit farcical and I am disappointed that once again I'm sitting here again with the Executive Board with a report for us to move forward on the Groves.

I think I've made my position clear and I think other members have as well, what our aspirations are for that site; they're purely to put one or two schools on there. We haven't moved away from that desire and will challenge this through the legal process once again when that legal advice comes in. The Legal Officer will give us advice on it and we will decide whether to move forwards on it as we did with the last listing, but I can't come away, and I can't say it's more I'd like to say a lot more, but I can't because I only have the opportunity in meetings like this.

We have a desire and a passion to put two 21st Century schools on that site, and we haven't moved away with it. Alun, I don't know where this will go. And with regard to reading things on wrexham.com and in the press I can assure you we don't release them to the parties what do. So sometimes I see things on social media and within the newspapers. Coming back to the Groves, and I think we should never take our eyes off this, is that this isn't about demolishing a school, this isn't about winning a debate or an contest, I've never looked at it like that. I passionately believe in improving education facilities across the borough.

I was privileged to go to Alexander School last week for the extension there. It was wonderful to see what we did with just under a million pound. We have the 21st Century schools programme rolling out now and they're going to Well, I believe they've started Penycae as we speak. We're moving forward, we've got.. let's call it the second stage of the 21st Century school programme which we'll discuss politically on the Executive Board on where we're going to put the new schools and where we're going to build them.

But the frankness of it is, and a lot of people might not like this, but I will say it again - we will continue to challenge the Welsh Government so we are allowed to put education, schools, on that site. I'll hand you over to Trevor now, if Trevor wants to touch on the issue of furnishing members as it comes in but I certainly haven't a problem with that and I'm sure our Legal Officer won't. Trevor."

Trevor Coxon - Head of Corporate and Customer Services (TC):

TC: "Yes. If I can just pick up on a couple of the points raised by Councillor Jenkins. First of all he asked what are we challenging. We will be if we are to challenge, it will be the latest decision. There would be little point in the council appealing the previous decision because the council won.

There is no mention of legal costs in here because today we're not inviting the Executive Board to make a decision on this. And the reason why Standing Order 43 is being invoked is for the very reasons you have highlighted. If we are to challenge this decision and we don't know yet, we haven't had the expert legal advice.

The Lead Member quite rightly wants to take account of expert legal advice before taking a decision in this matter. But we have to commence proceedings if we are to commence proceedings by early January hence the reason for asking for that. In terms of releasing information to members, I haven't got a problem with releasing it to to members when a decision is taken."

IR: "Alun, are you content with that?"

AJ: "Can I thank you for the answers both of you have given there. The assurances you've given now. In terms of the financial aspects, am I reading it correctly then from your answer, that if there is a need to take legal action and that there's going to be a cost involved, that you'll come back to the Executive Board before that is being spent?"

MP: "No we won't that's why the report is in front of you today, so that we can move on with it."

AJ: “That was my fear, and I’ve just got that awful feeling that things could escalate and escalate and I don’t know what we’re committing ourselves as a Council to financially. I take your assurance now that you’re going to share the information with us. If that is only information that can be shared with us in Part 2 confidential, as a member of the Council I would be very happy to accept it in that light. On the understanding then, that it would be released to members of the public but you need to keep members of this council informed and on board.”

MP: “I wouldn’t disagree Alun, and as I said earlier, I’m happy to furnish all elected members with information as and when it comes in and the Legal Officer has said the same. Can I just ask the chair – I wasn’t sure because I was reading my notes – did you ask for a seconder on this? I moved it. Michael, was it? OK, thank you, I wasn’t sure, I was reading my notes. Thank you Chair.”

IR: “We’ll take a half hour break after this agenda item for lunch because this is going to go on until at least half past two the way it’s going. And now I think we all need a break so at the end of this item, half hour break and we’ll see where it lands then. OK. Malcom.”

Councillor Malcolm King (MK):

MK: “Thank you Chair. I’ll try and be well behaved, that I may well fail, so I just warned you.”

<inaudible comments to and from the Chair at this point>

“What I wanted to do was seek some clarity on three key issues that seems to have propelled this key subject for quite some time now, early in the year.

