BIRMINGHAM CITY COUNCIL

CABINET

TUESDAY, 19 JANUARY 2021 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 APOLOGIES

To receive any apologies.

3 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

4 EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

a) To highlight reports or appendices which officers have identified as containing exempt information within the meaning of Section 100I of the Local Government Act 1972, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.

b) To formally pass the following resolution:-

RESOLVED – That, in accordance with Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of those parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information.
5 - 64 **DECISION CALLED IN: IMPROVING HOME TO SCHOOL TRANSPORT**

To reconsider the decision of the Cabinet on 15 December 2020 called in by the Education and Children's Social Care O&S Committee.

A report of the O&S Committee Chairman and an Executive response, together with copies of the report to Cabinet on 15 December 2020 and the decision record, are attached.

65 - 74 **COUNCIL TAX TAX-BASE FOR 2021/22**

Report of the Interim Chief Finance Officer.

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Report of the Interim Chief Finance Officer.

81 - 138 **UNEMPLOYMENT SUPPORT - WORLD OF WORK CONTINUATION PROJECT FULL BUSINESS CASE**

Report of Director for Education & Skills.

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Report of Director for Education & Skills.

153 - 246 **PROPOSAL TO CLOSE HUNTERS HILL COLLEGE**

Report of Director for Education & Skills.

247 - 276 **CONSERVATION AREAS UPDATE AND PROPOSAL**

Report of Acting Director Inclusive Growth.

277 - 314 **BIRMINGHAM CLEAN AIR ZONE (CAZ) UPDATE TO CABINET ON DIGITAL AND PHYSICAL INFRASTRUCTURE DEVELOPMENT, AIR QUALITY MONITORING AND INCOME AND EXPENDITURE FORECAST**

Report of Acting Director Inclusive Growth.

315 - 416 **CITY CENTRE PUBLIC REALM - PHASE 1 FULL BUSINESS CASE**

Report of Acting Director Inclusive Growth.
14 INVESTING IN OUR FUTURE - WHAT BIRMINGHAM CITY COUNCIL NEEDS TO DO NEXT: 2021 - 2026

15 PLANNED PROCUREMENT ACTIVITIES (DECEMBER 2020 – FEBRUARY 2021)
Report of Assistant Director of Development and Commercial Finance

16 UPDATE ON COVID-19
To receive a verbal update on the item.

17 OTHER URGENT BUSINESS
To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
Improving Home to School Transport

Call-In by the Education and Children’s Social Care O&S Committee

1 Request for “Call-In”

1.1 On 15 December 2020, the Cabinet took a decision “Improving Home to School Transport” service and in doing so, as set out in the Cabinet report of the same name, to:

- Reinforce the apology to parents / carers and the pupils for the disruptions to their lives and education at the start of term;
- Note the Inquiry’s findings and recommendations;
- Note the improvements already made to the service and those planned to build upon this, as set out within this report;
- Note the recommendations for further improvements as set out in sections 3.11 and the associated governance in section 4.8 that will provide the Interim Chief Executive with confidence that the required changes are being made in line with the agreed timelines;
- Agree, in principle, to create an Integrated Passenger Transport Unit, subject to the approval of an Outline Business Case (OBC) by the end of the financial year by the Council Leadership Team;
- Agree that the OBC will set out a new organisational structure which will be consulted upon and implemented during 2021/22 for Home to School Transport, which is aligned to and will support the creation of a wider Integrated Passenger Transport Unit;
- Agree that the above activity, the SEND programme, associated commissioning activity, Home to School redesign and Integrated Passenger Transport Unit developed are collated into a cohesive programme of activity with appropriate governance controls, management oversight and resources. The Programme Design Document for this to be completed by January 2021, setting out the key implementation milestones, benefits and required consultations with the public, stakeholders, staff and Members.
- Agree that additional resources, are commissioned in the new calendar year to drive forward the improvements needed across Home to School Transport and, given dependencies with assessments, the wider Inclusion, SEND and Wellbeing Portfolio including:
- A dedicated transformation lead who will take forward the recommendations and the programme of improvements;
• Continued external resources to ensure the improvements made since September 2020 are maintained and built upon within the context of the wider transformation programme; and

• Additional external resources to continue a wider SEN transformation programme and deliver and embed the required changes.

• Note that the programme will report into the Corporate Programme Management Office (CPMO) and Interim Chief Executive on a monthly basis to ensure that delivery is maintained at the required pace and improvements are being made for pupils, parents / carers and schools; and

• Receive an update report back in summer 2021 that provides an position on progress and an assessment of the readiness of the service ahead of the new academic year.

2 Request for Call-In

2.1 Councillors Alex Yip and Robert Alden requested the call-in on 21 December 2020 and the meeting was held on 6 January 2021. They stated the following call-in criteria applied:

3 - the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive);

4 - the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;

5 - the Executive appears to have overlooked some relevant consideration in arriving at its decision;

6 - the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;

8 - there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council;

2.2 At the meeting, Councillors Alex Yip and Robert Alden summarised the key reasons for the call-in request:

3. The decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive);

• Cllr Yip stated that scope of the Ernst & Young (EY) report, and the failure to bring in other relevant reports, means that the recommendations within the Cabinet report are flawed and do not go far enough. The recommendations are not based on proper consultation and the scope decided by the Executive results in a light touch review instead of a full and thorough examination of the service.

• Cllr Yip informed Members that the motion at City Council mandated the Chief Executive to, amongst other things, commission an external and independent inquiry into the full Travel Assist Service that fully addresses the concerns laid out by Parents, Carers, Schools and other users of
the service. The motion also mandated the Chief Executive to look into the assurances that have been given to Members about the safety of the service, which Cllr Yip felt was still outstanding.

- Furthermore, Cllr Yip stated that the report does not provide clear lines of accountability of how the improvement journey will be taken forward. Councillor Yip also questioned where the officer accountability was, as this is not reflected in the EY report.

- Cllr Yip highlighted that the report does not address the second demand of the motion around the investigation into the assurances given to Members since January 2020 and before. Therefore, the recommendations in the EY report do not satisfy what was mandated at City Council.

- Cllr Alden concurred with Cllr Yip’s comments regarding the EY report not addressing what was mandated by the City Council motion and stated that it is clear that there is a lack of clear action taken, and clear recommendations, and timetable of implementation are two things that were clearly mandated in the motion from Full Council which means the Cabinet report contradicts the Council’s agreed public position.

4. The Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;

- Cllr Yip stated that the recommendations do not fully address the concerns of children and families due to a lack of proper consultation before the recommendations were made. This includes schools, parents, carers, guides, drivers, and users. There are c.4000 service users and there were just nine non-BCC stakeholders contacted, therefore the failure to fully consult must undermine the findings.

5 – The Executive appears to have overlooked some relevant consideration in arriving at its decision;

- Cllr Yip commented that the report does not state how the change is going to be implemented.

- In addition, Cllr Alden stated that there was a lack of detail presented to Cabinet and this includes the information requested by Cllr Yip via an FOI, plus the departure of the incumbent Director of Children’s Services and the failure of the Cabinet Member to clearly answer when there will be a date for this service being safe. It also lacks clear costs and timescales for delivery.

6 - The decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;

- Cllr Alden observed that press articles highlighting concerns of parents demonstrates this.

8. There is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council.

- Cllr Yip asserted that the EY report is flawed, and the recommendations do not add anything new but rather present a rehash of what has been said before in three previous re-iterations.
There are a number of full-page pictures and pages are replicated, demonstrating that over a third of the report is extraneous and highlights the superficiality of the report.

- Cllr Yip further stated that the EY report does not reference the Education & Children’s O&S Committee’s inquiry into Home to School Transport and this is inexcusable. The Committee had conducted surveys and heard from parents and carers, expending considerable effort and time. The Scrutiny inquiry report includes key areas, such as safeguarding and safety. The Audit report was also not referenced. Therefore, there needs to be one definitive report to bring all of this together in one place.

2.3 A discussion took place and the Leader responded to points raised by members of the Committee and the members calling the decision in.

2.4 The Leader was keen that the EY report was presented to parents and carers before they presented to anyone else, which they did on 24th November 2020. The issue regarding the lack of consultation was raised and EY explained that given the speed of the report there had not been time to fully consult with parents and carers. Subsequently, on the 30th November 2020 EY met with the Parent Carer Forum (PCF) and specifically asked them whether they were happy with the recommendations in their report and the Chair of the PCF confirmed they were. The Leader has also met with the PCF in December 2020 and he was assured they were happy with the recommendations in the Cabinet report. Members discussed the role of the PCF and for them to be an established and independent effective representative voice of parents and carers and request the Council provide resources and support.

2.5 The investigation into accountability, DBS checks and assurances that may have been given to this Committee and Audit Committee last year is ongoing and is separate to this EY report and does not therefore appear in the Cabinet report.

2.6 EY were not asked to review the Scrutiny report, however, the Leader is happy to ensure the recommendations from that Scrutiny report are adopted as part of the transformation of this service going forward.

2.7 Cllr Alden clarified that the EY report does not include the full motion: Commission an external and independent inquiry into the Full Travel Assist Service that fully addresses the concerns laid out by Parents, Carers, Schools and other users of the service as listed in section 7 [in the Scrutiny Report] and listed in paragraph number a) above, by providing clear recommendations, lines of accountability together with an open and transparent timetable for sustainable improvement. The recommendations also do not have any officer name or timescales. The Leader stated the separate investigation alongside this EY report will deal with that part of the agreed motion.

2.8 In summing up, the Chair went over each call-in criterion in turn, agreeing that the EY report did not take account of the Scrutiny inquiry into Home to School Transport and subsequent City Council motion from September 2020, but that the reassurances sought by O&S on issues around safeguarding and DBS checks had been dealt with separately, as reiterated by the Leader. Under failure to consult with relevant stakeholders, there were conflicting accounts of whether the Parent
Carer Forum were in agreement with the recommendations as set out, and whether they were representative of parents and carers, and how BCC might better help promote them as a forum for parents in future, but that intention to consult in the future on delivery aspects had already been set out in the Cabinet report. For call-in criterion 5, the Chair indicated further information on detail of delivery could be requested from Cabinet, and the Leader offered to attend a Scrutiny meeting with the Cabinet Member to provide further information. Whether the decision was controversial was a matter for personal opinion, the Chair stated, and in the final point on clarity and sufficient information, the Committee felt the omission of audit report and the O&S inquiry report in particular was unacceptable when dealing holistically with the system inadequacies.

3 The Committee Resolution

3.1 The Committee resolved to call-in the decision for reconsideration by Cabinet by a vote of 7 members to 2, with concerns particularly focusing on criteria 3, 4 and 8.

3.2 The Committee is concerned about the lack of regard given to the work it carried out in this area over many months, calling many witnesses and consulting with a great many parents, carers, schools and pupils, and would request that this be taken into consideration. The Committee wishes to see that the EY report take into account and adopt where appropriate the Scrutiny report into Home to School Transport and its outcomes (set out in Appendix 1) and, as appropriate, the Audit report.

3.3 The Committee expressed a desire for BCC to have more robust structure and action around promoting and supporting the Parent Carer Forum (PCF) with parents.

3.4 The Committee expressed a desire for the Executive to commit to a greater consultation with parents, schools and users.

3.5 The Committee requests a SMART action plan be put in place.

3.6 The Committee will write to the Leader outlining concerns raised in this meeting and accept his offer of a session at a future meeting of the Education & Children’s O&S Committee with him and the Cabinet Member for Children’s Wellbeing.

Councillor Kath Scott, Chair, Education & Children’s Social Care Overview and Scrutiny Committee
Preface from Councillor Kath Scott, Chair

1.1 I am pleased to be able to present this report to Full Council following an extensive piece of work conducted earlier in the year that put the parents, carers and users of the Travel Assist services at the forefront of its Inquiry. The report was due to be presented to Full Council in April 2020 but the original response from Cabinet, under the 8 day rule, coincided with lock-down and emergency / business critical work was, quite rightly, being prioritised. I therefore communicated to Cabinet that the report should wait until September.

1.2 Since then the Executive and officers have worked hard on the service and I welcome the many improvements that have been made up until now and look forward to the future improvements that are in the plan going forward. The point of the Inquiry was to bring about a better service for children, parents and carers; as set out in the Executive response to this report – we are well on the way to achieving that.

There are still matters that the committee will be keen to keep an eye on, including the commitment made in the motion to Full Council on the 4th February 2020, where the Cabinet Member for Children’s Wellbeing committed to supporting Scrutiny’s role and acting upon contributions made:

The Executive remains committed to its relationship with Scrutiny and Audit Committees by being open and proactive in sharing issues in advance, however challenging, and genuinely reflecting and acting upon their contributions and recommendations.

1.3 I’d like to thank the members of the committee for their commitment and enthusiasm, and the Cabinet Member and officers for their support in conducting this review. Scrutiny always works best when members of all parties work together for the benefit of our citizens, and it is satisfying to see the results in this case, and tangible improvements in a service which has been problematic for users and their carers for too long.

2 Background

2.1 This inquiry came about following repeated concerns expressed by parents and schools to scrutiny and councillors which led to the issue being raised at City Council. An undertaking was given in September 2019 that the Education and Children’s Social Care O&S Committee would look at the
impact of the service on the parents, carers and children involved and how that fits with the aspiration for Birmingham to become a child friendly city.

2.2 This follows many well documented and high profile problems with the services, including budget issues, the collapse of the previous contractor, and an Audit report that identified many failings in the service. The Education and Children’s Social Care O&S Committee (the committee) has received a number of updates and spent a considerable amount of time on home to school transport over the last few years and highlighted a number of concerns in meetings. This included two ‘request for call in’ meetings on the 0-25 Home to School Transport Policy in January and May 2019.

3 Our Approach

3.1 Much of what has been discussed in Audit, Full Council and in other committees focused on budget, contractual or governance issues. Therefore, members of the committee set out to put the experience and voice of parents, carers, children, young people and families involved firmly at the centre of this inquiry throughout. This was done through an evidence gathering session on the 22nd January 2020 with representatives from the Parent Carer Forum, City of Birmingham School (COBS); Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS); special schools; Cabinet Member and senior officers (please see Appendix 1).

3.2 Prior to the evidence gathering session in January 2020, the committee put out a call for evidence that included: an e-mail to all elected members; details on the schools noticeboard; a survey on BeHeard and information on social media and the council’s website. There was also an article about the launch of the inquiry in the Birmingham Mail. As a result, there were several face to face meetings with a number of parents; written evidence from schools and parents and responses to the survey.

3.3 Members would like to thank those who provided evidence to the committee and an evidence pack is available.

Key Messages

3.4 Some of the findings in this report will make uncomfortable reading for the council. That is not the intention, but the evidence presented to the committee made clear that the service was still failing vulnerable young people, their parents, carers and families and that relationships with service users and schools involved are damaged as a result.

3.5 Whilst acknowledging that some of the matters referred to are national issues, this report focuses on the concerns raised by parents, carers, families and schools in our evidence gathering session, and the response from the Executive. We also acknowledge that those who are happy with the service are less likely to come forward to give evidence and the evidence in this report reflects that. However, any service failure needs to be taken seriously and addressed, particularly where those failures relate to statutory requirements, safeguarding or an unsatisfactory customer journey.
3.6 We emphasise that relationships and trust need to be rebuilt by putting the experience, views and needs of the families and schools concerned at the centre of decision-making. It is our hope that in doing so, we can start to draw a line under what has gone before and help shape an effective and responsive service.

4 Context

Financial Matters

4.1 The national context is illustrated in a new analysis by the Local Government Association (LGA) which revealed that unsustainable costs and demand pressures are set to push councils’ bill for providing free home to school transport to £1.2 billion a year by 2024. The LGA is calling on the Government to use its review of SEND provision to understand and fully fund the pressures driving the scheme to breaking point and incentivise more mainstream schools to include local children with SEND so they are not having to travel so far to attend special schools.1

4.2 In recognition of this, a resolution passed at City Council on the 2nd April 2019 requested that:

Leader of the Council and the Cabinet Member for Children’s Wellbeing write to the Secretary of State for Education Damian Hind MP and the Chancellor of the Exchequer Phillip Hammond MP, urging them to ensure that our City’s education budget is sufficient to cover increasing SEND demands to call for the Notional Funding Formulae be adjusted so that allocations can be determined by the City Council; to ensure that this Council is able to allocate funds (above 0.5%) from other Schools funding blocks.

4.3 There are also more local concerns about the deliverability of the budget for home to school transport, and these have been well rehearsed at the Resources O&S Committee and previously in Education O&S meetings. In January 2017 it became clear there was a huge level of uncertainty about the current baseline budget and members were informed that the agreed savings for the 2016+ budget had been scrapped. More recently changes were made to the budget including in The Financial Plan 2020-2024 agreed at City Council on 25th February 2020:

School Transport remains an area of significant expenditure for the Council. It is a vital and statutory service that provides transport to some of the most vulnerable children and young people in the city. In 2019, in recognition of additional demand and costs arising from provider failure the service was allocated £2.9m of one–off resources from Policy Contingency to address the reported overspending. In 2020/21, the service has been rebased with £3.9m of additional resources and reductions in assumed savings of £0.8m.

Audit Report, January 2020

4.4 A report was presented to the Audit Committee on the 28th January 2020 outlining the findings of the internal audit of home to school transport, summarising the actions taken by the Education and Skills Directorate and outlining progress made since the audit was completed.

4.5 This audit was requested by the Education and Skills Directorate following concerns in relation to safeguarding, commissioning, contract management and quality assurance within Travel Assist – the statutory home to school transport service. The initial work quickly confirmed the Education and Skills Directorate’s concerns, in particular the extent of the cross cutting concerns across the Council in relation to safeguarding and safer recruitment practice, specifically the management of Disclosure and Barring Scheme (DBS) checks. The work identified some very significant cross-council concerns in a range of areas.

4.6 Following this report, a resolution passed at City Council on the 4th February 2020 stated:

‘That the Council apologises unreservedly to the children, young people and their families of the Home to School Transport Service for the failings identified in the Audit report... The recommendations of the audit report be actioned by the Directorate, with progress to be tracked by Audit Committee.’

5 Findings

5.1 As noted above, the report focuses on the concerns raised by parents, carers and families, and the response from the Executive. These are set out in the section below.

Policy

5.2 Section 508B of the Education Act 1996 says councils must provide free home to school transport for eligible children of statutory school age to qualifying schools.

5.3 The statutory responsibility for transport for 16-19 year olds (who have started a course before their 19th birthday) rests with local authorities. Local authorities have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport, or otherwise that the authority considers necessary, to make to facilitate the attendance of all persons of sixth form age receiving education or training (Section 509AA of the Education Act 1996).

5.4 The section 509F and 508G duties apply to all local authorities in England in respect of arrangements for adults aged 19 and over, who started their programme of learning after their 19th birthday. The legislation recognises that it is important that decisions on whether local authority arranged transport for this age group is necessary, sits at a local level and, as with the previous duty, the flexibility of the extent of an individual policy lies with individual local authorities. Where local authorities do decide that it is necessary for them to provide transport, this must be provided free of charge,

however, the legislation also gives local authorities the flexibility to contribute to, fund or charge for other transport solutions where it wishes.

5.5 The Upper Tribunal (Administrative Appeal Chamber) has considered transport for post 19 learners with an Education and Health Care Plan (EHCP) (section 508F). The Tribunal commented that:

“The local authority has a duty to make transport arrangements for [a post 19 learner] if they consider that to be ‘necessary’ having regard to all the relevant circumstances. This is not a pure discretion. Although the question of what is necessary is a matter for them, in deciding that question they must exercise their judgment judiciously and in good faith. If they come to the conclusion that it is necessary, they must make the necessary arrangement and the transportation must be free of charge” (Staffordshire County Council v JM, 2016).

5.6 Local authorities must prepare a transport policy statement by the end of May each year setting out any transport or other arrangements that it proposes to make for that academic year in respect of adults aged under 25 with an EHCP under the 508F duty.

5.7 SENDIASS told members that they believed, with regards to the statutory responsibilities set out above, the council’s decision making did not always follow those requirements. This included:

- that there is no expectation in legislation on parents to transport a child to college once they are 18 years old and therefore this is not grounds for the City Council to refuse transport.
- the legislation does not expect parents to accompany SEND children to school if the school is miles away.

5.8 There is a gap in the legislation for travel support in relation to one aspect of eligibility for young persons between 16-18 years old and for children under 5 with SEND. Currently this leaves an area where discretion can be applied by the local authority in deciding whether to award travel assistance in ‘exceptional circumstances’. Concerns were raised by several parents responding directly to the call for evidence, and to SENDIASS, over children who were previously in receipt of transport subsequently being refused on the grounds of lack of ‘exceptional circumstances’ with parents and carers not knowing what constitutes ‘exceptional circumstances’. The lack of clarity of the term for eligibility for post 16 and under 5s travel support and the way ‘exceptional circumstances’ are assessed for children in these categories and the lack of examples contained in the council guidance which would help to clarify how the phrase is being interpreted by the local authority, were repeatedly raised by contributors to the inquiry. This issue was also previously raised by members when they ‘called-in’ the Travel Assistance Policy for 0-25 Year Olds in Education in May 2019.

5.9 In response to this, written evidence received from officers stated: ‘in line with training and advice given from a specialist barrister, “exceptional Circumstances” wording relates directly to necessity and is done on a reasonable and practicable approach. It is difficult establish a subjective measure,
and the service consider necessity when making decisions. This is in line with the guidance from Legal Services. Every Stage 2 [appeal] case is viewed through the lenses of eligibility and necessity relevant to individual and family’s circumstances/situation linked to the evidence supplied before and at the hearing’.

5.10 Members had previously raised the issue that although the **Travel Assistance Policy for 0-25 year olds in education policy** was consulted on, it was not amended to adequately reflect feedback from the consultation and this was again raised in evidence by the Parent Carer Forum and SENDIASS. Concerns were raised in evidence over having a single 0-25 policy covering all children and a proposal was made from SENDIASS that there should be a separate policy for children with SEND and for those attending COBS.

5.11 The Director for Education and Skills stated at the January 2020 meeting that “they would actively want to look at whether the policy is working for children and families on the ground and how they can improve that moving forward”.

5.12 Concerns were raised in evidence about **personal transport budgets** and how these were used in the past and the possible impact of transporting students in multiple vehicles as opposed to one single vehicle.

5.13 There were also concerns raised about **drop off points** lacking coherence, with a vehicle passing the home of a child on the way to the pick-up point and parents needing to fight the system to get reasonable adjustments.

**Communication**

5.14 The evidence showed that communication with the service is clearly a major issue. Parents and schools consistently and repeatedly raised the frustration they experienced on an ongoing basis in contacting the service and this includes phones and emails not being answered.

5.15 Special schools’ representatives commented on parents saying they lack confidence in whether their child will be picked up and being unable to get a response from the service.

5.16 Also, members were told about routes being cancelled and changes made to transport provision without consulting parents / schools and this was sometimes done at very short notice. An example was given of the short notice of changes where 17 routes were changed. It was suggested that it would be better if parents were able to contact the service provider directly and members were informed this is currently being piloted. The impression was that parents have a better experience when they contact the contractor directly.

5.17 Officers acknowledged that there have been gaps in communication for home to school transport and SEND as a whole and they have a communication plan. At the time of writing the report the committee was awaiting the communication plan and concerns remain. The scrutiny committee will monitor how the communication plan is working.
Safety

5.18 The main three issues raised were:
- Suitability and safety of vehicles.
- Suspension of service due to a child’s behaviour whilst travelling.
- Suitability of guides and drivers.

5.19 The suitability and safety of vehicles was raised and members requested details of the contract requirements with the providers and the committee will follow this up. Examples raised at the evidence gathering session included a fire escape access being blocked where children are being transported together in a minibus, seat belts, safety equipment and length of journeys. The committee was informed that the poor quality of service had contributed to a breakdown in trust with parents. There is now a new provider in place and it is essential that lessons are learnt about how the contract is being managed.

5.20 Concern was raised by SENDIASS and the special schools regarding transport being suspended because of a child’s behaviour. In response to this, members received written information stating: ‘suspension of a child from a transport route is only done as a result of a specific incident which places the child/children on transport or others on the transport at risk. We endeavour to keep these to a minimum and only suspend if the child or others transported are at risk of injury if we continue to transport without an intervention to manage the risk. If there are regular behaviours or actions which relate to the child’s everyday behaviours, a risk assessment is completed in partnership with the school. The actions are then implemented relevant to the level of needs as part of their special requirements for transport. If the situation is complex, or specific activity management or behavioural strategy/plan is needed a referral to Occupational Therapy to assess and make recommendations to reduce the risk to all parties is made and implemented. Appropriate equipment, activity adjustments or plan is individually tailored to the child’s needs and the transport provided.’

5.21 Issues regarding the guides and drivers not always being adequately trained and / or not made aware of children’s background / conditions were raised by a number of parents during the ‘call for evidence’ and also by the Parent Carer Forum and special schools. Special schools’ representatives spoke of “gross mismanagement” and an increase in journey times and there are significant safeguarding risks if guides are not adequately trained to deal with children’s conditions e.g. children with epilepsy, asthma, autism and anxiety. It was suggested that schools should recruit, train and arrange guides locally.

5.22 Members were informed that ‘all guides receive training when they start in the role. If guides need further training as part of their role i.e. fitting of buckle guides or harnesses, this training is provided as required. It is recognised that the training to the guides needs to be strengthened and consistency improved. The Service has therefore increased the capacity and has a specialised project underway to address the training requirements of guides starting in mid-February 2020. The focus of this project is to upskill, modernise the delivery and management of the guides.’
System (DPS) which is being implemented has a clear expectation on the providers that all members of their staff working on transport (including drivers) are trained and monitored to a high standard. The expectation of the drivers is in line with what is being required by the service and the policy.

The issues regarding guides were also raised when discussing the 22 routes that had been cancelled due to guide sickness (between September – December 2019). Members were informed that additional capacity will be in place from the end of January 2020 to review and improve performance in this area.

Safeguarding Risk

5.23 Safeguarding issues were raised both at Full Council and at the Audit Committee in relation to home to school transport.

5.24 More specifically, members were concerned about safeguarding for children not in education and this was discussed with the Birmingham Safeguarding Children Partnership (BSCP) in September 2019. At that meeting the Chair of the Partnership stated “There is an extra vulnerability for children who are not in education and they [Birmingham Safeguarding Children Partnership] support schools. Almost inevitably safeguarding is more challenging when children are out of education and there are escalation processes if there are concerns”.

5.25 The number of children being out of school because of unsuitable or lack of transport was raised by COBS and the special schools’ representatives.

5.26 Members were informed by COBS that ‘47% of pupils that attend a Pupil Referral Unit (PRU) have SEND. There are children who are still awaiting their travel assistance to attend COBS and the service needs to take into account that some pupils cannot travel on a bus that goes through certain postcodes as this is a safeguarding issue’. Members were subsequently informed by officers that ‘Home to School Transport recognise the complex issues relating to children attending COBS and the challenges around transportation for these children. We have six outstanding applications for transport for pupils to COBS (as at 7th February 2020), with one of these incomplete in the application which is being actively pursued to be completed before we can process the request. Of the five complete applications that have been received, the oldest case of this group being received to the service on the 21st January 2020. These cases are due to be heard in the panel on 13th February 2020’.

Assessments (including Appeals)

5.27 Problems regarding the assessments taking too long and delays regarding appeals were raised by a number of parents, Parent Carer Forum, SENDIASS, COBS and special schools’ representatives.

5.28 What was felt to be inappropriate provision was at times offered, such as bus passes, pick up points and Personal Transport Budgets (PTBs). Members were informed by the Occupational Therapist at the evidence gathering session that “pick up and drop off points were introduced a year ago and

3 11th September 2019 Action Notes
have not been very successful and are disliked by the parents and they are now looking at a more graded approach and having better consultation with parents).

5.29 The issue regarding the policy and eligibility criteria not being clear was raised by SENDIASS, for instance assessments to establish whether there are ‘exceptional circumstances’ and this is discussed above.

5.30 Members queried at the meeting whether assessments should be in consultation with schools, as the service is relying on a council occupational therapist assessment rather than speaking to the school who have a better understanding of the children.

Impact on Children, Families and Schools

5.31 Members were provided with some information from special schools highlighting the scale and impact, both on the children involved and the schools and of children missing school as a result of problems with transport. For instance, between September and December 2019: 11 pupils had missed 316 school days at Mayfield School and Dame Ellen Pinsent School estimated that half a term’s worth of days had been lost.

5.32 It is clear from the evidence provided that children missing school because of transport problems has a significant impact on both the educational achievement of the children involved and in terms of the resources in schools which are being diverted to trying to resolve these issues, which should be being utilised elsewhere.

5.33 A written question at City Council on the 25th February 2020 asked ‘please provide a breakdown of the number of pupils not attending school due to Home to School transport issues, including those awaiting outcome of Home to School Transport Appeals.’ The answer provided was that ‘the new dashboard which is under development will also hold the information regarding the number of pupils not attending school due to Home to School Transport issues. However, please note these pupils may be getting into school by other means’. There are currently 20 outstanding stage 1 and 2 appeals.

5.34 Members were informed by the Parent Carer Forum that the service is affecting both parents’ and children’s mental health. As per the guidance, to be suitable, travel arrangements must be safe and reasonably stress-free to enable the children to arrive at school ready for a day of study. Evidence provided by Hamilton School:

‘The buses have been late multiple times this term. This is lateness at the start of the day but also at the end of the day when the children are ready to leave. We are not informed that the bus will be late and therefore have had multiple behaviours at the end of the day where students are anxious and have gone into crisis. This then has a significant knock on at home too.

There have been times where the minibuses have broken down, either outside a child’s house en route to school or on the school premises waiting to go home.'
We have had to coordinate getting jump leads and another minibus to help start a bus for them to continue. When it has broken en route to school this has resulted in a bus being late to pick up the other children on the route. The children that were already on the bus struggled to cope with the situation as waiting is a big issue for our students, which resulted in challenging behaviours. Also the minibus was very late to school, therefore having a negative impact on the children’s learning.

5.35 Children being out of education because of transport issues has been discussed above in relation to a potential safeguarding risk. However, members were also informed by the special schools about the significant adverse impact both on the attainment of the children involved and on the attendance figures of the school involved (all schools have a statutory requirement to report attendance to the DfE).

5.36 The Parent Carer Forum highlighted the impact of service failures (this includes awaiting assessments, cancellation of routes, changes to routes at short notice etc.,) on vulnerable children, parents, families and staff in schools which has a major impact due to the ripple effect that is created. Members were informed that this affects and impacts on vulnerable children, families and staff in school.

5.37 The special schools echoed this and stated that ‘the time spent in schools supporting people is huge’ and includes the impact on staff time and teaching time with designated staff required to manage transport, complaints, missing guides, parent calls etc., with this now becoming “the norm” when it should be the exception. The safe and well checks they are obliged to undertake also add to the burden on schools.

5.38 Also special schools stated that “parents are losing faith in schools as they think the schools are responsible” for the transport provision. In addition “parents cannot rely on the service as to whether their child will be taken to and from school” and “the daily devastation due to the issues should not be underestimated”.

6 Executive Response to Issues Raised

6.1 The Committee welcomed the commitment from the Cabinet Member and the Director that they are open to changing the approach and listening both through the Parent Carer Forum and more widely, to consider where they can make changes in the medium term in the context of the statutory duty about making sure they use the budget wisely for all the children in the city.

6.2 The Cabinet Member made a welcome statement at City Council on 4th February 2020:

“It is a huge problem to transport over 4,000 children every single day across this city – 350 minibuses for that purpose. It is an enormous task and continues to be an enormous task to review that service and ensure that we have for our
children and young people and their families a service which is fit for the 21st century. It is tough going, we’ve got new people in place in the directorate, it’s an absolute focus of mine and I will be doing my absolute best and I will not flinch until we have the kind of service I would expect for any of my grandchildren, so you have my absolute assurance that I will stick with this one and we will turn it around, it cannot be rushed, it has to be done properly and we really need to crack on and modernise this service. I’ve got the people in place, I’m in place, we will carry on, we will do our best, it will happen”.

6.3 They also noted, in the evidence gathering session that: “it had been frustrating that there have been a number of historical issues that have been brought up and they are very well aware of these and they have made huge moves forward in the service since the consultation. The context being that over 4,000 children are transported per day. Although, there was recognition of the profound concerns from a number of families and some schools, the point was made that there are a lot of parents and children using the service who are not finding those issues”.

6.4 However, on the evidence provided, the committee thought that it was important to note that children and families are still being failed and have been for a number of years. Some of these may be related to the provider failure last year, and members requested further information on issues with the provider failure.

6.5 Members also expressed frustration that the Council seems to be in the same position as it was in 2015 and scrutiny has heard this again and again and there was concern that the Council will still be in this position in two years’ time. This was illustrated by the July 2017 report of the Improvement Quartet to City Council and to the Committee, where it stated:

‘The service was the subject of a root and branch review in Autumn 2016. Since then great progress has been made to modernise the service and address previous issues. A Strategic Steering Group has been established which oversees these improvements. Changes include a full benchmarking review of delivery against other Local Authorities, greater contract management to make providers more accountable, re-establishing relationships with headteachers and key stakeholders such as SENDIASS, Elected Members and the Parent Carer Forum. In addition, an Independent Travel Training Programme has been introduced. A new Head of Service has been appointed and a staffing redesign has been completed. The service has also just purchased a routing system that will reduce costs and the time children spend on transport. Complaints have dramatically reduced, and the team are working hard to meet with parents and headteachers to talk through options for the Autumn term 2017/18’.
6.6 Concerns were raised by parents prior to the January 2020 evidence gathering session and by the Parent Carer Forum on behalf of parents and families involved. The presence of and strength of representations made by special schools and COBS and the Parent Carer Forum reinforced and legitimised the concerns raised by scrutiny and councillors and this urgently requires an effective response.

7 Next Steps – The Executive

7.1 The range of issues raised in this inquiry, and the fact that work is on-going to bring about improvement, means that the committee agreed not to make specific recommendations. However, we will be following the improvement journey closely and set out below some key areas that we ask are incorporated into the Directorate action plan to be monitored by scrutiny going forward.

7.2 Safeguarding

Safeguarding our children has to be our primary concern and responsibility. Some of the safeguarding risks, for example in relation to ensuring that all drivers and guides have DBS checks, will be addressed through the actions following on from the Audit Report but there are other issues, mainly relating to driver and guide training, which should be addressed in the Directorate action plan. These include:

- Measures to address driver training as well as progress with the specialised project which members were told is already underway to address the training requirements of guides.

- Involving and working with the special schools utilising their knowledge of the needs, conditions and disabilities of the children involved, to facilitate relationship building and a better understanding of the range of conditions and disabilities of the children together with techniques for handling and managing challenging behaviours.

- Subcontracting of the service to other providers can also give rise to safeguarding concerns and needs to be reviewed, improved and monitored in partnership with the Business Improvement Team.

7.3 Safety

- Safety is an issue which is often related to safeguarding and it was noted during the evidence gathering that some of the safeguarding risks also impact on the safety of children using the service.

The incidence of the service being suspended due to behavioural issues and safety issues arising from the inadequate training of drivers and guides should be improved by the actions noted in 7.2.

7.4 Monitoring of the Service/ Key Performance Indicators (KPIs)

There needs to be clear benchmarking and robust performance monitoring of the service from this point forward. This should include:
• agreed KPIs developed in conjunction with Business Improvement which are reported through a dashboard or scorecard that is monitored on a regular basis by scrutiny;
• measures around response times, management of and robust monitoring of complaints about the service; and
• reviewing the incident log systems which are maintained by schools to log issues with the Travel Assist Service, using a system provided by the council, to strengthen them with particular reference to capturing data on children who are 'out of school' due to home to school transport issues and the subsequent impact on the schools and their reporting to the DfE on absence and exclusion figures.

7.5 **Parent Carer Forum**

The Cabinet Member has already committed to strengthening engagement and input to the Parent Carer Forum. A plan needs to be developed to provide a suitable structure and support and to develop the growth of a wider parent network beyond the Parent Carer Forum, which can provide genuine city-wide involvement, feedback and input to the service with a view to fostering improved relationships and re-building trust. Consideration should also be given to the possibility of including Parent Carer Forum representation on the Schools Forum.

7.6 **Communication**

Gaps in and instances of poor communication were acknowledged by the executive during the evidence gathering and members were told that there is already a Communication Plan which can be shared with the committee. This needs to be shared with the committee so that progress can be monitored by scrutiny. The plan should include:

• Clarity around how timely communication will be maintained with schools and parents/carers.
• Clarity around how emergency protocols/arrangements are communicated to parents and carers and about what will happen when routes are cancelled or changes made to pick up times, which can sometimes happen at short notice, and details of who to contact in these situations. Compliance should be monitored through the KPI process.
• Clear communication with parents when communicating decisions about home to school transport applications clearly setting out the legal basis on which the decision was made.

7.7 **Policy**

Some areas of policy which need to be addressed emerged from the evidence provided to the committee. Specifically these included:

• A proposal by both SENDIASS and COBS about having a separate policy for children with SEND, children attending special schools and children attending COBS.
• There was also a suggestion that COBS should have a separate application process; with additional exceptional circumstances to be considered as part of the application process. This
related to the fact that some children cannot travel through certain parts of the City. This should be built into the DPS process.

- Clarification about the policy where an emergency home to school transport application is made as a result of a change in circumstances.

- Clarification is needed about the interpretation of the meaning of ‘exceptional circumstances’ with examples included in guidance so that parents and carers can better understand how the term is being interpreted and implemented in relation to young people aged between 16-18.

- Clarification of the role/responsibility of the local authority where home to school transport is managed by the users, including schools or parents or carers.

8 How will this be Followed up by Scrutiny

8.1 Having considered the impact of the Home to School transport service on the parents, carers and children involved, the committee have set out above a number of detailed asks. The aim is to support two key outcomes:

- To ensure an effective and efficient service that fits with the aspiration for Birmingham to become a child friendly city; that keeps children safe and that transports them to school ready to learn;

- To rebuild trust across the different stakeholders; in doing so the City Council must pay particular regard to safeguarding and statutory requirements in all service delivery.

8.2 The committee received an update on home to school transport in July 2020 and intends to follow this up in future meetings; those who have given evidence to the inquiry at the 22nd January 2020 meeting will be invited to attend – representatives from the Parent Carer Forum, special schools, COBS and SENDIASS.

8.3 Committee members will also receive an update on the 4th February City Council motion:

‘The Council will build on the ongoing work of the Directorate and Scrutiny to produce and comprehensively monitor KPIs which cover waiting times for referrals and appeals; route cancellations by the supplier/lateness/length of journey; route cancellations because of the guide and quality assurance checks.’

(Motion to Full Council, 4th February 2020)

9 Motion to Full Council

9.1 The Committee asked Full Council to agree the following motion:

That the Executive provide an assessment of progress against the outcomes set out above, and the key areas listed in Section 7 in this report, to the Education & Children’s Social Care Overview & Scrutiny Committee in March 2021.
9.2 However, following the issues that came to light after publication of this report the following motion was agreed at City Council:

That the Executive provide an assessment of progress against the outcomes set out above, and the key areas listed in Section 7 in this report, to the Education & Children's Social Care Overview & Scrutiny Committee in March 2021.

That the Chief Executive at Birmingham City Council:

a) Take steps to ensure that immediate changes will be made to the most pressing issues within the Travel Assist service, including [but not limited to] safeguarding of children, cancelled routes, guide changes, bus lateness, and telephone lines going unanswered;

b) Commission an external and independent inquiry into the Full Travel Assist Service that fully addresses the concerns laid out by Parents, Carers, Schools and other users of the service as listed in section 7 and listed in paragraph number a) above, by providing clear recommendations, lines of accountability together with an open and transparent timetable for sustainable improvement;

c) Commission an external and independent investigation into the assurances that have been given to Members about the safety of the service and the status of improvements at meetings of Overview and Scrutiny, City Council and Audit Committee since January 2020

The investigations referred to in paragraphs b) & c) will report by 1 November 2020.
Executive Summary

1.1 On the 6th January, the appended Improving Home to School transport Cabinet Report was subject to call in to Overview and Scrutiny Committee.