Well one was ... about old buildings not being very good for pupil’s education. Earlier in the year, the Lead Member for Children, I’m not sure of his full title but I’m sure Councillor Williams knows I mean him. Earlier in the year we were told that we can’t keep the buildings because old buildings are harmful for the education of pupils. And I took that very seriously.

I looked into the issue, did some research and so on, and I’ve discovered that just within Wrexham there are children who’ve been to Victoria, St Giles, Ruabon, which we’ve poured lots of money into, trying to improve them. Most of these children failed their exams I’m afraid and produced total failure. I also looked into it further. I looked into Harrow and Eaton, because they’re in old buildings as well and I recognise that although quite a few prime ministers have come from them they could have got better jobs.

So there obviously has a whole history for failure attached to old schools, old school buildings. Of course, what I'm saying is clearly ridiculous and untrue and I imagine pupils from Victoria, St Giles, Rhosddu and the other schools based in old buildings in Wrexham do wonderfully well, and it does look like people who go to other old schools like Eaton, Harrow do even better.

So I'm not sure what evidence, having looked into it, the Lead Member had for saying that was one of the key reasons why we had to knock the building down in order to make sure that children who were educated in Wrexham had a good education, rather than being damaged by these old buildings.

I wonder, having had some months to think about his earlier statement, whether he's now changed his mind, or will he change his mind, or if not will he put in place arrangements to compensate our pupils from the damage done by old buildings that have obviously gone on over the years. That's one question.

The second one is - we've appeared to come to the conclusion that that's the place to put new schools without actually going through the normal planning processes for what schools we need and where they should be. And I just wondered whether we're going to scrap the normal processes for planning schools in Wrexham, or whether we were just doing this as a one-off for particular reasons, and what those particular reasons might be.

Also we're told we need more primary schools because we're told there are lots more children needing those schools. We haven't had much discussion about whether we might need some secondary schools afterwards. Unless of course we're thinking that those children that go to those schools will adopt some kind of Peter Pan syndrome and they won't grow up and we won't need secondary schools after that - or whether we will adopt another site to adapt the normal planning processes for schools and pop up with another place that we could put a secondary school for them, or extend the existing schools, but there seems to be no planning in place for that at the moment.

< at 1:56:00 on the webcast - some speech difficult to understand at this point >

My third question is obviously the FOI requests which the SOH group elucidated from the Council, where the Leader of the Council gave assurances to the Council ...of the Catholic Church, that the Council wished to reach an agreement with them Knocking down the site, clearing it and so on, allowing a school or two to be built on it.

I just wondered what authority the Leader of the Council had to give that assurance from the Council because to my knowledge nothing has ever been through the Council when he was having those secret discussions, and whether or not he may have become confused as to whether or not he is the Council or whether he is aware that to be Leader of the Council is not the same as being the Council and therefore giving assurances on behalf of the council...."

<1:56:50 on the webcast, IR (Chair) talks over MK at this point, inaudible >

IR: “Malcolm – Malcolm – you know you’re going too far, and I’m stopping you now. You have done three questions now, we’re coming onto the fourth.”

MK: “No, that’s the third, so that’s my questions; Is he confused about his authority and where did he get that authority from? I’m confused.”

MP: “Chair, can I call for a point of order? I’ve sat here patiently this morning and I will not sit here any longer taking personal attacks off a fellow colleague here, a Councillor. We should all behave in the manner we expect to behave, and I think Malcolm is pushing the Code of Conduct of elected members to the brink here. So I would ask you as Chair to ask the fellow Councillor to stop personal attacks against me. Thank you.

IR: “I did pick the member up, and it is right, you shouldn’t be going down this route and I’m asking you to stop. I’m going over to ...”

MK: “Chair, could I just –“

IR: “I’m going over to Michael now to answer three of the questions I’ve got four actually down.”

Councillor Michael Williams (MW):

MW: “For him to make the suggestion that I’ve said that old buildings are bad for children’s education is absolute nonsense, preposterous; I’ve never ever said that! What I’ve said is there’s sufficient research to indicate that when children go into new schools that they perform better. That is the statement that I’ve made.

You know yourself that old schools in the borough don’t lend themselves to the kind of 21st Century school projects that we have in all our areas. You know that the new Hafod Y Wern is going to be significantly different from the old one. Would you have been happy with the remodelling of Hafod y Wern, leaving it as it is? The school wasn’t fit for purpose for the 21st Century schools. Do we keep it? No, we demolish it, and we’ve done that same thing every time we look at new schools in different areas.

We look at the school, as it is, and determine its suitability for alteration according to plans that are carefully laid out in the 21st Century schools programme. If it doesn’t, we demolish. And that’s the end of it. There are some

schools where we have added on and there will be other schools as well where we will continue to develop our process. But that's the first question.

Tell me what the second was Malcolm, because you started to wander a bit then."

IR: "The 2nd one was planning, which -"

MW: "Well no, we always have to have planning permission every time we decide to refurbish, replace or remodel a school, it's as simple as that. So I'm not quite sure what you're getting at here."

MK: "I'm getting at the normal process for planning where we would want schools, and how we would calculate that. That's not been done in this process. I'm not talking about planning permission for the site."

MW: "But there's a huge welter of evidence we've built up over a period of years now of where we need to put schools and one of the places we need to put them is in the town centre because that is where the biggest population explosion is taking place, and that is where we need those schools to accommodate children who are coming to that area to live.

Wrexham town centre is a popular place where most people want to live, at the end of the day. It does put pressure on our school system. We've managed to alleviate or reduce the problem by, for example, expanding Alexander School. Alexander School took in an additional nineteen pupils because we put in an extension onto it. We've done that wherever we can.

But we're running out of possibilities in that sense. Other schools in the Wrexham town centre very often aren't suitable because it takes the space that the children need themselves. So, we look at the land the Education Department has control over, and one of those pieces of land is The Groves. And we're running rapidly out of land where we can build schools.

We recognise as far as the LDP2 plan is concerned but we will need to look at areas outside of the town centre for additionality there. We don't have land in that area so we're relying on builders to provide us with land free of charge, so that we can put schools on them. So ... we go through the planning process. But we determine where schools must be built by where we calculate the demand is needed."

IR: "Secondary Schools, I've got, the third one."

MW: "Secondary Schools?"

MK: "Well yes, I mentioned that there'd been no real planning for the knock-on effect of the building more primary schools and what happened to the ..."

<MW talks over MK so speech is inaudible>

MW: "... Welsh sector At Primary level because the demand is there. And we're going to address that by looking at an extension, and John Davies mentioned that this morning. If you were listening he's putting in a new extension into Morgan Llwyd which will give us an additional eight classrooms in that area. We will gradually fill up those spaces over the years.

At some time or other we will have to address the issue, as the demand for Welsh Primary education increases and as the demand for secondary places increases, so we will have to look at the possibility of another Welsh-speaking secondary school. But that is some way in the future as yet, and that is not at the moment a priority. You mentioned about the Catholic school?"

MK: "This one was to the Lead Member who's giving the report, about having given an assurance without apparent authority, to the Catholic Church or Officers of the on behalf of the Council, when the Council, as far as I'm aware, had no knowledge of it."

MW: "These are ordinary discussions that we have when we're looking at new builds to take the pressure off particular areas. St Mary's Catholic School isn't fit for purpose any longer. It's oversubscribed, it doesn't have enough land for children to use at the end of the day and we need to build a new Catholic school.

The Catholic Diocese want it close to the Cathedral and as far as we were concerned the Groves site was an ideal site on which to put that. Somewhat stymied when the decision was ... by people saying they wanted to protect the building."

MK: "That doesn't answer the question, and the person I asked the question to"

<Chair talks over MK. Chair and MK speak together - inaudible>

IR: "... because that's coming into personalities. I'm not going to allow that. Malcolm you've put four questions together now, I'm going to ask Andrew Bailey now, it's your turn."

MK: "... processes That's about the integrity of processes of this Council. No, it's not about"

IR: "Thank you. You made it into a personalized question. I'm not going to allow it any more, you've had all the answers that you need. Andrew ... and you can pick up a part of that if you want but I'd advise you not to."