1.2 The reasons set out for call in were as follows:

- the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive);
- the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;
- the Executive appears to have overlooked some relevant consideration in arriving at its decision;
- the decision has already generated controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;
- there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council.

1.3 The Home to School Transport Service is a critical service that, several times, has failed to meet the needs and expectations of Children, Young People and their Families and Carers. As a result of significant failings in September a further set of actions were mandated by Full Council on the 15th September to understand why at
the start of term, the service failed to respond effectively to new ways of working in the context of the pandemic.

1.4 EY LLP undertook an Independent Service Review that was published on the 25th November. This review identified a range of systemic factors that not only led to the failings in September but appeared to also have been contributing factors to some of the key failings identified and experienced by users of the service in previous academic years.

1.5 There have been several investigations, inquiries, audit reports and reviews of this service, all of which (where appropriate) were reviewed as part of the Independent Service Review. These included Home to School Transport Inquiry, Education and Children’s Social Care O&S Committee; the Response to the Home to School Transport Inquiry by Cllr Scott; the Cabinet Report on the Interim Service Provision Arrangements for Home to School Transport (March 2019); the internal audit report into Travel Assist–Commissioning, Safeguarding and Quality Assurance; and Cabinet Report from July 2019: Home to School Transport -Contract Award Report.

1.6 The highlighted performance issues and root causes behind these, necessitated a more detailed operating model assessment of the service to be completed. As a result of this assessment a set of recommendations to address the fundamental and systemic flaws in the Council’s service operating model were set out. These are summarised on pages 7-13 of the Cabinet report (Appended).

1.7 The Cabinet Report made 10 recommendations, set out in section 2 of the Appended report. These were based on recommendations made within the Home to School Transport Inquiry document as well as informed by lessons learnt through the immediate fixes work and the parallel investigation being undertaken with regards to DBSs.

1.8 In the context of the reason for the call in, the three key concerns raised at the Overview and Scrutiny meeting were:

1.8.1 The scope of the ‘Independent Service Review’ report published in November in the context of the mandate given by Full Council

1.8.2 The level of consultation on the recommendations, and during the 5-week review, with Parents and Carers

1.8.3 If the recommendations made in the Cabinet report were aligned to the findings / recommendations set out in the Overview and Scrutiny report, undertaken in September 2019

1.9 In the next two sections this covering report sets out the Executive’s response to the above key points.

2 Additional or Amended Recommendations

2.1 Recognising the importance of the service for our Children, Young people and their families and carers and in the context of our commitment to a more transparent and collaborative way of working with our citizens and users of our
services, the Executive would like to thank O/S committee for the opportunity to cement our commitment to collaborative improvement of this critical service.

2.2 **Amended recommendation:**

**Recommendation 2.2:** Note the Inquiry’s findings and recommendations and; note the approach to incorporating additional input of parents and carers agreed with the Parent Carer Forum on the 30th November. (Set out below in section 3)

3 **Response to Reasons for Call-In**


3.1.1 On the 15th September 2020, Council agreed to initiate an independent inquiry to ascertain the facts, chronology, roles and responsibilities of individuals in order to determine if due procedures were followed in terms of decision making, governance and implementation of the recommendations of an audit report. The meeting culminated in the agreement of a motion that approved the following:

3.1.1.1. That the Executive provide an assessment of progress against the outcomes set out above, and the key areas listed in Section 7 in this report, to the Education & Children’s Social Care Overview & Scrutiny Committee in March 2021.

3.1.1.2. That the Chief Executive at Birmingham City Council:

A. Take steps to ensure that immediate changes will be made to the most pressing issues within the Travel Assist service, including [but not limited to] safeguarding of children, cancelled routes, guide changes, bus lateness, and telephone lines going unanswered;

B. Commission an external and independent investigation into the assurances that that have been given to Members about the safety of the service and the status of improvements at meetings of Overview and Scrutiny, City Council and Audit Committee since January 2020

C. Commission an external and independent audit into the Full Travel Assist Service that fully addresses the concerns laid out by Parents, Carers, Schools and other users of the service as listed in section 7 (sic of the report presented by Scrutiny to Council on 15th September) and listed in paragraph number A above, by providing clear recommendations, lines of accountability together with an open and transparent timetable for sustainable improvement;

3.1.2 In response the above, the Chief Executive commissioned 5 streams of work, in acknowledgment of some of the potential HR implications of the action required to complete the activity described in Paragraph B:

i. Short term service improvement plan
ii. Independent Investigation
iii. Independent Audit
iv. Medium to long term Improvement plan
v. Health Check for the wider SEND programme

3.2 In reference to paragraph 3.1.1.2 C and points 3.1.2 iii and 3.1.2 iv above, The Chief Executive appointed an external party. Their brief was to understand:

3.2.1 what were the circumstances that led to the service failures in the run up to and at the start of term including poor communication, cancelled routes, failed customer access channels and children despatched to the wrong schools etc;

3.2.2 a critical assessment of the improvement planning arrangements in place; their recommendations about how those arrangements need to be strengthened; and

3.2.3 a transparent road map for service recovery and improvement with clear milestones and dependencies highlighted.

3.3 As well as the Independent Audit the Independent investigation highlighted some critical improvement areas, which have been progressed as part of the short-term and medium-term improvement plans

3.4 The Cabinet report recommendations 2.15 – 2.17 acknowledge the scale of change required to deliver a better service, with an operating model that is resilient and effective to ensure the failing identified in all the activity strands 1-5 are addressed in a more sustainable way.

3.5 The level of consultation on the recommendations, and during the 5-week review, with Parents and Carers

3.5.1 The Executive comprehensively acknowledges the importance of involving families and carers robustly and meaningfully in both the monitoring of the improvement journey and the design process for any changes.

3.5.2 Acknowledging the urgency with which the review needed to be undertaken and the fact that a multitude of inquiries/ complaints etc have been undertaken- a robust review of all existing documentation / complaints was completed. As part of the engagements, a number of stakeholders were engaged with who spoke of their experiences, frustrations and areas of concern. This included the Chair of the Education and Children's Social Care O&S Committee; the Chair of the Parent Carers Forum; head teachers from two special schools; one of the Council's transport providers; as well as a range of internal officer stakeholders.

3.5.3 However, given the importance of incorporating parent and carer views on an ongoing basis agreed with the Chair of the PCF at the Public Meeting on the 24th November, EY met with the PCF on the 30th November following the Chair’s review of the report.

3.5.4 Four facilitated feedback sessions between the 20th and 27th January are being held, to incorporate further feedback from parents and carers on the document.
These views will be incorporated as an addendum to the report. As agreed with the PCF chair these will include, new information on service performance and discussions on forward engagement approach. The PCF and the Council will be jointly publicising these sessions, information has already been shared on social media and the forums will be open to all parents and carers and a range of times have been selected to ensure maximum access to all parents and carers is made available. In the communications regarding these sessions, the opportunity to provide written feedback before the end of the month will be made clear.

3.5.5 It is important to note that this Parent and Carer engagement serves two purposes in the context of the recommendations to Cabinet:

3.5.6 To ensure the views and parents and carers on the report findings have been fully captured

3.5.7 To ensure that, as the recommended improvement programme progresses to detailed design, the critical aspects of parent and carer feedback are integrated into and used as a critical test of success for future design proposals

3.5.8 In addition, to the Leader and Interim Chief Executive, met with the PCF on the 18th December and discussed the ongoing engagement of parent and carers in the improvement programme. A task and finish group is being convened, with the first meeting on the 21st January, to monitor progress against the recommendations made in the report.

3.5.9 Finally, the programme design document described in section 2.1.7 and engagement and governance plan would be set out and mutually agreed with the PCF. This has now been included in section 2.3 as a specific additional recommendation.

3.6 If the recommendations made in the Cabinet report were aligned to the findings / recommendations set out in the Scrutiny report

3.6.1 The Executive acknowledges and thanks the ongoing role that Overview and Scrutiny has played in challenging the improvement journey the home to school service had undertaken. In scrutiny report (February 2020) 7 key themes of findings were identified. The Executive should note that a full update on the progress against these areas is due to return to scrutiny in March 2021. However, it is recognised that the Scrutiny Inquiry report gathered significant evidence and views from stakeholders and highlighted some clear issues to be addressed.

3.6.2 The findings from the inquiry should be a key consideration both for the improvement programme, and the ongoing corrective action that is being taken by the service. The Chair of the Scrutiny Committee Education and Children’s Social Care O&S Committee will be invited to the Leader’s Home to School Task and Finish Group to go through the recommendations and progress made against them.
3.6.3 A summary from the Scrutiny Report has been provided below to show how the recommendations were considered in the EY review, or elsewhere.
### Finding or Recommendation from Scrutiny Report

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<tr>
<th>Finding or Recommendation from Scrutiny Report</th>
<th>Were the findings considered in the EY Home to School Service Review (November 2020)?</th>
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<th>How has this been addressed/ will be addressed in the improvement programme?</th>
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<tr>
<td><strong>1. Policy</strong></td>
<td>No</td>
<td>Short term HTS transport service improvement plan</td>
<td>As committed in the Scrutiny Report from February 2020, the Service will report back to Scrutiny in March 2021.</td>
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<td></td>
<td>The scope of the review did not cover the policy, assessment nor support planning of the Home to School Transport Service. The Service Review observed comments from stakeholders around concerns with the application or the policy which were fed back through the report including concerns of parents being unaware of their rights on appeals.</td>
<td>Independent Investigation</td>
<td>Engagement is planned with parents and carers for January when policy will be discussed, and any ongoing concerns captured.</td>
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<td>No</td>
<td>Independent Audit</td>
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**1. Policy**

Members had previously raised the issue that although the Travel Assistance Policy for 0-25 year olds in education policy was consulted on, it was not amended to adequately reflect feedback from the consultation and this was again raised in evidence by the Parent Carer Forum and SENDiASS. Concerns were raised in evidence over having a single 0-25 policy covering all children and a proposal was made from SENDiASS that there should be a separate policy for children with SEND and for those attending COBS.

Concerns were raised in evidence about personal transport budgets and how these were used in the past and the possible impact of transporting students in multiple vehicles as opposed to one single vehicle.

There were also concerns raised about drop off points lacking coherence, with a vehicle passing the home of a child on the way to the pick-up point and parents needing to fight the system to get reasonable adjustments.

**Communication**

The evidence showed that communication with the service is clearly a major issue. Parents and schools consistently and repeatedly raised the frustration they experienced on an ongoing basis in contacting the service and this includes phones and emails not being answered.

Special schools’ representatives commented on parents saying they lack confidence in whether their child will be picked up and being unable to get a response from the service. Also, members were told about routes being cancelled and changes made to transport provision without consulting parents/schools and this was sometimes done at very short notice. An example was given of the short notice of changes where 17 routes were changed. It was suggested that it would be better if parents were able to contact the service provider directly and members were informed this is currently being piloted. The impression
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Short term HTS transport service improvement plan

Independent Investigation

Independent Audit

Medium to long term Improvement plan

Health Check for the wider SEND programme

Action has been taken to increase compliance resources to inspect and address safety concerns, and to improve the management reporting information from providers to support this.

Work has also been undertaken to increase the council’s oversight and assurance of DBS checks and compliance.
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<td>Independent Audit</td>
<td>Medium to long term Improvement plan</td>
<td>✓</td>
<td>Information from providers to support this work has also been undertaken to increase the council’s oversight and assurance of DBS checks and compliance.</td>
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At that meeting the Chair of the Partnership stated “There is an extra vulnerability for children who are not in education and they [Birmingham Safeguarding Children Partnership] support schools. Almost inevitably safeguarding is more challenging when children are out of education and there are escalation processes if there are concerns”.

The number of children being out of school because of unsuitable or lack of transport was raised by COBS and the special schools’ representatives.

Members were informed by COBS that ‘47% of pupils that attend a Pupil Referral Unit (PRU) have SEND. There are children who are still awaiting their travel assistance to attend COBS and the service needs to take into account that some pupils cannot travel on a bus that goes through certain postcodes as this is a safeguarding issue’.

Members were subsequently informed by officers that ‘Home to School Transport recognise the complex issues relating to children attending COBS and the challenges around transportation for these children. We have six outstanding applications for transport for pupils to COBS (as at 7th February 2020), with one of these incomplete in the application which is being actively pursued to be completed before we can process the request. Of the five complete applications that have been received, the oldest case of this group being received to the service on the 21st January 2020. These cases are due to be heard in the panel on 13th February 2020’.

**Assessments (including Appeals)**

Problems regarding the assessments taking too long and delays regarding appeals were raised by a number of parents, Parent Carer Forum, SENDIASS, COBS and special schools’ representatives.

What was felt to be inappropriate provision was at times offered, such as bus passes, pick up points and Personal Transport Budgets.
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<td>(PTBs). Members were informed by the Occupational Therapist at the evidence gathering session that “pick up and drop off points were introduced a year ago and have not been very successful and are disliked by the parents and they are now looking at a more graded approach and having better consultation with parents”. 5.29The issue regarding the policy and eligibility criteria not being clear was raised by SENDIASS, for instance assessments to establish whether there are ‘exceptional circumstances’ and this is discussed above. 5.30Members queried at the meeting whether assessments should be in consultation with schools, as the service is relying on a council occupational therapist assessment rather than speaking to the school who have a better understanding of the children.</td>
<td>The Service Review observed comments from stakeholders around concerns with the application or the policy which were fed back through the report including concerns of parents being unaware of their rights on appeals.</td>
<td>Medium to long term Improvement plan ✓</td>
<td>Engagement is planned with parents and carers for January when policy will be discussed and any ongoing concerns captured.</td>
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<td>Impact on Children, Families and Schools</td>
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<td>Members were provided with some information from special schools highlighting the scale and impact, both on the children involved and the schools and of children missing school as a result of problems with transport. For instance, between September and December 2019: 11 pupils had missed 316 school days at Mayfield School and Dame Ellen Pinsent School estimated that half a term's worth of days had been lost.</td>
<td>Yes</td>
<td>Short term service improvement plan ✓</td>
<td>The focus of the improvement plans (both short-term, and medium to long-term) is to improve the service to pupils, parents and carers and deliver better outcomes that will give them the best start in life.</td>
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<td>It is clear from the evidence provided that children missing school because of transport problems has a significant impact on both the educational achievement of the children involved and in terms of the resources in schools which are being diverted to trying to resolve these issues, which should be being utilised elsewhere.</td>
<td></td>
<td>Independent Investigation ✓</td>
<td>Engagement with parents, carers, pupils and schools will be a central part of the approach. A number of sessions with parents and carers will be held in January organised with the Parents Carers Forum (PCF).</td>
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<td>A written question at City Council on the 25thFebruary 2020 asked ‘please provide a breakdown of the number of pupils not attending school due to Home to School transport issues, including those awaiting outcome of Home to School Transport Appeals.’ The answer provided was that ‘the new dashboard which is under development will also hold the information regarding the number of pupils not attending school due to Home to School Transport issues. However, please note these pupils may be getting into school by other means’. There are currently 20 outstanding stage 1 and 2 appeals.</td>
<td></td>
<td>Independent Audit ✓</td>
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<td>Health Check for the wider SEND programme ✓</td>
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Members were informed by the Parent Carer Forum that the service is affecting both parents’ and children’s mental health. As per the guidance, to be suitable, travel arrangements must be safe and reasonably stress-free to enable the children to arrive at school ready for a day of study. Evidence provided by Hamilton School:

“The buses have been late multiple times this term. This is lateness at the start of the day but also at the end of the day when the children are ready to leave. We are not informed that the bus will be late and therefore have had multiple behaviours at the end of the day where students are anxious and have gone into crisis. This then has a significant knock on at home too. There have been times where the minibuses have broken down, either outside a child’s house enroute to school or on the school premises waiting to go home. We have had to coordinate getting jump leads and another minibus to help start a bus for them to continue. When it has broken enroute to school this has resulted in a bus being late to pick up the other children on the route. The children that were already on the bus struggled to cope with the situation as waiting is a big issue for our students, which resulted in challenging behaviours. Also the minibus was very late to school, therefore having a negative impact on the children’s learning.

Children being out of education because of transport issues has been discussed above in relation to a potential safeguarding risk. However, members were also informed by the special schools about the significant adverse impact both on the attainment of the children involved and on the attendance figures of the school involved (all schools have a statutory requirement to report attendance to the DfE).

The Parent Carer Forum highlighted the impact of service failures (this includes awaiting assessments, cancellation of routes, changes to routes at short notice etc.,) on vulnerable children, parents, families and staff in schools which has a major impact due to the ripple effect that is created. Members were informed that this affects and impacts on vulnerable children, families and staff in school.

The special schools echoed this and stated that ‘the time...
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spend in schools supporting people is huge’ and includes the impact on staff time and teaching time with designated staff required to manage transport, complaints, missing guides, parent calls etc., with this now becoming “the norm” when it should be the exception. The safe and well checks they are obliged to undertake also add to the burden on schools.

Also special schools stated that “parents are losing faith in schools as they think the schools are responsible” for the transport provision. In addition “parents cannot rely on the service as to whether their child will be taken to and from school” and “the daily devastation due to the issues should not be underestimated”.

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4 Appendices

4.1 The original Cabinet Report, approved on the 15th of December can be found here:

[Home to School Improvement Cabinet Report]
Birmingham City Council
Report to Cabinet
15th December 2020

Subject: Improving Home to School Transport
Report of: Chris Naylor, Interim Chief Executive
Relevant Cabinet Member: Cllr Ian Ward, Leader
Relevant O&S Chair(s): Cllr Kath Scott
Report author: Amerdip Kaur, Chief Executive’s Senior Policy Officer

Are specific wards affected? ☒ Yes ☐ No – All wards affected

If yes, name(s) of ward(s):

Is this a key decision? ☒ Yes ☐ No

If relevant, add Forward Plan Reference:

Is the decision eligible for call-in? ☒ Yes ☐ No

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Executive Summary

1.1 As a result of consistent issues with the Home to School travel service, an independent inquiry was launched in September 2020 to determine why the service failed children and their parents and carers, and to provide detailed recommendations to improve the service in the medium and long term.

1.2 Recognising the frustrations of parents, carers and members, the Interim Chief Executive proposed an immediate set of actions to understand and begin to rectify some of the challenges. This included some focused capacity to create immediate service improvements and a produce a transformation programme to ensure that proposed improvements will be delivered and sustained.
1.3 As part of this the City Council commissioned Ernst Young LLP, an independent organisation with a decade of experience of working with local authorities and transforming council services, to undertake this Inquiry and report back by the 1\textsuperscript{st} November. The findings were presented at a public meeting on the 24\textsuperscript{th} November.

1.4 The Inquiry undertook an independent assessment of what went wrong at the start of the term; what this meant for changes and improvements to the Travel Assist service; and how any improvements could be successfully implemented.

1.5 Whilst COVID was clearly a contributing factor to failings, government guidance was released in June 2020. This would have allowed adequate and timely planning to be undertaken for the start of the September 2020 term. Given this context, it would suggest the nature of the pandemic exposed some more systemic weaknesses within the service.

1.6 The Inquiry identified 8 operational reasons why pupils, parents and schools did not receive the level of support they expected at the start of term. These areas are being addressed through the “Immediate Fixes Plan”, with measures put in place to improve the performance in the short-term. It was recognised that the service required additional capacity and capability to implement a series of improvements at pace that would bring the service up to the basic level required.

1.7 The Inquiry also identified a series of underlying causes that contribute towards a more systemic problem that has created a fragile service. These are summarised below:

1.7.1 Data and Information: Real Time Data

Whilst basic management information is being used to drive the performance of the service, further work needs to be undertaken to develop a wider set of performance metrics to allow information to be reported in near real-time. Limited data was available to enable the effective performance monitoring of the service, during a critical and challenging time.

1.7.2 Processes

The lack of a comprehensive end-to-end process means it is not clear who within the council needs to input and be accountable for a successful service, and where the role of the suppliers is part of this.

1.7.3 People and Teams: Functional Structure and Capability

Some of the capabilities expected within a transport service are not present in the current service delivery model. Considering the complications and challenges related to COVID-19, there was a lack of leadership oversight around the planning for the delivery of home to school transport services at the start of the school year.

1.7.4 Planning: Supplier and Commercial Management
1.7.5 The current approach and commercial capability, combined with a number of commercial terms in current contracts, makes contract management difficult and suppliers are not being held to account effectively.

1.7.6 **Planning: Management of Guides**

The management and allocation of guides by the Travel Assist Team has needed improvement in order to deliver the service effectively.

1.7.7 **Planning: Route Planning and Pupil Information**

Route planning is not comprehensive and there is no information available on lengths of routes. This meant the planning of COVID routes became more complicated than would have been expected.

1.7.8 **Communications and Channels:** The lack of an effective communication system and approach between schools, parents and BCC has resulted in guides and drivers endeavouring to contact people themselves to provide updates.

1.8 To address these in a sustainable way, the Inquiry recommends that a new delivery model should be implemented. The Inquiry considered three options that are available and assessed these against 10 criteria that align with the vision statement. The three options considered were:

1.8.1 Improve and enhance the current operating model

1.8.2 Delegate the transport provision to schools

1.8.3 Implement an Integrated Passenger Transport Unit (IPTU) for transport

1.9 From assessing the options against a set of success criteria, the Inquiry recommends 1.8.3, for the City Council to move towards creating an Integrated Passenger Transport Unit (IPTU).

1.10 The service is establishing a programme to take the work forward, which includes developing and implementing a new delivery model, which needs to be in place for the start of the new academic year in September 2021.

1.11 The degree of change required to create a robust and resilient service will require strong programme management discipline. The inquiry sets out two change approach options and recommends that a new programme is established that is integrated into our transformation portfolio.

1.12 This report sets out the City Council’s response to the Inquiry and the actions required to address the findings.

2 **Recommendations**

2.1 It is recommended that Cabinet:

2.1.1 Reinforce the apology to parents / carers and the pupils for the disruptions to their lives and education at the start of term;

2.1.2 Note the Inquiry’s findings and recommendations;
2.1.3 Note the improvements already made to the service and those planned to build upon this, as set out within this report;

2.1.4 Note the recommendations for further improvements as set out in sections 3.11 and the associated governance in section 4.8 that will provide the Interim Chief Executive with confidence that the required changes are being made in line with the agreed timelines;

2.1.5 Agree, in principle, to create an Integrated Passenger Transport Unit, subject to the approval of an Outline Business Case (OBC) by the end of the financial year by the Council Leadership Team;

2.1.6 Agree that the OBC will set out a new organisational structure which will be consulted upon and implemented during 2021/22 for Home to School Transport, which is aligned to and will support the creation of a wider Integrated Passenger Transport Unit;

2.1.7 Agree that the above activity, the SEND programme, associated commissioning activity, Home to School redesign and Integrated Passenger Transport Unit developed are collated into a cohesive programme of activity with appropriate governance controls, management oversight and resources. The Programme Design Document for this to be completed by January 2021, setting out the key implementation milestones, benefits and required consultations with the public, stakeholders, staff and Members

2.1.8 Agree that additional resources, are commissioned in the new calendar year to drive forward the improvements needed across Home to School Transport and, given dependencies with assessments, the wider Inclusion, SEND and Wellbeing Portfolio including:

2.1.8.1 A dedicated transformation lead who will take forward the recommendations and the programme of improvements;

2.1.8.2 Continued external resources to ensure the improvements made since September 2020 are maintained and built upon within the context of the wider transformation programme; and

2.1.8.3 Additional external resources to continue a wider SEN transformation programme and deliver and embed the required changes.

2.1.9 Note that the programme will report into the Corporate Programme Management Office (CPMO) and Interim Chief Executive on a monthly basis to ensure that delivery is maintained at the required pace and improvements are being made for pupils, parents / carers and schools; and

2.1.10 Receive an update report back in summer 2021 that provides an position on progress and an assessment of the readiness of the service ahead of the new academic year.
3 Background

3.1 The Home to School Transport service failed children and their parents and carers at the start of term in September 2020. There were consistent failings in providing the transport children needed to take them to school, and in responding promptly to enquiries, which exacerbated what was already a stressful time for families. We are very sorry for this.

3.2 Regrettably, a number of these failings have been highlighted to the Council previously through feedback from parents, carers and schools as well as through a formal internal audit report in October 2019. The Inquiry report provides the impetus and direction to make the changes that are required to address the historical poor level of service.

3.3 Although the service put in place more capacity and some improvements, it had not fully addressed some fundamental issues that would have enabled a more robust planning process in the summer. COVID exacerbated this. It affected and continues to affect the routes and bubbles needed day to day, and the ability of staff and providers to deliver them, as these staff too are affected by health impacts and the need to shield or self-isolate.

3.4 As a result of these failings, an independent inquiry was launched at pace, in September 2020 to provide detailed recommendations, setting out what needs to change to improve the service in the medium and long term. The City Council commissioned Ernst Young LLP, an independent organisation with a decade of experience of working with local authorities and transforming council services to undertake this inquiry at pace and report back by the 1st November.

3.5 The Inquiry heard feedback from parents and carers, schools, elected members and staff, about what had gone wrong and what the service should do better. The current state assessment that is set out within the Inquiry Report has helpfully drawn out some key areas and pragmatic changes we can focus on to ensure, going forward, our service is responsive, effective and resilience.

3.6 The seriousness of the situation meant that we did not wait for the Inquiry to be completed before we took actions to address concerns. At the same time, in late-September 2020, we put in place some remedial measures to improve performance of the service.

3.7 However, we need to take on board what has worked well and, coupled with the recommendations of the assessment, build a service that is better equipped to meet the demands and needs of our children safely and effectively.

3.8 To achieve this, we recognise we still have strategic and operational gaps, and that small changes to the current delivery model will not be enough to create the sustained improvements required to deliver better quality and outcomes.

3.9 Work is underway to explore alternative approaches to make the best use of the skills and capabilities we have, identify what additional resources are needed, and consider how we can deliver a more joined up service across the Council. This
will, essentially, require a new operating model that better meets children’s and young people’s needs and the needs of their parents and carers.

3.10 The design and delivery of a new operating model will require clear and effective leadership. How we approach change, engage on this journey, and hold ourselves accountable for improvement as we move to the new model is critical. This is the start of a different way of working, corporately and with our communities. We have opened a positive dialogue with parents, carers and schools and will continue to work with these important groups, as well as our staff, as we redesign how we do things in the future.

Overview of Improvement Areas

3.11 The Inquiry considered a number of areas as part of the current state review and made a number of recommendations against each. These are set out in the table that starts on the next page and set out in further detail in the Inquiry Report available on the council’s website.
<table>
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<th>Recommendation</th>
<th>Service Response</th>
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<td>Vision and Purpose</td>
<td>The Council’s vision for travel assistance is to “ensure every eligible pupil can access safe and efficient services that are reliable and flexible and are appropriate to their needs”. This vision is not disseminated down through teams effectively or widely understood. This was evidenced by only 3 stakeholders out of 23 being able to articulate BCC’s vision during our interviews.</td>
<td>(1.1) Codesign a new vision with parents and schools that focuses on the pupil and promotes independence.</td>
<td>Work will be undertaken to co-create a new vision, which will be translated into strategic objectives and priorities, and operationalised in a service plan. This will need to reflect the future operational model. An improvement programme has been established, aligned to the Council’s programme and project management tools and requirements. An interim service improvement plan has also been created to build upon the first Immediate Fixes Plan, which will support continued improvement.</td>
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<tr>
<td>Customers and Channels</td>
<td>Communication channels consist primarily of phone lines and letters to parent, carers and schools to update on changes to service. There is a lack of an effective communication strategy for both internal and external communications, as well as a documented customer journey. This has led to staff being unclear on the service’s approach to communications and the process to follow for escalations.</td>
<td>(2.1) Redesign the needs assessment and support planning engagement approach to focus parents, pupils and schools whilst appropriately managing demand; (2.2) Implement a new approach to communicating changes to route information and real-time updates when routes are delayed or cancelled.</td>
<td>The needs assessment and support planning engagement approach will be redesigned. Data will be collated and analysed to support this; modelling children’s needs and service demand. In addition, work will be undertaken to better support independence, including providing more independent travel training. We will review the cost of routes and other travel choices, benchmark costs with other councils, and review the travel choices we offer and the way we procure them as a result. The service currently relies on feedback from others, including parents and carers, operators and schools, about cancelled</td>
</tr>
<tr>
<td>Theme</td>
<td>Findings</td>
<td>Recommendation</td>
<td>Service Response</td>
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<tr>
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</tbody>
</table>
| Service Delivery Model | The daily management of the service is overseen by the Travel Assist Team who, following SEND eligibility approval and any appeals, allocate service users to routes and notify schools. Providers are responsible for routing and the provision of transport. BCC receives monthly performance reports from providers. | (3.1) Clarify roles and accountabilities of the strategic commissioning team;  
(3.2) Set up a new integrated approach to the provision of transport services;  
(3.3) Clarify roles and accountabilities of the | The service fully supports the creation of an Integrated Passenger Transport Unit (IPTU), which is a sector recognised model of good practice. If members approve this, we will work alongside other council teams to create this. Roles, responsibilities and accountabilities of commissioning, contract and commercial functions need to be clear and effectively aligned within the new IPTU.  
Our proposed new structure clarifies the roles, responsibilities and accountabilities |

COVID has resulted in a significant increase in the number of daily changes that are made.  
In September, a number of people experienced problems in getting through to us by telephone. We have implemented a new telephone system, Cirrus, which has helped us improve our response times in answering calls.  
We are also implementing a new IT system, 365, which will provide real time information about which routes have run and what time they arrive. This information will be available to the service, to schools, to providers and to parents and carers, and will be used to more effectively communicate changes.
<table>
<thead>
<tr>
<th>Theme</th>
<th>Findings</th>
<th>Recommendation</th>
<th>Service Response</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Regarding the above, there is no clear, documented service model that staff are working to and therefore staff are unclear on the roles and responsibilities for delivering and managing the service. The service delivery model is highly dependent on the external transport providers and guides. However, there is sub-standard approach to managing the performance of both, and ensuring they are delivering on their contractual obligations.</td>
<td>contract and commercial functions</td>
<td>within the Travel Assist Team. This proposed new structure is subject to consultation.</td>
</tr>
<tr>
<td>People</td>
<td>The Travel Assist team consists of the assistant director, 1 team manager, 3 supervisors, 5 customer advisors and 15 coordinators. Currently 387 permanent guides are employed by BCC, with an additional 200 agency staff added as a result of COVID-19, and 113 relief guides. High staff turnover and use of interims is leading to knowledge</td>
<td>(4.1) Across all functions, review the capacity and capability required and implement plans to increase as required.</td>
<td>The lack of capacity and capabilities is a significant risk to operational effectiveness and improvement. The existing structure is not fit for purpose. It lacks capacity and core capabilities in areas such as contract management, performance management and compliance. A proposed new structure is being developed, which will sit within a wider IPTU, if this operating model is adopted going forward. The proposed new structure requires additional investment.</td>
</tr>
<tr>
<td>Theme</td>
<td>Findings</td>
<td>Recommendation</td>
<td>Service Response</td>
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<tr>
<td></td>
<td>gaps, with no one available to strategically develop a long-term service approach.</td>
<td></td>
<td>Additional resources are also required in the short to medium term, to support the change programme and to drive efficiencies. A high-level assessment of potential improvements to route management, contract management, improved demand management through supporting greater independence and choice, improved reconciliation and debt recovery, indicate that efficiencies can be made in these areas.</td>
</tr>
<tr>
<td></td>
<td>There is a lack of understanding around skills, knowledge and capability of the staff employed by the service, and associated training being delivered to address any emerging gaps or needs that would assist internal staff and guides in effectively undertaking their roles.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Functional Processes</td>
<td>BCC is responsible for the overall service process relating to:</td>
<td></td>
<td>End-to-end process mapping and the leaning of processes to improve efficiency are essential to our improvement journey. Additional change resources are needed to support this, and to collate, cleanse and analyse the supporting data needed for this work.</td>
</tr>
<tr>
<td></td>
<td>• Need assessment and support</td>
<td>(5.1) Ensure that there is an overall process map that is designed from the view of a pupil. This should clearly show accountabilities across BCC, schools and suppliers. Challenge / assure the individual process maps.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Market management and procurement of transport providers</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>• Transport bookings</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>• Supplier contract and performance management</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Route mapping is completed by transport providers, who oversee communications around this to customers.</td>
<td>(5.2) Develop detailed process maps for each step of the transport provision including how calls are handled, the transfer to pupils to home / schools and what to do in an emergency, and how the Council can receive assurance on the DBS checks of drivers.</td>
<td></td>
</tr>
<tr>
<td>Theme</td>
<td>Findings</td>
<td>Recommendation</td>
<td>Service Response</td>
</tr>
<tr>
<td>---------------------</td>
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</tr>
<tr>
<td>IT Infrastructure</td>
<td>There is no overall centralised IT architecture strategy, with legacy systems unable to support business requirements (e.g. performance reporting, real time information sharing with customers). There are manual processes still in use (e.g. timesheets are paper-based, and many route maps are stored on word documents) which hinders effective service delivery and performance management.</td>
<td>(6.1) Implement a route mapping system that allows routes to be effectively planned with suppliers and real-time communications dealt with.</td>
<td>The service has procured an IT system, 365, which will support route mapping, planning with providers, and which provides real time information. This system is currently being implemented. Initial work undertaken has identified that the original business case did not include enough resources to implement the system, particularly given that data quality is poor, and processes need to be reviewed and leaned, so that the benefits of the Council’s investment are maximised. Additional IT and digital infrastructure are needed to support service improvement. A review of these requirements is being undertaken to support this. Known existing needs include further Cirrus enhancements to support email, bus pass processing.</td>
</tr>
<tr>
<td>Theme</td>
<td>Findings</td>
<td>Recommendation</td>
<td>Service Response</td>
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<td>--------------------------------------------------------------------------------------------------</td>
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</tbody>
</table>
| Data and Reporting | BCC issues providers with operational data, which includes addresses, parent / carer contact details, equipment requirements (e.g., harnesses and booster seats) and updated bubble information. There have been multiple issues with missing / incorrect information.  
The data architecture for the service is not defined and which has led to the data quality and accessibility through current systems being poor. This has hindered the ability to monitor performance and provide real time updates to parents and schools, regarding the completion of journeys for planned routes.  
There are 7 KPIs regarding the performance of the service (provided through SitRep reports) on a weekly basis. Contractual KPIs are reviewed as part of the annual review process. | (7.1) Implement a database that tracks the needs and support plans of all pupils with SEND, and make sure accurate and timely data is being provided from other services to manage the overall system;  
(7.2) Implement a new set of PIs and a data management system to effectively manage the delivery of transport and intervene where appropriate quickly | An improved data base and tracker is being put in place, which will be used to track needs and support plans, and to ensure that action is being taken in an efficient and timely manner. A SEND Performance Dashboard has also been put in place to improve performance monitoring and management. This will be reported to the new SEND and Well-being Programme Board, alongside a programme highlight report.  
A Home to School Transport Performance Dashboard has been put in place to improve performance monitoring and management. This is reported to the Home to School Improvement Programme Board, alongside a programme highlight report.  
Both the SEND and Well-being programme and the Home to School Transport programme will form part of the Inclusion, SEND and Well-being Portfolio Board, which drives improvement forward, and is chaired by the Assistant Director. |
<table>
<thead>
<tr>
<th>Theme</th>
<th>Findings</th>
<th>Recommendation</th>
<th>Service Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governance and Controls</td>
<td>In terms of current governance, there are monthly performance meetings with officers from commissioning, BCC finance, NEAT SLT and Travel Assist. As well as monthly meetings with budget holders, finance reporting is done to Education &amp; Skills DMT, CLT, EMT and Scrutiny Committee and on a quarterly basis to the Council's Cabinet. There is an absence of a robust, tiered governance structure and associated operating and process controls for change management, without appropriate oversight and timely decision making from the programme sponsor / accountable lead. There is a lack of performance management in place for staff, guides and transport providers, with no penalties and fines being issued to the latter as a result of poor performance and in line with contractual remedies.</td>
<td>(8.1) Design effective governance that allows the transport service independence to deliver but also holds them accountable.</td>
<td>Improved governance and controls have been put in place, which reflect the Council’s programme and project management tools and requirements. These include a clear governance structure for leading and directing the Inclusion, SEND and Well-being Portfolio and its underpinning Home to School Transport Programme and SEND and Well-being Programme. Portfolio, programme, workstreams and project plans are already in place for much of the activities driven by this, and final documents will be completed by the end of December. A Performance Dashboard has been put in place for Home to School Transport and is being developed for SEND and Well-being. These dashboards report on people and process performance, financial performance and risk. They bring together data from KPIs, service plans and financial reports to provide a visual high-level summary of performance and trends, which is underpinned by comprehensive data.</td>
</tr>
</tbody>
</table>
4. Operating Model Options Considered and Recommended

4.1 To deliver sustainable improvements to the service, consideration was given to implementing a new operating model for the service. The capability and change approach to deliver the required transformation, as well as the programme of activity to ensure this is delivered by start of the next school year in September 2021 were also considered.

4.2 This is as much about the way the Council works in providing the service to pupils, and should be viewed as a fundamental transformational change, not simply a reconfiguration of the existing teams.

4.3 The Inquiry Report identified three options for an improved or new operating model. The report assessed each of the potential options against a critical success factor framework and future state design principles to ensure alignment of the future state model to our strategic objectives.

4.3.1 Improve and Enhance the Current Operating Model: This option would continue with only the implementation of the immediate fixes plan. The transport provision would continue to run and be delivered in the current format with endeavours to integrate across our services and departments. This is currently going through an immediate fixes programme to ensure the service reaches an adequate standard. However, the Inquiry Report identified systemic root causes that need to be addressed to ensure this service meets the needs and expectations that children, and their parents and carers, expect and deserve. This option will not comprehensively address these systemic root causes and it is recommended that it be rejected.

4.3.2 Delegate the Transport Provision to Schools: We would continue to deliver the eligibility needs assessment and support planning functions. However, the delivery of the transport services, along with the required budgets, will be delegated to schools either in silos or through a shared service. Schools will also need to contract manage providers, monitor performance and undertake risk management related to the service. We will need to remain accountable for delivery and monitor compliance. It is recommended that this option be rejected as, at this point in time, schools do not have the required capability or experience to deliver a transport function. However, any new operating model will need to consider how it improves joint working and collaboration with them to deliver the required outcomes from the service.

4.3.3 Create a new Integrated Passenger Transport Unit (IPTU) for transport provision: IPTUs bring key transport functions, such as transport for adults and children, community transport and fleet, together in one place and more closely integrate commissioning, procurement and delivery functions. They are models of good practice and, typically, an IPTU will have strong commissioning and delivery plans, KPIs, unit cost data and clear performance management arrangements. This option is recommended as the most viable option for delivering the service going forwards. It would make the best use of existing
council fleet assets, and provide much needed knowledge, skills and capability to deliver a fit for purpose transport service. Delivery of this would more than likely sit outside of the E&S Department and careful consideration should be given to ensuring a continued alignment with SEND operational services, to ensure the provision of transport best meets the needs (and strengths) of children and promotes their independence, thus better equipping them for adulthood.

4.4 A proposed new structure has been developed for Home to School Transport to increase capacity and capability in the operational team to deliver a safe, reliable and effective service. This structure will be aligned to and support the creation of an Integrated Passenger Transport Unit. The introduction of a new structure is subject to funding approval and consultation.

Successfully Making the Changes

4.5 Delivering the type and scale of change required will need investment and focus across the City Council. The service has identified that they do not currently have sufficient capacity and capabilities to deliver the change. Insufficient resources are a high programme risk.

4.6 We have therefore decided to create a separate programme that will focus on transforming the SEND service over the next 12-months. By January 2020, there will be a programme definition document that will clearly set out the milestones and actions that we will take to implement and embed the changes and deliver an improved service for pupils. The table below summarises those recommendations that will be delivered through the current focus of the “Immediate Fixes” and those that will be part of the longer-term transformation and solution.