Councillor Andrew Bailey (AB):

AB: "Thank you Chair. Although I was born in Oxford where there are a few old buildings that have a bit of ... an education .. I'm not going to go down that route. Apart from to point out from Morgan Llwyd used the old Cartrefle buildings. Clearly, it's what goes into those buildings, new or old, than those buildings themselves. Been a funny old year in politics what with Brexit and Donald Trump and the ongoing saga here in Wrexham about The Groves. I know you don't like politics so I won't say my opinions on the first two but on the third, quite definitely.

I took a principled stand, like many did, in April 2008 to retain and convert this building, and maintain that. This is not in my name. As Alun Jenkins has said, I'm worried that the recommendations here keep it to a few councillors not the forty two; it's delegated to a few, exclude the forty two.

It may not be the intention of the Section 43 but by moving that you prevent any call-in, any view of that by the other forty two councillors. It may not be its intention. Paragraph 5 part 1 makes it clear that the UDP, the Unitary Development Plan that we're trying to formulate for the next ten and eleven years favours retention and conversion.

Shouldn't more weight be given to that than any passing concerns? 5:2 mentions the budget that would be needed for asbestos. Whether we retain or demolish there is going to be a need for asbestos to be dealt with so the budget is the same in either of these options.

5:6 mentions the risk of unauthorized access.

<inaudible>

....I'm not encouraging people to do that but Wrexham County Borough isn't exactly discouraging people from doing that. Some people have suggested that this unauthorised access is a bit of a plant in this strategy your're promoting so I'll just leave it at that.

You mention consultation – or you have the gall to put consultation in this report – prior to the Jan 2016 report you consulted, I’ve got that in front of me.

“Consultation has taken part with the joint members of the Corporate Land and Strategy Group.”

That, for the members of the public, is a rather small working group of the Council. It’s not consultation with the public; there’s been no consultation with the public prior to the decision. Arguably you can get your ducks into a line and get that decision through. Consultation. I’m amazed.

“Subsequently” it goes on to say, “there’s been call-ins, motions to Councils, members questioning and the listing process.” The call- ins and the motions to Council were from the opposition parties; the public questions were from the public, and the listing was from the Welsh Government and the public. NONE of those were initiated by any member of the Executive Board. Hope that’s not too personal but none of those there has been no consultation initiated by the decision makers.

I’ve got a couple of questions, and I would like them answered. I know you like questions. I think you’re being too modest. The first question is – post the second listing, you thought there’d been some misunderstanding in the assembly member’s remit, the government Minister – you’ve been questioned on that. I just wondered if you’d like to have the chance to explain that. And secondly, can you confirm or deny that between 23rd Oct 2015 and the end of January there were ten meetings with third parties that the rest of the Council or the Strategy knew absolutely nothing about. Not in our name.”

IR: “Mark.”

MP: “Thank you Andrew. I’ll cover 5:6 first with regards to the risk to the general public of antisocial behaviour. I think what you’ve said Andrew is untrue and false. We have worked at this Council tirelessly with a private security company to make that secure. So whenever we get a call out, we attend. We have put extremely substantial covers on it to keep them out. Members of the public come there with Stihl saws, crowbars and they rip them off and they get inside. They smash holes in the roof and they get inside. Steve Bailey, since it was listed, has spent more money again and he has put monitoring equipment in there. He’s had to put another electrical supply in there. He’s done that in the last 2 months. So I think for you to say – and to sit there and say we don’t take it serious – it’s untrue, false, and not fair to the officers.

And I’ll just again tell everybody in this room and across Wrexham how much this Council has spent on that building One million and eighty eight pounds. It’s over a million pound. The Chief Finance Officers there. He’ll tell you how much exactly. But – we’ve spent over a million pound on a derelict building and that funding is coming out of Education Department. It’s being taken away from the Education ... within this borough.

And its not right, Andrew. You can kick it around, and you say I don't like politics, but this IS political. And I respect the Campaign group. They've come along and they want to save the building. That's fine. Nothing wrong with that at all. But we as a Council have aspirations to put two new schools on it. There's nothing wrong with that. And this decision now will be settled in a court of law. And that's what it'll probably end up as. And I'm happy with that. And we'll continue. But if you come back to the report in front of us today, I think we need to concentrate on what we're asking in the recommendations.