<table>
<thead>
<tr>
<th>Operating Model Component</th>
<th>Recommendation</th>
<th>Immediate Fixes</th>
<th>Long Term Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vision and Purpose</td>
<td>1.1 Codesign a new vision with parents and schools that focuses on the pupil and promotes independence</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Customers and Channels</td>
<td>2.1 Redesign the needs assessment and support planning engagement approach to focus parents, pupils and schools whilst appropriately managing demand</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2.2 Implement a new approach to communicating changes to route information and real-time updates when routes are delayed or cancelled</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Service Delivery Model</td>
<td>3.1 Clarify roles and accountabilities of the strategic commissioning team</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.2 Set up a new integrated approach to the provision of transport services</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>3.3 Clarify roles and accountabilities of the contract and commercial functions</td>
<td></td>
<td>✓</td>
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</tbody>
</table>
4.7 The delivery of the programme set out in the programme definition, will be led by a dedicated lead who would take forward the recommendations and the programme of improvements. This individual will be held accountable for continuing the initial improvements made since September and implementing and embedding the changes set out in this report.

4.8 Continued resources will be required to work alongside the dedicated lead, and to ensure the improvements made since September are maintained and built upon, within the context of the wider transformation programme. This is important to ensure that the level of service continues to improve, and that the data and information is collated to manage this and put in any corrective actions required.

4.9 Finally, additional resources will need to be commissioned to continue the wider SEND transformation programme and deliver and embed the required changes.
5 Consultation

5.1 As the plans for the service are developed, formal consultation and engagement will be undertaken including Parents, Carers and Schools.

6 Risk Management

6.1 The programme will be overseen by the Corporate Programme Management Office (CPMO), which will receive regular updates and provide challenge to keep the programme on track. This will include managing the delivery of the benefits and especially whether the changes are being translated into improvements for pupils, parents / carers and schools. The Interim Chief Executive will continue to provide direct oversight and leadership to the programme through this framework and will provide cabinet, the leader and the portfolio holder with regular updates.

7 Compliance Issues

7.1 How are the recommended decisions consistent with the City Council’s priorities, plans and strategies?

7.1.1 The proposals within the policy support the delivery of the Council Priority “Birmingham is an entrepreneurial city to learn, work and invest in” as set out in the Birmingham City Council Plan 2018 – 2022.

7.2 Legal Implications

7.2.1 The recommendations and improvements detailed in this report will ensure that the provision of home to school transport is delivered in accordance with the relevant statutory framework contained in the Education Act 1996, and the associated statutory guidance

7.3 Financial Implications

7.3.1 The cost of the EY Review was funded from within existing budgets.

7.3.2 It is anticipated that the cost of the changes will be funded from within existing budgets or will be a call upon the City Council’s policy contingency fund. Further details will be set out within the programme documents and will be reported to Cabinet within periodic corporate budget monitoring statements.

7.4 Procurement Implications (if required)

7.4.1 Not required. Procurement implications will be considered as the design of the new service is developed.

7.5 Human Resources Implications (if required)

7.5.1 Refer to 2.1.8. Human Resource implications will be considered as the design of the new service is developed.

7.6 Public Sector Equality Duty
7.6.1 An initial equality assessment relating to the proposed changes to how the Travel Assist service will be delivered has been prepared. A full equality impact assessment full will be completed that considers the impact on all protected characteristics including all staff and service users who are part of the protected characteristics cohort once the detailed planning commences.

7.6.2 No specific issues have been identified that would adversely impact on our commitment to our duties under the Equality Act 2010. We will undertake a full assessment under the Equality Act 2010 as the plans for the redesign of the service are developed.

8 Appendices
8.1 No appendices

9 Background Documents
9.1 Home to School Transport Inquiry
Decision Details: Improving Home to School Transport

This section allows you to view the general details of a Decision

Details

Status: Decision Subject To Call In

Title: Improving Home to School Transport

Reference: 008291/2020

Urgent Decision - Not in Forward Plan

No

Details for Agenda Sheet


Implementatio

Tue 15 Dec 2020

n Date (not before meeting on)

Purpose

Following the Motion passed at Full Council on 15 September 2020, as a result of consistent service failings, Ernst and Young LLP were commissioned to run an independent inquiry to review the service and provide recommendations for sustained improvement in the medium to longer term. This Cabinet Report outlines the Council’s response to these recommendations.
<table>
<thead>
<tr>
<th>Key Portfolio</th>
<th>Children's Wellbeing</th>
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</thead>
<tbody>
<tr>
<td>Include item on Forward Plan/ Key Decision</td>
<td>Yes</td>
</tr>
<tr>
<td>Decision Maker</td>
<td></td>
</tr>
<tr>
<td>Reason For Key Decision</td>
<td></td>
</tr>
<tr>
<td>Relevant Documents</td>
<td></td>
</tr>
<tr>
<td>Decision Type:</td>
<td>Committee</td>
</tr>
<tr>
<td>Decision Maker:</td>
<td>Cabinet</td>
</tr>
<tr>
<td>Directorate</td>
<td></td>
</tr>
<tr>
<td>Other Information</td>
<td></td>
</tr>
<tr>
<td>Private Reason</td>
<td></td>
</tr>
<tr>
<td>Decision Outcome</td>
<td></td>
</tr>
<tr>
<td>On 15 December 2020, Cabinet:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>i. Reinforced the apology to parents / carers and the pupils for the disruptions to their lives and education at the start of term;</td>
</tr>
<tr>
<td></td>
<td>ii. Noted the Inquiry's findings and recommendations;</td>
</tr>
</tbody>
</table>
iii. Noted the improvements already made to the service and those planned to build upon this, as set out within the report;

iv. Noted the recommendations for further improvements as set out in sections 3.11 to the report and the associated governance in section 4.8 to the report that will provide the Interim Chief Executive with confidence that the required changes are being made in line with the agreed timelines;

v. Agreed, in principle, to create an Integrated Passenger Transport Unit, subject to the approval of an Outline Business Case (OBC) by the end of the financial year by the Council Leadership Team;

vi. Agreed that the OBC will set out a new organisational structure which will be consulted upon and implemented during 2021/22 for Home to School Transport, which is aligned to and will support the creation of a wider Integrated Passenger Transport Unit;

vii. Agreed that the above activity, the SEND programme, associated commissioning activity, Home to School redesign and Integrated Passenger Transport Unit developed are collated into a cohesive programme of activity with appropriate governance controls, management oversight and resources. The Programme Design Document for this to be completed by January 2021, setting out the key implementation milestones, benefits and required consultations with the public, stakeholders, staff and Members;

viii. Agreed that additional resources, are commissioned in the new calendar year to drive forward the improvements needed across Home to School Transport and, given dependencies with assessments, the wider
Inclusion, SEND and Wellbeing Portfolio including:

• 1. A dedicated transformation lead who will take forward the recommendations and the programme of improvements;
• 2. Continued external resources to ensure the improvements made since September 2020 are maintained and built upon within the context of the wider transformation programme; and
• 3. Additional external resources to continue a wider SEN transformation programme and deliver and embed the required changes;

ix. Noted that the programme will report into the Corporate Programme Management Office (CPMO) and Interim Chief Executive on a monthly basis to ensure that delivery is maintained at the required pace and improvements are being made for pupils, parents / carers and schools; and

x. Received an update report back in summer 2021 that provides a position on progress and an assessment of the readiness of the service ahead of the new academic year.

THE DEADLINE FOR CALL IN IS 1600 HOURS ON MONDAY 21 DECEMBER 2020

Rating:

Is the Decision Maker Aware of the Decision: No

Is the Head of Services Aware of the Decision: No

No
**Is Decision County Wide:**

<table>
<thead>
<tr>
<th>Would the recommended decision be contrary to the budget and policy framework:</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
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</table>

**Further Information:**

**Decision Options:**

<table>
<thead>
<tr>
<th>Decision Criteria</th>
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<tbody>
<tr>
<td>This Decision does not contain any decision criteria records.</td>
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</table>

**Additional Information**

| Reg 10 |
| Reg 11 |

**Wards**

| This Decision does not contain any Ward records. |

**Topics**

| This Decision does not contain any Topic records |
Overview and Scrutiny

This Decision does not contain any Overview and Scrutiny records.
Executive Summary

1.1 This report seeks approval to the Council Tax base for 2021/22 for the City Council, New Frankley in Birmingham Parish Council and Royal Sutton Coldfield Town Council. This forms an important part of the calculation of next financial year's income from Council Tax.

1.2 The report sets out the basis of the calculation and the assumptions which have been included.

Recommendations

That the Cabinet:-
2.1 Approves the implementation of a change permitted by legislation as stated in the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018, that allows the Council to charge a premium on long term empty properties, that have been empty for ten years or longer, of 300% of Council Tax from 1st April 2021. This follows on from the implementation of a 200% premium on long term empty properties over 5 years that was approved in the 2020/21 Tax Base report.

2.2 Approves a Council Tax base for Birmingham of 253,995 Band D equivalent properties, for 2021/22, as calculated in Appendix 2, in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.

2.3 Approves a Council Tax base for the New Frankley in Birmingham Parish Council of 1,319 Band D equivalent properties for 2021/22, as calculated in Appendix 3.

2.4 Approves a Council Tax base for the Royal Sutton Coldfield Town Council of 36,636 Band D equivalent properties for 2021/22, as calculated in Appendix 4.

2.5 Notes that there are no changes to the current Council Tax Support Scheme in 2021/22.

3 Background

3.1 The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, requires local authorities to determine their tax base for Council Tax setting purposes before 31 January each year. This means that billing authorities, like Birmingham, must calculate the number of properties where Council Tax is payable and inform other precept bodies (in our case the West Midlands Police & Crime Commissioner, the Fire and Rescue Authority, New Frankley in Birmingham Parish and Royal Sutton Coldfield Town Councils) and other levying bodies, by 31 January, of this figure for precept/levying purposes.

3.2 The City Council is required to determine the tax base for tax setting purposes for 2021/22. The calculation in this report is based upon the valuation list as at November 2020 and takes into account forecasts of discounts, exemptions and other changes likely to affect the number of properties on which full Council Tax will be payable and is inclusive of those changes which are predicted to happen by the end of 2021/22 e.g. successful appeals against valuation bands. Details of these factors are included within Appendix 1.

3.3 There has been a net increase of 5,190 (1.2%) in the total number of domestic properties in the past year to November 2020, compared with an increase of 3,689 (0.8%) during the previous 12-month period. The table in Appendix 1 shows the number of properties by band in Birmingham as at November 2020 and highlights the changes since November 2019. The valuation list shows that 82.5% of all domestic properties in Birmingham have been allocated to “below average value” categories (i.e. Bands A-C), a marginal reduction from last year.
(82.6%), indicating that there has been minimal overall change in the average banding of properties.

3.4 The final part of the calculation is the application of the anticipated tax collection rate. A budgeted eventual composite collection rate of 97.1% was approved for 2020/21. This consisted of an assumed collection rate of 98% for the majority of taxpayers but lower rates for those in receipt of Council Tax Support (CTS) discounts, (in accordance with previous decisions).

3.5 As a result of the Covid 19 pandemic and the economic uncertainty due to Brexit it has been recognised that the collection rate in 2021/22 may not remain at the same level comparing to previous years. Therefore, it is recommended that collection rate for 2021/22 is adjusted to 96.6% which is 0.5% lower than 2020/21 (97.1%). On this basis, the tax base for setting Council Tax for 2021/22 will be 253,995 Band D equivalent properties. However, whilst being prudent in its planning assumptions, the Council will seek to maximise the rate of collection. In the event that collection performance exceeds the assumed rate, the resultant surplus will become available to be taken into account in setting future years’ budgets and should this collection rate not be achieved the resulting deficit will be reflected in future budget setting.

3.6 Before taking account of allowances for non-collection, the 2021/22 Council Tax base is an increase of 676 (0.3%) Band D equivalent properties from 2020/21. The main reasons for this are net increases of 3,069 (1.2%) for new Band D equivalent properties forecast for the period up to 31st March 2022.

3.7 These have been offset by a reduction of 1,906 Band D equivalent properties (0.7%) due to increases in single person and student discount awards, exemptions relating, mainly, to students, plus a reduction of 486 Band D equivalent properties (0.2%) primarily due to the expected increase in the level of Council Tax Support (CTS) discounts to be awarded. These have been set out in the table below.

<table>
<thead>
<tr>
<th>Summary of adjustment to the tax base for Band D Equivalent</th>
<th>2021/22</th>
<th>2020/21</th>
<th>Movement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net increase in No. of properties</td>
<td>376,076</td>
<td>373,007</td>
<td>3,069</td>
</tr>
<tr>
<td>Exemptions and Discounts</td>
<td>(49,794)</td>
<td>(47,888)</td>
<td>(1,906)</td>
</tr>
<tr>
<td>CTS and Other</td>
<td>(63,346)</td>
<td>(62,860)</td>
<td>(486)</td>
</tr>
<tr>
<td><strong>Gross Tax Base</strong></td>
<td>262,936</td>
<td>(262,260)</td>
<td>(676)</td>
</tr>
</tbody>
</table>

3.8 The Government published on 18th December 2020 indicative allocations and a methodology note for a Local Council Tax Support grant. Out of the £670m national total the Council’s indicative allocation is £14.5m. Proposals will be developed in due course.
3.9 Cabinet is asked to approve the tax base for Birmingham of 253,995 Band D equivalent properties. Once formally determined, this tax base cannot subsequently be altered, and will be used when the City Council sets the Council Tax for 2021/22.

3.10 Cabinet is asked to approve the tax base for the New Frankley in Birmingham Parish Council which, after applying the collection rate described above, produces a tax base figure of 1,319 Band D equivalent properties. This is an decrease of 47 on the Band D equivalent properties for 20/21.

3.11 Cabinet is asked to approve the tax base for the Royal Sutton Coldfield Town Council which, after applying the collection rate described above, produces a tax base figure of 36,636 Band D equivalent properties. This is an decrease of 465 on the Band D equivalent properties for 2020/21.

4 Options considered and Recommended Proposal

4.1 Not Applicable

5 Consultation

5.1 Officers in the Digital and Customer Services and Inclusive Growth Directorates have been consulted in determining the Council Tax Base. The Assistant Director – Revenues and Benefits has been consulted in the preparation of this report.

5.2 No public consultation is required on the Council Tax base. It is a statement of fact supplemented by the City Council’s forecast of likely changes to the tax base in 2021/22.

6 Risk Management

6.1 The setting of the Council’s budget which includes the setting of the Council Tax Base, as set out in this report, is part of the Council’s arrangements for the management of financial issues.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council’s priorities, plans and strategies?

7.1.1 The completion of the Council Tax base does not have any direct implications for the City Council’s Corporate Policy Priorities other than the fact that the further change in Empty Property Premiums is anticipated to bring long term empty properties back into use in order to supplement additional housing provision in the City.

7.2 Legal Implications

7.2.1 The Council is required to set the tax base under the Local Government Finance Act 1992. The tax base is a factor in the determination of the
planned level of Council Tax income which can be collected next year. The
Local Government Act 2003 removed the requirement for this to be a matter
reserved for approval by Full Council.

7.3 **Financial Implications**

7.3.1 The Council Tax base in conjunction with the Council Tax level (to be
approved at the Council meeting on the 23th February 2021) will determine
the total income from Council Tax in 2020/21 to be included in the approved
budget for next year.

7.4 **Procurement Implications (if required)**

7.4.1 Not Applicable

7.5 **Human Resources Implications (if required)**

7.5.1 Not Applicable

7.6 **Public Sector Equality Duty**

7.6.1 There are no specific Equality Duty or Equality Analysis issues relating to
the proposals set out in this report.

8 **Background Documents**

8.1 Calculation of Council Tax Base (CTB October 2020) from (Ministry for
Housing, Communities and Local Government - MHCLG)

8.2 Rating (Property in Common Occupation) and Council Tax (Empty Dwellings)
Further details of the Council Tax base Calculation

The calculation of the tax base for 2021/22 commences with the total number of properties on Valuation Office Agency (VOA) valuation list at November 2020, as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>160,941</td>
<td>35.7%</td>
<td>35.7%</td>
<td>107,295</td>
<td>158,491</td>
<td>105,661</td>
<td>2,450</td>
</tr>
<tr>
<td>B</td>
<td>130,457</td>
<td>28.9%</td>
<td>64.6%</td>
<td>101,467</td>
<td>129,219</td>
<td>100,504</td>
<td>1,238</td>
</tr>
<tr>
<td>C</td>
<td>80,691</td>
<td>17.9%</td>
<td>82.5%</td>
<td>71,725</td>
<td>78,355</td>
<td>69,649</td>
<td>2,338</td>
</tr>
<tr>
<td>D</td>
<td>41,635</td>
<td>9.2%</td>
<td>91.7%</td>
<td>41,635</td>
<td>39,696</td>
<td>39,696</td>
<td>1,939</td>
</tr>
<tr>
<td>E</td>
<td>21,818</td>
<td>4.8%</td>
<td>96.5%</td>
<td>21,089</td>
<td>25,775</td>
<td>25,775</td>
<td>729</td>
</tr>
<tr>
<td>F</td>
<td>8,931</td>
<td>2.0%</td>
<td>98.5%</td>
<td>8,834</td>
<td>12,760</td>
<td>12,760</td>
<td>97</td>
</tr>
<tr>
<td>G</td>
<td>5,897</td>
<td>1.3%</td>
<td>99.8%</td>
<td>5,825</td>
<td>9,708</td>
<td>9,708</td>
<td>72</td>
</tr>
<tr>
<td>H</td>
<td>896</td>
<td>0.2%</td>
<td>100.0%</td>
<td>878</td>
<td>1,756</td>
<td>1,756</td>
<td>18</td>
</tr>
<tr>
<td>Total</td>
<td>451,266</td>
<td>100.0%</td>
<td>100.0%</td>
<td>373,308</td>
<td>365,509</td>
<td>365,509</td>
<td>8,879</td>
</tr>
</tbody>
</table>

The following additional factors, calculated for each of the property bands (A to H), have been included in the Tax Base calculation:

- An estimate of the number of properties which will be exempt from Council Tax;
- An estimate of the number of properties that will be reallocated to a lower tax band under the “disabled relief” scheme;
- An estimate of the number of appeals against valuation that are likely to succeed;
- An estimate of the number of new properties which will become liable for tax before 1 April 2022, together with any properties which will cease to be liable - and the proportion of the year for which that liability is likely to exist;
- An estimate of the number of properties for which discounts will apply, and the number of discounts for each property. This includes the Council Tax Support Scheme which includes a discount of up to 80%. The number of Council Tax Support recipients has been assumed to decrease by 541 Band D equivalents compared with the budgeted figure for 2020/21. This takes account of an assessment of the expected number and level of Council Tax Support discounts, drawing on experience of discounts awarded in 2020/21 and previous years.
- An estimate of the number of properties which will be classed as long-term empty (empty for over 2 years), attracting a premium of 100%; and an estimate for those that remain empty for at least 5 years, attracting a premium of 200% from April 2020; and further estimate for those that remain empty for at least 10 years, attracting a premium of 300% from April 2021.
The calculations for the assumptions above are set out in Appendix 2 to this report. The information for New Frankley in Birmingham Parish Council is shown in Appendix 3 and for Royal Sutton Coldfield Town Council Appendix 4. These also show how the number of taxable properties in each band must be adjusted to arrive at an equivalent number of “Band D” properties, as required by legislation.
<table>
<thead>
<tr>
<th>Property Band</th>
<th>Band AR</th>
<th>Band A</th>
<th>Band B</th>
<th>Band C</th>
<th>Band D</th>
<th>Band E</th>
<th>Band F</th>
<th>Band G</th>
<th>Band H</th>
<th>Total Properties</th>
<th>Total Equivalent Properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Dwellings on valuation list</td>
<td>0</td>
<td>160,941</td>
<td>130,457</td>
<td>80,691</td>
<td>41,635</td>
<td>21,818</td>
<td>8,931</td>
<td>5,897</td>
<td>896</td>
<td>451,266</td>
<td>373,308</td>
</tr>
<tr>
<td>ii) Estimated Exemptions</td>
<td>0</td>
<td>(8,103)</td>
<td>(5,273)</td>
<td>(3,370)</td>
<td>(3,419)</td>
<td>(1,304)</td>
<td>(173)</td>
<td>(95)</td>
<td>(30)</td>
<td>(21,766)</td>
<td>(17,979)</td>
</tr>
<tr>
<td>iii) Net adjustment in respect of estimated disabled relief</td>
<td>266</td>
<td>299</td>
<td>(77)</td>
<td>(175)</td>
<td>(132)</td>
<td>(83)</td>
<td>(20)</td>
<td>(34)</td>
<td>(44)</td>
<td>0</td>
<td>(275)</td>
</tr>
<tr>
<td>iv) Net adjustment in respect of estimated successful appeals and other adjustments</td>
<td>0</td>
<td>(501)</td>
<td>(542)</td>
<td>(314)</td>
<td>(163)</td>
<td>(79)</td>
<td>(21)</td>
<td>(13)</td>
<td>(2)</td>
<td>(1,637)</td>
<td>(1,353)</td>
</tr>
<tr>
<td>v) Net adjustment in respect of estimated new properties</td>
<td>0</td>
<td>1,194</td>
<td>975</td>
<td>596</td>
<td>305</td>
<td>159</td>
<td>67</td>
<td>44</td>
<td>7</td>
<td>3,348</td>
<td>2,768</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No. of chargeable dwellings</td>
<td>266</td>
<td>153,831</td>
<td>125,540</td>
<td>77,428</td>
<td>38,226</td>
<td>20,512</td>
<td>8,783</td>
<td>5,799</td>
<td>826</td>
<td>431,211</td>
</tr>
<tr>
<td>vi) Total no. of discounts (including Council Tax Support)</td>
<td>(103)</td>
<td>(65,618)</td>
<td>(35,442)</td>
<td>(15,132)</td>
<td>(5,097)</td>
<td>(1,789)</td>
<td>(587)</td>
<td>(307)</td>
<td>(34)</td>
<td>(168,275)</td>
<td>(93,533)</td>
</tr>
<tr>
<td></td>
<td>Equivalent no. of chargeable dwellings net of discounts</td>
<td>163</td>
<td>88,213</td>
<td>90,098</td>
<td>62,296</td>
<td>33,129</td>
<td>18,722</td>
<td>8,196</td>
<td>5,491</td>
<td>792</td>
<td>262,936</td>
</tr>
<tr>
<td></td>
<td>Statutory proportion</td>
<td>5/9</td>
<td>6/9</td>
<td>7/9</td>
<td>8/9</td>
<td>1</td>
<td>11/9</td>
<td>13/9</td>
<td>15/9</td>
<td>18/9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Equivalent Band D properties (the &quot;Relevant Amounts&quot;)</td>
<td>90</td>
<td>58,809</td>
<td>70,076</td>
<td>55,374</td>
<td>33,129</td>
<td>22,883</td>
<td>11,839</td>
<td>9,152</td>
<td>1,584</td>
<td>TOTAL = 262,936</td>
</tr>
<tr>
<td></td>
<td>ALLOWANCE FOR NON-COLLECTION (3.4%)</td>
<td>(3)</td>
<td>(2,000)</td>
<td>(2,383)</td>
<td>(1,883)</td>
<td>(1,126)</td>
<td>(778)</td>
<td>(403)</td>
<td>(311)</td>
<td>(54)</td>
<td>TOTAL = (8,941)</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>87</td>
<td>56,809</td>
<td>67,693</td>
<td>53,491</td>
<td>32,003</td>
<td>22,105</td>
<td>11,436</td>
<td>8,841</td>
<td>1,530</td>
<td>TOTAL = 253,995</td>
</tr>
</tbody>
</table>

**Council Tax Base - Birmingham 2021/22**
### Council Tax Base - New Frankley in Birmingham Parish Council 2021/22

<table>
<thead>
<tr>
<th>Property Band</th>
<th>Band AR</th>
<th>Band A</th>
<th>Band B</th>
<th>Band C</th>
<th>Band D</th>
<th>Band E</th>
<th>Band F</th>
<th>Band G</th>
<th>Band H</th>
<th>Total Properties</th>
<th>Equivalent Properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Dwellings on valuation list</td>
<td>0</td>
<td>1,559</td>
<td>1,591</td>
<td>103</td>
<td>58</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>3,313</td>
<td>2,430</td>
</tr>
<tr>
<td>ii) Estimated Exemptions</td>
<td>0</td>
<td>(17)</td>
<td>(10)</td>
<td>(1)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>(28)</td>
</tr>
<tr>
<td>iii) Net adjustment in respect of estimated disabled relief</td>
<td>3</td>
<td>3</td>
<td>(5)</td>
<td>(1)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>iv) No. of chargeable dwellings</td>
<td>3</td>
<td>1,545</td>
<td>1,576</td>
<td>101</td>
<td>58</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>3,285</td>
<td>2,409</td>
</tr>
<tr>
<td>v) Total no. of discounts (including Council Tax Support)</td>
<td>(2)</td>
<td>(864)</td>
<td>(576)</td>
<td>(16)</td>
<td>(5)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>(1,461)</td>
<td>(1,044)</td>
</tr>
</tbody>
</table>

*Equivalent no. of chargeable dwellings net of discounts:*

| Equivalent no. of chargeable dwellings net of discounts | 1 | 681 | 1,000 | 85 | 53 | 1 | 0 | 0 | 1 | 1,824 | 1,365 |

*Statutory proportion:*

| Statutory proportion | 0 | 5/9 | 6/9 | 7/9 | 8/9 | 1 | 11/9 | 13/9 | 15/9 | 18/9 | TOTAL = 1,365 |

*Equivalent Band D properties (the "Relevant Amounts"):*

| Equivalent Band D properties (the "Relevant Amounts") | 1 | 454 | 778 | 76 | 53 | 1 | 0 | 0 | 2 | TOTAL = 1,365 |

*ALLOWANCE FOR NON-COLLECTION 3.4%:*

| ALLOWANCE FOR NON-COLLECTION 3.4% | 0 | (15) | (26) | (3) | (2) | 0 | 0 | 0 | 0 | TOTAL = (46) |

*TOTAL:*

| TOTAL | 1 | 439 | 752 | 73 | 51 | 1 | 0 | 0 | 2 | TOTAL = 1,319 |
## Council Tax Base - Sutton Coldfield Town Council 2021/22

<table>
<thead>
<tr>
<th>Property Band</th>
<th>Band AR</th>
<th>Band A</th>
<th>Band B</th>
<th>Band C</th>
<th>Band D</th>
<th>Band E</th>
<th>Band F</th>
<th>Band G</th>
<th>Band H</th>
<th>Total Properties</th>
<th>Equivalent Properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Dwellings on valuation list</td>
<td>0</td>
<td>3,301</td>
<td>5,538</td>
<td>7,641</td>
<td>9,480</td>
<td>8,627</td>
<td>4,167</td>
<td>2,596</td>
<td>388</td>
<td>41,738</td>
<td>44,447</td>
</tr>
<tr>
<td>ii) Estimated Exemptions</td>
<td>0</td>
<td>(86)</td>
<td>(86)</td>
<td>(115)</td>
<td>(149)</td>
<td>(97)</td>
<td>(37)</td>
<td>(11)</td>
<td>(2)</td>
<td>(583)</td>
<td>(570)</td>
</tr>
<tr>
<td>iii) Net adjustment in respect of estimated disabled relief</td>
<td>1</td>
<td>17</td>
<td>17</td>
<td>12</td>
<td>26</td>
<td>(32)</td>
<td>(12)</td>
<td>(18)</td>
<td>(11)</td>
<td>0</td>
<td>(47)</td>
</tr>
<tr>
<td>iv) No. of chargeable dwellings</td>
<td>1</td>
<td>3,232</td>
<td>5,469</td>
<td>7,538</td>
<td>9,357</td>
<td>8,498</td>
<td>4,118</td>
<td>2,567</td>
<td>375</td>
<td>41,155</td>
<td>43,830</td>
</tr>
<tr>
<td>v) Total no. of discounts (including Council Tax Support)</td>
<td>(1)</td>
<td>(1,630)</td>
<td>(1,555)</td>
<td>(1,314)</td>
<td>(1,061)</td>
<td>(648)</td>
<td>(247)</td>
<td>(120)</td>
<td>(15)</td>
<td>(6,592)</td>
<td>(5,905)</td>
</tr>
<tr>
<td>Equivalent no. of chargeable dwellings net of discounts</td>
<td>0</td>
<td>1,602</td>
<td>3,914</td>
<td>6,224</td>
<td>8,296</td>
<td>7,850</td>
<td>3,871</td>
<td>2,447</td>
<td>360</td>
<td>34,563</td>
<td>37,925</td>
</tr>
<tr>
<td></td>
<td>Statutory proportion</td>
<td>5/9</td>
<td>6/9</td>
<td>7/9</td>
<td>8/9</td>
<td>1</td>
<td>11/9</td>
<td>13/9</td>
<td>15/9</td>
<td>18/9</td>
<td>TOTAL =</td>
</tr>
<tr>
<td></td>
<td>Equivalent Band D properties (the &quot;Relevant Amounts&quot;)</td>
<td>-</td>
<td>1,068</td>
<td>3,044</td>
<td>5,532</td>
<td>8,296</td>
<td>9,595</td>
<td>5,592</td>
<td>4,078</td>
<td>720</td>
<td>TOTAL =</td>
</tr>
<tr>
<td></td>
<td>ALLOWANCE FOR NON-COLLECTION 3.4%</td>
<td>0</td>
<td>(36)</td>
<td>(104)</td>
<td>(188)</td>
<td>(282)</td>
<td>(326)</td>
<td>(190)</td>
<td>(139)</td>
<td>(24)</td>
<td>TOTAL =</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>0</td>
<td>1,032</td>
<td>2,940</td>
<td>5,344</td>
<td>8,014</td>
<td>9,269</td>
<td>5,402</td>
<td>3,939</td>
<td>696</td>
<td>TOTAL =</td>
</tr>
</tbody>
</table>
Birmingham City Council
Report to Cabinet
19TH JANUARY 2021

Subject: Business Rates Income 2021/22
Report of: Interim Chief Finance Officer
Relevant Cabinet Cllr Tristan Chatfield – Cabinet Member for Finance and Resources & Cllr Brigid Jones – Deputy Leader
Member:
Relevant O &S Councillor Sir Albert Bore
Chair(s):
Report author: Jing Wang, Senior Business Analyst

Are specific wards affected? ☒ Yes ☐ No – All wards affected
If yes, name(s) of ward(s):

Is this a key decision? ☒ Yes ☐ No
If relevant, add Forward Plan Reference: 00818/2021

Is the decision eligible for call-in? ☒ Yes ☐ No

Does the report contain confidential or exempt information? ☐ Yes ☒ No
If relevant, provide exempt information paragraph number or reason if confidential:

1 Executive Summary

1.1 This report seeks approval to the City Council’s Business Rates income projection for 2021/22 for submission to the Government. This forms the calculation of next financial year’s income from Business Rates.

1.2 The report sets out the basis of the calculation and the assumptions which have been included.

2 Recommendations

That the Cabinet:-

2.1 Approves the 2021/22 Business Rates income for Birmingham as shown in Appendix 1.
3 Background

3.1 The Valuation Office Agency (VOA) provided the City Council with an updated version of the valuation list as at 16th December 2020. This has been used in calculating the Business Rates income projection. The Government continues to set the Business Rates multiplier which determines the level of Business Rates that each business pays. The City Council has forecast the levels of growth, appeals and non-collection that are expected to occur in 2021/22. This forecast is based on developments that are ongoing, planning approvals that are in place and expected to be completed in 2021/22 and further growth from the identification of additional rateable value as a result of external partnership work being carried out in order to maximise Business Rates Income. While reasonable prudence has been applied, there is far more uncertainty in these forecasts than for any year in the recent past.

3.2 In any year a proportion of the billed Business Rates cannot be collected, for example due to businesses going into liquidation. The City Council has made an assumption of 4% for non-collection. The Council has used a more cautious assumption than the 2% made in previous years, because of the current uncertain economic situation due to Covid 19 and Brexit. Should this collection rate be improved, the resulting surplus will become available to assist in budget setting in future financial years and should this collection rate not be achieved the resulting deficit will be reflected in future budget setting.

3.3 Each year appeals are made against the rateable value of properties as determined by the Valuation Office Agency. Appeals that are upheld are backdated to the beginning of the ratings list period, or when the change in circumstances came into existence if later than this date. It is prudent for the City Council to make an assumption about the level of successful appeals that will be made each year and set aside adequate provision for repaying appeals. The council is assuming that these will be £17.7m, which is in line with the 2020/21 budget.

3.4 It should be noted that it has recently emerged that nationally and in Birmingham, there are a significant number of appeals being made related to a “material changes in circumstances” by businesses affected by Covid 19. At this stage it is not possible to estimate what effect this might have in 2021/22, so the budgeted provision for repaying appeals has been kept in line with the 2020/21 budget. This is a national issue, and on such a scale that individual local authorities will not be able to contain the potential impact should these appeals be accepted by the Valuation Office Agency.

3.5 As a result of previous budget announcements, the Government continues to provide a package of measures to support small businesses during 2021/22 along with additional support to retail, leisure and hospitality premises (under £51,000 in Rateable Value). These measures continue to impact both on the level of retained Business Rates generated along with the general unringfenced grants paid to compensate local authorities for loss of income.

3.6 The significant financial support as a result of Covid 19 provided by Central Government which helped small businesses, retail and hospitality businesses get through the pandemic by offering 100% relief to their business rates was only
applicable for 2020/21. There has been no similar support announced to date for 2021/22 and so the current assumption is that there is no additional business rate relief from the Central Government in 2021/22. However there could be further announcements on extra relief in 2021/22 at a later date.

3.7 After allowing for these measures, the City Council’s total projected retained income for 2021/22 from Business Rates is expected to be £411.693m. This is a decrease of £29.512m when compared with 2020/21. In addition, the City Council expects to receive compensatory grants of £58.795m which is an increase of £3.178m compared to 2020/21. Taking this into account, overall income from Business Rates related funding is expected to be £470.488m as summarised in the table below. This is a decrease of £26.334m or 5.3% when compared with 2020/21 and is largely a combination of reduction in forecast gross rate yield of 4.3% due to Covid 19, 1.7% effect of reduction in forecast collection rate, slightly offset by 0.6% increase compensatory grants

<table>
<thead>
<tr>
<th>Retained Income</th>
<th>Outside the Enterprise Zone</th>
<th>Enterprise Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Resources before Funded Reliefs</td>
<td>£411,692,750</td>
<td>2,576,319</td>
</tr>
<tr>
<td>Enterprise Zone Relief retained in full (included in discretionary relief above)</td>
<td>0</td>
<td>872,371</td>
</tr>
<tr>
<td>Section 31 Grants:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small Business Relief</td>
<td>30,466,444</td>
<td>736,472</td>
</tr>
<tr>
<td>Supporting Small Business Relief</td>
<td>518,210</td>
<td>0</td>
</tr>
<tr>
<td>Local Discretionary Relief</td>
<td>77,672</td>
<td>0</td>
</tr>
<tr>
<td>New Retail Relief (30%)</td>
<td>7,041,210</td>
<td>5,957,859</td>
</tr>
<tr>
<td>Inflation (Multiplier Cap)</td>
<td>18,975,818</td>
<td>118,748</td>
</tr>
<tr>
<td>Additional Compensation for Small Business Relief Parameter Changes</td>
<td>1,715,693</td>
<td>50,373</td>
</tr>
<tr>
<td>Total</td>
<td>58,795,048</td>
<td>6,863,452</td>
</tr>
<tr>
<td>Total Resources Including Funded Reliefs</td>
<td>£470,487,798</td>
<td>10,312,142</td>
</tr>
</tbody>
</table>

3.8 The value of Business Rates growth over and above a pre-determined baseline expected to be collected from the Enterprise Zone is required to be calculated separately from the City Council’s element of total income as this resource is ring fenced in its entirety to the Enterprise Zone.

4 Options considered and Recommended Proposal

4.1 Not Applicable

5 Consultation

5.1 Officers in the Digital and Customer Services and Inclusive Growth Directorates have been consulted in determining the forecast for Business Rates in 2021/22. The Assistant Director – Revenues and Benefits has been consulted in the preparation of this report.

5.2 No public consultation is required on the Business Rates Income projection. It is a statement of fact supplemented by the City Council’s estimate of likely growth and other changes in Business Rates in 2021/22.
6 Risk Management

6.1 The setting of the Council’s budget which includes the Business Rates Income projection, as set out in this report, is part of the Council’s arrangements for the management of financial issues.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council’s priorities, plans and strategies?

7.1.1 The completion of the Business Rates Income projection does not have any direct implications for the City Council’s Corporate Policy Priorities.

7.2 Legal Implications

7.2.1 As a result of the introduction of the Business Rates Retention Scheme through the Local Government Finance Act 2012, each billing authority is required to give formal approval to the Business Rates income projection due to its strong links with the budget setting process. The calculation and approval of the Council Tax Base will similarly be considered by Cabinet elsewhere on this agenda.

7.3 Financial Implications

7.3.1 This Business Rates income projection will determine the income retained from Business Rates in respect of 2021/22 and will feed into budget calculations for next year. The City Council calculates the level of Business Rates in the City based on the latest information available from the Valuation Office Agency (VOA) and projects forward the level of additional Business Rates that will be collected up to 31 March 2022. Under the Business Rates Pilot, which will now be in its fifth year, the City Council will be able to plan for the retention of 99% of this income (£411.693m) in 2021/22 when setting its budget.

7.4 Procurement Implications (if required)

7.4.1 Not Applicable

7.5 Human Resources Implications (if required)

7.5.1 Not Applicable

7.6 Public Sector Equality Duty

7.6.1 There are no specific Equality Duty or Equality Analysis issues relating to the proposals set out in this report.

8 Background Documents

8.1 None.
Appendix 1

Calculation of Business Rates Income

<table>
<thead>
<tr>
<th></th>
<th>Outside the Enterprise Zone</th>
<th>Enterprise Zone</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of hereditaments on the rating list 16th December 2020</td>
<td>46,636</td>
<td>1,459</td>
<td>48,095</td>
</tr>
<tr>
<td>Aggregate rateable value on the rating list 16th December 2020</td>
<td>£1,091,624,954</td>
<td>£42,690,215</td>
<td>£1,134,315,169</td>
</tr>
<tr>
<td>Small Business Non-Domestic Rating Multiplier</td>
<td>0.499</td>
<td>0.499</td>
<td></td>
</tr>
<tr>
<td>Gross Calculated Rate Yield</td>
<td>£544,720,852</td>
<td>£21,302,417</td>
<td>£566,023,269</td>
</tr>
<tr>
<td>Less: Mandatory Reliefs</td>
<td>(-100,281,223)</td>
<td>(-1,686,363)</td>
<td>(-101,967,586)</td>
</tr>
<tr>
<td>Less: Discretionary Reliefs</td>
<td>(-8,199,335)</td>
<td>(6,576,277)</td>
<td>(-14,775,612)</td>
</tr>
<tr>
<td>Plus: Forecast for Growth</td>
<td>5,687,175</td>
<td>1,846,919</td>
<td>7,534,094</td>
</tr>
<tr>
<td>Gross Rate Yield after Reliefs and Growth</td>
<td>£441,927,468</td>
<td>£14,886,697</td>
<td>£456,814,165</td>
</tr>
<tr>
<td>Less: Estimate of Losses in Collection for Current Year at 4%</td>
<td>(-18,138,375)</td>
<td>(-134,191)</td>
<td>(-18,272,567)</td>
</tr>
<tr>
<td>Less: Allowance for Cost of Collection</td>
<td>(1,822,825)</td>
<td>0</td>
<td>(1,822,825)</td>
</tr>
<tr>
<td>Enterprise Zone Baseline</td>
<td>11,531,912</td>
<td>(11,531,912)</td>
<td>0</td>
</tr>
<tr>
<td>Less: Estimate of Rates to be Retained due to Renewable Energy Schemes</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Net Rate Yield</td>
<td>£433,498,179</td>
<td>£3,220,594</td>
<td>£436,718,773</td>
</tr>
<tr>
<td>Less: Allowance for Appeals and Prior Years Adjustments</td>
<td>(17,646,916)</td>
<td>(644,275)</td>
<td>(18,291,191)</td>
</tr>
<tr>
<td>Net Rate Yield after Allowance for Appeals to be distributed</td>
<td>£415,851,263</td>
<td>£2,576,319</td>
<td>£418,427,582</td>
</tr>
<tr>
<td>0% of Business Rates to be paid over to Central Government</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>99% of Business Rates to be retained by Birmingham</td>
<td>£411,692,750</td>
<td>£411,692,750</td>
<td></td>
</tr>
<tr>
<td>1% of Business Rates to be retained by West Midlands Fire and Rescue Authority</td>
<td>£4,158,513</td>
<td>£4,158,513</td>
<td></td>
</tr>
<tr>
<td>100% of Business Rates to be retained by GB&amp;S Local Enterprise Partnership</td>
<td>£2,576,319</td>
<td>£2,576,319</td>
<td></td>
</tr>
<tr>
<td>Total Business Rates Redistributed through Rates Retention Scheme</td>
<td>£415,851,263</td>
<td>£2,576,319</td>
<td>£418,427,582</td>
</tr>
</tbody>
</table>
1 Executive Summary

1.1 To seek approval for the full business case (FBC) to deliver a 3 year European Social Fund (ESF) “World of Work” Continuation Project under Priority 1.1 Access to Employment for Jobseekers and Inactive People, at total estimated gross value of up to £3,125,963 (to 31 October 2023) under the project delivery name “World of Work”. The project will support up to 1,576 Birmingham residents and will be a continuation of and build upon the previous ESF 1.1 Progression Pathways for Adults (Cabinet Approval June 2018 – 28 month project) which ended on 31 October 2020. The new project
will focus all resources on jobs brokerage, employer engagement and participant support to access pathways towards and into the world of work accessing training, work experience, apprenticeships and jobs.

1.2 To seek approval to accept grant funding from the Department for Work and Pensions (DWP) and act as the accountable body for this project subject to confirmation of an offer of funding obligations being acceptable to the Council. The Employment Access Team (EAT) will manage and deliver the WoW project with ESF income providing costs to cover current staff salaries at 50%.

2 Recommendations

That Cabinet:

2.1 Approves the Full Business Case at a total estimated cost of up to £3.126m which includes the Birmingham City Council match funding commitment £0.320m (from directorate earmarked reserves), as well as staff time (£0.605m). Delivery partner match funding commitments are £0.638m and this helps generate ESF Grant draw down of up to £1.563m (at an intervention rate of 50%). This is subject to final project values being within these estimates.

2.2 Authorises the Council to act as the Accountable Body in respect of the World of Work project and to hold and manage ESF grant funding, subject to approval by the DWP and Accountable Body obligations being acceptable to the Council.

2.3 Authorises the Director, Education & Skills acting on behalf of the Council as the Accountable Body, to accept grant resources from the DWP of up to £1.563m to fund the proposed World of Work project subject to confirmation of offer from DWP.

2.4 Authorises the Director, Education & Skills to enter into grant funding arrangements with DWP and the Project’s delivery partners Sandwell West Birmingham Hospitals NHS Trust and Clarion Futures in a manner compliant with EU funding regulations and the national guidance.

2.5 Authorises the City Solicitor to negotiate, execute and complete all relevant legal documents necessary to give effect to the above recommendations.

3 Background

3.1 European Structural and Investment Funds (ESIF) are administered by managing authorities, the Department for Communities & Local Government and the DWP, who released a call on 05/09/2019 for applications to deliver employment support and employability skills provision.

3.2 In response to the European Social Fund call an application was submitted to DWP on 28 November 2019 to deliver the World of Work project.

3.3 The project is a direct response to the objectives as set out in the ESF call to support long term unemployed and inactive adults aged 25 and over and non-
NEETs (not in education, employment or training) who reside within Birmingham impacting on the high levels of unemployment, which stands at 10.2% compared to a national average of 3.9% and in particular focus on areas of high claimant unemployment, which in inner city parts of Birmingham are more than 3 times the national average of 6.5%.

3.4 The Employment Access Team is already delivering a similar project that was approved by Cabinet, (relevant Forward Plan Ref: 004556/2018) titled ‘Progression Pathways for Adults’, delivery name known as ‘World of Work’ or WoW – this project ended on 31 October 2020. This project will be a continuation of this activity under a new Funding Agreement and to maintain service delivery and resources the team are continuing to deliver with temporary funding from earmarked service reserves. Taking learning from the previous project has enabled us to move forward with a more agile and responsive delivery model especially required in the current pandemic. The new project will focus all resources on jobs brokerage, employer engagement and participant support to access pathways towards and into the world of work accessing training, work experience, apprenticeships and jobs.

3.5 Since commencing activity on the ground in November 2018, the World of Work project has, registered and supported approximately 656 Participants, up to 31 October 2020. Of this figure, 235 (40%) have been supported into employment. It should be noted that this figure is based on database statistics from The Council’s own activity as well as estimates from the Delivery Partners working alongside to support the project. (BCC is currently in the process of obtaining and collating full and accurate statistical information from the Delivery Partners, so that all Outputs and Results can be reported).

3.6 In terms of BCC’s own statistics and conversion against project outputs and results, below is a summary of what has been achieved:

Of the participants registered,

- 67% were from a BAME background
- 22% were aged 50 or over
- 15% declared a disability
- 16% declared having no Basic Skills
- 16% declared themselves as a Lone Parent

(NB: the above statistics are likely to change once full reporting from Delivery Partners has been received).

3.7 It is the intention to transition smoothly onto the new WoW continuation project, being requested under this Cabinet report, once the current WoW project comes to an end on 31 October 2020, as all resources, systems and infrastructure will already be in place. DWP have confirmed that the Employment Access Team should continue to support participants using the existing ESF/DWP compliant project documentation in place. This is being
funded through the Service Reserves until the funding position is confirmed (c£80k allocation to 31 March 2020).

3.8 The WoW continuation project will engage with up to 1,576 long term unemployed (73%) and inactive participants (27%) aged 25 years to retirement age, providing support in training and employment. It will target those with no/low basic skills, people from black and minority ethnic backgrounds, (BAME) women, lone parents, people with disabilities and health conditions including those living in areas of high unemployment across Birmingham and Solihull. Further information on outputs and results is set out in the FBC attached at Appendix A.

3.9 The Employment Access Team will manage and deliver the project with income covering current staff salaries. Using the available levers and enablers such as the Procurement Framework Policy for Jobs & Skills; Planning Protocol for Jobs & Skills; and the Birmingham Business Charter for Social Responsibility, Employment Access Team will continue to maximise and influence the development of training pathways, work experience opportunities, graduate placements both paid and unpaid, jobs and apprenticeships. We will also maximise links to employers through our Business Development Innovation Team, Inclusive Growth Directorate, West Midlands Growth Company, the GBSLEP Skills and Growth Hubs, actively working with employers in those sectors where there is growth opportunity and potential despite the economic challenge Covid-19 presents.

4 Options considered and Recommended Proposal

4.1 Do Nothing: If we did not develop and submit the proposal the Council and the GBSLEP would miss the opportunity to obtain significant external funding to deliver focussed activity to promote local skills development and access to employment, which is something the Council is proud to promote as one of its key priorities within its Council Plan. It would also mean that the future of the Employment Access Team service would be jeopardised as core funding currently supports approximately 50% of staffing costs, loss of this funding would require a service redesign to be initiated. The Employment Access Team is needed now and moving forward, even more than ever to ensure we have a jobs brokerage service in place to support unemployed local residents on a place leadership basis.

4.2 The recommended option is that the Employment Access Team proceed with the project delivery in order to bring forward a scale and volume of response that is required as we move through the impact of the Covid-19 pandemic and resulting economic crisis. The proposed delivery model is set against tried and tested methods of jobs brokerage, engagement, planning, procurement, Birmingham Charter for Social Responsibility (BC4SR) related activities which have been evidenced to deliver improved access to jobs and skills by local unemployed residents. Not having a fully functioning Employment Access Team service for the Second City will mean that this
activity is at best drastically reduced or at worst ceased to deliver at a time when the City’s unemployment figures are 81,815 (October) an increase of 68% since February 2020 and the highest since 1987 with over 55,000 of the City’s workforce on furlough. Birmingham’s claimant unemployment rate across all ages stands at 15.3%; above both the West Midlands (9.1%) and the UK (7.7%) rates.

5 Consultation

5.1 A report was taken to Cabinet on 29 October 2019 which approved the recommendation to submit a full application to deliver the ESF 1.1 World of Work Project. This was also subject to consultation with relevant Cabinet Members.

5.2 The Cabinet Member for Education, Skills and Culture, Cabinet Member for Finance and Resources and the Director for Education and Skills have been briefed and fully support the proposal proceeding to executive decision.

5.3 Lead Officers from Birmingham Adult Education Service, 14-19 Participation & Skills Service, Careers Service, and Youth Service have also been involved in the development of the project and have agreed the proposed delivery model.

5.4 Externally, the project has been developed with input and support from DWP Birmingham & Solihull District, the National Careers Service, Solihull Metropolitan Borough Council, Sandwell and West Birmingham NHS Trust, Clarion Housing Association and the West Midlands Combined Authority.

6 Risk Management

6.1 A project Risk Register has been developed and will be reviewed and monitored throughout the project lifecycle and updated accordingly. Full details are set out in the Risk Register within the FBC attached at Appendix A including risks specifically related to finance.

6.2 Some risks highlighted include the impact of Covid-19 on the local economy, difficulty progressing participants into employment and delays within the confirmation of funding and associated match funding not being available. Details of mitigations against these risks are included within the Risk Register in the FBC document. All identified and potential risks will have assigned leads and a probability/impact score resulting in risk rating and respective mitigation actions identified to enable effective risk management.

6.3 The Council has extensive experience of managing European projects and resources. In addition to successful delivery as the Lead Accountable Body for ESF Innovation, Trans-nationality and Mainstreaming Projects, the Council has vast experience of being a Co-Financing organisation and managing a complex network of delivery partners. The Council has experience of assisting and co-ordinating project partners to ensure that they are able to learn from the development, capacity building, compliance, eligibility, feasibility work that the
Council will undertake. This level of experience and skills will enable the project to operate at minimum risk.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The proposed project supports the Council’s Vision & Priorities 2017 to 2020, particularly in respect of Jobs and Skills – “we want Birmingham to be a great city to learn, work and invest in.” Project delivery will address enduring and structural issues related to unemployment and low-skill levels and enable participation in the labour market. With the City Council as the lead applicant we will ensure that the projects are synchronised with the jobs and skills priorities using the investment where it will have the most impact.

7.1.2 The proposed project will also support the Birmingham City Council Plan (2018-2022) Outcome 1: ‘Birmingham is an entrepreneurial city to learn, work and invest in’ and in particular its Priority 1: ‘We will create opportunities for local people to develop skills and make the best of economic growth’ and Priority 2: ‘We will strive to maximise the investment in the city and engage employers to create quality jobs and opportunities for citizens’. It will also contribute to the City’s Inclusive Economic Growth priorities and the Covid-19 Business & Economic Recovery Plan.

7.1.3 The recommended decision to proceed with the project will eventually translate in EAT (Skills & Employability, Education and Skills Directorate) being able to bring forward candidates as required during the development phase of the Commonwealth Games due to take place in Birmingham in 2022 along with other major regeneration projects such as HS2, Peddimore, Smithfield, Langely and the Ladywood Regeneration Project.

7.2 Legal Implications

7.2.1 The City Council has the power to enter into this activity by the general power of competence secured by Section 1 of the Localism Act 2011. The activity is within the boundaries and limits on the general power set out in Section 2 and 4 of the Localism Act 2011 respectively. Legal and compliance issues associated with the EU Grant and Project will be delivered within the Conditions of Grant Aid, in accordance with the Council’s financial regulations where appropriate.

7.3 Financial Implications

7.3.1 The ESF Access to Work to Employment for Jobseekers and Inactive People – World of Work continuation Project has a revised extension end date to 31 October 2023. The total project value is up to £3.126m, with Birmingham Council matched funding commitment of £0.925m. This source of this funding comes from directorate earmarked reserves for World of Work (£0.320m) plus £0.605m from staff time and a notional £0.009m from the Education & Skills
Directorate budget. There is no call on any further corporate resources. The remaining matched funding commitment comes from Clarion Futures, Sandwell & West Birmingham Hospitals (£0.638m).

7.3.2 It should be noted however that prior to DWP approval and confirmation of the Funding Agreement the project value and associated match funding commitment may change. The project will be closely monitored and managed by the Employment Access Team so that should there be any changes, delivery will be reduced accordingly to ensure that no liabilities fall to the Council.

7.4 Procurement Implications (if required)
7.4.1 There is no procurement activity planned at this stage. Any future procurement activity in respect of this funding will follow the Council’s Procurement Governance Arrangements.

7.5 Human Resources Implications (if required)
7.5.1 This funding will enable the Employment Access Team to retain staffing at current levels. Depending on the type of contracts staff currently working on the project are on, there may be a risk that some staff will become ‘at risk’ of compulsory redundancy as the project nears its conclusion and the funding ceases. For any staff on Fixed Term Contracts, it will be important for them to be registered as Priority Movers at least 12 weeks before their end date so that efforts can be made to identify suitable alternative employment with the City Council. In the event of compulsory redundancy of anyone on a fixed term contract who is not successfully redeployed, there will be an associated cost of this which will depend on the employee’s grade, length of service and age. Consideration should be given to the recruitment of apprentices/interns/graduates if any additional resourcing is required to support and/or deliver the project in order to provide employment and training opportunities for local people.

7.6 Public Sector Equality Duty
In accordance with the Public Sector Equality Duty, an Equality Analysis screening (EQUA604) is been carried out as part of the Full Business Case process for this project (see Appendix E). This analysis has identified that there is no adverse impact on people with protected characteristics.
8 Appendices

1. Appendix A - Full Business Case
2. Appendix B - Project Overview
3. Appendix C - Project Organogram
4. Appendix D - Delivery Model & Data Flow Chart
5. Appendix E - Equality Analysis

9 Background Documents

- Birmingham Covid-19 Economic Recovery Plan
- Birmingham Delivery Plan 2020 – 2022
- Cabinet Proposal: Youth Employment Response: Major Projects
APPENDIX A

FULL BUSINESS CASE (FBC)

A. GENERAL INFORMATION

A1. General

<table>
<thead>
<tr>
<th>Project Title (as per Voyager)</th>
<th>Unemployment Support - World of Work Continuation Project Full Business Case</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voyager code</td>
<td>Forward Plan Ref 008379/2021</td>
</tr>
<tr>
<td>Portfolio/Committee</td>
<td>Education Skills and Culture Directorate Education and Skills</td>
</tr>
<tr>
<td>Approved by Project Sponsor</td>
<td>Approved by Finance Business Partner</td>
</tr>
</tbody>
</table>

A2. Outline Business Case approval (*Date and approving body*)

N/A – DWP did not implement an outline business case approval process for this specific call.

A3. Project Description

[a focussed description which shouldn’t generally exceed ½ page. An FBC for smaller, simpler projects should be shorter and simpler than for major complex projects]

The aim of the World of Work (WoW) project is to improve the employability of long-term unemployed and inactive residents in Birmingham aged 25 to retirement age, (particularly those facing disadvantage from the labour market) to access and effectively move forward within sustainable employment. The aim is to deliver the project over three years, (from November 2020 to October 2023). Birmingham City Council will be the Accountable Body and lead in delivery, with other delivery partners contributing to achieve the overall project related Outputs and Results.

The project will engage with unemployed and inactive residents and work in conjunction with DWP/Jobcentre Plus network of offices in Birmingham, National Careers Service (NCS) and community and voluntary sector partners, to target those with no or low basic skills, BAME groups, women, lone parents, people with disabilities and health conditions. The project will also target areas of high unemployment within Birmingham.

The project will work in partnership with employers and sector representatives, West Midlands Combined Authority (WMCA) to ensure that customised pre-employment training pathways are developed linked to job opportunities and the GBSLEP (Greater Birmingham & Solihull Local Enterprise Partnership) defined growth sectors.

By aligning the project with existing delivery of funded training provision through the WMCA, will enable us to forward participants onto a structured training pathway with our additional one-to-one support along the way. Participants will also be able to access basic skills provision and sector specific skills, experience and knowledge. This will enable participants to gain the maximum benefit from training and work experience opportunities with a view to moving closer to the world of work and sustainable employment.

Using our unique positioning as a local authority and our place leadership role we will maximise our employer contacts through various levers, such as Local Authority Planning powers and Procurement Policy Framework for Jobs & Skills, as well as making full use of the social value commitments captured from businesses when they sign up to our Birmingham Business Charter for Social Responsibility, (which includes a commitment around employing local unemployed people).
A4. Scope

The project’s team of Engagement Officers, (along with the delivery teams from our partners) will promote the opportunity and inspire participants to take part in training and undertake relevant and quality work experience opportunities to build up their confidence and skills.

This will enable participants to access person-centred and industry-led upskilling programmes in local community-based venues delivered via the Further Education (FE) providers. As with our previous and current programmes, we will focus on the needs of participants, especially those:

- with low or no skills/qualifications
- who lack knowledge of the local labour market
- who are assessed to have limited skills for effective job searching
- who are deficient in experience and recent exposure to prospective employers.

We will provide a high-quality responsive service of support to improve their chances of accessing employment opportunities.

A5. Scope exclusions

The Project will be delivered within the scope of the EU eligibility guidelines and call specification within the Birmingham geography.

B. STRATEGIC CASE

This sets out the case for change and the project’s fit to the Council Plan objectives

B1. Project objectives and outcomes

The case for change including the contribution to Council Plan objectives and outcomes

• The project is a direct response to the objectives as set out in the ESF call to support long term unemployed and inactive adults aged 25 and over and non-NEETs who reside within Birmingham impacting on the high levels of unemployment, which stands at 10.2% compared to a national average of 3.9% and in particular focus on areas of high claimant unemployment, which in inner city parts of Birmingham are more than 3 times the national average of 6.5%.

• The November Unemployment Update with figures for October 2020 includes the following key findings:

  - Unadjusted claimant count unemployment across all ages in the city increased by 950 to 81,815 in October. Claimant count unemployment is now 33,255 higher than it was in February prior to the lockdown; an increase of 68% in claimant numbers. The highest since 1987.
  - Birmingham’s claimant unemployment rate across all ages stands at 15.3%; above both the West Midlands (9.1%) and the UK (7.7%) rates.
  - Unadjusted unemployment decreased in 9 of the 10 core cities between September and October 2020.
  - Claimant count unemployment increased in 45 of the city’s 69 wards last month.

• Developing innovative engagement methods focused on providing ‘a clear line of sight’ for jobs and importantly careers in GBSLEP defined growth sectors including:

  - High Speed 2
  - Commonwealth Games related opportunities
  - Advanced Manufacturing & Engineering
  - Creative Industries;
  - Low Carbon & Environmental Technologies and Services;
  - Transport & Logistics;
  - Life Sciences;
  - Digital & Tech;
  - Business, Professional and Financial Services; or
  - Those where there is a significant replacement demand such as Construction and Infrastructure
and Health & Social Care.

- Using the available levers and enablers such as the Procurement Framework Policy for Jobs & Skills; Planning Protocol for Jobs & Skills; and the Birmingham Business Charter for Social Responsibility, this project will enable EAT to continue to maximise the development of training pathways, work experience opportunities, graduate placements/internships, jobs and apprenticeships. We will also maximise links to employers through our BDI Team, Inclusive Growth, WMGC, GBSLEP and Growth Hub. We will actively work with employers in those sectors where there is growth opportunity and potential despite the economic challenge Covid-19 presents. In this way the project will enable us to continue to provide the basis of a local Jobs and Skills Hub with a focus and lead on jobs brokerage engaging with employers across a range of sectors.

- EAT negotiates local employment and skills commitments from major projects and regeneration initiatives working with contractors, their supply chain and project delivery teams bringing forward a mix of opportunities including back office and site-based opportunities as well as end-use jobs once the works are completed. In addition to developments coming through the Planning Applications process major project priorities include:
  - Commonwealth Games inc redevelopment of Alexander Stadium
  - Perry Barr Residential Scheme
  - HS2 - EAT is the local authority Job Brokerage Partner to HS2 Ltd
  - Peddimore
  - Smithfield
  - Midland Metropolitan University Hospital
  - Langley Sustainable Urban Development
  - Ladywood Regeneration Scheme

- Development of engaging and inspirational methods to target those that have barriers to employment and have more complex needs, in particular, developing specific pathways for participants that are over 50, lone parents, people with disabilities or have health issues, lack basic skills and from BAME communities, in partnership with JCP and NCS and community and voluntary partners.

- Holistic and personalised support will be provided through the project’s Engagement Officers to support participants and refer into wraparound services if required. A participant fund is also available to support specific barriers including childcare, transport and travel and other costs such as PPE, clothing etc.

- To promote inclusive economic growth by contributing towards closing the economic activity rates between the GBSLEP average and those areas of Birmingham where there are enduring, and structural issues related to unemployment and low skill levels and active participation in the labour market. The project has a ‘work first’ approach that will set out clear pathways into employment for participants, introducing job opportunities as early as feasible. Training pathways will be developed through the programme including sector based work academies and pre-employment training linked to growth sectors and specific employment and work experience opportunities to move people into work quickly, and equip them with the right skills and qualifications that employers are looking for, including a focus on the provision of basic skills and preparing individuals to gain basic skills qualifications for those participants that have no qualifications. 12.0% of Birmingham residents currently have no basic skills compared to 8.0% UK average. This project will focus on activities that contribute towards closing this gap.

Specific outcomes:

- Increased awareness of the labour market
- Awareness and knowledge of opportunities offered by growth sectors and labour market churn
- Increased workforce diversity
- Improved conversion rates from engagement to job entry

Further Outcomes

- BCC will work with partners who have provision in place and ensure alignment to the needs of participants and provide a programme of personalised support and entry pathways to employment whilst improving the employability of long-term unemployed people, and those
APPENDIX A

- Aim to remove barriers, particularly those relating to skills levels and the focus will also be targeted at groups which face particular labour market disadvantage including, those aged 50+, BAME groups, lone parents, people with disabilities and health conditions and women.

- Engage with employers and ensure that the customised pre-employment training includes aspects of work-place behaviours, ethics and values as well as an overview of the specific industry/job role. The project will support participants with additional costs such as interview clothes, PPE, childcare, transport, and subsistence where appropriate.

- Project emphasis on increasing basis skills qualifications (AEB provision) will be responding to the regional skills gaps identified within the GBSLEP Strategic Economic Plan (GBSLEP SEP), the WMCA Strategic Economic Plan, the Birmingham Skills Investment Plan, which focus on:

  - Increasing the proportion of the working age population with NVQ3+ to the national average by 2030. (GBSLEP)
  - Proportion of people qualified to NVQ4 or above will have increased to 36% to match the national average by 2030. (WMCA)
  - Number with no qualifications will have fallen to 9% to match and then better exceed the national average by 2030. (WMCA)

- UK ESIF guidance emphasises the Government’s approach to promote employment as a route out of social exclusion and World of Work is in line with the importance the Government places on ‘training for employers’ needs.

- The focus on jobs growth sectors for training pathways and employer engagement is in line with the GBSLEP SEP targets and the ESIF strategy to focus on growth sectors and the GBSLEP Skills Action Plan has a real focus on skills training for growth sectors - the same focus that will apply in the WoW project.

- This project will also fit strategically with the national priorities of the Education Skills Funding Agency, Department for Education and Department for Work and Pensions

B2. Project Deliverables

These are the outputs from the project eg a new building with xm2 of internal space, xm of new road, etc

[again, this should be focussed, and a list of bullet points will be fine]

- 1,576 total participants will be actively engaged on the programme
- 253 of the total unemployed participants will be supported into employment.
- 140 of the total inactive participants will be supported into employment or job search
- 63 of total participants will receive basic skills training through the project.
- 79 of the lone parent participants will be supported with childcare needs, with childcare being identified as a significant barrier to engaging in training and employment for this client group.
- 536 of total participants will be in work 6 months after the end of the programme

B3. Project Benefits

These are the social benefits and outcomes from the project, eg additional school places or economic benefits.

<table>
<thead>
<tr>
<th>Measure</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>List at least one measure associated with each of the objectives and outcomes in B1 above</td>
<td>What the estimated impact of the project will be on the measure identified – please quantify where practicable (eg for economic and transportation benefits)</td>
</tr>
<tr>
<td>Delivery of intensive bespoke support to the target cohorts that have multiple issues and are distant from the labour market, particularly for those that have no/lowlow basic skills, with personalised support assisting these people into sustainable employment outcomes.</td>
<td>Birmingham is currently below the UK average for qualifications. The project will increase skills levels, particularly at basic levels. It will directly support 142 people with basic skills and qualifications and will therefore directly impact on the number of residents with qualifications.</td>
</tr>
</tbody>
</table>
### APPENDIX A

<table>
<thead>
<tr>
<th>People moving from benefits into employment as a result of their increased skills levels, impacting on unemployment levels across Birmingham and individual wards.</th>
<th>Employment has a direct positive impact on quality of life and health outcomes for people moving into employment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moving someone from welfare to work could contribute towards generating an approximate basic saving of £15,042 per person per annum to the public purse with reduced benefits payments and increased tax contributions (BCC/ONS/DWP Apr 2020).</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Raised awareness of careers and opportunities in growth sectors; often where there are an increasing number of vacancies, opening up the career paths to a wider labour market and linking training directly to job opportunities.</th>
<th>Wider benefits on the aspirations of residents, improving their future employability and career opportunities across a range of sectors.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits to employers who have higher qualified candidates with targeted programmes to assist them in filling vacancies where they may previously have identified difficulties in recruiting local residents with the right skills.</td>
<td></td>
</tr>
</tbody>
</table>

**For major projects and programmes over £20m:**

Not Applicable

**B4. Benefits Realisation Plan**

*Set out here how you will ensure the planned benefits will be delivered*

This project has been developed based on activity and output evidence gained by the Employment Access Team. Building on successful models of delivery developed through previous programmes including: Progression Pathways (WoW 1), Flexible Support Fund (Project 20,000) which resulted in the upskilling and qualifications for participants and included bespoke targeted training for lone parents; BCC & CITB Joint Investment Strategy Construction project; redevelopment of New Street Station and Grand Central Birmingham.

The BCC & CITB Joint Investment Strategy Construction project which completed in March 2017. The Project was developed as part of a national Construction Industry Training Board (CITB) programme to deliver joint investment plans supporting the construction industry within key cities. The project focused on delivering construction industry training to unemployed participants, addressing local skills gaps and creating employment and skills opportunities leading to jobs with construction employers – the project exceeded its targets for training and job outputs:

- 545 (101 NEETs/LTU) against a target of 250 (50 NEETs/LTU) unemployed individuals supported to access industry related accredited qualifications.
- Supported 337 against a target of 150 job entries into the construction sector including 55 (target 10) apprenticeships where people gained their first job within the construction sector.
- 36 businesses supported with work force development.

Models featured engagement and referral stages to identify eligible participants through to building programmes into delivery platforms, for example, JCP Group Information Sessions and linkages developed to JCP Office Employer Engagement Leads and Work Coaches, NCS opportunities database and Advisors which then generated referrals directly into the programme targeting specific under-represented groups.

The project team will continue to work closely with JCP, NCS and other community-based organisations as part of the vacancy attraction campaign, promoting the project and providing referrals into the provision.

BCC has extensive experience of managing European projects and resources. In addition to the successful current running of ERDF, ESF ITM TA and YEI projects, BCC has vast experience of being a Co-Financing organisation and managing a complex network of delivery partners. BCC has experience of assisting project partners and coordinating them to ensure that they are able to learn from the delivery, capacity building,
compliance, eligibility, feasibility work that BCC will undertake.

All partners will be trained on project systems and monitoring frameworks to ensure all relevant staff are aware of expectations and audit requirements. Written guidance will be produced to back up this training.

A dedicated project manager and team within BCC’s Employment Team (see Appendix X for Project Organogram) will be responsible for day to day management and effective delivery of the project, across all delivery partners, overseeing compliance, delivery of outcomes, financial monitoring, internal audit, data returns/claims and quality assurance. Upon notification of project funding a full risk assessment will be produced and appropriate mitigations put in place and monitored.

The Delivery Partners have extensive experience of managing and delivering European projects and resources including on the recently completed World of Work 1 (previously known as Progression Pathways) project.

The project delivery requirements will be built around the ESF eligibility rules and regulations with robust IT and monitoring systems put in place to monitor eligibility of beneficiaries and activity delivered as part of the project. Programme guidance will be available and shared with delivery partners to communicate compliance and eligibility.

An internal audit schedule will be implemented to review compliance and raise potential issues early on in delivery.

Input into systems and processes will be sought internally through European Team, finance, audit and legal services from the outset ensure compliance to regulations and procedures.

The project team will also ensure it is maintaining compliance with eligibility rules during project delivery by using management control mechanisms, including:

- Regular management meetings for project
- Risk register
- Regular review meetings with delivery partners to ensure compliance with SLA, including paperwork checks
- Claim submission, defrayal, verification of evidence and reimbursement of delivery costs
- Quarterly progress report for steering group
- End of project evaluation
- Support from BCC expert advisors and GBSLEP Technical Assistance team – for specific compliance procedures (procurement, state aid, financial defrayal evidence, document retention etc).

B5. Stakeholders

A stakeholder analysis is set out at G4 below. A summary of internal and external consultation responses is in the covering Executive report.

C. ECONOMIC CASE AND OPTIONS APPRAISAL

This sets out the options that have been considered to determine the best value for money in achieving the Council’s priorities

C1. Summary of options reviewed at Outline Business Case

(including reasons for the preferred option which has been developed to FBC)

If options have been further developed since the OBC, provide the updated Price quality matrix and recommended option with reasons.

[a brief resume rather than a lengthy description]

Do Nothing: If we did not develop and submit the proposal the Council and the GBSLEP would miss the opportunity to obtain significant external funding to deliver focussed activity to promote local skills development and access to employment, which is something the Council is proud to promote as one of its key priorities within its Council Plan. It would also mean that the future of the EAT service would be jeopardised as core funding currently supports approximately 50% of staffing costs, loss of this funding would require a service redesign to be initiated. The EAT is needed now and moving forward, even more than ever to ensure we have a jobs brokerage service in place to support unemployed local residents on a place
leadership basis.

The recommended option is that we proceed with the project delivery in order to bring forward a scale and volume of response that is required as we move through the impact of the Covid-19 pandemic and resulting economic crisis. The proposed delivery model is set against tried and tested methods of jobs brokerage, engagement, planning, procurement, BC4SR related activities which have been evidenced to deliver improved access to jobs and skills by local unemployed residents. Not having a fully functioning EAT service for the Second City will mean that this activity is at best drastically reduced or at worst ceased to deliver at a time when the City’s unemployment figures are 81,815 (October) an increase of 68% since February 2020 and the highest since 1987 with over 55,000 of the City’s workforce on furlough. Birmingham's claimant unemployment rate across all ages stands at 15.3%; above both the West Midlands (9.1%) and the UK (7.7%) rates.

C2. Evaluation of key risks and issues
The full risks and issues register is included at the end of this FBC

[Drawing attention to the biggest items only]

Key risks:

- Impact of Covid-19 on the local economy
- Lack of demand – difficulty accessing and engaging eligible participants
- Over demand – too many eligible participants, or too many participants in specific target groups
- Difficulty progressing participants into employment
- Difficulty commissioning suitably experience training providers that can meet the flexible demands of the project
- Difficulty linking with employers and lack of opportunities
- Delay in confirmation of funding
- Associated match funding not available.

Risks will be managed to remove or mitigate them as far as possible.

C3. Other impacts of the preferred option
Describe other significant impacts, both positive and negative

[Bullet points are ok]

The 3 year project will have a positive impact on local unemployed and inactive residents and achieve:

- Increased awareness of the labour market
- Awareness and knowledge of opportunities offered by growth sectors and labour market churn
- Increased workforce diversity
- Improved conversion rates from engagement to job entry

The project outputs and results include the following:

- 1,576 total participants will be actively engaged on the programme
- 253 of the total unemployed participants will be supported into employment.
- 140 of the total inactive participants will be supported into employment or job search
- 142 of total participants will receive basic skills training through the project.
- 79 of the lone parent participants will be supported with childcare needs, with childcare being identified as a significant barrier to engaging in training and employment for this client group.
- 536 of total participants will be in work 6 months after the end of the programme.

Employment has a direct positive impact on quality of life and health outcomes for people moving into employment, impacting on unemployment levels across Birmingham and individual wards
Moving someone from welfare to work could contribute towards generating an approximate basic saving of £15,042 per person per annum to the public purse with reduced benefits payments and increased tax contributions (BCC/ONS/DWP Apr 2020).

Raised awareness of careers and opportunities in growth sectors, often where there are an increasing
number of vacancies opening up the career paths to a wider labour market and linking training directly to job opportunities.

Wider benefits on the aspirations of residents, improving their future employability and career opportunities across a range of sectors.

**D. COMMERCIAL CASE**

*This considers whether realistic and commercial arrangements for the project can be made*

**D1. Partnership, Joint venture and accountable body working**

*Describe how the project will be controlled, managed and delivered if using these arrangements*

The lead partner and Accountable Body will be Birmingham City Council, with the project delivered by the Employment Access Team (See Appendix C Organogram)

Birmingham City Council will:

- Act as the Accountable Body
- Be the lead partner
- Be responsible for overall project development, management and delivery.
- Agree a Service Level Agreement with SMBC to ensure that roles and responsibilities are clearly set out. A robust partnership framework is already in place with SMBC as a result of joint project delivery on several EU funded projects over the past years. Further detail on roles and responsibilities outlined in para 5.4 of the Cabinet Report.
- Ensure compliance with DWP grant conditions and seek to mitigate these through appropriate contractual agreements with the delivery partner and service providers through the Council’s approved processes.
- Allocate experienced officers from within the Economy Directorate to monitor and manage the project.
- Closely monitor and manage project performance both in terms of outputs and expenditure on a monthly basis to ensure that any risk to achievability is identified and actions put in place to mitigate impact.
- Ensure all delivery arrangements are subject to monitoring and performance checks to ensure compliance and eligibility of activity.
- Undertake where appropriate project compliance visits.
- Address any issues arising around ability to deliver against required project outputs in a timely manner through appropriate dialogue and consultation with DWP to ensure that activity is scaled down as required and claw back is managed. The SLA and any contracts with commissioned providers will contain clauses to ensure that any responsibility for claw back implications can be passed on and enforced with the delivery partner and/or contractors.
- Deliver support to Birmingham residents.
- Shape provision for Birmingham residents.

The project’s delivery partners will be:

- Clarion Futures
- Sandwell & West Birmingham Hospitals NHS Trust (SWBH)
- Solihull Metropolitan Borough Council (SMBC) – (will not be involved in direct delivery but will however continue to support BCC in the allocation of an Engagement Officer who will work directly on the project on a full-time basis).

**Clarion Futures:**

Delivery will be centred in and around delivery Hubs in Alum Rock, Ward End, South Birmingham, Kingstanding, Erdington, Handsworth, Aston, Newtown, Nechells, Ladywood, Lozells, Shard End, Edgbaston and Winson Green. In line with the project this provision will support those with multiple barriers to employment to bring forward a person-centred approach that our delivery model employs. A dedicated customer engagement officer will be employed, and they will generate referrals into the various Hubs. In addition to our traditional delivery Hubs we have a pan Birmingham virtual job club offer to ensure a seamless offer to our customers regardless of the level of restrictions imposed due to the ongoing Covid-19 pandemic. There are 5 key phases included within the provision which
APPENDIX A

include:

- Talent Scouting: Community engagement activity designed to identify suitable individuals who will benefit for the provision.
- Training Camp: Candidates access a range of interventions delivered from the local Hubs, designed to bring them closer to the employment market. These interventions include 1-2-1 information, advice and guidance and support, access to accredited and non-accredited training via the online platform or face to face, designed to improve basic skills, confidence, well-being and job entry skills.
- Performance Enhancement: Vocational training and qualifications designed to enable access to specific employment sectors. This will be either delivered by Clarion Futures or customers will be signposted to relevant training provision. In many instances this will linked to live employment opportunities.
- Going Gold: At this point customers have accessed employment and will have access to a range of ready2work interventions. These include personalised Better Off in Work Calculations and Clarion Futures ready2work grants fund (which support customers to purchase essential items ready to start employment).
- Staying Gold: This element is the in-work support which is designed to reflect the customers changing needs when in employment, which includes continued support from a Clarion Futures Employment Support Officer, continued access to the online learning platform as well as updates on career opportunities.

Sandwell & West Birmingham Hospitals NHS Trust:
The SWBH Pathway to Employment provision is based on the principles of WoW and will be based at City Hospital supported by SWBH’s Your Trust Charity. Participants will be supported into a range of roles across the Trust and with supply chain and partner organisations, supporting the delivery of the NHS.

The provision will engage with individuals who are already volunteers involved in hospital delivery and meet the eligibility criteria; attract new registrations and work with other referral agencies across the project to engage, support and train participants to come forward to vacancies within the Trust.

The provision will include an 8-week employability programme with beneficiaries required to complete 16 hours per week as a comprehensive wraparound induction process supplemented by workbased learning modules, placement opportunities and mentoring support. The programme will be delivered as follows:

**Week 1 - 2 Recruitment & Pre-Covid-19 Screening Checks**
- Pre-course Covid-19 Risk Assessments with applicants
- Interviews and initial course sign-up
- Undertaking of DBS Checks
- Eligibility checks (Meeting WoW Criteria)
- Completion and upload of WoW application forms on Better Impact database

**Week 3 Induction and Skills Assessments**
- 'Code of Conduct' - What as a Trust we would expect from you?
- Mandatory Training – (Health and Social Wellbeing specific),
- Project Staff/ Volunteer Etiquette - What is good to say or not say?
- Placements Options
  - What’s potentially on offer - Job Roles & Profiles?
  - Timesheets and keeping of Personal Learning Logs?
- Information, Advice & Guidance (inc. anti-poverty welfare benefit assessments),
- Functional Skills Assessment (stage 1 – paper based)
- Financial & Social Welfare – ‘Reimbursements & Uniforms’ to support the candidate.

**Week 4 - 5 Coaching, Mentoring and Work Experience Placements**
- What you can expect from us – this will include group-based team discussions and coffee mornings, bite sized training sessions, job coaching, CV writing, leadership and outward bound & team building activities/events.
- Mentoring & Supervision – matching of mentees and building of the Mentee/ Mentor Relationship.
- Case studies:
  - Presentations from hospital administrators and non-clinical staff;
  - Presentations from hospital clinicians, health care practitioners, physiotherapists et al on specific
APPENDIX A

| Access roles and needs i.e. care and support dealing with cardiovascular disease, pain management, visual impairment & sight loss, |
| o overview from placement hosts on work-based experience options |
| Work experience placements commences - (weeks 4, 5 and 6) |

**Week 6 ‘Developing Your Profile and Your Portfolio’**
- Interview Skills, Recruitment & Selection and CV writing
- Functional Skills Assessments – (stage 2 - Use of IT and Online tools)
- Certification – ‘Celebrating Attendance & Achievement’

**Week 7 - 8 ‘Follow up Support & Guidance with Applications / Training / Providing References’**
- Providing continuous support where beneficiaries are applying for jobs
- Providing provisions for completing training

‘Exit Interviews’
- Completing an exit interview with outcomes for WoW

The overall project will work closely with JCP, NCS and other community-based organisations as part of the attraction campaign, promoting the project and providing referrals into the various provision.