But with regard to meetings. I have meetings, I have hundreds of meetings. I've had many a meeting with John Davies who's sitting there. With Michael Williams. With governing bodies of all faiths in education. We discuss everything, on whether we're going to put a Welsh-medium school there or whether it's going to be a faith school. We discuss everything. Michael and I sat down with Dafydd Ifans. And John only last week if I remember right - because I have that many meetings one week rolls into another.

I'm sure it was last week, Michael - it was - to discuss stage two of the 21st Century school and we're submitting a package together which John and officers are working on in consultation with the Welsh Government. And I'm sure Michael and John won't mind me saying it's a rather large amount of money we're considering - over £500 million to deliver 21st Century schools in Wrexham. So Andrew I have hundreds of meetings with a lot of people but I can assure you I never give anybody - I never promise anybody anything. I don't work like that. I've worked in politics for too long. If you're going to sit there this morning, trying to trip me up you're going down the wrong route. Because I've never give a commitment ..."

<voices in background>

DD: "to make a decision"

MP: "No I haven't."

DD: "So you need to consider that point of order."

MP: "Can I come back, Chair. First of all, on the decision, where this will go on the listing. It will be made in a Court of Law. If we end up there. Subject to the info from the Legal Officer and we get back. Depending on the decision or the recommendations we have we might not pursue this, I don't know.

That's why we're asking for legal advice. So I think that it's very unfair that you come here this morning just to let's say spoil the party. We want to move ahead

with these recommendations to go out to challenge – if there’s a need and a requirement – on the second listing – that’s where we are. Trevor if you want to come in you’re more than welcome to.”

IR: “No, I’m sorry.”

TC: “May I speak? Thank you. No, I think you’ve made the point. The request this morning is for you to have the delegated authority as Leader of this Council to take a decision when you have the expert evidence back. And that is what the Leader is committing to do.”

HJ: “Sorry, Chair, in terms of the public being able to understand the debate, we must use these microphones, in fairness, otherwise we’re only going to hear half of what’s being said.”

IR: <signalling to someone off camera>

DD: “Thank you Chair, yes. There is a point of order here because the Executive Board decision is to give delegated powers to the Lead Member who has just by his own admission said that it will be decided in a court. And I believe, strongly, by his own admission, that it’s already pre-determined. And that has to be a question that we have to raise – it has to be – I didn’t put those words in somebody’s mouth. That was said here today and we have to challenge that on a point of order. It’s delegated powers.”

MP: “Thank you Chair. I think you’re wrong, Dana. I think that where we are in this process, if we take, and continue to take, this challenge forward, a decision will be made in a court of law just like the last listing was. Now come on here. We all know what’s going on here and that’s where I am with it. So, and when you’re on about delegated powers, it’s within delegation in consultation with <reading from notes> Deputy Leader, Lead Member for Childrens Services and Education, the Executive Director of Place and the Economy, and the Head of Corporate and Customer services. So, I think you need to read the report. Thank you.”

IR: “Trevor, can you come in now?”

TC: “No, I think the Leader is correct in his position.”

DD: "I still have difficulty with the fact that it's a delegated decision on whether we take legal action, and the Leader of the Council has already said that it WILL be determined in a court of law. That, to me, is pre-determined, any which way you scratch it."

Chief Financial Officer: "It was just for clarity purposes cos there was quite a bit of debate about the asbestos and when it would be removed. To clarify, it HAS been removed and the cost of that was £111,000 and the overall cost spent on the site since 5.6 is a million and eighty."

AB: "I mentioned the asbestos because it was in the report. I know the leader of the Council has lots of meetings, high up meetings, which I would expect, we all have meetings but I would expect you to work within the remit of the full fifty two Councillors. I acknowledge his tacit acknowledgement that there were secret meetings between October 15th and January."

MP: "Chair, can I call for a point of order here. I have to, really, because I sit here I have to take it and quite rightly so because I think when you're the Leader of the Council you have to. But when you have an elected member saying that we've had secret meetings when no secret meetings have taken place it's a lie. And if you have evidence that I've had a secret meeting with anybody furnish it, bring it to the Executive Board, and put it in writing, because you're telling lies there this morning. I have not had any secret meetings with anybody, so stop it. Chair."