The project will engage with employers to support the development and delivery of a pre-employment training that will embed work-place behaviours, ethics and values as well as an overview of the specific industry/job role. This will be delivered in response to employer requirements, clearly linked to vacancies and work experience opportunities that will be developed with employers’ input and delivered in a flexible and innovative way to engage and sustain the relevant target groups.

The project will work closely with voluntary and third sector providers to establish referral points and to reach out to target beneficiaries, providing additional support and guidance for those furthest away from the labour market and engage them in early conversations to look at their particular barriers and skills gaps that may stop them from moving closer to the world of work.

**D2. Procurement implications and Contract Strategy:**

*What is the proposed procurement contract strategy and route? Which Framework, or OJEU? This should generally discharge the requirement to approve a Contract Strategy (with a recommendation in the report).*

There is no planned procurement activity within the project.

**D3. Staffing and TUPE implications:**

Current staff will be retained on project.
**E. FINANCIAL CASE**

*This sets out the cost and affordability of the project*

### E1. Financial implications and funding

<table>
<thead>
<tr>
<th>Financial Year:</th>
<th>20xx/yy £000</th>
<th>20xx/yy £000</th>
<th>20xx/yy £000</th>
<th>later £000</th>
<th>Total £000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital code:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CAPITAL EXPENDITURE**

Capital costs already incurred 0.0

Other costs to complete:
- Fees 0.0
- Land acquisition 0.0
- Works 0.0
- [please itemise other costs] 0.0

Contingencies 0.0

**Total capital expenditure** 0.0 0.0 0.0 0.0 0.0

**CAPITAL FUNDING:**

Development costs funded by: [please itemise] 0.0 0.0

Other costs funded by: [please itemise] 0.0 0.0 0.0

**Total capital funding** *must fund all the costs* 0.0 0.0 0.0 0.0 0.0
### APPENDIX A

<table>
<thead>
<tr>
<th>Financial Year:</th>
<th>2020/21</th>
<th>2021/22</th>
<th>2022/23</th>
<th>later Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>YEAR 1 Nov 20 - Mar 21</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
</tr>
<tr>
<td>YEAR 2 April 21 - Mar 22</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
</tr>
<tr>
<td>YEAR 3 April 22 - Mar 23</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
</tr>
<tr>
<td>YEAR 4 April 23 - Oct 23</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
</tr>
</tbody>
</table>

**Revenue code:** TA-01971-01-1

#### REVENUE CONSEQUENCES

**Operating period expenditure:**

<table>
<thead>
<tr>
<th></th>
<th>Salary Costs</th>
<th>Other Direct Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>BCC</td>
<td>143,413.0</td>
<td>110,349.0</td>
</tr>
<tr>
<td>SMBC</td>
<td>19,703.0</td>
<td>291,241.0</td>
</tr>
<tr>
<td>SWBNHS</td>
<td>54,870.5</td>
<td>305,638.0</td>
</tr>
<tr>
<td>Clarion</td>
<td>57,885.7</td>
<td>85,999.2</td>
</tr>
</tbody>
</table>

**Net revenue consequences:**

<table>
<thead>
<tr>
<th></th>
<th>£000</th>
</tr>
</thead>
<tbody>
<tr>
<td>BCC</td>
<td>386,221.2</td>
</tr>
<tr>
<td>SMBC</td>
<td>1,019,343.6</td>
</tr>
<tr>
<td>SWBNHS</td>
<td>1,069,735.5</td>
</tr>
<tr>
<td>Clarion</td>
<td>650,662.7</td>
</tr>
<tr>
<td>Total</td>
<td>3,125,963.0</td>
</tr>
</tbody>
</table>

#### REVENUE FUNDING:

<table>
<thead>
<tr>
<th></th>
<th>£000</th>
</tr>
</thead>
<tbody>
<tr>
<td>ESF</td>
<td>193,110.6</td>
</tr>
<tr>
<td>BCC Service Reserves</td>
<td>112,488.6</td>
</tr>
<tr>
<td>SWBNHS</td>
<td>40,102.0</td>
</tr>
<tr>
<td>Clarion Futures</td>
<td>40,520.0</td>
</tr>
</tbody>
</table>

**Total revenue funding:**

<table>
<thead>
<tr>
<th></th>
<th>£000</th>
</tr>
</thead>
<tbody>
<tr>
<td>BCC</td>
<td>386,221.2</td>
</tr>
<tr>
<td>SMBC</td>
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</tr>
<tr>
<td>SWBNHS</td>
<td>1,069,735.5</td>
</tr>
<tr>
<td>Clarion</td>
<td>650,662.8</td>
</tr>
<tr>
<td>Total</td>
<td>3,125,963.0</td>
</tr>
</tbody>
</table>

#### E2. Evaluation and comment on financial implications:

Note: The financial figures in the above table are forecast figures and may be subject to change.

*Includes salary costs for 1 member of staff employed by SMBC on behalf of BCC.

Financial implications have been measured using experience of the programme to date and a granular, line by line build-up of the budget to ensure comprehensive cost identification.

#### E3. Approach to optimism bias and provision of contingency

Delivery has been based on past experience and has been tested against that. Contingency is built around flexibility of staffing to switch between priorities if necessary.

#### E4. Taxation

*Describe any tax implications and how they will be managed, including VAT*

It is not envisaged that there will be any tax implications. The Council will use its standard procedures to
identify any VAT supply, as a public body, as well as its usual governance for ensuring tax compliance.

**F. PROJECT MANAGEMENT CASE**

*This considers how project delivery plans are robust and realistic*

<table>
<thead>
<tr>
<th>F1. Key Project Milestones</th>
<th>Planned Delivery Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project application submission and approval successful</td>
<td>28/11/19 – 29/02/21</td>
</tr>
<tr>
<td>Start date (date from which eligible expenditure will be incurred)</td>
<td>01/11/20 – 31/10/23</td>
</tr>
<tr>
<td>SLA’s agreed with delivery partners</td>
<td>01/11/20 – 31/12/20</td>
</tr>
<tr>
<td>Project delivery teams in place and fully briefed on all project requirements – (also accounting for any new recruits)</td>
<td>01/11/20 – 31/01/21</td>
</tr>
<tr>
<td>Referral mechanism between JCP, NCS and delivery partners provision in place</td>
<td>01/11/20 – 31/03/21</td>
</tr>
<tr>
<td>Promotions and marketing strategy implemented</td>
<td>01/01/21 – 31/07/23</td>
</tr>
<tr>
<td>Review project outputs, results and outcomes (performance review type meetings in place)</td>
<td>01/02/21 – 31/10/23</td>
</tr>
<tr>
<td>Project Steering Group established</td>
<td>31/01/20 – 31/10/23</td>
</tr>
<tr>
<td>Project engagement activity ceases for new referrals</td>
<td>31/07/23 – 31/10/23</td>
</tr>
<tr>
<td>Financial completion date (date by which eligible costs will have been defrayed (European Social Fund – contractual completion date)</td>
<td>31/10/23</td>
</tr>
<tr>
<td>Activity end date (date by which all the activities described in the funding agreement will be completed)</td>
<td>31/10/23</td>
</tr>
<tr>
<td>Project closure report or evaluation (DWP)</td>
<td>31/10/23</td>
</tr>
</tbody>
</table>

**F2. Achievability**

*Describe how the project can be delivered given the organisational skills and capacity available*

This project has been developed based on activity and output evidence gained by the Employment Service (specifically through the Employment Access Team). Building on successful models of delivery developed through previous programmes including: Flexible Support Fund (Project 20,000); CITB Joint Investment Strategy Construction Project; redevelopment of New Street Station and Grand Central Birmingham. Models featured engagement and referral stages to identify eligible participants through to building programmes into delivery platforms, for example, JCP Group Information Sessions and Work Coaches, and NCS opportunities database and Advisors which then generated referrals directly into the programme targeting specific under-represented groups.

The programme team will work closely with JCP, NCS and other community-based organisations as part of the attraction campaign, promoting the project and providing referrals into the provision.

The outline application submitted to DWP on 28 November 2019 received approval to progress to full application.

BCC has extensive experience of managing European projects and resources. In addition to the successful current running of ERDF, ESF ITM TA and YEI projects, BCC has vast experience of being a Co-Financing organisation and managing a complex network of delivery partners. BCC has experience of assisting project
APPENDIX A

partners and coordinating them to ensure that they are able to learn from the delivery, capacity building, compliance, eligibility, feasibility work that BCC will undertake.

Solihull MBC have extensive experience of managing and delivering European projects and resources including on the current YEI project and are current delivery partner/contractor on the Solihull & Youth Promise Plus project, therefore, have a good understanding and in-depth knowledge of EU funded projects.

All partners have been trained on project systems and monitoring frameworks to ensure all relevant staff are aware of expectations and audit requirements. Written guidance has been produced to back up this training.

A dedicated project manager and team within BCC’s Employment Team (see Appendix D for Project Organogram) will be responsible for day to day management and effective delivery of the project, across all delivery partners, overseeing compliance, delivery of outcomes, financial monitoring, internal audit, data returns/claims and quality assurance. Upon notification of project funding a full risk assessment will be produced and appropriate mitigations put in place and monitored.

The project delivery requirements will be built around the ESF eligibility rules and regulations with robust IT and monitoring systems put in place to monitor eligibility of beneficiaries and activity delivered as part of the project. Programme guidance will be available and shared with delivery partners to communicate compliance and eligibility.

An internal audit schedule will be implemented to review compliance and raise potential issues early on in delivery.

Input into systems and processes will be sought internally through European Team, finance, audit and legal services from the outset ensure compliance to regulations and procedures.

The project team will also ensure it is maintaining compliance with eligibility rules during project delivery by using management control mechanisms, including:

- Regular management meetings for project
- Risk register
- Regular review meetings with delivery partners to ensure compliance with SLA, including paperwork checks
- Claim submission, defrayal, verification of evidence and reimbursement of delivery costs
- Quarterly progress report for steering group
- End of project evaluation
- Support from BCC expert advisors and GBSLEP Technical Assistance team – for specific compliance procedures (procurement, state aid, financial defrayal evidence, document retention etc).

F3. Dependencies on other projects or activities

Achievement of above milestones is dependent upon the approval of funding and the receipt of an offer letter from DWP.

The milestones for the delivery of the project have been set out detailing the main tasks and activities to successfully deliver stated outcomes. The milestones in many instances are interlinked and dependent on successful delivery to progress in a timely manner.

For the timescales to be met as set out in the project proposal, we have moved forward with the Continuation Project in lieu of DWP Funding approval with effect from 1 November 2020 so as not to delay mobilisation and therefore continue to deliver with resources in place from the previous project (ended 31/10/20). This period of activity will be covered by Service Reserves which will then be replaced once the funding decision is received. Working in this way will mean less risk to delivery programme and meeting project milestones throughout the 3 year project.

The majority of posts across all delivery partners are existing employees working on the current ESF Progression Pathways project (ending 31 October 2020). It is the intention to have a smooth transition to the new World of Work project if it is approved.

Many of the relationships with training providers, employment support organisations, WMCA, NCS, and DWP and JCP as well as employers have been established and referral pathways have been effectively developed during previous projects and the current delivery - the intention will be to continue these relationships into the new project.

We will continue to work with the WMCA in accessing Adult Education Budget support for training
linked to job growth, sectors of churn and replacement demand.

F4. Officer support
Project Manager: Kam Hundal
Project Accountant:
Project Sponsor:

F5. Project Management
Describe how the project will be managed, including the responsible Project Board and who its members are

BCC will be the lead partner directing and coordinating all aspects of delivery. BCC will also be the Accountable Body and manage the overall delivery of the project. A Project Steering Group will be established including representation from BCC (Accountable Body) and delivery partners Sandwell & West Birmingham Hospitals NHS Trust, Clarion Futures and Solihull MBC, which will meet on an agreed basis to oversee delivery, quality and consistency of provision.

Where it is felt appropriate and beneficial, aligned partners, such as National Careers Service (NCS), Jobcentre Plus, FE training providers and sector representatives will also be invited to attend.

BCC has extensive experience of managing European projects and resources. In addition to the successful current running of ERDF, ESF ITM TA and YEI projects, BCC has vast experience of being a Co-Financing organisation and managing a complex network of delivery partners.

BCC has experience of assisting project partners and coordinating them to ensure that they are able to learn from the delivery, capacity building, compliance, eligibility, feasibility work that BCC will undertake.

All partners are trained on project systems and monitoring frameworks to ensure all relevant staff are aware of expectations and audit requirements. Written guidance has been produced and is in place to back up this training.

A dedicated project manager and team within BCC’s Skills & Employability Service’s Employment Access Team will be responsible for day to day management and effective delivery of the project, across all delivery partners, overseeing compliance, delivery of outcomes, financial monitoring, internal audit, data returns/claims and quality assurance.

The project has in place a full risk assessment with the appropriate mitigations in place and monitored regularly at Steering Group meetings.

Clarion Futures and Solihull MBC have extensive experience of managing and delivering European projects and resources including on current projects such as World of Work 1 and Solihull MBC are also a current delivery partner/contractor on the Solihull & Youth Promise Plus project, as well as other ESF funded provision and therefore, have a good understanding and in-depth knowledge of EU funded projects.
### G. SUPPORTING INFORMATION
*(Please adapt or replace the formats as appropriate to the project)*

<table>
<thead>
<tr>
<th>G1. PROJECT PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Detailed Project Plan supporting the key milestones in section F1 above</em></td>
</tr>
</tbody>
</table>

See above detailed F1, F2 and F5 which gives an overview of the project delivery plan and how the project will be managed.
### G2. SUMMARY OF RISKS AND ISSUES REGISTER

**Risks should include Optimism Bias, and risks during the development to FBC**

**Grading of severity and likelihood: High – Significant – Medium – Low**

<table>
<thead>
<tr>
<th>Risk or issue</th>
<th>mitigation</th>
<th>Risk after mitigation:</th>
</tr>
</thead>
</table>
| 1. Revenue cost control assurance                       | 1) Programme based on previous good practice and proven track record built up over the last 10 years.  
                                              | 2) A very tight control is kept on spend, which has to be based on pre project start submission to DWP. DWP tightly monitors BCC for any overspend beyond agreed budgets. All revenue costs are mostly based on salaries, which are set from the start of the project for all partners involved. | Low  Low               |
| 2. Resource constraints re time limited funding         | 1) Programme based on previous good practice and proven track record built up over the last 10 years: We know what resource is required in order to deliver this type of project and have built in the appropriate resource within the business model.  
                                              | 2) There is always the risk that someone may leave the project for a different job or any other reason. They can be replaced but the speed at which they can be replaced would depend on the recruitment process/timeline and then they would need to be trained. We would of course look to recruit someone from the industry with relevant background and experience in order to hit the ground running.  
                                              | 3) To further mitigate any losses of people, knowledge and skills sharing will be encouraged across the team, so that the remaining team can cope with any short term absence of someone. | Medium Low             |
| 3. Service disruption including any Health & Safety/public access issues, and arrangements for alternative service provision if necessary | 1) At the point of writing this we are already going through one of the biggest public health & safety disruption of all time in terms of scale, (the COVID pandemic), and we have shown resilience in delivering throughout on a similar project.  
                                              | 2) The team would work remotely, and provision will continue to be delivered via online, email, telephone. Technology will be fully utilised to serve as tools allowing business continuity. | Medium Low             |
| 4. How partner delivery risks will be mitigated         | 1) Through contract management meetings by BCC officers on an ongoing basis. Any underperformance is likely to be picked up in good time and the two parties will work together to work up a corrective strategy, which could include for example, targeted marketing to upturn low performing areas.  
<pre><code>                                          | 2) Our choice of delivery partners have experience of good delivery in similar projects. | Medium Medium          |
</code></pre>
<p>| 5. Lack of demand – difficulty accessing and engaging  | 1) Marketing Strategy has been drafted which includes networking and social media activity | Medium Low             |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>APPENDIX A</strong></td>
<td>eligible participants</td>
<td>to ensure that we attain full penetration and reach of eligible customer base. Using the Employment Access Team brand and reputation we have built up confidence in the local area of our experience in matching local unemployed residents to work experience, training opportunities, jobs and apprenticeships.</td>
</tr>
<tr>
<td></td>
<td>2) Aligned strategic partnerships that include JCP and NCS who will refer eligible candidates to opportunities that we bring forward through our employer engagement activity.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3) Engagement of third sector and voluntary and community groups to engage target groups and refer into project.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4) Delivery partner engagement outputs will be regularly monitored and any under-performance issues raised and actions to remedy put in place.</td>
<td></td>
</tr>
<tr>
<td><strong>6. Over demand – too many eligible participants, or too many participants in specific target groups</strong></td>
<td>1) Regular review of engagement activity to assess demand and review of engagement activity to ensure all eligible target groups are engaging and prioritised within project.</td>
<td>Low</td>
</tr>
<tr>
<td></td>
<td>2) Look at further opportunities available to engage with specific groups where gaps identified.</td>
<td>Low</td>
</tr>
<tr>
<td></td>
<td>3) Look at other 1.1 providers to assess whether their provision may be better suited to the needs of the individual.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4) Refer to alternative provision in timely manner if required.</td>
<td></td>
</tr>
<tr>
<td><strong>7. Difficulty progressing participants into employment</strong></td>
<td>1) Programme based on previous good practice and proven track record built up over the last 10 years.</td>
<td>Medium</td>
</tr>
<tr>
<td></td>
<td>2) The delivery model for the project is based on one to one support, bespoke interventions with a person-centred approach and access to work experience and basic skills provision where needed will be prioritised as part of the journey towards the world of work.</td>
<td>Low</td>
</tr>
<tr>
<td></td>
<td>3) Effective matching to opportunities and maximising levers and enablers as a local authority to make best use of employer engagement links will ensure we have a wide pool of sectors, job roles and supportive employers to ease an individual with barriers into a work experience or job.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4) Influencing training providers and funding bodies to ensure that training provision has additional support mechanisms built in for those that required it.</td>
<td></td>
</tr>
<tr>
<td><strong>8. Difficulty linking with employers</strong></td>
<td>1) Lead partner has links via planning powers and procurement purchasing powers to enable us to capture a commitment to work experience, jobs and apprenticeships.</td>
<td>High</td>
</tr>
<tr>
<td></td>
<td>2) The project will work with delivery partners who have existing employer links within a</td>
<td>Low</td>
</tr>
</tbody>
</table>
range of sectors.
3) Working closely with DWP we have access to their local account managed employers across a range of sectors and roles.
4) Link with sector representatives already engaged with employers in growth sectors.
5) The Project Team are employer facing and have extensive experience of working with employers, building relationships and gaining commitment to our priority cohorts. This provides an opportunity to also gain repeat business as the employer can expect a quality service to meet their needs.
6) Links with GBSLEP Growth Hub and other business engagement programmes to raise awareness of the WoW project and develop relationships leading to job captures.
7) Working closely with lead organisations and principal contractors maximise the opportunities through major projects. The project manager is a member of several jobs and skills steering groups including the Perry Barr Residential Scheme, Peddimore and Smithfield developments.
8) The project manager is also the champion for the Local Employment theme for the Birmingham Business Charter for Social Responsibility and its associated action plan.

<table>
<thead>
<tr>
<th>9. Delay in confirmation of funding</th>
<th>1) As per guidance from DWP we are anticipating a 90 day turnaround in appraisal and approval subject to provision of appropriate information.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2) Processes and structures in place to assist with retrospection.</td>
</tr>
<tr>
<td></td>
<td>3) Delivery partners are able to commence some activity at risk.</td>
</tr>
<tr>
<td></td>
<td>High</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10. Associated match funding not available</th>
<th>1) Match funding confirmation is available from BCC as the lead applicant and match funding letters have also been provided from all delivery partners.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High</td>
</tr>
</tbody>
</table>
**G3. EXTERNAL FUNDING AND OTHER FINANCIAL DETAILS**  
*Description of external funding arrangements and conditions, and other financial details supporting the financial implications in section E1 above (if appropriate)*

European Structural and Investment Funds (ESIF) are administered by managing authorities, the Department for Communities & Local Government and the DWP, who released a call on 05/09/2019 for applications to deliver employment support and employability skills provision.
## G4. STAKEHOLDER ANALYSIS

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Stake in Project</th>
<th>Potential Impact on Project</th>
<th>What does the Project expect from Stakeholder</th>
<th>Perceived attitudes and/or risks</th>
<th>Stakeholder management strategy</th>
<th>Responsibility</th>
<th>Stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinet Member</td>
<td>Councillor Jayne Francis, Cabinet Member for Education, Skills and Culture</td>
<td>High</td>
<td>Political support for project.</td>
<td>Supportive</td>
<td>Ongoing involvement through consultation</td>
<td>Portfolio holder</td>
<td>Cabinet Member</td>
</tr>
<tr>
<td></td>
<td>Councillor Kath Scott – Education and Children’s Social Care</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Councillor Albert Bore – Finance and Resources</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Clarion Futures</td>
<td>Contribution to project monitoring and implementation</td>
<td>High</td>
<td>Responsible for leading engagement and delivery centred in and around delivery Hubs in Alum Rock, Ward End, South Birmingham, Kingstanding, Erdington, Handsworth, Aston, Newtown, Nechells, Ladywood, Lozells, Shard End, Edgbaston and Winson Green. Contribution to project delivery framework and ownership of outputs and results proportionally.</td>
<td>Ownership and responsibility of key deliverables within project.</td>
<td>Ongoing involvement through Project Board.</td>
<td>Delivery Partner</td>
<td>Clarion Futures</td>
</tr>
<tr>
<td>Sandwell &amp; West Birmingham Hospitals NHS Trust</td>
<td>Contribution to project monitoring and implementation</td>
<td>High</td>
<td>Responsible for the provision of the SWBH Pathway to Employment and will be based at City Hospital. Contribution to project delivery framework and ownership of outputs and results proportionally.</td>
<td>Ownership and responsibility of key deliverables within project.</td>
<td>Ongoing involvement through Project Board.</td>
<td>Delivery Partner</td>
<td>Sandwell &amp; West Birmingham Hospitals NHS Trust</td>
</tr>
<tr>
<td>Stakeholder</td>
<td>Stake in Project</td>
<td>Impact on Project</td>
<td>What does the Project expect from Stakeholder</td>
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</tr>
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</tr>
<tr>
<td>Solihull Metropolitan Borough Council</td>
<td>Employ Employer Engagement Officer (EEO)</td>
<td>High</td>
<td>Responsible for employing an EEO who will be located within the Employment Access Team (EAT) to support the direct delivery of the project</td>
<td>Ownership and responsibility of employment of EEO</td>
<td>Ongoing involvement through Project Board.</td>
<td>Delivery Partner</td>
<td>Solihull Metropolitan Borough Council</td>
</tr>
<tr>
<td>DWP (National)</td>
<td>Head contract holder and funder on behalf of EU Commission</td>
<td>High</td>
<td>Funding, monitoring and audit framework.</td>
<td>Awaiting DWP formal approval on full application.</td>
<td>Establish regular dialogue around contract management and compliance.</td>
<td>Funder</td>
<td>DWP (National)</td>
</tr>
<tr>
<td>DWP (District) and Jobcentre Plus</td>
<td>Key strategic partner in delivering interventions focussed on the Claimant Register</td>
<td>High</td>
<td>Active support and referral route into the project.</td>
<td>Supportive and proactive relationship.</td>
<td>Continue regular dialogue as the project progresses to ensure connectivity to project deliverables.</td>
<td>Referral partner</td>
<td>DWP (District) and Jobcentre Plus</td>
</tr>
<tr>
<td>National Careers Service (local)</td>
<td>Local National Careers Service contract delivered through Prospects</td>
<td>Medium</td>
<td>Marketing of available pathways through their existing mechanisms and advisor network to generate referrals onto the project.</td>
<td>Supportive and proactive relationship.</td>
<td>Continue regular dialogue as the project progresses to ensure connectivity to project deliverables.</td>
<td>Referral partner</td>
<td>National Careers Service (local)</td>
</tr>
<tr>
<td>FE Providers</td>
<td>Project link to funded training provision</td>
<td>Medium</td>
<td>Expertise and knowledge in implementation phase and direct input into delivery from the Birmingham Metropolitan College, South &amp; City College Birmingham and Solihull College.</td>
<td>Supportive and proactive relationship.</td>
<td>Continue regular dialogue as the project progresses to ensure connectivity to project deliverables.</td>
<td>Training Provision</td>
<td>FE Providers</td>
</tr>
<tr>
<td>Birmingham &amp; Solihull Youth Promise Plus (YEI) Project Board</td>
<td>Youth Promise Plus Project has been developed and will support the project through ESF monitoring and process management systems set up as part of its delivery</td>
<td>Low</td>
<td>Expertise and knowledge to inform development of project delivery plan and required monitoring systems and processes to evidence in accordance with ESF requirements.</td>
<td>Supportive</td>
<td>To inform the setting up of the project’s ongoing governance structure involving.</td>
<td>Project support</td>
<td>Birmingham &amp; Solihull Youth Promise Plus (YEI) Project Board</td>
</tr>
<tr>
<td>Stakeholder</td>
<td>Stake in Project</td>
<td>Potential Impact on Project</td>
<td>What does the Project expect from Stakeholder</td>
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<td>-------------</td>
</tr>
<tr>
<td>Greater Birmingham and Solihull Local Enterprise Partnership</td>
<td>Strategic ownership of project</td>
<td>High</td>
<td>Regular briefing and directional steer</td>
<td>Supportive.</td>
<td>Through reporting line to Birmingham and Solihull LEP Employment &amp; Skills Boards Strategy team.</td>
<td>Project Sponsor</td>
<td>Greater Birmingham and Solihull Local Enterprise Partnership</td>
</tr>
</tbody>
</table>

and Solihull. Due to end delivery in July however awaiting DWP response to request for extension.

Current YPP Project Board consists of representation from the following:

- Birmingham City Council
  (Employment & Skills, Housing infrastructure, Birmingham Careers and Youth Services)
- Solihull MBC
- The Prince’s Trust
- University Hospital UHB
- The Best Network
- BVSC
- Centro
- Police Commissioner’s Office
- West Midlands Learning Provider Network
- Birmingham & Solihull FE Consortium
- People Plus
- Ahead Partnership (CSR City)
- St Basil’s
- DWP Birmingham & Solihull District Office
<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Stake in Project</th>
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<th>Stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birmingham and Solihull Business community</td>
<td>Employers providing job opportunities and work experience placements for Young People</td>
<td>Medium</td>
<td>Direct links to recruitment and vacancies. Feedback on Employer perceptions and needs to inform service delivery</td>
<td>Delivery partners already have significant relationships established with key employers around recruitment</td>
<td>Continuation and deepening of existing employer relationships through Prince’s Trust, UHB, Birmingham City Council and Solihull MBC. Development of strategic relationships with employer representative bodies such as Chambers of Commerce.</td>
<td>Direct Employers and representatives of Employer perceptions and needs</td>
<td>Birmingham and Solihull Business community</td>
</tr>
</tbody>
</table>
### Other Attachments

*provide as appropriate*

- 
- 
- 

FBC template 2019 02 20
PROJECT DESCRIPTION

The project (WoW) will (under new COVID-safe ways), continue to engage with unemployed and inactive residents and work in conjunction with DWP/JCP, National Careers Service (NCS) and community and voluntary sector partners, targeting those with no/low basic skills, BME groups, women, lone parents, people with disabilities and health conditions and targeting areas of high unemployment.

There is currently a greater need than ever amongst the COVID pandemic to offer as much support as possible to people who are and will become unemployed and to help guide some of to retrain and enter alternative sectors.

The project will work in partnership with employers and sector representatives, DWP and the West Midlands Combined Authority (WMCA), to ensure that customised pre-employment training pathways are developed linked to job opportunities and the GBSLEP defined growth sectors.

Aligning the project with the delivery of funded training provision through the WMCA will enable us to bring forward individuals onto a structured training pathway with additional one to one support, basic skills provision and sector specific skills experience and knowledge. This will enable participants to gain the maximum benefit from training and work experience opportunities with a view to moving closer to the world of work and sustainable employment.

Specific activities

The World of Work Continuation project (WoW), will continue to promote and inspire people to take part in training and undertake relevant and quality work experience. This will enable individuals to access person-centred and industry led upskilling programmes in local community-based venues delivered via the Further Education (FE) providers under new COVID-safe ways, including online provision.

The following key elements and stages will feature as part of our delivery model:

- Attraction and outreach activities
- Initial information, advice provision appropriate to the needs of the client group
- Engagement, including registration
- Gateway assessment to access appropriate employability training and pathways
- Sector based employer-led industry awareness events, focused on growth sectors
- Pre-employment training delivered by FE colleges, private sector training providers and WMCA directly commissioned training
- DWP’s sector-based work academy programmes (SWAP)
- Work trials, work experience, job search and job shops, volunteering
- Access to traineeships
- Access to apprenticeships
- Job matching support
WoW has been informed by our knowledge, experience and evidence of what works to deliver inclusive employment growth and widen participation. The following design features will be used as a basis for moving participants into training, apprenticeships, work experience and jobs:

- A clear line of sight for learners to learning and work-related opportunities, so that they understand and can aspire to job roles available to them.

- Appropriate outreach, promotion and engagement in communities and for priority groups such as, lone parents, BME, women and those aged 50 and over.

- Partnership co-ordination with access to existing funding that can be aligned and be complementarity to bringing forward industry relevant training including, IT and digital skills, construction related qualifications and health & social care; connecting with but not limited to WMCA’s Gateway Programmes for key growth sectors including, Construction, Engineering Automotive, Digital and Health & Social Care. We will also work with Birmingham Adult Education Service (BAES), FE providers such as Birmingham Metropolitan College, South and City College Birmingham and Solihull College, AEB providers and private training providers.

- A holistic approach to meet the needs of the individual, including for those with lack of basic skills, childcare and cultural issues, lack of confidence, knowledge of labour market and opportunities, and interview & CV writing skills.

- Employer involvement at pre-employment stage through employers including, HS2 Ltd and their supply chain contractors BBV-JV and LMJV, construction sector companies such as Lendlease, Willmott Dixon, SISK, Galliford Try, McLaren, Seddon, Vinci and other employers engaged as part of the project delivery. Using employers input we will influence the content of provision delivered via the WMCA.

- Using our employer contacts, we can shape the delivery of the provision to ensure candidates are prepared with the right level of skills required to hit the ground running in their chosen sector and specialism.
• We will establish a bank of taster sessions as part of the training, as well as provision of work experience and job opportunities at the end of the training programme.

• Peer support and good news stories from participants with a positive outcome will be used to inspire and motivate new participants, to engage in training pathways and identify career pathways that may not have previously been considered.

• Industry role models identified through employers to promote sectors and career pathways, inspire and motivate participants through engagement and training phase.

Duration of participation will be determined, assessed and monitored using an individual’s current circumstances and knowledge and skill levels as the baseline. Those that are further along their journey towards the world of work may act as advocates in their own communities to promote entry opportunities and activities related to accessing jobs and training into growth sectors.

The project will be managed through Birmingham City Council (BCC)’s Skills & Employability Service and delivered in partnership with Solihull Metropolitan Borough Council (SMBC), Clarion Futures and Sandwell & West Birmingham Hospitals NHS Trust.

PROJECT GOVERNANCE & MANAGEMENT

BCC will be the lead partner directing and co-ordinating all aspects of delivery. BCC will also be the accountable body and manage the overall delivery of the project. A Project Steering Group will be established including representation from BCC (accountable body) and delivery partner Solihull MBC which will meet on an agreed basis to oversee delivery, quality and consistency of provision. Where it is felt appropriate and beneficial, aligned partners, such as National Careers Service (NCS), Jobcentre Plus, FE training providers and sector representatives will also be invited to attend.

BCC has extensive experience of managing European projects and resources. In addition to the successful current running of ERDF, ESF ITM TA and YEI projects, BCC has vast experience of being a Co-Financing organisation and managing a complex network of delivery partners. BCC has experience of assisting project partners and coordinating them to ensure that they are able to learn from the delivery, capacity building, compliance, eligibility, feasibility work that BCC will undertake.

All partners will be trained on project systems and monitoring frameworks to ensure all relevant staff are aware of expectations and audit requirements. Written guidance will be produced to back up this training.

A dedicated project manager and team within BCC’s Employment Team (see Appendix C for Project Organogram) will be responsible for day to day management and effective delivery of the project, across all delivery partners, overseeing compliance, delivery of outcomes, financial monitoring, internal audit, data returns/claims and quality assurance. Upon notification of project funding a full risk assessment will be produced and appropriate mitigations put in place and monitored.

Solihull MBC have extensive experience of managing and delivering European projects and resources including on the current YEI project and are current delivery partner/contractor on the Solihull & Youth Promise Plus project, therefore, have a good understanding and in depth knowledge of EU funded projects.

The project delivery requirements will be built around the ESF eligibility rules and regulations with robust IT and monitoring systems put in place to monitor eligibility of beneficiaries and
activity delivered as part of the project. Programme guidance will be available and shared with delivery partners to communicate compliance and eligibility.

An internal audit schedule will be implemented to review compliance and raise potential issues early on in delivery.

Input into systems and processes will be sought internally through European Team, finance, audit and legal services from the outset ensure compliance to regulations and procedures.

The project team will also ensure it is maintaining compliance with eligibility rules during project delivery by using management control mechanisms, including:

- Regular management meetings for project
- Risk register
- Regular review meetings with delivery partners to ensure compliance with SLA, including paperwork checks
- Claim submission, defrayal, verification of evidence and reimbursement of delivery costs
- Quarterly progress report for steering group
- End of project evaluation
- Support from BCC expert advisors and GBSLEP Technical Assistance team – for specific compliance procedures (procurement, state aid, financial defrayal evidence, document retention etc)
1.1 ESF WORLD OF WORK ORGANOGRAM

BIRMINGHAM CITY COUNCIL – Lead Partner and Accountable Body

EDUCATION & SKILLS DIRECTORATE - Employability & Skills Service

- 1.0 FTE Employment Manager
  Grade 6 (1 Post @ 100%) (ESS3r)

- 1.8 FTE Principal Employment Officer
  Grade 5 (1 Post @ 100%; 1 Post @ 80%) (ESS5r)

- 3.6 FTE Senior Employment Officer
  Grade 4 (3 Posts @ 100%; 1 Post @ 60%) (ESS6r)

- 0.5 FTE Senior Business Analyst
  Grade 5 (1 Post @ 50%) (ESS9r)

- 0.2 FTE Finance Support Officer
  Grade 4 (1 Post @ 20%) (ESS8r)

World of Work is supported and part funded by the European Social Fund
World of Work is supported and part funded by the European Social Fund
World of Work is supported and part funded by the European Social Fund
### Attraction/Outreach & Referral

Who will do this?
- BCC and all Delivery Partners
- Birmingham Adult Education Service (BAES)
- BCC Adults & Social Care
- Jobcentres / Department for Work and Pensions (DWP)
- Prince's Trust (age 25-30)
- Community based organisations, (including LESBs)
- Specialist community based orgs, (where gap identified)
- Self-referral

Signpost to other appropriate provision

- No
- Initial Checks: Eligible?
  - Yes
  - PET/Wex Required
  - Refer to BCC Project Team (Database Check)
  - Refer to next stage

1. Conduct secondary eligibility check
2. If eligible, complete Registration Form
3. Enter details onto corporate database
4. Collect all required eligibility evidence
5. Action Planning

- Refer to next stage

### Skills Assessment Gateway

Who will do this?

- Participants to be assessed for Skills Level before being referred to appropriate pathway, if agreeable.
- Assessment to include completing the Action Plan, CEIAG and check on sector and job interest.
- (Action Plan is a live document).

### Post Assessment Pathway

Who will do this?

- Job Ready
- Refer to next stage

### Exit—Outputs and Results Targets

- All training to be linked to the following GBSLEP defined growth sectors:
  - Advanced Manufacturing and Engineering
  - Creative Industries
  - Low Carbon & Environmental Technologies and Services
  - Transport and Logistics
  - Life Sciences
  - Digital and Technology
  - Business, Professional and Financial Services
  - Or where there is significant replacement demand, such as:
    - Construction and Infrastructure
    - Health and Social Care

### Implementation: Things to ensure across all agencies during delivery

- Co-ordination of Outreach and Referral activity
- Follow an agreed referral process
- Ensure timely assessments turnaround
- Childcare provision to be in-hand, (everyone informed about it)
- Support and outcome to be recorded on Insight CRM, (BCC specific)
- Access to share Apprenticeship/Jobex/Wex opportunities, via Cog
- Capturing good news stories
- Organizing celebration events
- Results recorded on CRM

### Key: Output Form, PET/Wex, Job Ready, Exit Form
- PET: Pre Employment Training
- Wex: Work experience
- TPs: Training Providers
- LESBs: Local Employment Skills Boards

### Documents Required by Stage

- Referral Form
- Registration Form
- Data Sheet (Participants details)

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**Appendix D**

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**Item 8**
Title of proposed EIA
World of Work Continuation Project (WoW2)

Reference No
EQUA604

EA is in support of
New Service

Review Frequency
Two Years

Date of first review
01/12/2023

Directorate
Education and Skills

Division
Skills & Employability

Service Area
Employment Access Team

Responsible Officer(s)
Kam Hundal

Quality Control Officer(s)
Hilary Mills

Accountable Officer(s)
Ilgun Yusuf

Purpose of proposal
To conduct an equality impact assessment of the WoW2 project proposal

Data sources
Consultation Results; relevant reports/strategies; Statistical Database (please specify); relevant research

Please include any other sources of data
Since the project proposal was set out in a report outlining ESF funding opportunities on 29 October 2019 the Cabinet Member for Education, Skills and Culture has been briefed on the development of the project proposal and fully supports the submission. Officers in Legal and Governance, Procurement and City Finance continue to be involved and have input to the preparation of this report. Lead Officers from Education & Skills Directorate including Birmingham Adult Education Service, 14-19 Participation & Skills Service, Careers Service, and Youth Service have also been involved in the development of the project and have agreed proposed delivery model. The project has been developed with input and support from DWP/JCP, the National Careers Service, Solihull Metropolitan Borough Council (MBC) and project delivery partners Clarion Futures and Sandwell & West Birmingham Hospitals NHS Trust. Dialogue has also taken place...
with University Hospital
Birmingham, Birmingham Metropolitan
College and South and City College
Birmingham, the Construction Industry
Training Board in the development of
the project. The proposal has further
discussed with the Local Birmingham
Employment and Skills Boards which
are made up of voluntary groups,
employers, training providers and
private sector representatives.

ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS

Protected characteristic: Age

Age details:

The policy aims to improve the
employability of long term
unemployed residents aged 25 years
and over particularly those facing
particular disadvantage from the
labour market to and will engage those
residents with no/low basic skills. The
policy will promote activities within
communities and lead to sustainable
employment for some of the most
disadvantaged individuals. There will
be a sharing of work/knowledge and
skills between different age groups and
the potential for mentoring.

The policy does not disadvantage
people (25+ years) who are not eligible
for support through the project, as
they will be signposted to alternative
support to access work, training or
education and other support needs.

Protected characteristic: Disability

Disability details:

There are particular groups who have
disproportionately high levels of
unemployment. Those with a disability
have a much higher rate of
unemployment than for the non-
disabled. The employment rate for
disabled residents is 22.7 percentage
points lower than for non-disabled residents. The disabled unemployment rate in Birmingham (13.8%) is also well above the corresponding rate for the UK (6.9%). The source for this date is the Office for National Statistics Q2 2020.

The project proposal includes specifically targeted support for people with significant barriers to employment, including those who experience Mental Ill Health and Learning Disabilities. These people will be supported by specialist workers offering a holistic and tailored service to meet their needs. The employment strand of the project will seek to improve the employment opportunities available to these individuals.

Protected characteristic: Sex
Not Applicable
Gender details:
There should be no negative impact on individuals as the proposed revised Proposal gives equal access to all regardless of gender.

Protected characteristics: Gender Reassignment
Not Applicable
Gender reassignment details:
All assessment planning and outcomes related to the implementation of the proposal are individualised and address issues specific to the individual which will include transgender issues. The service will be sensitive to the needs of a wide range of people and ensure compliance with data protection policies and procedures. There should be no negative impact on individuals.
Protected characteristics: Marriage and Civil Partnership

Marriage and civil partnership details:
Not Applicable

All assessment planning and outcomes related to the implementation of the proposal are individualised and address issues specific to the individual regardless of relationship status. The service will be sensitive to the needs of a wide range of people and ensure compliance with data protection policies and procedures. There should be no negative impact on individuals.

Protected characteristics: Pregnancy and Maternity

Pregnancy and maternity details:
Not Applicable

No data is available to assess if proposed proposal has an equality impact relating to pregnancy or maternity. Pregnancy or maternity will not affect people's eligibility or take-up because the programme is holistic and will continue to offer support tailored to an individual's needs.

Protected characteristics: Race

Race details:
Service Users / Stakeholders; Wider Community

All assessment, planning and outcomes related to the implementation of the proposal will be individualised and address issues specific to the individual, which will include issues related to religion or belief. The service will be non-discriminatory, irrespective of an individual's BAME background. There should be no negative impact on individuals. No
data is available on the religion or faith of people who will be eligible for this programme. All individuals accessing the project provision will continue to be treated fairly, irrespective of their BAME background. The project proposal is built upon the principles of equality of access.

They will not be asked to undertake any activity which goes against their beliefs, and allowances will be made to reflect religious holidays and practices. It is not anticipated, based on knowledge of proposal and provision design, that the BAME background will affect their eligibility or take-up as providers will continue to offer support tailored to individual circumstances.

Protected characteristics: Religion or Beliefs

Not Applicable

Religion or beliefs details:

All assessment, planning and outcomes related to the implementation of the proposal will be individualised and address issues specific to the individual, which will include issues related to religion or belief. The service will be non-discriminatory, irrespective of an individual's religion or belief. There should be no negative impact on individuals. No data is available on the religion or faith of people who will be eligible for this programme. All individuals accessing the project provision will continue to be treated fairly, irrespective of their religion or beliefs.

They will not be asked to undertake any activity which goes against their beliefs, and allowances will be made to reflect religious holidays and practices. It is not anticipated, based on knowledge of proposal and provision design, that the religion or belief of individuals will affect their eligibility or
take-up as providers will continue to offer support tailored to individual circumstances.

Protected characteristics: Sexual Orientation

Sexual orientation details:

Not Applicable

All assessment planning and outcomes related to the implementation of the proposal are individualised and address issues specific to the individual which will include issues related to sexual orientation. The proposal is sensitive to the needs of a wide range of people and ensures compliance with data protection policies and procedures. There should be no negative impact on individuals.

Socio-economic impacts

The WoW continuation project will engage with 1,576 long term unemployed (73%) and inactive participants (27%) providing support in training and employment. It will target those with no/low basic skills, people from black and minority ethnic backgrounds (BAME) women, lone parents, people with disabilities and health conditions including those living in areas of high unemployment across Birmingham.

Using the available levers and enablers such as the Procurement Framework Policy for Jobs & Skills; Planning Protocol for Jobs & Skills; and the Birmingham Business Charter for Social Responsibility, EAT will continue to maximise and influence the development of training pathways, work experience opportunities, graduate placements both paid and unpaid, jobs and apprenticeships. We will also maximise links to employers through our BDI team, Inclusive Growth Directorate, WMGC, the
GBSLEP Skills and Growth Hubs, actively working with employers in those sectors where there is growth opportunity and potential despite the economic challenge Covid-19 presents.

The benefits of this proposed project will be the delivery of intensive bespoke support to the target cohorts that have multiple issues and are distant from the labour market, particularly for those that have no/low basic skills, with personalised support assisting these people into sustainable employment outcomes.

Increased skills levels, particularly at basic skills level with people supported to access basic skills qualifications and as a result directly impacting on the number of residents with qualifications; with Birmingham currently below the UK average for qualifications.

Employment has a direct positive impact on quality of life and health outcomes for people moving into employment, impacting on unemployment levels across Birmingham and individual wards.

Moving someone from welfare to work could contribute towards generating an approximate basic saving of £15,042 per person per annum to the public purse with reduced benefits payments and increased tax contributions (BCC/ONS/DWP Apr 2020).

Raised awareness of careers and opportunities in growth sectors, often where there are an increasing number of vacancies opening up the career paths to a wider labour market and linking training directly to job opportunities.

Wider benefits on the aspirations of residents, improving their future employability and career opportunities across a range of sectors.
Benefits to employers who have higher qualified candidates with targeted programmes to assist them in filling vacancies where they may previously have identified difficulties in recruiting local residents with the right skills.

Please indicate any actions arising from completing this screening exercise.

There are no relevant issues, so no action plans are currently required as a result of this screening exercise.

Please indicate whether a full impact assessment is recommended

NO

What data has been collected to facilitate the assessment of this policy/proposal?

The project proposal is a direct response to the objectives as set out in the ESF call to support long term unemployed and inactive adults aged **25 and over** and non-NEETs who reside within Birmingham impacting on the high levels of unemployment, which stands at 10.2% compared to a national average of 3.9% and in particular focus on areas of high claimant unemployment, which in inner city parts of Birmingham are more than 3 times the national average of 6.5%.

The November Unemployment Update with figures for October 2020 includes the following key findings:

- Unadjusted claimant count unemployment **across all ages** in the city increased by 950 to 81,815 in October. Claimant count unemployment is now 33,255 higher than it was in February prior to the lockdown; an increase of 68% in claimant numbers. The highest since 1987.
- Birmingham’s claimant unemployment rate **across all ages** stands at 15.3% above both the West Midlands (9.1%) and the UK (7.7%) rates.
• Unadjusted unemployment decreased in 9 of the 10 core cities between September and October 2020.
• Claimant count unemployment increased in 45 of the city's 69 wards last month.

There are particular groups who have disproportionately high levels of unemployment. Those with a disability have a much higher rate of unemployment than for the non-disabled. The employment rate for disabled residents is 22.7 percentage points lower than for non-disabled residents. The disabled unemployment rate in Birmingham (13.8%) is also well above the corresponding rate for the UK (6.9%). The source for this date is the Office for National Statistics Q2 2020.

Unemployment levels are above national averages for Birmingham residents from BAME groups. The BAME unemployment rate for the area is 12.2% compared to an unemployment rate of 6.7% for white residents, a BAME unemployment gap of over 5 percentage points. (Source: ONS/APS Q2 2020). There are significant concentrations of unemployment in particular local areas mainly located in the inner city. In October 2020, Handsworth has the highest claimant unemployment proportion at 20.5% over 3 times the national rate of 6.3%. (source ONS/NOMIS).

The above statistics have been used to facilitate the assessment of the project proposal.

The project proposal builds on models of delivery implemented in recent programmes delivered by BCC's Employment Access Team and evidenced based practice from a range of successful programmes including Progression Pathways (also known as WoW1) which completed on 31/10/20, and has engaged with 656...
Participants, of this, 254 (39%) have been supported into employment, of those registered:

- 67% were from a BAME background
- 22% were aged 50 or over
- 15% declared a disability
- 16% declared having no Basic Skills
- 16% declared themselves as a Lone Parent

Please note the above figures are inclusive of initially reported stats from our Delivery Partners, which have yet to be fully verified.

Other project based evidence includes the Flexible Support Fund (Project 20,000) which resulted in the upskilling and qualifications for participants and included bespoke targeted training for lone parents and the BCC & CITB Joint Investment Strategy Construction project which completed in March 2017. The Project was developed as part of a national Construction Industry Training Board (CITB) programme to deliver joint investment plans supporting the construction industry within key cities. The project focused on delivering construction industry training to 545 unemployed participants, addressing local skills gaps and creating employment and skills opportunities leading to jobs with construction employers – the project exceed its targets for training and job outputs.

- 545 (101 NEETs/LTU) unemployed individuals supported to access industry related accredited qualifications target 250 of which 50 NEETs/LTU
- Supported 337 (target 150) job entries into the construction sector including 55 (target 10) apprenticeships where people gained their first job within the construction sector.
- 36 businesses supported with work force development.
Since the project proposal was set out in a report outlining ESF funding opportunities on 29 October 2019 the Cabinet Member for Education, Skills and Culture has been briefed on the development of the project proposal and fully supports the submission. Officers in Legal and Governance, Procurement and City Finance continue to be involved and have input to the preparation of this report. Lead Officers from Education & Skills Directorate including Birmingham Adult Education Service, 14-19 Participation & Skills Service, Careers Service, and Youth Service have also been involved in the development of the project and have agreed proposed delivery model. The project has been developed with input and support from DWP/JCP, the National Careers Service, Solihull Metropolitan Borough Council (MBC) and project delivery partners Clarion Futures and Sandwell & West Birmingham Hospitals NHS Trust. Dialogue has also taken place with University Hospital Birmingham, Birmingham Metropolitan College and South and City College Birmingham, the Construction Industry Training Board in the development of the project. The proposal has further discussed with the Local Birmingham Employment and Skills Boards which are made up of voluntary groups, employers, training providers and private sector representatives.
Adverse impact on any people with protected characteristics.

There is no adverse impact on any people with protected characteristics.

Could the policy/proposal be modified to reduce or eliminate any adverse impact? N/A

How will the effect(s) of this policy/proposal on equality be monitored?

The project proposal has its own Equality and Sustainability Plan and Policy as required by ESF and the Funding Authority DWP and these will be regularly monitored and reviewed by the Project's Steering Group. Delivery partners on the project will also be committed towards these plans and policies as part of their COGA agreement with us on the project.

What data is required in the future?

DWP require quarterly monitoring returns in relation to outputs and results and these will be regularly reviewed to ensure that the project is meeting its required targets. Within these targets impact on people with disabilities, BAME, 50+ and lone parents will be measured.

Are there any adverse impacts on any particular group(s)

No

If yes, please explain your reasons for going ahead.

N/A

Initial equality impact assessment of your proposal

Consulted People or Groups

Informed People or Groups

Summary and evidence of findings from your EIA

The proposal aims to improve the employability of long term unemployed residents aged 25 and over, particularly those facing particular disadvantage from the labour market, to access and effectively move into sustainable employment. Employment has a direct positive impact on quality of life and health outcomes for people moving into employment. The equality assessment has identified that the project should continue to have a positive impact on the following protected characteristics: Age, Race and Disability, through providing specific progression pathways that is person- centred and...
flexible enough to include employment, education and training outcomes. For example, individuals will be able to access industry-led upskilling programmes in local community-based venues. The proposal will contribute towards inclusive economic growth by improving economic activity rates in those areas of Birmingham where there are enduring and structural issues related to unemployment and low skill levels and inactive participation in the labour market. The proposal will continue to have a positive direct impact upon this group of people and indirectly for people of all ages. Communities will benefit both economically and socially by helping to tackle unemployment and foster good relations by actively engaging with ‘inactive’ people. The Equality Assessment has demonstrated that consultation has been undertaken with relevant internal and external stakeholders and no equality adverse impacts have been identified. The proposed proposal has ongoing equality monitoring arrangements as a requirement of its EU funding. This includes statistical equality monitoring and the production of a Gender Equality and Equal Opportunities Proposal and Implementation Plan.

QUALITY CONTROL SECTION

Submit to the Quality Control Officer for reviewing? Yes

Quality Control Officer comments

Decision by Quality Control Officer

Submit draft to Accountable Officer? No

Decision by Accountable Officer

Date approved / rejected by the Accountable Officer

Reasons for approval or rejection

Please print and save a PDF copy for your records Yes

Julie Bach

Person or Group
1. **Executive Summary**

1.1 To seek approval for the Full Business Case and note the contract award for the capital scheme at Bishop Challoner Catholic College as described in Appendix A. The capital costs of the scheme will not exceed £1,623,280.
2 **Recommendations**

That Cabinet:

2.1 Approve the Full Business Case *(Appendix A)* for the capital works at Bishop Challoner Catholic College at a total project cost of up to £1,623,280 including Education Infrastructure Capitalisation of £47,280 and Fixed Furniture & Equipment of £53,000.

2.2 Authorise the Director for Education & Skills to make a grant payment of up to £1,576,000 to the Archdiocese of Birmingham (Diocesan Education Service).

2.3 Note the recommended contract award to CAFOS Ltd. by the Diocesan Education Service on the basis of their submission being ranked first after the evaluation of quality and price.

2.4 Authorise the City Solicitor to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

3 **Background**

3.1 The Local Authority has a statutory duty to ensure that there are sufficient pupil places, secure diversity in the provision of schools and increase opportunities for parental choice through planning and securing additional provision (Section 14, Education Act 1996).

3.2 A report on the changing demand and supply of school places was shared at the Overview and Scrutiny Committee for Learning, Culture and Physical Activity in September 2018.

3.3 Bishop Challoner Catholic College is a secondary school currently with capacity for 1150 pupils between the ages of 11 and 18. The land is held on trust for the purposes of the school by the Diocese of Birmingham. The proposal is for the school to expand by an additional one form of entry (20 pupils per year group) to become a secondary school with 1250 places for pupils aged between 11 and 18. There is a need for more secondary school places in the city and the proposed development provides the opportunity to fulfil some of that need.

3.4 The Local Authority is keen to ensure that future places are provided in the areas or schools that they are needed; helping children to attend a good school nearer to home as part of their local community. The proposed changes at Bishop Challoner are considered appropriate for the current pupils at the school and are part of a programme to enhance the overall school accommodation solution for both the current and future pupils. Bishop Challoner is a good school with growing numbers and a popular sixth form provision, which draws in the main from the south of the city.

3.5 The project includes the provision of a new classroom block, internal re-modelling of existing teaching spaces, administration area and circulation space as well as providing a new sports hall (including changing rooms) in order to accommodate a permanent increase in pupil numbers in fit-for purpose accommodation.
3.6 The works are proposed to commence in February 2021 with a completion in October 2021, subject to the current emergency situation involving Covid-19.

4 Options considered and Recommended Proposal

4.1 The option of doing nothing would mean the Local Authority fails to meet its statutory obligation to ensure that there are sufficient pupil places, promote diversity and increase parental choice through planning and securing additional provision.

4.2 The recommended option is to refurbish the existing building to provide a fit for purpose facility capable of accommodating an additional 1 form of entry.

5 Consultation

5.1 The Governing body fully supports the permanent expansion of the school.

5.2 The Leader and Ward Members for Brandwood & King's Heath have been consulted in relation to the proposals and are supportive of the proposals proceeding to an executive decision.

6 Risk Management

6.1 Contractors will be working in line with guidance provided by the Government. The contractor has been asked to continually monitor the Government guidance and look at mitigation measures to limit the impact on the timeframe proposed for completion should guidance change.

6.2 Weekly meetings are held to ensure that all parties are informed of progress to ensure any concerns are picked up at the earliest opportunity and resolved to ensure that the programme stays on track. Where costs are seen to escalate, a value engineering exercise is undertaken to ensure that the costs do not exceed the approved budget.

6.3 GNA surveyors and CBP architects appointed by the Diocesan Education Service, have many years’ experience at delivering refurbishment projects to schools of this nature and will manage and co-ordinate the works in consultation with the school.

6.4 GNA surveyors appointed by the Diocesan Education Service will oversee all Construction (Design & Management) Regulations (CDM) duties including Principal Designer role and management of the design and overall project risk register.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council’s priorities, plans and strategies?

7.1.1 These works are to ensure that all pupils are provided with a safe and secure learning environment. The spending priorities proposed are in accordance with the Schools’ Basic Need Programme 2020-21 approved by Cabinet on 21st April 2020, and the Council’s Vision and Forward Plan priorities for Children, particularly ‘A great place to grow up in by providing an environment where children have the best start in life and are able to realise their full potential through great education’.
7.2 Legal Implications

7.2.1 The recommendations in this report facilitate the discharge of functions contained within section 14 of the Education Act 1996 whereby the local authority has a duty to ensure that there are sufficient school places to provide all pupils the opportunity of appropriate education.

7.3 Financial Implications

7.3.1 The capital cost of the proposed works at Bishop Challoner Catholic College will not exceed £1,623,280. This will be funded from the Local Authority’s Basic Need Allocation. The detailed breakdown of this cost is included in Appendix A.

7.3.2 Consequential revenue costs arising including additional staffing, utility costs and any on-going day to day repair and maintenance of the asset will be the responsibility of the School and funded from the school’s delegated budget.

7.4 Procurement Implications (if required)

7.4.1 The procurement route for this project is via single stage open traditional tender aligned with the Diocese of Birmingham’s Procured Framework. GNA surveyors and CBP architects on behalf of Diocesan Education Service developed full detailed designs and specifications for the works and a pre-tender estimate to achieve best value for money based on current DfE education space guidelines and industry benchmark rates. GNA surveyors and CBP architects will provide Project, Cost and Contract Management services and close project progress monitoring to ensure value for money is achieved throughout delivery.

7.4.2 CAFOS Ltd are recommended for appointment to take forward the contracted works, based on quality and returning the most price competitive tender, and GNA surveyors and CBP architects are satisfied from their assessment this price is inclusive of all tender requirements.

7.4.3 The contractor has been asked to sign up to the Birmingham Business Charter for Social Responsibility and has provided a relevant and proportionate action plan. Some of the following outputs will be provided as part of the contract:

- create a minimum of 1 full-time work experience and training placements during the life of the project
- 80% of spend with SMEs to be within a 30-mile radius
- Undertake 2 community engagement activities to support the school and the local community
- 100% of all persons employed on the project will be paid above the living wage
- 85% of construction waste recycled
7.5 Human Resources Implications (if required)

7.5.1 N/A

7.6 Public Sector Equality Duty

7.6.1 A Full Equality Analysis (EA0001202) was carried out in May 2016 for Education Infrastructure’s Education Development Plan and Schools’ Capital Programme 2016-17. The outcomes from consultation demonstrate that proposed capital developments support positive outcomes for children, young people, their families and carers. No negative impact on people with Protected Characteristics was identified. It was concluded that sufficiency of educational places and opportunities for all children and young people contributes to providing positive life chances, and supports a positive approach to Safeguarding in Birmingham: actively reducing the number of children and young people out of school helps to mitigate risk to their safety and wellbeing. We have assessed the content and can confirm that it still remains relevant to proposed expansions by having a positive impact.

The Local Authority has considered whether a full equality impact assessment should be conducted in relation to the decision to authorise the full business case at Appendix A and decided that the recommendations in this report were considered unlikely to have an adverse impact on those with a protected characteristic and therefore the current equality impact assessment remains relevant.

8 Background Documents

8.1 Schools’ Capital Programme - School Condition Allocation 2020-21+ Future Years Cabinet Report 21st April 2020

9 List of Appendices

9.1 Appendix A - Full Business Case
APPENDIX

FULL BUSINESS CASE (FBC)

A. GENERAL INFORMATION

A1. General

<table>
<thead>
<tr>
<th>Project Title (as per Voyager)</th>
<th>BISHOP CHALLONER CATHOLIC COLLEGE FULL BUSINESS CASE</th>
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<td>Voyager code</td>
<td>CA-01903-02-1-231 1BA0 3R0</td>
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<table>
<thead>
<tr>
<th>Portfolio /Committee</th>
<th>Education and Skills</th>
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<tr>
<td>Directorate</td>
<td>Education, Skills &amp; Culture</td>
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<tr>
<th>Approved by Project Sponsor</th>
<th>Jaswinder Didially</th>
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<tr>
<td>Approved by Finance Business Partner</td>
<td>John Betts</td>
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A2. Outline Business Case approval *(Date and approving body)*

Cabinet Report April 2020 – Schools Capital Programme – School Condition Allocation, Basic Need Allocation 2020-21 + Future Years

A3. Project Description

The project includes the provision of a new classroom block and a sports hall (with changing rooms) and some internal remodelling in order to accommodate a permanent increase in pupil numbers in fit-for-purpose accommodation.

A4. Scope

This scheme involves works as described in the above project description

A5. Scope exclusions

No works outside this scope will be undertaken

B. STRATEGIC CASE

*This sets out the case for change and the project's fit to the Council Plan objectives*

B1. Project objectives and outcomes

*The case for change including the contribution to Council Plan objectives and outcomes*

- A Fair City: Tackling Inequality and Deprivation;
- Laying the foundations for a Prosperous city based on an inclusive economy;
- A Democratic City involving local people and communities in the future of their local area and public services: a City with local services for local people;
- Enjoy and achieve by attending school;
- Schools Capital Programme

B2. Project Deliverables

*These are the outputs from the project eg a new building with xm2 of internal space, xm of new road, etc*

Create sufficient pupil accommodation to enable the school to increase its Planned Admission Number (PAN) and accommodate a permanent increase in pupil numbers to meet local demand. Existing accommodation to be remodelled and refurbished to create additional teaching space along with the provision of a new classroom block and associated external works.

B3. Project Benefits
APPENDIX

<table>
<thead>
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<th>Measure</th>
<th>Impact</th>
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<tr>
<td>List at least one measure associated with each of the objectives and outcomes in B1 above</td>
<td>What the estimated impact of the project will be on the measure identified – please quantify where practicable (e.g. for economic and transportation benefits)</td>
</tr>
<tr>
<td>The students will be taught in modern fit for purpose accommodation allowing for the delivery of a quality education.</td>
<td>Providing appropriate accommodation addresses identified demand and fulfils the Authority’s statutory obligations to provide sufficient pupil places</td>
</tr>
<tr>
<td>The project delivers new teaching spaces.</td>
<td>Raised standards, improved behaviour, staff well-being and reduced turnover, mobility, facilitation of the sharing of good practice.</td>
</tr>
<tr>
<td>Support and enrich community and family learning e.g. positive parenting programme, basic skills, opportunities to address worklessness.</td>
<td>Children and young people will have a safe, warm and dry environment before, during and after school hours. The local community will also be able to access the new sports hall out of school hours.</td>
</tr>
<tr>
<td>Promoting designs which support Birmingham’s Education Vision.</td>
<td>Creating teaching and learning environments that are suitable for delivering education.</td>
</tr>
</tbody>
</table>

B4. Benefits Realisation Plan
Set out here how you will ensure the planned benefits will be delivered

Additional pupil numbers to be accepted by Bishop Challoner Catholic College and PAN increased accordingly through formal agreement with Local Authority.

B5. Stakeholders
A stakeholder analysis is set out at G4 below.

C. ECONOMIC CASE AND OPTIONS APPRAISAL
This sets out the options that have been considered to determine the best value for money in achieving the Council’s priorities

C1. Summary of options reviewed at Outline Business Case
(including reasons for the preferred option which has been developed to FBC)
If options have been further developed since the OBC, provide the updated Price quality matrix and recommended option with reasons.

- The option of doing nothing would mean the City Council failing to meet its statutory obligation to ensure that there are sufficient pupil places, promote diversity and increase parental choice through planning and securing additional provision.
- The recommended option is to provide a new sports hall and changing rooms, remodel and refurbish the existing buildings to provide sufficient, fit for purpose teaching space capable of accommodating additional pupils.

C2. Evaluation of key risks and issues
The full risks and issues register is included at the end of this FBC

- Weekly meetings are held to ensure that all parties are informed of progress to ensure any concerns are picked up at the earliest opportunity and resolved to ensure that the programme stays on track. Where costs are seen to escalate, a value engineering exercise is undertaken to ensure that the costs do not exceed the approved budget.
- To ensure Birmingham City Council meets its statutory obligations by providing sufficient capacity for educating children.
- Working in a live school building and ensuring Health & Safety is maintained. The main contractor, GNA Surveyors and CBP Architects have many years’ experience at delivering large scale refurbishments of this nature and will manage and co-ordinate the works in consultation with the school.
- A project risk register will be maintained.
### C3. Other impacts of the preferred option

**Describe other significant impacts, both positive and negative**

- Facilities will provide sufficient and appropriate accommodation that is fit-for-purpose and meets the education standards for 21st Century teaching provision.
- Sufficient accommodation will be available to enable Bishop Challoner Catholic College to permanently increase its PAN.

### D. COMMERCIAL CASE

**This considers whether realistic and commercial arrangements for the project can be made**

#### D1. Partnership, Joint venture and accountable body working

**Describe how the project will be controlled, managed and delivered if using these arrangements**

Scheme will be delivered by Project Team as follows:

- Client for the Project is the Archdiocese of Birmingham (Diocesan Education Service)
- Project Manager, Quantity Surveyor and Principal Designer services will be provided by GNA Surveyors as appointed / approved consultant to the Archdiocese.
- Architectural services will be provided by CBP Architects as appointed / approved consultant to the Archdiocese.
- End User will be Bishop Challoner Catholic College
- Contractor is to be formally appointed, after Cabinet Approval for contract award
- Project will be managed by personnel identified above and End User throughout the duration of the project development and delivery to ensure that project deliverables are achieved.

- Regular 2 – 4 weekly meetings held with Project Team including client and end user
- Programme monitored and developed to ensure that required timescales are achieved.
- Scheme costs assessed, developed and monitored

#### D2. Procurement implications and Contract Strategy:

**What is the proposed procurement contract strategy and route? Which Framework, or OJEU? This should generally discharge the requirement to approve a Contract Strategy (with a recommendation in the report).**

The procurement route for this project is competitive tender with a traditional approach including full bills of quantities. Best value for money will be demonstrated against current DfE education space guidelines and industry benchmark rates.

Tender process has been completed with CAFOS Ltd. recommended for contract award

#### D3. Staffing and TUPE implications:

None
## Capital Costs & Funding

<table>
<thead>
<tr>
<th></th>
<th>Financial Year</th>
<th>Financial Year</th>
<th>Financial Year</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2019/20</td>
<td>2020/21</td>
<td>2021/22</td>
<td></td>
</tr>
<tr>
<td><strong>Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bishop Challoner</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction costs, incl. ICT, Surveys, Investigations, Planning &amp; Statutory Fees</td>
<td>CA-01903-02-1-231</td>
<td>£670,000</td>
<td>£853,000</td>
<td>£1,523,000</td>
</tr>
<tr>
<td>FF&amp;E Fees</td>
<td></td>
<td></td>
<td>£53,000</td>
<td>£53,000</td>
</tr>
<tr>
<td>EDSI capitalisation</td>
<td>£3,013</td>
<td>£20,100</td>
<td>£24,167</td>
<td>£47,280</td>
</tr>
<tr>
<td><strong>Total Project Cost</strong></td>
<td>£3,013</td>
<td>£690,100</td>
<td>£930,167</td>
<td>£1,623,280</td>
</tr>
<tr>
<td><strong>Funding sources</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Basic Need</td>
<td>CA-01903-02-1-231</td>
<td>£3,013</td>
<td>£690,100</td>
<td>£930,167</td>
</tr>
<tr>
<td>Totals</td>
<td>£3,013</td>
<td>£690,100</td>
<td>£930,167</td>
<td>£1,623,280</td>
</tr>
</tbody>
</table>

### E2. Evaluation and comment on financial implications:

The current costs for the project are based on an initial budget provided by GNA surveyors. The tenders have been received and evaluated and the cost is within budget and all works identified will be delivered within the allocated funding envelope.

### E3. Approach to optimism bias and provision of contingency

N/A

### E4. Taxation

*Describe any tax implications and how they will be managed, including VAT*

N/A
F. PROJECT MANAGEMENT CASE
This considers how project delivery plans are robust and realistic

F1. Key Project Milestones
The summary Project Plan and milestones is attached at G1 below

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Planned Delivery Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinet Approval</td>
<td>January 2021</td>
</tr>
<tr>
<td>Main Construction works</td>
<td>February 2021 – October 2021</td>
</tr>
<tr>
<td>Practical completion</td>
<td>October 2021</td>
</tr>
</tbody>
</table>

F2. Achievability
Describe how the project can be delivered given the organisational skills and capacity available

- Scope of work identified as in the project description.
- Extensive site investigation carried out.
- Project programme and costs have been developed. Project is being competitively tendered to suitable contractors.
- Funding is in place.
- Contractors have considerable previous experience.
- Availability of resources, will be confirmed by tendering contractors.
- Similar projects have been delivered on budget and to time by using the project team provided by the Archdiocese.
- The project team (GNA Surveyors and CBP Architects) has successfully delivered similar projects.

F3. Dependencies on other projects or activities

- Placing orders with Contractor.
- Planning Permission has been granted for the development.

F4. Officer support

Project Manager: Zahid Mahmood 07860906126 Capital Programme Manager, Education Infrastructure zahid.mahmood@birmingham.gov.uk

Project Accountant: Jaspal Madahar 07766922478 Finance & Resources Manager jaspal.madahar@birmingham.gov.uk

Project Sponsor: Jaswinder Didially 07825 117334 Head of Education Infrastructure jaswinder.didially@birmingham.gov.uk

F5. Project Management
Describe how the project will be managed, including the responsible Project Board and who its members are

As per D1

G. SUPPORTING INFORMATION
(Please adapt or replace the formats as appropriate to the project)

G1. PROJECT PLAN
Detailed Project Plan supporting the key milestones in section F1 above
## G2. SUMMARY OF RISKS AND ISSUES REGISTER

*Risks should include Optimism Bias, and risks during the development to FBC*

*Grading of severity and likelihood: High – Significant – Medium – Low*

<table>
<thead>
<tr>
<th>Risk or issue</th>
<th>Mitigation</th>
<th>Risk after mitigation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stakeholders do not consider School Travel Plans and transportation issues prior to consultation</td>
<td>Review school travel plans in partnership with transportation prior to local consultation in order to mitigate possible objections.</td>
<td>Low  High</td>
</tr>
<tr>
<td>Stakeholders/ Trust do not engage in project and do not sign up to the solution</td>
<td>The Design Team will ensure regular meetings and consultation with stakeholders and Trust.</td>
<td>Low  Medium</td>
</tr>
<tr>
<td>New Free Schools and Academies opening across Birmingham</td>
<td>Liaise closely with Free School Providers and Academies when planning the provision of Additional Secondary Places.</td>
<td>Medium  Medium</td>
</tr>
<tr>
<td>Building costs escalate</td>
<td>The Design Team will closely monitor the schedule of works and build costs. Cost schedules include contingency sums. Any increase in costs will need to be met through value re-engineering to ensure projected spend remains within overall allocation.</td>
<td>Low  Medium</td>
</tr>
<tr>
<td>Building works fall behind</td>
<td>The Design Team will closely monitor schemes on site and liaise with Contractor Partners to identify action required.</td>
<td>Medium  Medium</td>
</tr>
<tr>
<td>BCC faced with increasing revenue costs</td>
<td>Consequential revenue costs arising including additional staffing, utility costs and any on-going day to day repair and maintenance of the asset will be the responsibility of the school. Any increase in revenue costs will be offset by an increase in income through increased pupil numbers provided by the DfE.</td>
<td>Low  Low</td>
</tr>
<tr>
<td>Problems with contract procurement process</td>
<td>Work closely with Partners to ensure compliance with City Council standing orders.</td>
<td>Low  Low</td>
</tr>
<tr>
<td>Impact of the Covid-19 pandemic on the delivery of the construction project.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## G3. EXTERNAL FUNDING AND OTHER FINANCIAL DETAILS

*Description of external funding arrangements and conditions, and other financial details supporting the financial implications in section E1 above (if appropriate)*

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
</table>
### G4. STAKEHOLDER ANALYSIS

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Stake in project</th>
<th>Potential impact on project</th>
<th>What does the project expect from stakeholder</th>
<th>Perceived attitudes and/or risks</th>
<th>Stakeholder management strategy</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinet Members for ES&amp;C and F&amp;R</td>
<td>Strategic Overview of DGCF expenditure</td>
<td>High</td>
<td>Ratification of BCC approach to TBN</td>
<td>Strategy not approved</td>
<td>Early Consultation and Regular Briefing on all aspects of Special Provision</td>
<td>BCC / EDI</td>
</tr>
<tr>
<td>School's Consultant Partners</td>
<td>Design and Delivery</td>
<td>High</td>
<td>Design of build Project management</td>
<td>Unable to design to budget Unable to deliver to timescales</td>
<td>Close working with other stakeholders Regular feedback</td>
<td>School Leadership Team / Archdiocese of Birmingham</td>
</tr>
<tr>
<td>Planning Officers</td>
<td>Granting Planning Consent</td>
<td>High</td>
<td>Close Liaison with EDI to design a scheme that can receive planning approval</td>
<td>N/A</td>
<td>Frequent communication on all aspects of project design</td>
<td>School’s Consultant Project Manager EDI Project Officer</td>
</tr>
<tr>
<td>School Leadership Team / Governors</td>
<td>Governing Body Agreement and End Users</td>
<td>High</td>
<td>Compliance with GBA Ongoing Revenue costs for R&amp;M once build complete</td>
<td>N/A</td>
<td>Governing Body Agreement signed and regular project meetings</td>
<td>School Leadership Team / Governing Body EDI Project Officer</td>
</tr>
<tr>
<td>Pupils</td>
<td>End user</td>
<td>Low</td>
<td>Consultation</td>
<td>Nil</td>
<td>Through schools council</td>
<td>School Leadership Team</td>
</tr>
<tr>
<td>Ward Councillors</td>
<td>Knowledge of other development s affecting local communities that may link into project</td>
<td>High</td>
<td>Consultation with community and support for project</td>
<td>Objections from local residents</td>
<td>Involve in consultation and planning permission process</td>
<td>EDI Project Officer Governors/ School Leadership Team</td>
</tr>
</tbody>
</table>
### G5. BENEFITS REGISTER

For major projects and programmes over £20m, this sets out in more detail the planned benefits. Benefits should be monetised where it is proportionate and possible to do so, to support the calculation of a BCR and NPSV (please adapt this template as appropriate)

<table>
<thead>
<tr>
<th>Measure</th>
<th>Annual value</th>
<th>Start date</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>List at least one measure associated with each of the outcomes in B1 above</td>
<td></td>
<td></td>
<td>What the estimated impact of the project will be on the measure identified</td>
</tr>
<tr>
<td>(A) Monetised benefits:</td>
<td>£</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(B) Other quantified benefits:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(C) Non-quantified benefits:</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Other Attachments

*provide as appropriate*
1 Executive Summary

1.1 To seek the determination of a statutory proposal:

- Closure of Hunters Hill College with effect from 31st August 2021.
2 Recommendations

2.1 That Cabinet, approve, having taken into account the statutory guidance, the statutory proposal to close Hunters Hill College.

3 Background

3.1 Hunters Hill College is a Birmingham community special school situated outside the City boundary at Spirehouse Lane, Bromsgrove, Worcestershire. The school can offer up to 135 places for pupils with an Education Health and Care Plan (EHCP) for Social, Emotional and Mental Health needs, (SEMH). The school historically offered boarding provision. There are currently 83 pupils on roll.

3.2 Both Hunters Hill College and the boarding provision were inspected by OFSTED on 18th and 19th September 2019 after a number of complaints were made to OFSTED that raised serious concerns. Following these inspections, both the school and the residential provision received ratings of “inadequate”.

3.3 OFSTED found that “the arrangements for safeguarding at the school were not effective and at times pupils’ safety was at risk because staff did not manage behaviour well.”

3.4 Following a full school organisation consultation, Cabinet member approval was given on 25th March 2020 for the closure of the boarding provision with effect from 1st July 2020.

3.5 Following OFSTED’s rating of inadequate, Hunters Hill College became subject to a Directive Academy Order (DAO) on 22nd October 2019. The local Authority has been working with the school to develop a post OFSTED action plan.

3.6 On consideration of options as per the DfE Guidance for Schools Causing Concern the Local Authority agreed to implement an Interim Executive Board (IEB) as an academy sponsor had not come forward to sponsor the school. The IEB was established on 21st February 2020.

3.7 A condition survey of Hunters Hill College was carried out on 1st March 2019 and identified major structural issues. Several of the buildings on the site are beyond economical repair and no longer fit for purpose. Some buildings have been boarded up for safety and security. Some of the provision on site (e.g. vehicle maintenance workshop, the farm) has been decommissioned due to health and safety concerns. The cost of bringing all buildings up to a basic, warm and dry standard is estimated to cost circa £5,000,000. This level of investment would not provide value for money and would not provide a suitable building for the needs of the children.

In fact, health and safety issues onsite have become more prevalent this term. As a result of these issues the school has not been able to open fully for all pupils since schools reopened in September 2020. Pupils who have not been able to attend the school site have been educated through remote learning which is not sufficient to support these pupils’ educational needs in the long term.
3.8 The Council considers that the circumstances of Hunters Hill College do not allow for the school to make the necessary improvements identified in the OFSTED report without identification of an Academy sponsor and the conversion to an Academy.

3.9 Plans are being developed to create capacity in other Birmingham special schools to accommodate the remaining pupils should the proposal to close Hunters Hill College be approved. SENAR and Education Infrastructure will liaise closely with schools and providers to ensure a suitable alternative placement is available for each pupil at Hunters Hill College who are Birmingham residents. The quality of proposed settings is being evaluated carefully to ensure pupils will receive an improved standard of education that meets a pupils’ needs as detailed in their EHCP. A proposed placement will also need to meet the requirements for special educational needs provision, as set out in section 7.1.1 of this report. Officers refer to these requirements as the “SEN improvement test”.

Appendix 6 outlines further information around the current number of pupils on roll at the school and progress to date in terms of ongoing placement requests.

3.10 There are currently no pupils on roll in Year 7. Should the proposal to close the school be approved, the Local Authority has a statutory duty to ensure that all pupils are provided a school place. If the proposal is approved, the Council’s Special Educational Needs Assessment and Review (SENAR) service, together with relevant professionals, will work closely with current Year 8, 9 and 10 pupils and their families to agree appropriate alternative placements. SENDIASS will be part of those conversations. Subsequently any agreed placements for pupils will be in accordance with each pupils’ EHCP and may be at another special school or an alternative provider. Current Year 11 pupils will be able to complete their education at school and leave at the end of the academic year in July 2021. SENAR will also liaise with the relevant Local Authority for those pupils at Hunters Hill College who are resident in another authority area. Appendix 6 outlines further information around the current number of pupils on roll at the school.

3.11 Hunters Hill College is located out of the City boundary in Worcestershire with a large proportion of pupils currently traveling long distances using various forms of transport to reach Hunters Hill College. The Council’s transport arrangements, Travel Assist, for children with special needs will apply where appropriate. Travel Assist will be fully engaged with any changes to travel plans and arrangements where required. The aim is to provide a high-quality school place for each Birmingham child, as local as possible to their home and community. Pupils’ home address will be considered when offering alternative places. Such places should provide an opportunity to significantly reduce the travel time for pupils, which could have a positive impact on wellbeing.

3.12 Hunters Hill College occupies buildings and land that is held by the Council in trust, known as the Cropwood Estate. The Council holds the freehold interest of the land and the trust is managed through the Council’s Trusts and Charities Committee with decisions made at meetings of the Council as trustee. If the proposal to close
Hunters Hill College is approved, the Council’s Trust and Charities Committee will consider the future of the site in accordance with the trusts governing documents and charitable scheme approved by the Charity Commission (England and Wales) and in compliance with charity law and relevant Charity Commission guidance. In line with the School Organisation process, the future of the land and buildings does not form part of the school closure proposal or decision contained in this report, (see section 7.2 and Appendix 4).

3.13 As per DfE guidance and best-practice, a statutory pre-publication consultation was completed for the proposal between 22nd June 2020 and 16th October 2020. This was in the form of a pre-publication proposal document. Two staff and two parents’ meetings were held during the pre-publication period. The length of the pre-publication was 17 weeks, of which 11 were in term time. The extended consultation was due to the COVID-19 emergency. It was felt that consideration should be given to pupils who were due to start in year 7 and also consideration to pupils who would be returning in September to closure proposals. We received 153 responses to the pre-publication consultation, of which 54 were in favour, 89 were opposed and 10 didn’t know or didn’t state a preference.

3.14 The Cabinet Member for Education, Skills and Culture notified all Birmingham Local Councillors of the proposal by email at the beginning of the School Organisation process and also invited direct comments and questions.