IR: "Mark. Sorry - stop it now - <to AB>. We need to get to the point where each of you has some respect for each of them. I'm getting to the stage now where I'm hearing secret, secret, secret on so many occasions from so many people. There are meetings that go on; all the time; now whether you call it secret where there you have a closed door on something, or whether or not a closed door I suspect everyone of us, whether they've been in the cabinet or whose been there you have meetings. So I really am getting fed up with the word 'secret.' Forget it. There are meetings taking place, we meet with everybody, basically, and a lot of these meetings take place without anybody else present."

AB: "I'll change it to Meetings that I and forty two other members knew nothing about then."

IR: "I'll allow that, but that's the case for most of the workings of this Council."

AB: “The Leader of the Council mentioned the money spent on this which was why, in October 2012, the then Lead Member for Finance with the proposition that we negotiate with the Further Education sector and that was banged on the head unilaterally by this Council in 2014. So we were looking to address that when we did in 2012.”

Councillor Brian Cameron (BC):

BC: “...and it wasn’t done in secret. It was done last time we come before the Executive Board when I spoke on consultation, or shall I say, the lack of consultation. There still appears to be, still, a lack of consultation with the people of Wrexham, what they actually want to do with the building. And yet, the Lead Member comes here this morning asking us, or asking the Executive, to sign a blank cheque, a blank cheque for legal fees to challenge this - to maybe challenge this - in the courts. We’re going to be talking further on in the Agenda about cuts, further cuts in Adult Social Care.

I wish, I certainly wish, that as an Executive Board you could concentrate your times more on some of these other areas using some of the funding it’s likely to cost in the courts, instead of using that, instead of using your abilities to seek grant funding for CADW, The Heritage Fund, the lottery grants, to try to make that building fit for purpose instead of wasting money in the courts. Money that could be used on all these other things.

Now, we’ve only spoke about one issue this morning, happy to see that was passed. But I’m not happy to see continued possible money being used in the courts, when it could be used elsewhere. Thank you.”

IR: “Thank you Brian. *<applause, off mike>* Dana please.”

DD: “Thank you Chair. Going to the recommendation in the report I have real concerns. The three elected members are choosing the direction, making the decision on the direction of how this proceeds. I think that if our constitution allows that to happen we need to seriously look at pulling in some of our delegated powers.

For the reasons that Brian said, really, we might have a blank cheque, potentially, that the next council in May is going to have to pick up and pay. My concern is, obviously democracy underpins our constitution and I believe there’s a huge weakness in our constitution of three elected members, and not fifty two elected members can decide on whether this council takes legal action or not. That’s my first point.

Councillor Pritchard mentioned about the spending repairs that have happened on this building. We’ve had I think three discussions now on external funding

that out there. I think the listing and the second listing, we have to remember now that this building has been listed by two different ministers.

My understanding is that the consent order was part of the mediation process prior to the main judicial review proceedings, and there was a procedural technicality as to how the first listing was announced and the detail that was supposed to be announced as part of the process and that's why the cost was so low. I believe that if we pursue legal action going forward the costs are going to be huge and I think the appendix that we've had the reasons for listing that we the finance and local gvt minister on page 19 and 20 - it goes into some detail then on his thought process of why he's arrived at the conclusion of the second listing.

I do think we need to move ahead. I think the problem that we've had with The Groves all along has been what to do with the site. I think the Council have taken far too long on a decision on what to do with the site.

Our position, policy position, has always been that we would like to see the site developed from the point of view of bringing economic prosperity into the town and the focus - and we had this discussion in the Employment and Scrutiny Committee last week about the number one priority really being schools, employment and jobs, and we believe that the original discussion with Coleg Cambria would deliver on that.

It would improve the town centre, from the students coming into the town, it would support local business, we would have a platform from a further education offer in Wrexham that would always bring in the inward investment that we need, so that we could be ahead of the game in Wrexham. It would feed into our regional strategy that we're working with other partnerships, and we have to remember as well - when I said that before every meeting I research this, so I don't just come here fresh, I've had the relevant discussions with external bodies that needed to be had to see if economic prosperity direction of the Council can actually be achieved - and it can be.