3.15 In compliance with DfE guidance, a statutory notice and proposal were published between 12th November 2020 and 10th December 2020 (four weeks). The representation period commenced with the publication of a statutory notice in the Birmingham Post and the Bromsgrove and Droitwich Standard. During the four weeks representation period, comments on the proposal were submitted in writing to Education Infrastructure, via the BeHeard webpages, email or letter. A copy of the full proposal and public notice can be found within Appendices 1 & 2.

3.16 At the close of the representation period, 60 responses were received regarding the proposal. Of the 60 responses received 48 were opposed, 12 were in favour. A detailed quantitative and qualitative analysis of the consultation and copies of the comments received can be found in Appendix 3 of this report.

Details of both the internal and external stakeholders consulted and the means by which both consultations were carried out are detailed in section 5 of this report.

3.17 The Education and Inspections Act 2006 states that the Local Authority must have regard to any guidance issued by the Secretary of State when making a decision on such proposals. The relevant statutory guidance is attached (Appendix 4). The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the Department for Education Statutory Guidance for proposers and decision makers on opening and closing maintained schools (November 2019) allows for the proposals to be approved, approved with modification, approved subject to meeting a prescribed condition, or rejected.
3.18 If the proposals are approved, Hunters Hill College will close with effect from 31st August 2021.

4 Options considered and Recommended Proposal

4.1 The option of doing nothing would mean that Hunters Hill College will remain open and financially unviable with the school deficit growing year on year. The Directive Academy Order will stand and the Department for Education (DfE) will need to identify a sponsor. To date no Academy sponsor has been identified.

4.2 The buildings are reaching the end of their life and are unsuitable as a place of education. The buildings are not sustainable within the school’s budget allocation and will be in danger of falling into further disrepair without significant investment, for which there is currently no identified budget. The option of addressing the immediate concerns is not a viable option as it is estimated that the cost of bringing the building up to a basic, warm and dry standard is estimated at circa £5,000,000. This level of investment would not provide value for money and would not provide a suitable building for the needs of the children.

4.3 The option to allow for the closure of Hunters Hill College would;

• Address the concerns raised by OFSTED and meet the requirements set out in section 7.1.1 of this report for special educational needs provision (“SEN Improvement Test”), ensuring that the needs of the pupils are met at an alternative school in accordance with their Education Health and Care Plans which lead to improvements in the standard, quality and/or range of the educational provision for the pupils.

• Remove the obligation by the Local Authority to maintain and staff the buildings which are becoming unfit for purpose and have become financially unviable.

• Resolve the issue of the outstanding academy order with no identified sponsor.

5 Consultation

5.1 External

5.1.1 The proposal has been fully consulted upon in line with the requirements set out in the statutory guidance “Opening and closing maintained schools” (November 2019) published by the Department for Education (DfE). A copy of the guidance for decision makers can be found in Appendix 4.

5.1.2 During the statutory pre-publication consultation period, information about the proposal was publicised to the parents, teaching staff, non-teaching staff and governors in writing. In addition, two parents’ meetings and two staff meetings were held remotely in September 2020 via zoom and Microsoft teams. Other stakeholders were consulted by email.

During the statutory consultation period, information about the proposal was publicised to all parents, staff and Governors in writing. Other stakeholders
consulted during the statutory pre-publication period were consulted again during the statutory representation consultation by email and included the following consultees:

- Birmingham Schools;
- Neighbouring Local Authorities;
- The Archdiocesan and The Anglican Diocese of Birmingham;
- Professional Associations and Trade unions
- All Birmingham Local Councillors
- All Birmingham Members of Parliament and the following members of Parliament that have pupils of Hunters Hill College living in their constituency:
  - Sajid Javid MP for Bromsgrove
  - Saqib Bhatti MP for Meriden
  - Neil Hudson MP for Penrith & the Border
  - Pat McFadden MP for Wolverhampton South East
  - Nigel Huddleston MP for Mid Worcestershire
  - Rachel Maclean MP for Redditch
- Birmingham Parent Carer Forum
- Special Educational Needs and Disability Information, Advice and Support Services (SENDIASS)
- Birmingham City Council Charities and Trust Committee.

5.1.3 The information was publicised in the following ways:

- Public notice in Birmingham Post newspaper;
- Public notice in the Bromsgrove and Droitwich Standard
- On Birmingham City Council BeHeard webpage;
- On the schools’ webpages;
- On the Birmingham City Council School Notice Board.

5.1.4 A copy of the full proposal document can be found in Appendix 1 and the Public Notice in Appendix 2. The outcome of the external consultation is set out in Section 3 of this report and in Appendix 3

5.2 Internal
During both the statutory pre-publication and statutory representation consultation periods, information about the proposal was sent to:
• All Ward Councillors in Birmingham

• Officers from services across Birmingham City Council including Admissions, Finance, School and Governor Support, Human Resources, Legal, Planning, Research and Statistics Information Officers for Education and Skills.

Details of the responses received and analysis of the statutory consultation is set out in Appendix 3. The Ward Councillors consulted and the date and method of consultation is set out in Appendix 5.

6 Risk Management

Should the proposals for the closure of Hunters Hill College not be approved an alternative solution would need to be sought to address the following serious issues at the school;

• The financial viability of Hunters Hill College:
  The cumulative forecast deficit for 2020/21 is £1.1 million. This will be Local Authority’s liability at the point of closure. If the school continues to operate there is a considerable risk of the deficit growing at the rate of £100,000 per month, which the Local Authority would have to fund at the point of conversion.

• The outstanding Directive Academy Order and identification of an Academy sponsor by the DfE.

• The deterioration and suitability of the buildings (the buildings are reaching the end of their natural life for the purpose of education) which require a significant level of investment.

• OFSTED’s judgement of inadequate: “There are serious and widespread failures, which mean that children and young people are not protected, or their welfare is not promoted or safeguarded” (OFSTED 2019).

7. Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council’s priorities, plans and strategies?

7.1.1 The proposal to close Hunters Hill College is necessary in response to the following;

• Give all children from every background and community the best start in life with a clear pathway to achieve success and realise their potential.

• The Local Authority has a statutory duty to ensure that there are sufficient pupil places, secure diversity in the provision of schools and increase opportunities for parental choice through planning and securing sufficient provision.

• The Local Authority has landlord responsibilities to ensure that schools are Health and Safety compliant and fit for purpose.

• To meet the aims set out in the Council’s Education Services Delivery and Improvement Plan; -
- Securing a good school place for children across Birmingham
- Raising attainment and closing gaps for children across Birmingham
- Ensuring children and young people with special educational need and disabilities have their needs met in appropriate provision
- Ensuring children are safe and develop resilience
- Preparing young people with the skills they need for life.

- To meet the requirements for discontinuance of special educational needs provision (“SEN Improvement Test”) as set out in Schedule 2 paragraph 13 of the School Organisation (Establishment and Discontinuance) Regulations 2013, which reads:

  “Special educational needs provision

  13. Where existing provision that is recognised by the local authority as reserved for pupils with special educational needs is being discontinued, a statement as to how the local authority or the governing body (as the case may be) believe the proposals are likely to lead to improvements in the standard, quality and/or range of the educational provision for these children”.

7.2 Legal Implications

7.2.1 This report exercises powers contained within section 15 of the Education and Inspections Act 2006 and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 together with the Department for Education Statutory Guidance for proposers and decision makers on opening and closing maintained schools (November 2019), whereby the Local Authority of a Community Special School can propose to close the school by following a statutory process. Under this Act, Regulations and statutory guidance, the Local Authority is the decision maker for this statutory proposal.

7.3 Financial Implications

7.3.1 The budget plan for the financial year 2019/2020 predicted a significant deficit and at the end of year the deficit was £494,000. As at September 2020, the cumulative forecast deficit for 2020/21 is £1.1 million. The cumulative deficit is predicted to grow further and would amount to between £1.7 and £2.0 million by the end of the 2021/22 financial year, if the school continued to remain open throughout the whole of that period. The financial deficit is primarily the result of a substantial reduction in pupil numbers which is, in part, driven by parental preference. The current total budget for the school is only £2.9 million. This indicates that, even with concerted efforts to reduce expenditure, the budget of the school would not be balanced. The Local Authority has worked consistently with the school to minimise the level of the financial deficit, whilst ensuring that safeguarding standards remain in place.
7.3.2 Staffing costs are being minimised by the use of agency staff and short-term contracts where practicable and some staff will transfer to other schools, so the precise costs of redundancies / retirements is unknown but is expected to be £700k.

7.3.3 As part of the considerations regarding the 2021/22 High Needs Block (which forms part of the Dedicated Schools Grant), there will be a proposal to set aside resources to assist special schools in financial difficulties. This should mitigate the impact of the eventual deficit on the General Fund. The existing budget for deficits plus a budget pressure to be considered as part of the Council's 2021/22 budget considerations will cover expected schools’ deficits next financial year.

7.4 Procurement Implications (if required)

Not applicable

7.5 Human Resources Implications (if required)

7.5.1 All staff have been consulted on the closure during the school organisation process. This has included two whole school staff meetings, with official trade union representatives also in attendance. Should the School Organisation proposal be approved, the service redesign process will then commence, in consultation with the trade unions and staff as per BCC policy and procedure. This may or may not result in staff redundancies.

7.6 Public Sector Equality Duty:

7.6.1 An equality analysis for the School Organisation Process was completed under EQUA221. A project specific equality assessment has been carried out for the Hunters Hill College closure proposal under EQUA507.

The proposal to close the school would mean all pupils currently on roll will be displaced and will need to be offered an alternative place (according to EHCP). The closure proposal impacts mainly the following groups with protected characteristics: males between the age of 11 – 16 years of age with Social Emotional and Mental Health needs. A mental health condition is considered a disability if it has a long-term effect on one’s normal day-to-day activity (as defined by the Equality Act 2010).

The equality impacts have been reviewed following feedback received during the statutory consultations. Although this proposal has a risk of adversely impacting pupils with protected characteristics, the School Organisation Regulations 2013 require by law that the local authority must provide a statement how the proposals are likely to lead to improvements in the standard, quality and/or range of educational provision. The requirements are as set out in section 7.1.1 of this report and the statement for how this will be achieved is set out in section 3.9 and 3.10 of this report.
8 Appendices

1. Full Proposal Document
2. Public Notice
3. Statutory Consultation Analysis
4. DFE Guidance for Decision Makers
5. Ward Councillors Consulted
6. Displaced Pupils

9. Background Documents

- Education and Inspections Act 2006
- OFSTED report for Residential special school 2019 [https://reports.ofsted.gov.uk/provider/10/SC043050](https://reports.ofsted.gov.uk/provider/10/SC043050)
- Hunters Hill College – Non-Building Condition Report March 2019
- Equality Impact Assessment EQUA507
Full Proposal Document

Name of School: Hunters Hill College

Proposal to Close a Community Special School
Introduction

The informal consultation on the closure of Hunters Hill College closed on 16th October 2020;

Birmingham City Council would like to thank all those parents, staff and other stakeholders, who sent us their views and comments. We received 153 responses to the pre-publication consultation, of which;

- 54 were in favour
- 89 were opposed
- and 10 didn’t know or didn’t state a preference.

Birmingham City Council, as the Local Authority, in collaboration with the Interim Executive Board (IEB) of the School, has considered all comments received and is moving to the next stage, which is the formal statutory consultation (also known as the representation period).

This full proposal document is an updated version of the pre-publication proposal document.

We are now inviting you to make your comments and views known on this full proposal. Any views you submit during this formal consultation will be included in the final report and forwarded to the decision makers, who for this proposal is the Full Cabinet of Birmingham City Council.

Please Note: Comments from the informal consultation stage were for consideration by the Local Authority and will not be included in the final report. However key comments made will be addressed in the FAQ document which is available on the BeHeard website.

If you wish to make your views known to the decision makers in this next formal consultation stage, it is important that you submit these again in writing. Please see the section entitled “How can I make my views known?”

Birmingham City Council as the Local Authority for Birmingham is now entering into the statutory representation stage of the School Organisation process and is consulting on the proposal to:

- Close Hunters Hill College with effect from 31st August 2021
School Information

<table>
<thead>
<tr>
<th>Type:</th>
<th>Special School (Local Authority Maintained)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Hunters Hill College</td>
</tr>
<tr>
<td>Address:</td>
<td>Spirehouse Lane, Worcestershire B60 1QD</td>
</tr>
<tr>
<td>Ward:</td>
<td>Linthurst</td>
</tr>
<tr>
<td>District:</td>
<td>Bromsgrove</td>
</tr>
<tr>
<td>Age Range:</td>
<td>11 -16 years</td>
</tr>
<tr>
<td>Gender:</td>
<td>Boys</td>
</tr>
<tr>
<td>Capacity:</td>
<td>135</td>
</tr>
<tr>
<td>Last Ofsted:</td>
<td>18th/19th September 2019</td>
</tr>
<tr>
<td></td>
<td>Both the college and the residential facility were inspected.</td>
</tr>
<tr>
<td>Ofsted Rating</td>
<td>Overall Effectiveness: 4. (inadequate - special measures)</td>
</tr>
</tbody>
</table>

Hunters Hill College is one of Birmingham’s 27 special schools. The school is located outside Birmingham, in the neighbouring area of Bromsgrove district, and is maintained by Birmingham City Council.

Hunters Hill College can offer up to 135 places for boys with an Education Health and Care Plan (EHCP) for Social, Emotional and Mental Health needs (SEMH). There are currently 86 pupils on roll at the school. Admissions to the school are managed via the Special Educational Needs Assessment and Review Service (SENAR).

Boarding provision was removed from the school and the residential facilities were closed effective 1st July 2020.

Background

An Ofsted Inspection on 18-19th September 2019 judged the School “inadequate”. The report can be found via the following link: https://reports.ofsted.gov.uk/provider/25/103609. Since that time, the School has been taking steps to try to address the concerns that Ofsted identified.

Following the Ofsted inspection report, a Directive Academy Order (DAO) was issued by the Secretary of State on 22nd October 2019. (A DAO is a measure introduced by the Government whereby schools judged by Ofsted to be failing are automatically ordered to convert to an Academy which allows underperformance to be tackled swiftly.)

To date an Academy Trust has not been identified to sponsor Hunters Hill College which would allow the school to become an academy.1

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1 The Secretary of State issues a DAO via the Regional Schools Commissioner (RSC) to the Local Authority (LA) and the governing body of a community school instructing them to take all necessary steps to convert the school to academy status. The RSC and the Department for Education (DFE) will
An Interim Executive Board (IEB) was established at the school on 21st February 2020. This is a body, appointed for a temporary period, by a Local Authority with the consent of the Secretary of State for Education, which replaces the governing body to lead a school that is judged to be in urgent need of improvement.

Following a Condition Survey carried out by the Local Authority’s Technical Advisors (ACIVICO), it has been advised that several buildings on the site are beyond economical repair and no longer fit for purpose. It is estimated that significant and continued investment would be required to provide suitable buildings to meet the ongoing needs of the pupils. The level of investment required is unsustainable.

The budget plan for the financial year 2019/2020 predicted a significant deficit and at the end of year the deficit was £494,000. This deficit was predicted to increase to a cumulative total in excess of £1 million by the end of 2020/2021 financial year. As at September 2020, the cumulative forecast deficit for 2020/21 was £1.1 million, indicating that the initial forecast trajectory remained accurate. The cumulative deficit is predicted to grow further and amount to between £1.7 and £2.0 million by the end of the 2021/22 financial year. This is primarily the result of a substantial reduction in actual pupil numbers which is, in part, driven by parental preference. The current total budget for the school is only £2.9 million. This indicates that, even with concerted efforts to reduce expenditure, the budget of the school cannot be balanced.

Due to the financial unviability of the school and no forthcoming Academy sponsor, Birmingham City Council is proposing closure of the school.

**What changes are proposed?**
Birmingham City Council (the Local Authority) is consulting with stakeholders on a proposal to close Hunters Hill College.

**Why do we want to do this?**
Hunters Hill College is not financially viable based on prospective pupil numbers and depleted building stock.

---

1. Communicate to the LA and school the name of the trust that will sponsor the school and the date by which the school must convert.

2. The Secretary of State has the power to revoke an Academy Order in exceptional circumstances, where following due diligence a school is judged to be financially unviable. Where this is the case, the expectation is that the LA will take steps to close the school.

3. Birmingham City Council must do this in accordance with Part 2 and Schedule 2 of the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the statutory guidance “Opening and closing maintained schools’ Statutory guidance for proposers and decision-makers November 2019.”
When will these changes happen?
If the proposal is approved by the decision maker (following full consultation) it is intended that the proposal to close Hunters Hill College will be implemented on 31st August 2021.

Pupil Numbers and Admissions
Hunters Hill College has capacity to provide for 135 places for boys with an Education Health and Care Plan (EHCP) for Social, Emotional and Mental Health needs (SEMH). Pupil numbers have been steadily dropping since 2018.

There are currently 86 pupils on roll at the school. Admissions to the school are managed through the Local Authority’s Special Educational Needs Assessment and Review Service (SENAR). Pupils reside in Birmingham and in surrounding authority areas.

<table>
<thead>
<tr>
<th>Numbers on Roll</th>
<th>Y7</th>
<th>Y8</th>
<th>Y9</th>
<th>Y10</th>
<th>Y11</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Former 2019/20</td>
<td>9</td>
<td>19</td>
<td>30</td>
<td>26</td>
<td>27</td>
<td>111</td>
</tr>
<tr>
<td>Current 2020/21*</td>
<td>0</td>
<td>9</td>
<td>21</td>
<td>29</td>
<td>27</td>
<td>86</td>
</tr>
</tbody>
</table>

(*data as at November 2020.)

Until a decision is made, parents of children and young people with EHCPs will continue to have the right to request that Hunters Hill College is named in the EHCP in accordance with the Children and Families Act 2014 legislation (and associated Regulations) and the Special Educational Needs and Disability Code of Practice. Parents of any prospective pupils will be notified of the current proposal and consultation process, as potential stakeholders.

The Local Authority and Hunters Hill College will work together to ensure that the needs of existing pupils will continue to be met in accordance with their EHCP until a decision is reached in respect of this proposal. If the proposal to close the school is approved, the Local Authority will work closely with pupils and their families to agree appropriate alternative placements and to make suitable transition arrangements.

How will this affect pupils at the school?

Curriculum:
The pupils will continue to receive their curriculum entitlement at the school whilst they remain on roll there and throughout the consultation process. For as long as there are pupils on roll the school will continue to receive practical support from Birmingham City Council so that pupil’s needs continue to be met as set out in their EHCP.

Displaced Pupils:
If the proposal to close the school is approved, Birmingham City Council’s SENAR service, together with relevant professionals, will work closely with pupils and their families to agree appropriate alternative placements for existing pupils in Years 8-10. Current Year 11 pupils will be able to complete their education at the school by July 2021. As pupils that live in Birmingham are the responsibility of Birmingham City
Council, SENAR will liaise with appropriate schools and providers to ensure a suitable alternative placement is available for each pupil at Hunters Hill College. This placement may be at another special school or an alternative provider and will be based on the needs of the pupils as set out in their EHCPs.

A transition plan to support pupils and families with any change in placement will be initiated and the new school will be fully engaged prior to the transition. This is particularly critical for pupils studying for their GCSEs.

For pupils that do not live in Birmingham, SENAR will liaise with the Local Authority where the pupils live to identify a placement that meets their needs, either within Birmingham or another Local Authority, where appropriate. This may be at another special school or an alternative provider and will be based on the needs of the pupils as set out in their EHCPs.

**Statement regarding: SEN Improvement Test:**

“Where existing provision that is recognised by the LA as reserved for pupils with special educational needs is being discontinued, a statement as to how the LA or the governing body (as the case may be) believes the proposals are likely to lead to improvements in the standard, quality and or range of the educational provision for these children.”.

Birmingham City Council considers that the circumstances of Hunters Hill College do not allow for the school to make the necessary improvements identified in the Ofsted report. As part of this consultation on the proposed closure, the quality of alternative settings will be evaluated carefully to ensure that pupils receive an improved standard of education that meets their needs as detailed in their EHCP. Council officers are currently carrying out the quality assurance work on the range of educational provision available for children and young people with SEMH.

**Transport:**

Most pupils currently attending Hunters Hill College are Birmingham citizens, however, 10 pupils live outside Birmingham and are the responsibility of other Local Authorities. A large proportion of pupils currently travel long distances using various forms of transport to reach Hunters Hill College.

<table>
<thead>
<tr>
<th>Travel distance</th>
<th>Under 5 miles</th>
<th>5-10 miles</th>
<th>10-20 miles</th>
<th>20-30 miles</th>
<th>Over 30 Miles</th>
<th>Total</th>
<th>Pupils who use taxis</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Pupils</td>
<td>2</td>
<td>19</td>
<td>33</td>
<td>30</td>
<td>1</td>
<td>85</td>
<td>26</td>
<td>111</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Travel times (each way)</th>
<th>Shortest</th>
<th>Average</th>
<th>Longest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Pupils</td>
<td>24 mins</td>
<td>80 mins</td>
<td>158 mins</td>
</tr>
</tbody>
</table>

(data as at June 2020)
Birmingham City Council’s transport arrangements for children with special needs will apply where appropriate, known as Travel Assist. Travel Assist will be fully engaged with any changes to travel plans and arrangements where required.

The aim is to provide a high-quality school place for each Birmingham child, as local as possible to their home and community. As part of this consultation, the Council will be gathering information and evaluating the potential impact of the closure proposal on pupils’ travel time and distance. This may be an opportunity to significantly reduce the travel time for pupils, which could have a positive impact on wellbeing.

**Impact on the Local Community**

There would be some impact on the local community. Hunters Hill College is a Birmingham City Council maintained school located outside of the City boundary in Worcestershire. The majority of pupils live in Birmingham and are not local to the school. Most pupils travel a significant distance to school by differing forms of transport. The local community can, therefore, expect to notice reduced transport and traffic around the school.

The future use of Hunters Hill site (The Cropwood Estate) will be determined by the landowner and does not form part of this consultation.

**How will this affect staff?**

Birmingham City Council and the IEB of Hunters Hill College recognise that change can be unsettling and that there may be challenges along the way. If the proposal to close the school is approved, this will impact staff at the school. All staff reductions or changes to employment terms and conditions would be subject to full consultation with the trade unions and teaching associations. Birmingham City Council will endeavour to keep staff fully informed.

**Will this definitely happen?**

No, there is government guidance and a statutory process that Birmingham City Council must follow to close a school. The statutory process is in two parts. Birmingham City Council has completed the first part of the two-part statutory School Organisation consultation process. The first part ran for 17 weeks from Monday 22nd June 2020 to Friday 16th October 2020. The extended period of consultation was felt necessary due to COVID19 restrictions at the time. We received 153 responses during the pre-publication consultation, please see Annex A of this document for the analysis of the pre-publication consultation.

Birmingham City Council, has considered all comments received during the first part of the process, and has taken the decision to move to the second part of the school organisation process which is the statutory representation stage;
Statutory Publication and Representation period
Length of time: 4 weeks
We are now entering into the second and final part of the consultation. This full proposal document is an updated version of the pre-publication proposal document and it includes the analysis from the pre-publication consultation period (see Annex A).

We again invite comments on the proposal.

This part allows four weeks for anyone to comment on the proposal. All comments received during this part will be forwarded to the decision maker who will consider them to inform their decision.

Please note: Comments from the informal consultation stage were for consideration by the Local Authority and will not be included in the final report.
If you wish to make your views known to the decision makers, it is important that you submit these during this formal consultation period in writing.
This part will commence on Thursday 12th November 2020 and will close on Thursday 10th December 2020.

Decision process:
All comments received during the representation period will be forwarded to the decision maker for final consideration. The decision maker for this proposal is Birmingham City Council’s Cabinet. A decision must be made within two months of the end part 2 of the consultation (representation period).

What will happen if this proposal is rejected?
If this proposal is rejected, Birmingham City Council will work with the Department for Education to consider alternative proposals which address the issues at the school including the reinstatement of the Directive Academy Order by the Secretary of State.

How can I make my views known?
We welcome comments in writing, by email or via the BeHeard webpage within the 4-week statutory representation consultation period between 12th November 2020 and 10th December 2020.

Anyone wishing to make comments, support or objections to this proposal may do so through the BeHeard consultation website:
www.birminghambeheard.org.uk/people-1/huntershill-part2

Or in writing to Birmingham City Council’s Estates Management Team:
Education Infrastructure
PO Box 15843
Birmingham
B2 2RT

Or by emailing: edsi.enquiries@birmingham.gov.uk
Please include Hunters Hill Part 2 in the email subject line for immediate redirection.
A consultation response form can be found at the end of this document and can be used if anyone would like to send their comments in writing by post or by email.

What happens next?
The dates set out below meet the government requirements for us to consult fully with the people affected by the proposal. These dates are subject to change.

**Key dates**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statutory Pre-publication consultation</td>
<td><strong>Ended on 16th October 2020</strong></td>
</tr>
<tr>
<td>Statutory notice to be published</td>
<td>12th November 2020</td>
</tr>
<tr>
<td>Beginning of Representation period</td>
<td>12th November 2020</td>
</tr>
<tr>
<td>End of 4-week representation period</td>
<td>10th December 2020</td>
</tr>
<tr>
<td>Final decision to be made no later than</td>
<td>10th February 2021</td>
</tr>
<tr>
<td>Changes implemented</td>
<td>31st August 2021</td>
</tr>
</tbody>
</table>

Consultee List:
- Parents and families of pupils
- Pupils of the school
- Staff at the school
- Members of the Interim Executive Board
- Local Councillors
- Neighbouring Local Authorities
- Local Authorities that maintain an EHCP for a pupil of the school
- Teaching Associations and Trade Unions
- Clinical Commissioning Groups (NHS)
- All Birmingham schools
- Parents/families of any pupils at other schools who may be affected by the proposal including those at feeder primary schools.
- Birmingham Parent Carer Forum
- Special Educational Needs and Disability Information, Advice and Support Services (SENDIASS)
- Birmingham City Council Charities and Trust Committee.
Hunters Hill College:
Proposal to Close a Community Special School

Thank you for taking the time to send us your thoughts on these proposals.

Part 2. Statutory Consultation Response Form

Please help us to analyse your response by completing the following:

Your name (optional): ________________________________________________
Your contact details (optional, if you would like a reply)
______________________________________________________________

Are you in favour of the proposal (please circle)? Yes / No / Don’t know

Your interest in the proposal (please indicate one of the below):

<table>
<thead>
<tr>
<th>Pupil</th>
<th>Parent</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Governor</td>
<td>School Staff</td>
</tr>
<tr>
<td>Local Resident</td>
<td>Local Councillor</td>
</tr>
<tr>
<td>Member of Parliament</td>
<td>Other (please specify)</td>
</tr>
</tbody>
</table>

Please provide your comments to the proposal.
# Annex A: Hunters Hill College
## Pre-Publication Consultation Analysis

### Summary Table

<table>
<thead>
<tr>
<th>Total number of responses:</th>
<th>153</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number in favour or against the proposal:</td>
<td></td>
</tr>
<tr>
<td>In favour</td>
<td>54</td>
</tr>
<tr>
<td>Against</td>
<td>89</td>
</tr>
<tr>
<td>Don’t know</td>
<td>10</td>
</tr>
<tr>
<td>Not indicated</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Method of response:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>BeHeard (website)</td>
<td>149</td>
</tr>
<tr>
<td>Email</td>
<td>4</td>
</tr>
<tr>
<td>Letter</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Respondent by type:</th>
<th>Total</th>
<th>In favour</th>
<th>Opposed</th>
<th>Neither/ don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pupil</td>
<td>10</td>
<td>3</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Parent</td>
<td>26</td>
<td>14</td>
<td>11</td>
<td>1</td>
</tr>
<tr>
<td>School Governor</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>School Staff Member</td>
<td>23</td>
<td>5</td>
<td>18</td>
<td>0</td>
</tr>
<tr>
<td>Local Resident</td>
<td>38</td>
<td>13</td>
<td>21</td>
<td>4</td>
</tr>
<tr>
<td>Local Councillor</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Member of Parliament</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other, please specify (extended family/community; other organisations; former staff members, former pupils and their families)</td>
<td>46</td>
<td>16</td>
<td>27</td>
<td>3</td>
</tr>
<tr>
<td>Not answered</td>
<td>6</td>
<td>n/a</td>
<td>5</td>
<td>1</td>
</tr>
</tbody>
</table>

**Comment themes:** 129 responses included comments (counted per mention of total responses that include comments*);

<table>
<thead>
<tr>
<th>Mention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concern – Loss/shortage of specialist/unique provision</td>
</tr>
<tr>
<td>Opinion – positive experience / education is good</td>
</tr>
<tr>
<td>Concern – pupil wellbeing / transition</td>
</tr>
<tr>
<td>Opinion – invest in school / buildings / staff</td>
</tr>
<tr>
<td>Opinion – negative experience / education is poor</td>
</tr>
<tr>
<td>Opinion – school leadership is poor (historic and/or current)</td>
</tr>
<tr>
<td>Opinion – school has improved recently</td>
</tr>
<tr>
<td>Opinion – understand/acknowledge challenges and issues</td>
</tr>
<tr>
<td>Concern – future use of the site</td>
</tr>
<tr>
<td>Opinion - positive experience staff</td>
</tr>
<tr>
<td>Concern – proposal is financial incentive/motivation</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Opinion – negative experience/behaviour of staff</td>
</tr>
<tr>
<td>Opinion - BCC intervention poor/ineffective</td>
</tr>
<tr>
<td>Opinion - school could be good again</td>
</tr>
<tr>
<td>Opinion - buildings / site poor suitability / condition</td>
</tr>
<tr>
<td>Opinion - negative experience pupils’ behaviour</td>
</tr>
<tr>
<td>Opinion – school deliberately being “run down”/deteriorate /conspiracy</td>
</tr>
<tr>
<td>Concern - low pupil numbers</td>
</tr>
<tr>
<td>Concern - pupils doing GCSEs</td>
</tr>
<tr>
<td>Opinion – school used to be good.</td>
</tr>
<tr>
<td>Opinion – school far from pupils’ homes / transport concerns</td>
</tr>
<tr>
<td>Concern - school not fully open following COVID lockdown</td>
</tr>
<tr>
<td>Concern - lack of academy sponsor</td>
</tr>
<tr>
<td>Concern – parent wanting/waiting for change of placement</td>
</tr>
<tr>
<td>Opinion - removing residency negative financial impact</td>
</tr>
<tr>
<td>Opinion - school not financially viable</td>
</tr>
<tr>
<td>Opinion - positive experience pupil behaviour</td>
</tr>
<tr>
<td>Opinion - traffic at site not an issue</td>
</tr>
</tbody>
</table>

**Analyst notes:**
*Comment themes - example:*
If a total of 10 responses include comments and 3 of those comments mention traffic concerns; the result is: traffic - 3/10. If the same 3 people that mention traffic also mention parking and 3 other comments mention parking, the result is: Parking - 6/10.

Multiple responses: Some individuals have submitted more than one response or identical responses in more than one format; each response is counted in the figures in this summary.
Proposal of Birmingham City Council

Discontinuation of Hunters Hill College

Notice is given in accordance with section 15(1) of the Education and Inspections Act 2006 that Birmingham City Council intends to:

Discontinue Hunters Hill College (community special school) Spirehouse Lane, Worcestershire B60 1QD with effect from 31st August 2021.

This notice is an extract from the complete proposal document. Copies of the complete proposal can be found at; www.birminghambeheard.org.uk/people-1/huntershill-part2
If you require a hardcopy this can be obtained by writing to Estates Management Team, Education Infrastructure, PO Box 15843, Birmingham B2 2RT or via email to edsi.enquiries@birmingham.gov.uk.

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposals. Anyone who wishes to make representation about this proposal should do so through the above web site or by writing to the Estates Management Team at the above postal or email address. Please include Hunters Hill in the title line of any correspondence.
The date by which objections or comments must be received is 10th December 2020

Signed: Jaswinder Didially, Head of Service, Education Infrastructure.
Dated: 12th November 2020.
## Appendix 3: School Org: Consultation Analysis: Hunters Hill part-2

### Summary Table

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total number of responses:</strong></td>
<td>60</td>
</tr>
<tr>
<td><strong>Number in favour or against the proposal:</strong></td>
<td></td>
</tr>
<tr>
<td>In favour</td>
<td>12</td>
</tr>
<tr>
<td>Against</td>
<td>48</td>
</tr>
<tr>
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</tr>
<tr>
<td>Not indicated</td>
<td>0</td>
</tr>
<tr>
<td><strong>Method of response:</strong></td>
<td></td>
</tr>
<tr>
<td>BeHeard (website)</td>
<td>59</td>
</tr>
<tr>
<td>Email (NASWUT)</td>
<td>1</td>
</tr>
<tr>
<td>Letter</td>
<td>0</td>
</tr>
</tbody>
</table>

### BeHeard Respondent by type:

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>In favour</th>
<th>Opposed</th>
<th>Neither/ don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pupil</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parent</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>School Governor</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>School Staff Member</td>
<td>22</td>
<td>4</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Local Resident</td>
<td>18</td>
<td>2</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Local Councillor</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Member of Parliament</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other, please specify (extended family/community; other organisations; former staff members, former pupils and their families)</td>
<td>13</td>
<td>3</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Not answered</td>
<td>0</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
</tr>
</tbody>
</table>

### BeHeard Comment themes: 50 responses via BeHeard included comments (counted per mention of total responses that include comments)

<table>
<thead>
<tr>
<th>Comment</th>
<th>Mentions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss/shortage of specialist/unique provision</td>
<td>27/50</td>
</tr>
<tr>
<td>Children receive good education and positive experience / closure would have a detrimental effect on pupils</td>
<td>19/50</td>
</tr>
<tr>
<td>Where will alternative places be provided if school closes</td>
<td>11/50</td>
</tr>
<tr>
<td>Concerns regarding land ownership/ future of land/ Cropwood Trust/covenants</td>
<td>8/50</td>
</tr>
<tr>
<td>Buildings are poor/ not safe/ not fit for teaching pupils</td>
<td>6/50</td>
</tr>
<tr>
<td>Staff are good</td>
<td>6/50</td>
</tr>
<tr>
<td>Proposal is financially motivated</td>
<td>5/50</td>
</tr>
<tr>
<td>School could be good again</td>
<td>5/50</td>
</tr>
<tr>
<td>The closure is a foregone conclusion/ conspiracy to close</td>
<td>5/50</td>
</tr>
<tr>
<td>Building condition poor/has been allowed to deteriorate</td>
<td>4/50</td>
</tr>
<tr>
<td>Safeguarding issues (past)</td>
<td>2/50</td>
</tr>
</tbody>
</table>
Address issues at school - don’t close school.  2/50
Staff not well trained  2/50
Concern for pupils in year 10 doing GCSE’s  1/50
School leadership is poor  1/50
Not enough done to respond to directive Academy Order  1/50
School too far from pupils’ homes / long journeys to school  1/50
School not financially viable  1/50

Analyst notes:
- 59 responses were received via BeHeard and one response was received by email.
- The qualitative analysis refers to BeHeard responses.
- A response was received by email from NASUWT. A copy of the response forms part of this appendix it has been included in the total responses above but has not been included in the comment themes.
- An email was addressed to Councillor Francis from a Birmingham Councillor during the statutory consultation enquiring what provision would be available for pupils should the school close. A response was sent from Councillor Francis in answer to the enquiry. This has not been included in the summary as it was an enquiry for Councillor Francis. The same Councillor also made representation via BeHeard which is included in the above analysis.
- 9 of the 59 responses via BeHeard had no comments included.
The children are being denied a specific educational facility at any age of failing to support the school and the teachers. You must ensure that Hunter's Hill remains of a functioning educational facility.

---

The school is not well planned and does not show. The school is poorly constructed and designed. The school is poorly maintained and the areas are not accessible. The school is poorly funded and the school is not supported. The school is poorly staffed and the staff is not trained. The school is poorly equipped and the equipment is not maintained. The school is poorly managed and the management is not competent.

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We are in need of secondary IMP Schools in Birmingham.

The school has a potential site in a good, focused IMP School program that serves the city of Birmingham. It's buildings on the whole are reasonable, the Crenshaw area could still be full of space for that department that Birmingham School has not shown the development of a board and there should be some older students, consequently, to keep them enroll in class, the school needs to develop more activities.

The support that the school received through IMP and TEP was mixed and often neglected and controlled by each other.

The school's decision to develop a program for IMP students has been made for the future. The whole process into curriculum and student needs. IMP and BTB and BTB students needed to continue the work of their previous.
Having worked at Hunter Hill for many years, I have seen the impact the school has had on its students first hand. The range of students that attend Hunter Hill are wide and varied but every one of them has their unique needs and development needs. It is important that the school is aware of these needs and works to meet them. The school must provide a safe and supportive environment for all students to learn and grow.

Over the years, the school has established a strong foundation in the community, and it is well known for its academic excellence and commitment to diversity. The school has a history of producing outstanding students who go on to attend top universities and make significant contributions to their fields.

As a school leader, I believe that the future of the school is bright, and I am committed to ensuring that all students have the opportunity to succeed.

In conclusion, I believe that the school is on the right track and that the future of Hunter Hill is bright. I am proud to be a part of this great community and look forward to seeing the continued success of the school.

Thank you for your time.
The school's location, being that it is in the Worcestershire countryside, is not предусмотрено a Birmingham School. Most pupils have significant journey’s to and from school each day, which is not good for their health and well being and it is a financial burden on the authority. These pupils deserve quality provision that is much closer to their homes. There is no justification for it to be seen as a school in the current location.

The building is not fit for purpose. The main school buildings are well past their 'useful' life. They are very expensive to maintain even to a basic standard, and do not provide the sort of spaces and facilities expected or required by a school these days. Despite considerable investment by £6.5m in maintenance and upgrades there is a long list of repairs and costs which needs timely to maintain the status quo. If a school was to be retained on this site a completely new building would be required that was subject to providing a quality education for today's young people, and that could be maintained at affordable costs.

The main Cropwood House was clearly once a magnificent building. However, years of retro-fitting and neglect have left a shell that requires multi-million pound investment to bring it back into use. Even if this was done, I would argue that it would not be suitable for use as a school without destroying the original features that do remain intact. A decision is a concern in both of these buildings, and is something that would need to be dealt with if any redevelopment was to take place.

I believe that over the past 12 months, despite the challenges posed by Covid-19, progress has been made in improving the education offer for the pupils that remain at the school. However, this has been hampered by many external factors, and will only truly be achieved by the appointment of a number of quality teachers, experienced in dealing with SEN pupils. This is not something that can be remedied overnight, and attracting such staff to the current school will be extremely challenging. A significant proportion of the staff that remain in post at the moment have been appointed on a temporary basis, for which they are not properly qualified and therefore have not had the support necessary to train them to try to improve and upskill. Poor practices are ingrained in many systems throughout the school to the extent that there is a lack of understanding of the need for change.

The school is not financially stable in its current state. Every effort has been made to reduce expenditure. However, historically the school has relied on the additional funding brought in by its previous status as a residential school. Even with the closure of the school's work and staff removed, historical decisions made by previous governing boards around use of the budget mean us with clothing costs that exceed income, and that is before other basic requirements such as food are taken into consideration.Obviously, funding could be improved by the allocation of additional pupils. However, this would also require additional support staff, and provisions that were fit for purpose.

The current budget deficit position could take years to achieve. If it is at all possible. Regrettably, historical decision making has not had pupil's welfare and progress at its heart.

Clearly, if the school is to close the staff must redouble the efforts that are made. A number have already been successful in securing new posts elsewhere. If staff are well-qualified they should be able to secure new appropriate posts.

There is clearly concern from local residents about what would become of the site if the school closes. It is something that perhaps should be addressed more robustly and openly by BCC and the Cropwood Estate Trust. However, this is not a reason for keeping the school open.