I think what we're missing out of this by not having fifty two Councillors as part of this process, any which way you slice it, Wrexham taxpayers are going to pay for this, whether there's a win or lose situation for the council. I think that has to be a consideration.

We have to make the informed decision and I don't think there's enough in the report to make that informed decision, as obviously, we don't know, as Councillor Alun Jenkins said, there's a lot of question marks against this and we're not going to know or be part of this, it's a delegated decision to three elected members.

I think as well, with regards to the second listing, now what we're not considering from the Council is the opportunities that have come about by the second listing is very much and it does look, to the general public and I've been stopped quite a few times, that the Council are viewing this as a win, lose, saving face. And that's for the Executive Board to answer, I can't answer that.

My view of this, because of the weakness in the constitution, the undemocratic process - would be to rip this up and start again, chair. Thank you.”

IR: “Do you want to follow that up?”

MP: “Thank you Chair. Yes I’ll just cover that with a couple of issues. With regard to the listings, you’re quite right, two ministers listed it, against expert advice, we challenged the first listing and we were ordered moneys back so it didn’t cost us; depending on the legal advice what comes back we will challenge the second listing. And I think with regards to the Constitution, I believe it’s law, but I’m going to hand you over to Trevor now to cover that on the Constitution and Law.”

TC: “Yes, as the Council’s monitoring officer I must correct two legal inaccuracies from Councillor Davies. First of all, the potential to delegate to Executive Members has nothing at all to do with the Councils constitution, it’s from the Local Government Act 2000. I don’t know where that misinformation has been given to the Councillor.

And in relation to the proceedings, Councillor Davies says that the process that we entered into, the challenge was procedural. It wasn’t procedural at all. We won. We won that case, and the Welsh Government withdrew from the proceedings to save them incurring further costs and having to pay us more costs. Those proceedings are now at an end. I don’t know where the idea is coming from that they are a live set of proceedings.

What is now going to happen is that we have a second Minister who has taken a decision in relation to this and it is appended to the report, and identifies that the Minister, contrary to all the expert advice of his advisors has decided, as he is entitled to do, that he would prefer to list this building, and he has to be accountable for taking that decision and has to give justifiable reasons. It is on that basis that we’re seeking further legal advice and this morning all that is being asked for is an opportunity for the Leader to consider the advice that comes back and decide whether or not to challenge again.

There’s talk about blank cheques. Well I refer you to the report that was sent to all members on sixth of September this year. The same advice that was given with relation to the potential costs that applies to these proceedings also.”

IR: “If there’s a question now based on what they’ve said then?”

DD: “There is, yes. 4.2 states that on the 6th June CADW wrote to the council advising it that the building met the criteria for listing. So there’s expert advice

in there that it met the criteria, and that's the council for comment, so there was already info from CADW on 6th June with regard to this.

IR: *<inaudible - off mike>*

DD: "Yes, and after the proper officer's given more information now, the preference is, once that additional info has been presented to the Leader and the Deputy and relevant Lead Member, that we'd ask it to come back to all Council members because it's the direction of the Council, all Council members should be participating in whether you pursue from the info. We should all see that info as well and be part of that decision-making process."

< off mike "Hear! Hear!" >

IR: "Mark?"

MP: "Thank you Chair. With regard to 4.2, where CADW wrote to the Council advising that the building met the criteria, that was in the Minister's opinion, I think you know that, so I'd just like to clarify that. With regards to the constitution and everything else, again, I have to pass you over to Trevor if he wants to comment on it because I think that the Legal Officer's made it clear here this morning, crystal clear, I don't know what more I can say this morning. Trevor, if you want to comment on it."

TC: "I suppose all I would say, as members know, fifty two members of the cCouncil do not take decisions on everything. That is the basis of the Local Government Act 2000 and there has to be decisions taken at different levels. The Executive Board has powers to take decisions at certain levels, as do the Council have the powers to take decisions in certain circumstances. We as Officers and individual members have delegated authority to take certain decisions in certain circumstances. So, it is not true to say that all decisions cannot be taken, indeed in law they cannot be taken by the whole fifty two members of the Council."

IR: "Thanks."

DD: "Just my final ..."

IR: “No”

DD: “I wasn’t asking for ...”

IR: “I understand where you’re coming from.”

DD: “I was asking for if you would consider that it comes back so that all Councillors can participate in the process.”

IR: “No. Thank you, Dana. Alun. I’ve got another two speakers and then we’ll be bringing it to a close. Thanks. Geoff.”

Councillor T Alan Edwards (TAE):

TAE: “I agree with what Councillor Davies has just said about it dragging on for way too long. What I’d like to question is basically the public, or people who talk to me, ask from the beginning, what is going to happen to the building? We’ve heard the aspirations today what Mark said for the Council but I’d like to hear, have we got any aspirations coming from the Welsh Government, what they want to do with the building, or any other group or anything.

But I’m sure if I asked the Leader, I’m happy to go along with the recommendations but, in the meantime, if we do have something from the Welsh Government or the Minister saying what his aspirations are for, plus the financial .. money to back those aspirations up, or any other group, I’m sure that’s the way forward. I’m sure then that should go to a full Council because it’s a big change. But without the financial backing or without their aspirations I’m prepared to back the only solution to this, because people out there are getting fed up to the teeth of just hearing about The Groves.

And I am an ex-Grove Park pupil, believe it or not, but not the girls school. Can I just ask the Leader if anything changes, especially from Welsh Government, the aspirations they’ve got, and the financial backing, will you let every member know?”

MP: “Absolutely Alan, I will furnish you with the info as I get it and that’s where I am. When you say aspirations, yes, I do speak passionately about education as the Lead Member, so does all the Executive Board, so does all the Executive Members. This is not just my aspiration; this is the aspiration of this Council.

I think we need to focus back on the children and the building and just remember that the Education Department have made it clear that they don't want this building. They want it demolished, they want a clean site and they want to move forward to put two new sites on it. That's where we are. And with regard to it taking too long, as Alan said, I wouldn't disagree with him at all, it's taken far too long and I hope we can have a conclusion in the very near future to move forward and put two new schools on there. Thank you."

IR: "Phil, then I'm going to bring it to an end."

Councillor Phil Wynne (PW):

PW: "Thank you Chair. I think the front page of the Leader <Wrexham Leader newspaper> today answers Councillor Edward's question to where the Welsh Government play, Mark Drayford has said 'tougher times ahead for Wrexham Council.'"

We all know that, we're going to have to find savings from elsewhere and by listing this building I believe he will have cost this Council money and probably actually make it difficult to convert it into primary school use, which has always been my aspiration. But, obviously, there we are. I think the debate, and the question that's come from the Labour Party members today is, for me, saving face for Cabinet Ministers down in Cardiff.

The Executive Board took legal advice, they challenged, they won the case, the decision that Mark Drayford took are not too dissimilar from the listing, so to me, I think the Executive Board the made the decisions earlier on this year to challenge that, and that's what took place and I'd be very surprised if the same conclusion wasn't arrived at following legal advice that obviously our Legal Officer and Lead Member is going to be.

So I welcome that. My questions then are, could the Lead Member for Education confirm how many children are currently shoe-horned into the St Marys site and the inadequacies of that site, and therefore is one of the drivers for wanting to relocate that school within the curtilage of the town centre. So that would be helpful to understand the facts that are driving it.

And the other point that I want to make is that again if you throw enough mud some of it has to stick and all these accusations of secret meetings are don't hold water with me. We all have private meetings. They're not secret, they're private, so I hope the general public are watching this on the webcam actually pick up on that point, that there is a lot of mudslinging going on this morning."

MW: "As far as his first question is concerned I don't have that information but I can get it for you, that's not an issue."

PW: “Chair, the final question was, that if we do not go with the section 43, does it actually put in power for this option Council to be able to take legal advice and challenge it within the time lines that we’re actually facing to challenge it, because my understanding is that if we don’t, it could be called into scrutiny and then it could be called in to full Council and there’d be a ploy to sink our option to challenge.”

MP: “I’d rather not comment on other people’s ploys under the people’s agenda but I’m quite happy to leave the 43.1 in there for the reasons in the report. And that’s all I’ll say.”

IR: “Thank you Phil. I’m going to take this to the vote, now. It’s for recommendation 3.1, 3.2, 3.3 and 3.4. All those in favour. That’s unanimous. Thank you very much.”