Hunters Hill College is a great asset to the people of Birmingham, particularly for young people with SEN issues and their families. The staff are highly trained in areas such as restorative practice, psychologically informed environments, behaviour management needs and education practices. The school offers a unique and therapeutic environment which would be difficult to replicate. There are specialist resources such as the speech, the visual arts, social workers and learning environment which offer a very unique service to Birmingham's young people.

I feel that the staff have not had a fair opportunity to move the School in the right direction. The school Improvement Plan has not been coproduced with staff. The current executive head has overspent much of the issues that form part of this consultation, and his/her contract has been extended. There is an intervention plan in place with the school, that has not made a difference. The school could become an outstanding School and centre of excellence for young people with SEN.

There are concerns made by my next door neighbour who has raised valid points. Thank you.
1. The NASUWT welcomes the opportunity to comment on the proposal by Birmingham City Council (BCC) to close Hunters Hill College (HHC).

2. The NASUWT is the largest union representing exclusively teachers and headteachers in the UK.

GENERAL COMMENTS

3. HHC is a setting which caters for pupils who have challenging and often negative educational experiences which have led to significant social, emotional and behavioural needs. As such, the staff at the college are dedicated professionals who, day in and day out, strive to do their very best for the pupils in their care.

4. The NASUWT is disappointed that the Council has decided to close HHC rather than invest in its future. However, this failure to invest is not a new phenomenon.

5. There are numerous examples of BCC’s neglect of the school. This is most evident in the Acivico 2019 report into the state of the buildings, which found high levels of deterioration in the fabric of the school, caused by a lack of both routine maintenance and ongoing investment in the college.

6. The poor state of the buildings is one of the reasons put forward by BCC for closure of the school, yet this is the direct fault of the local authority, in its neglect of the school.
7. A further reason for the closure is the falling numbers of pupils. Again, this is in the direct gift of BCC, who decided to pause placements to the school. Members also report that there has been no communication with HHC over the proposals to increase the age range of the Skilts School which is a direct feeder to the college.

8. The Ofsted inspection which placed the school in special measures is cited as a further reason for closure, yet there appears to have been little support offered to the school from the employer. Members report that there has been no action plan shared, and since the appointment of an improvement partner, the situation has further deteriorated rather than improved.

9. The Ofsted report was also highly critical of the management of the school, yet there has been little to address this, and the further deterioration at the school is evidence that management is still failing.

10. The final reason cited for closure is the parlous state of the finances. Notwithstanding the direct link to pupil numbers mentioned above, there appears to have been no attempt by the local authority to rectify the situation before it became apparently terminal. For example, at no time was the staff body consulted about possible cost savings, such as taking the pupil transport in-house.

11. The serial mismanagement by the local authority has led to significant numbers of agency staff being required for the school to function, compounded by an astonishing rate of suspensions. The NASUWT understands that around 14 staff have been suspended from duty recently, an incredible amount which the NASUWT believes to be comparable to the rest of the city as a whole – at more than 400 other settings. It is hardly surprising that the school is in financial difficulty given these factors, which again are in the gift of the employer.

12. There are also questions around the role of the Cropwood Trust, of which BCC is the sole trustee. The NASUWT understands that the recent sale of buildings resulted in proceeds of £800,000, yet the school does not appear to have received a single penny.
13. It should be noted that the land now owned by the Trust was originally gifted to City for the purpose of establishing a school. Closure of the school on the site is not in the spirit of that original gift.

14. The lack of investment and routine maintenance, the block on new pupils joining the school, and the lack of general support, give the impression that BCC has been deliberately winding down the school for some time, and the closure of the school has become a self-fulfilling prophecy.

15. The NASUWT is also concerned that this consultation process is not meaningful, as members have been informed by members of the senior leadership team that the school will close.

16. The NASUWT has further concerns around the consultation process, particularly that comments submitted in the phase 1 consultation will not feature in the final consultation report. The NASUWT sees no rationale for this whatsoever.

17. It is a rather bizarre situation in a consultation for submissions not to be included in the final report, and even more so that the local authority expects submissions from the phase 1 process to be resubmitted in order for them to be considered.

18. The NASUWT is deeply troubled by reports from members that questions around the proposals are regularly going unanswered, compounded by the fact that the members report having little information provided by the Interim Executive Board. This further supports the view that the consultation is not meaningful and that the decision to close is a fait accompli.

SPECIFIC COMMENTS

19. From the consultation documents, it is unclear what will happen to the pupils, notwithstanding some vague assurances around the input of the Special Educational Needs Assessment Review Team (SENAR). This needs to be clarified as a matter of urgency.
20. The exceedingly high number of staff suspensions is of grave concern to the NASUWT. It certainly gives the impression that the employer may be seeking to reduce redundancy payments by seeking to dismiss as many staff as possible. As noted above, the high numbers of suspensions is directly impacting on the financial situation in the school.

21. The role of the Trust and its interface with BCC is opaque. This also needs to be clarified as a matter of urgency. The lack of clarity and transparency over the future use of the site, should the school close, is again concerning.

22. Although disposals are permitted, BCC should immediately clarify what is likely to happen to the site, given that it was originally gifted to the City for the purpose of establishing a school. As disposals are permitted, BCC should also be clear on what would happen to the proceeds of any disposals, and indeed, previous disposals.

For further information on the Union's response, contact:

Wayne Bates
National Negotiating Official
NASUWT
Hillscourt Education Centre
0121 453 6150
www.nasuwt.org.uk
nasuwt@mail.nasuwt.org.uk
Opening and closing maintained schools

Statutory guidance for proposers and decision-makers

November 2019
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1: Summary

About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when carrying out duties relating to establishing (opening) a new maintained school and / or the discontinuance (closing) of an existing maintained school.

The purpose of this guidance is to ensure that good quality school places are provided where they are needed, and that surplus capacity is removed where necessary. It should be read in conjunction with Part 2 and Schedule 2 of the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013.

Review date

This guidance will be reviewed in September 2020.

Who is this guidance for?

This guidance is relevant to all categories of maintained school, unless explicitly stated otherwise, and is for those proposing to open and / or close a school (e.g. governing bodies, dioceses, and local authorities (LAs)), decision-makers (LAs, the Schools Adjudicator and governing bodies), and for those affected by a proposal (e.g. dioceses, trustees, parents etc.).

Proposers and decision-makers must have regard to this guidance when making proposals or decisions related to Schedule 2 of EIA 2006 (as amended by EA 2011) and the Establishment and Discontinuance Regulations.

Separate advice is available on making prescribed alterations to maintained schools and significant changes to academies and academy closure by mutual agreement.

It is the responsibility of LAs, proposers and school governing bodies to ensure that they act in accordance with the relevant legislation and have regard to statutory guidance when seeking to make changes to or to open or close a maintained school and they are advised to seek independent legal advice where appropriate. Similarly when making decisions on such proposals, LAs and
Schools Adjudicator must act in accordance with the law and must have regard to statutory guidance.

Main points

• Where a LA identifies the need for a new school, specifically to meet increased basic need in their area, section 6A of EIA 2006 places them under a duty to seek proposals to establish an academy (free school) via the ‘free school presumption’ process. The LA is responsible for providing the site for the new school and meeting all associated capital and pre-/post–opening revenue costs.

• The final decision on all new free school presumption proposals lies with the Regional Schools Commissioner (RSC) on behalf of the Secretary of State.

• In November 2018, the department launched a capital scheme for proposers to apply to the department for capital funding to support the creation of new voluntary aided (VA) schools under section 11 of the EIA 2006. More information can found here.

• Proposers wishing to establish a new school may also wish to consider opening a free school.

• It is possible for any person (‘proposer’), in certain circumstances, to publish a proposal for a new maintained school outside of the competitions processes under section 11 of EIA 2006. It is also possible to apply to the Secretary of State for consent to publish proposals to establish a new maintained school under section 10 of EIA 2006.

• All decisions on proposals to open or close a maintained school must be made with regard to the factors outlined in this guidance and follow the relevant statutory process.

• Both the consultation period and the representation period should be carried out in term time to allow the maximum numbers of people to see and respond to what is proposed.

• The decision-maker will need to be satisfied that the consultation and representation period were appropriate, fair and open, and that the proposer has given full consideration to all the responses.

• Proposers should be aware of the guidance for decision makers set out in part 5 of this guidance and ensure that their proposals address the considerations that the decision-maker must take into account. The decision-maker must consider the expressed views of all those affected.
by a proposal or who have an interest in it, including cross-LA border interests. The decision-maker should not simply take account of the number of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents\(^1\) of children at the affected school(s).

- In determining proposals decision-makers must ensure that the guidance on schools causing concern (intervening in failing, underperforming and coasting schools) has been considered where necessary.

- Within one week of the date of their publication the documents below MUST be sent to the Secretary of State (via schoolorganisation.notifications@education.gov.uk):
  - a copy of the statutory proposal
  - a copy of the statutory notice
  - a copy of the decision record on the proposal.

- The School Organisation Team will make the necessary updates to the Get Information About Schools (GIAS) system

\(^1\) A ‘parent’ should be considered to be anyone who has parental responsibility, including parents, carers and legal guardians.
This section sets out how to propose the establishment of a new school. Proposer groups may also wish to consider establishing a free school.

<table>
<thead>
<tr>
<th>Type of Proposal</th>
<th>Proposer</th>
<th>Decision-Maker</th>
<th>Right of appeal to the Adjudicator?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free School Presumption</td>
<td>Other proposers (academy trusts/sponsors)</td>
<td>RSC (on behalf of the Secretary of State)</td>
<td>No</td>
</tr>
<tr>
<td>Section 7 (Stage 1)</td>
<td>Other proposers</td>
<td>RSC (on behalf of the Secretary of State)</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Any free school proposals will be considered first. If a proposal is received and considered suitable the competition ends and the free school proposal is taken forward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 7 (Stage 2)</td>
<td>Other proposers</td>
<td>LA² (Schools Adjudicator where the LA is involved in the Trust of a proposed foundation school)</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Where no suitable free school bid is received, proposals submitted for a new foundation, foundation special or voluntary school will be considered.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

² Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.
<table>
<thead>
<tr>
<th>Type of Proposal</th>
<th>Proposer</th>
<th>Decision-Maker</th>
<th>Right of appeal to the Adjudicator?</th>
</tr>
</thead>
</table>
| Section 11       | Other proposers | LA<sup>3</sup> | The Diocesan Board of Education of any CofE diocese in the relevant area.  
The bishop of any Roman Catholic church in the relevant area.  
Proposers (if the LA is the decision maker) |
| Section 10       | LA       | Schools Adjudicator | No. |
| Section 10       | All other proposers | LA (Schools Adjudicator where the LA is involved in the Trust of a foundation school) | Where the LA is the decision maker<sup>4</sup>;  
Proposers  
The Diocesan Board of Education of any CofE diocese in the relevant area.  
The bishop of any Roman Catholic church in the relevant area. |

**Related proposals**

A proposal should be regarded as ‘related’ if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Proposers should ensure that this information is set out clearly within their proposal.

---

<sup>3</sup> Where the LA does not make a decision within the prescribed two-month period, they must refer the proposal to the Schools Adjudicator.

<sup>4</sup> Where the Schools Adjudicator is the decision-maker, there is no right of appeal.
The free school presumption

Where a LA identifies the need for a new school to meet basic need for additional school places, section 6A of EIA 2006 places the LA under a duty to seek proposals to establish an academy (free school) via the ‘free school presumption’.

The LA is responsible for providing the site for the new school and meeting all associated capital and pre-/post-opening revenue costs. All new free school presumption proposals require the RSC’s approval (on behalf of the Secretary of State) as it is the Secretary of State who will enter into a funding agreement with the academy trust/sponsor.

LAs planning a presumption project to establish a primary school should include nursery provision in the specification, unless there is a demonstrable reason not to do so.

In considering the need for a new school, the LA should take account of any proposals they are aware of that will meet that need. If a LA has received a proposal for a new LA maintained school, and subsequently identifies the need for a new school, then the LA can decide the maintained school proposal before deciding whether it is necessary to seek proposals via the free school presumption.

School competitions

If the free school presumption competition does not yield a suitable proposal, then a statutory competition can be held under section 7 of the EIA 2006. This will not require a separate application for the Secretary of State’s approval, because the Secretary of State will inform the LA that approval to hold a section 7 competition is given at the same time as informing the LA that no suitable free school proposal was identified.

Where a LA holds a section 7 competition, the LA must follow the statutory process set out in Schedule 2 to EIA 2006 and the Establishment and Discontinuance Regulations.

The LA must publish a specification for the new school. The specification is only the minimum requirement and proposals may go beyond this. Proposers may submit proposals for a free school, foundation, foundation special or voluntary school into the competition. Where a free school proposal is received, the RSC

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5 Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.
(on behalf of the Secretary of State) will consider any free school proposals first when making a decision on the case.

The LA is expected to provide premises and meet the capital costs of implementing the winning proposal and must include a statement to this effect in the notice inviting proposals. Proposers should set out the estimated premises requirements and/or capital costs of a proposal submitted in response to a competition and, where these exceed the initial cost estimate made by the LA, the proposer should set out the reasons for the additional requirements and/or costs.

**Proposing a maintained school outside competitive arrangements**

It is possible to publish proposals for a new maintained school outside of the competitive arrangements at any time. Sections 10 and 11 of the EIA 2006 permit proposals to establish new schools under certain conditions either with the Secretary of State’s consent (section 10 cases) or without (section 11 cases).

In all cases, proposers must follow the required statutory process as set out in part 4 of this guidance.

**Section 11 proposals**

Any persons (‘proposer’), e.g. a diocese or charitable trust, may publish a proposal, at any time, for a new school outside the free school presumption and competitions process under section 11 of the EIA 2006.

The Secretary of State’s consent is not required in the case of proposals for:

- a new community or foundation primary school to replace a maintained infant and a maintained junior school;
- a new voluntary aided school (e.g. in order to meet demand for a specific type of place such as demand from those of a particular faith);
- a new foundation or voluntary controlled school resulting from the reorganisation of existing faith schools in an area, including an existing faith school losing or changing its religious designation;
- a new foundation or community school, where a section 7 competition has been held but did not identify a suitable provider;
- a former independent school wishing to join the maintained sector; and
- a new maintained nursery school.
The statutory process described in part 4 must be followed to establish the new school.

In November 2018, the department launched a capital scheme to support the delivery of new voluntary aided schools. Further information about the scheme is available here.

**Section 10 proposals**

It is also possible to apply to the Secretary of State for ‘consent to publish’ proposals to establish a new school under section 10 of EIA 2006:

- for a community or foundation school to replace an existing maintained school; or
- for a brand new foundation or voluntary controlled school.

Proposers wishing to apply for consent should email schoolorganisation.notifications@education.gov.uk and request an application form. Each request for consent will be considered on its merits and the particular circumstances of the case.

Proposers should wait to receive confirmation of consent before following the statutory process in part 4 to establish the new school.

The Schools Adjudicator will decide LA proposals (as well as proposals where the LA are involved in the trust of a proposed foundation school or fails to determine the proposals within the specified time). The LA will decide proposals from other proposers6.

**Factors to consider when proposing a new school**

Proposers should consider the following factors when making proposals to establish a new school.

**Demand vs Need**

For parental choice to work effectively, there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards. However, excessive surplus capacity should be managed appropriately. Proposers may wish to discuss their plans with their LA to understand levels of need for their proposed school.

Proposers should also demonstrate parental demand for the new school places and the type of provision being proposed, the quality and diversity of provision available in the local area, and the impact of the new places on existing educational provision in the local area.

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6 Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.
**Proposed admission arrangements**
Proposers should set out their intentions for the admission arrangements of the proposed school, including, where the proposal is for a voluntary or foundation school, whether the school will have a religious character and apply faith-based admissions criteria.

Proposers should ensure that they consider all expected admission applications when considering demand for the school, including those from outside the LA area in which the school is situated.

**National Curriculum**
All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community\(^7\).

**Integration and community cohesion**
Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of and respect for other cultures, faiths and communities.

Proposer should have regard to the Integrated Communities Action Plan as well as any local integration and community cohesion strategies.

When making a proposal, the proposers should take account of the community to be served by the school and set out how:

- The school will be welcoming to pupils of all faiths and none; and show how the school will address the needs of all pupils and parents.
- How the school will provide a broad and balanced curriculum and prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural (SMSC) education.
- How the school will promote fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs or none.
- How the school will encourage pupils from different communities, faiths and backgrounds to work together, learn about each other’s customs, beliefs and ideas and respect each other’s views.

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\(^7\) Under sections 90, 91, 92 and 93 of the Education Act 2002.
Travel and accessibility

Proposers should be satisfied that accessibility planning has been properly taken into account and that the proposal will not adversely impact disadvantaged groups.

LAs have a duty to promote the use of suitable travel and transport to school. Proposals should include a statement that the proposals are not expected to increase journey times, increase transport costs or result in children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

Funding

Proposers must include a statement setting out that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement to the funding arrangements.

Proposers relying on the department as a source of capital funding should not assume that approval of the proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available.

School premises and playing fields

Under the School Premises (England) Regulations 2012 all maintained schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, where proposals for a new VA school provide for the provision of playing fields, the duty to implement that part of the proposal (i.e. to provide the playing field) rests with the LA.

For Foundation, Foundation Special, and Voluntary Controlled schools, the duty to implement any proposals falls to either the governing body, or LA, as the proposal respectively provides for them to do so (i.e. the proposal for the new school will specify who will be providing the playing fields, which they then have a duty to actually provide).

Non-statutory guidelines setting out suggested areas for pitches and games courts are in place. Where the proposals for a new foundation or voluntary school are approved, the LA must transfer any interest it has in the premises to either the trustees of the school or, where the school has no trustees, the school’s foundation body to be held by that body for the relevant purposes. The LALAmust pay to relevant persons any reasonable costs incurred in connection with the transfer.
If any doubt or dispute arises as to the persons to whom that transfer it to be made, it must be made to such persons as the Schools Adjudicator thinks proper.
3: Proposing to close (discontinue) a maintained school

This section sets out information for LAs and governing bodies wishing to propose the closure of a maintained school.

Under Section 15 of the EIA 2006, a LA can propose the closure of ALL categories of maintained school. The statutory process is set out in part 4. The governing body of a voluntary, foundation or foundation special school may also publish proposals to close its own school following the statutory process. Alternatively, it may give at least two years’ notice of its intention to close the school to the Secretary of State and the LA.

The table below sets out a summary of the process for closing a maintained school:

<table>
<thead>
<tr>
<th>Proposer</th>
<th>Type of proposal</th>
<th>Decision-maker</th>
<th>Right of appeal to the Adjudicator?</th>
</tr>
</thead>
<tbody>
<tr>
<td>LA</td>
<td>Following a statutory process to close a community, community special or maintained nursery school</td>
<td>LA</td>
<td>The Diocesan Board of Education of any CofE diocese in the relevant area. The bishop of any Roman Catholic church in the relevant area.</td>
</tr>
</tbody>
</table>

Proposers should be aware that in ALL cases where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.

Where the Schools Adjudicator is the decision maker, there is no right of appeal.
<table>
<thead>
<tr>
<th>Proposer</th>
<th>Type of proposal</th>
<th>Decision-maker</th>
<th>Right of appeal to the Adjudicator?</th>
</tr>
</thead>
<tbody>
<tr>
<td>LA</td>
<td>Following a statutory process to close a foundation, foundation special or voluntary (VC or VA) school</td>
<td>LA</td>
<td>The Diocesan Board of Education of any CofE diocese in the relevant area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LA</td>
<td>The bishop of any Roman Catholic church in the relevant area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LA</td>
<td>The governing body or any foundation of the foundation or voluntary school specified in the proposals.</td>
</tr>
<tr>
<td>Governing Body</td>
<td>Following a statutory process to close a voluntary (VC or VA), foundation or foundation special school</td>
<td>LA</td>
<td>The Diocesan Board of Education of any CofE diocese in the relevant area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LA</td>
<td>The bishop of any Roman Catholic church in the relevant area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LA</td>
<td>The governing body or any foundation of the foundation or voluntary school specified in the proposals.</td>
</tr>
</tbody>
</table>

**Reasons for closing a school**

Reasons for closing a maintained school include, but are not limited to, where:
• There are surplus places elsewhere in the local area which can accommodate displaced pupils and there is no predicted demand for the school in the medium to long term;
• It is to be merged or amalgamated with another school;
• It has been judged inadequate by Ofsted and there is no sponsored academy solution;
• It is to acquire, lose or change its religious character;
• It is no longer considered viable; or
• It is being replaced by a new school.

Schools causing concern
In determining proposals, decision-makers must ensure that the guidance on schools causing concern (intervening in failing or underperforming schools) has been considered where necessary.

Related proposals
Where proposals are related, this should be made clear in consultation and representation periods, in published notices, and proposals. All notices should be published together / or as one notice (e.g. where one school is to be enlarged because another is being closed, a single notice could be published) and specified as ‘related’.

Related proposals must also be considered together and, where possible, decisions should be made at the same time.

The presumption against the closure of rural schools
Proposers should be aware that the Department expects all decision-makers to adopt a presumption against the closure of rural schools. This doesn’t mean that a rural school will never close, but that the case for closure should be strong and clearly in the best interests of educational provision in the area.

The presumption doesn’t apply where a rural infant and junior school on the same site are being closed to establish a new primary school.

Proposers should set out whether the school is referred to in the Designation of Rural Primary Schools (England) Order or, where it is a secondary school, whether the school is identified as rural on the Get Information about Schools database.

Proposers should provide evidence to show they have carefully considered:

• alternatives to closure including: federation with another local school; conversion to academy status and joining a multi-academy trust; the
scope for an extended school to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc;

- transport implications i.e. the availability, and likely cost of transport to other schools and sustainability issues;

- the size of the school and whether it puts the children at an educational disadvantage e.g. in terms of breadth of curriculum or resources available;

- the overall and long term impact on the local community of the closure of the village school and of the loss of the building as a community facility; and

- wider school organisation and capacity of good schools in the area to accommodate displaced pupils.

**The presumption against the closure of maintained nursery schools**

Proposers should be aware that decision-makers are expected to adopt a presumption against the closure of maintained nursery schools. This does not mean that a maintained nursery school will never close, but that the case for closure should be strong.

Where a proposal is for the closure of a maintained nursery school, the proposer should set out:

- plans to develop alternative early years provision clearly demonstrating that it will be at least equal in quantity and quality to the provision provided by the nursery school with no loss of expertise and specialism; and

- replacement provision is more accessible and more convenient for local parents.

**Amalgamations**

There are two ways to amalgamate two (or more) existing maintained schools:

- The LA or governing body (depending on school category) can publish a proposal to close two, or more, schools and the LA, or a proposer other than the LA (e.g. diocese, faith or parent group, trust), can publish a proposal to open a new school, depending on category. Where this is a presumption school, this will be subject to publication of a section 6A notice (see part 2). This will result in a new school number being issued.
• The LA and / or governing body (depending on school category) can publish a proposal to close one school (or more) and enlarge / change the age range / transfer site (following the statutory process as / when necessary) of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.

**Existing schools wishing to acquire, change or lose a religious character**

It is not possible for an existing maintained school to change its religious character. Instead, the LA or governing body must publish a proposal to close the existing school and a proposer, normally a faith organisation, must issue a ‘related’ proposal to establish a new voluntary or foundation school with a religious character. This can be done by either gaining the Secretary of State’s consent under section 10 or as a special case under section 11 of EIA 2006.

In **ALL** cases, before the religious designation flexibilities can be utilised, the proposer will need to apply separately, to the Secretary of State, for the new school to be designated with a religious character. This would normally be done once the proposal for the new school has been approved.

Schools designated with a religious character that close will automatically have the designation revoked. This means that where two or more schools have amalgamated and the intention is that the successor school will have a religious designation, the new school will have to apply for that designation. Upon gaining a religious designation, a school cannot immediately change its admissions policy to include faith-based criteria. It will need to have consulted on, and determined, its admission arrangements in accordance with the *School Admissions Code*.

**Two years notice of closure – voluntary and foundation schools**

In addition to the statutory process for closure in **part 4**, the governing body of a voluntary or foundation school may, subject to specified provisions\(^\text{10}\), give the Secretary of State and the LA at least two years’ notice of their intention to close the school.

The trustees of a foundation or voluntary school must give their governing body at least two years’ notice if they intend to terminate the school’s occupation of its

\(^{10}\) As outlined in section 30 of the SSFA 1998, and including those in the DBE Measure 1991.
site. The minimum two years’ notice allows the LA and / or governing body time to make alternative arrangements for pupils.

Closure of a community or foundation special school in the interests of pupils

The Secretary of State may direct a LA to close a community special or foundation special school if he considers it is in the interests of the health, safety or welfare of the pupils. Prior to making the direction, the Secretary of State must consult: the LA, any other LA who would be affected by the closure of the school; the person(s) who appoints the foundation governors (for a foundation special school with a foundation); and any other person(s) the Secretary of State considers appropriate.

The Secretary of State must give notice of the direction in writing to both the governing body and the head teacher of the school. The school must be closed on the date specified by the Secretary of State.

Temporary school closures

A proposal to close a school is not required where a school will temporarily cease to operate due to a rebuild. Where a school operating over multiple sites proposes to cease operations on one (or more) of its sites, the proposal will be for a prescribed alteration, and not a school closure.

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11 Section 17 of EIA 2006
4: The statutory process

This section sets out the stages of the statutory process. The statutory process below must be followed for opening\(^{12}\) and closing\(^{13}\) a maintained school.

Stage one: consultation

It is a statutory requirement to consult any parties the proposer thinks is appropriate before publishing proposals under section 10 or 11 for new schools and for section 15 proposals to close a maintained school.

The proposer may use the consultation to consider a range of options for the future of a school (e.g. amalgamation, federation or closure). However, the proposer must then publish specific proposals (see stage two of the statutory process below). It is these specific proposals setting out details of the new school or the school to be closed which can be commented on or objected to during the statutory representation period.

It is for the proposer to determine the nature and length of the consultation. It is best practice for consultations to be carried out in term time to allow the maximum number of people to respond. Proposers should have regard to the Cabinet Office guidance on Consultation principles when deciding how to carry out the consultation period.

In the case of the closure of rural primary schools and special schools, the Act sets out some particular groups who must be consulted. This is set out in Annex A.

Stage two: publication

A statutory proposal should be published within 12 months of the initial consultation period being completed. This is so that it can be informed by up-to-date feedback. A proposal \textbf{MUST} contain the information specified in either Schedule 1\(^{14}\) for establishing a new school or Schedule 2 for closing a school of the Establishment and Discontinuance Regulations. Annex B summarises the information required for closure proposals and Annex C summarises the information required for establishing a new school under the section 10 or 11 processes.

\(^{12}\) Under sections 10 and 11 of EIA 2006

\(^{13}\) Under section 15 of EIA 2006

\(^{14}\) Of the School Organisation (Establishment and Discontinuance) (England) Regulations 2013.
The proposer must publish the full proposal on a website along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends; and
- the address to which objections or comments should be submitted.

A brief notice containing the website address of the full proposal must be published in a local newspaper and may also be published in a conspicuous place on the school premises (where any exist), such as at all of the entrances to the school.

In all cases, within one week of the date of publication on the website, the proposer **MUST** send a copy of the proposal and the information set out above to:

- the Secretary of State
  ([schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk));
- Where the proposal is to close a special school, the parents of every registered pupil at the school;
- The Diocesan Board of Education of any Church of England diocese in the relevant area;
- the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant authority; and
- any other body or person that the proposer thinks is appropriate (e.g. any relevant religious authority).
- Where the proposal is for a new school under section 10 or 11 of the EIA 2006 and the LA is not the proposer, the LA which it is proposed would maintain the school.
- Where the proposal is for the closure of a maintained school, the governing body or the LA responsible for maintaining the school (as appropriate)

Within one week of receiving a request for a copy of the proposal the proposer must send a copy to the person requesting it.
Stage three: representation

Except where a proposal is for the closure of a rural primary school or a special school, where there are prescribed consultees (see Annex A), proposers of a school closure should consult organisations, groups and individuals they feel to be appropriate during the representation period (the information at Annex A can be used for examples).

The representation period starts on the date of publication of the statutory proposal and **MUST** last for four weeks. During this period, any person or organisation can submit comments on the proposal to the LA, to be taken into account by the decision-maker. It is also good practice for LAs to forward representations to the proposer (subject to any issues of data protection or confidentiality) to ensure that they are aware of local opinion.

The decision-maker will need to be satisfied that the proposer has had regard for the statutory process and must consider **ALL** the views submitted during the representation period, including all support for, objections to, and comments on the proposal.

Stage four: decision

The LA will be the decision-maker on a school closure proposal, unless the closure proposal is ‘related’ to another proposal that is to be decided by the Schools Adjudicator.

The Schools Adjudicator will decide proposals for new schools made by the LA (and cases where the LA is involved in the trust of a proposed foundation school). The LA will decide proposals for new schools from other proposers.

The Schools Adjudicator will also be the decision-maker in any case where the LA does not make a decision within a period of two months of the end of the representation period. Where this happens, the LA must, within a week of the end of that two-month period, refer the case to the Schools Adjudicator.

The decision-maker must have regard to the statutory decision makers guidance contained in this document.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with such modifications as they think desirable, after consulting the LA and/or proposer (as appropriate); or
• approve the proposal – with or without modification – subject to certain conditions\textsuperscript{15} (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When revoking a proposal prior to a decision being made, the proposer must send written notice to the LA and the Schools Adjudicator (where applicable). A notice must also be placed on the website where the original proposals were published.

Where the LA is the decision-maker, within one week of making a determination they **MUST** publish their decision and the reasons for that decision being made on their website. They **MUST** arrange for notification of the decision and reasons for it to be sent to:

- The Secretary of State (via schoolorganisation.notifications@education.gov.uk)
- the governing body/proposers (as appropriate);
- the Schools Adjudicator;
- The Diocesan Board of Education of any Church of England diocese in the relevant area;
- the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant authority; and
- for a special school, the parents of every registered pupil at the school;
- any other body considered appropriate (e.g. other relevant religious authority); and
- the trustees of the school (where relevant e.g. site trustees).

Where the Schools Adjudicator is the decision-maker, where possible they should send notification of the decision and reasons for it, within one week of making a determination to the LA and the Secretary of State (via schoolorganisation.notifications@education.gov.uk) to ensure the appropriate records can be updated and to allow for any actions required as a consequence of the decision to be completed (e.g. an admissions preference exercise following approval to close a school).

**Rights to refer LA decisions to the Schools Adjudicator**

For rights to refer a decision taken by the LA on establishment proposals to the Schools Adjudicator, see table on page 6. For rights to refer a decision taken by the LA on closure proposals to the Schools Adjudicator, see table on page 15.

\textsuperscript{15} As specified in regulation 16 of the Establishment and Discontinuance Regulations
Within one week of receipt of a request for a referral, a LA decision-maker must send the proposal, representations received and the minutes and papers from the meeting at which it considered the proposals to the Schools Adjudicator.

There is no right of appeal against determinations made by the Schools Adjudicator. Adjudicator decisions can be challenged only by judicial review in the courts.

**Stage five: implementation**

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, decision-makers should be confident the proposers have good justification (for example an authority-wide reorganisation) if they propose a timescale longer than three years.

The proposer must implement a proposal in the form approved, including any modifications made by the decision-maker.

The school organisation team will make the necessary changes to the school(s) GIAS record(s).

For proposals to establish a new school, the proposer should contact the school organisation team (via schoolorganisation.notifications@education.gov.uk) one month before the proposed opening date to confirm that the new school will be opening on time. It is at this point that a GIAS record will be created and your school will be assigned a URN.

**Modification post determination**

If it becomes necessary, due either to a major change in circumstance or it being unreasonably difficult to implement a proposal as approved, the proposer can propose modifications (e.g. to amend the implementation date) to the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been approved.

The LA or the Schools Adjudicator (where the original proposals were decided by the Schools Adjudicator) will be the decision maker for any proposals for modifications post determination.

**Revocation**

If the proposer does not wish to implement an approved proposal because doing so would be unreasonably difficult or circumstances have changed (so that implementation would be inappropriate) the proposer must publish a revocation
proposal, in order to be relieved of the duty to implement. A revocation proposal must contain:

- a description of the original proposal as published;
- the date of the publication of the original proposal; and
- a statement as to why the duty to implement the original proposal should not apply.

The proposer must publish the revocation proposal on a website and a brief notice of the proposal in a local newspaper. Details of what must be included in this notice are the same as in the publication section.

Within one week of publication, the proposer must send copies of the proposal to:

- The Secretary of State (via schoolorganisation.notifications@education.gov.uk)
- Any other body or person that the proposer think appropriate.

Proposers must send the revocation proposal to the LA within one week of the date of publication on the website. Where the original proposal was decided by the Schools Adjudicator, the LA must refer the revocation proposal together with any comments or objections within two weeks of the end of the representation period to the Schools Adjudicator.
5: Guidance for decision-makers

This section sets out the considerations that should be made by the LA or Schools Adjudicator when deciding proposals to establish or discontinue (close) a school. The decision-maker must have regard to the statutory guidance contained in this document. Proposers will wish to ensure that their proposals contain the information that the decision-maker will need in order to decide the proposal taking account of this section of the guidance.

The LA will be the decision-maker on a school closure proposal, unless the closure proposal is ‘related’ to another proposal that is to be decided by the Schools Adjudicator.

The Schools Adjudicator will be the decision-maker for LA proposals to establish a new school (and cases where the LA is involved in the trust of a proposed foundation school). The LA is the decision-maker for any proposals for a new school from other proposers.

The Schools Adjudicator will be the decision-maker in any case where the LA does not make a decision within a period of two months from the end of the representation period. Where this happens, the LA must, within a week of the end of that two month period, refer the case to the Schools Adjudicator.

In all cases, the decision-maker should be satisfied that the proposer has carried out the statutory process satisfactorily and should have due regard to all responses received during the representation period.

Issuing a decision

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with such modifications as they think desirable, after consulting the LA and/or proposer (as appropriate); or
- approve the proposal – with or without modification – subject to certain conditions\(^{16}\) (such as the granting of planning permission) being met.

Such decisions must be taken within two months of the end of the representation period, it is not possible for a LA to defer the decision beyond the two-month period.

\(^{16}\) As specified in regulation 16 of the Establishment and Discontinuance Regulations
A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so the proposer must send written notice to the LA and the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published. It is good practice to notify any other interested parties that the proposal has been withdrawn.

Where the LA is the decision-maker, within one week of making a determination they must publish their decision and the reasons for such a decision being made on their website. They must arrange for notification of the decision and reasons for it to be sent to:

- The Secretary of State (via schoolorganisation.notifications@education.gov.uk)
- the governing body/proposers (as appropriate);
- the Schools Adjudicator;
- The Diocesan Board of Education of any Church of England diocese in the relevant area;
- the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant authority; and
- for a special school, the parents of every registered pupil at the school;
- any other body considered appropriate (e.g. other relevant religious authority); and
- The trustees of the school (where relevant e.g. site trustees).
- Where the Schools Adjudicator is the decision-maker, where possible they should send notification of the decision and reasons for it, within one week of making a determination to the LA and the Secretary of State (via schoolorganisation.notifications@education.gov.uk) to ensure the appropriate records can be updated and to allow for any actions required as a consequence of the decision to be completed (e.g. an admissions preference exercise following approval to close a school).

Factors to consider when determining proposals

Demand and need

When considering proposals to establish new provision, the decision-maker should be satisfied that the proposer has demonstrated demand for the provision being proposed. This should include:
• the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools), in relation to the number of places to be provided.

• the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents; raise local standards and narrow attainment gaps.

• the popularity of other schools in the area and evidence of parental demand for a new school. Whilst the existence of surplus capacity in neighbouring schools should not in itself prevent the creation of new places, they should consider the impact of the new places on existing good educational provision in the local area.

When determining proposals to discontinue (close) provision, the decision-maker should be satisfied that there are sufficient surplus places elsewhere in the local area to accommodate displaced pupils, and the likely supply and future demand for places in the medium and long term.

The decision-maker should take into account the overall quality of alternative places in the local area, balanced with the need to reduce excessive surplus capacity in the system. The decision-maker should have regard for the local context in which the proposals are being made, taking into account the nature of the area, the age of the children involved and, where applicable, alternative options considered for reducing excess surplus capacity.

**Suitability**

When considering any proposal for a new maintained school, the decision-maker should consider the proposal on its merits and take into account all matters relevant to the proposal. Any proposal put forward by organisations which advocate violence or other illegal activity must be rejected. In order to be approved, a proposal should demonstrate that, as part of a broad and balanced curriculum, the proposed new school would promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, as set out in the department’s guidance on Promoting fundamental British values through SMSC.

**Proposed admission arrangements**

Before approving a proposal the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission
arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

**National Curriculum**
All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community\(^1\).

**School size**
Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA’s budget of the need to provide additional funding to a small school to compensate for its size.

**Equal opportunity issues**
The decision-maker must have regard to the Public Sector Equality Duty (PSED), which requires them to have ‘due regard’ to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations between people with a protected characteristic and those without that characteristic.

The decision-maker must consider the impact of the proposals on the relevant protected characteristics and any issues that may arise from the proposals (e.g. where there is a proposal to establish new single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand). Decision-makers should be satisfied that the proposer has shown a commitment to providing access to a range of opportunities which reflect the ethnic and cultural mix of the area, whilst ensuring that such opportunities are open to all.

**Integration and community cohesion**
The decision-maker should consider the impact of any proposal on local integration and community cohesion objectives and have regard to the Integrated Communities Action Plan.

\(^1\) Under sections 90, 91, 92 and 93 of the Education Act 2002.
When considering, publishing or deciding a proposal, the proposer and the decision-maker should take account of the community to be served by the school and the views of different sections within the community. They should also consider:

- Whether the school will be welcoming to pupils of any faith and none; and how the school will address the needs of all pupils and parents.
- Whether the curriculum will be broad and balanced and prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural (SMSC) education.
- Whether the school will promote fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs and none.
- Whether the school will encourage pupils from different communities, faiths and backgrounds to work together, learn about each other’s customs, beliefs and ideas and respect each other’s views.

**Travel and accessibility**

The decision-maker should satisfy themselves that the proposers have been taken into account accessibility planning and that the proposal will not adversely impact on disadvantaged groups.

Decision-makers should consider whether the proposal will unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. The decision-maker will need to consider the local context, for example in areas with excessive surplus places, the decision-maker should consider whether the travel implications of the proposal are reasonable compared to those for alternative options.

A proposal should also be considered on the basis of how it will support and contribute to the LA’s duty to promote the use of sustainable travel and transport to school.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

**Funding**

The decision-maker should be satisfied that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement to the funding arrangements.
Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available.

Where a proposer is proposing a new voluntary aided school under section 11 and has applied for capital funding from the department, the decision-maker may, if satisfied that the department has given written ‘in principle’ agreement to provide capital funding, approve the proposals on the condition that the proposer enter into an arrangement with the Department for Education for any necessary building work.

**Schools causing concern**
In determining proposals, decision-makers must ensure that the guidance on schools causing concern (intervening in failing or underperforming schools) has been considered where necessary.

**Rural schools and the presumption against closure**
Decision-makers should adopt a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure should be strong and a proposal must be clearly in the best interests of educational provision in the area. When producing a proposal to close a rural primary school, the proposer must consider:

- the likely effect of the closure of the school on the local community;
- the proportion of pupils attending the school from within the local community i.e. is the school being used by the local community;
- educational standards at the school and the likely effect on standards at neighbouring schools;
- the availability, and likely cost to the LA, of transport to other schools;
- whether the school is now surplus to requirements (e.g. because there are surplus places elsewhere in the local area which can accommodate displaced pupils, and there is no predicted demand for the school in the medium or long term);
- any increase in the use of motor vehicles which is likely to result from the closure of the school, and the likely effects of any such increase; and
- any alternatives to the closure of the school.
‘Rural primary school’, in this context, means any school referred to in the Designation of Rural Primary Schools (England) Order. Proposers should also consider the above factors when proposing the closure of a rural secondary school. Rural secondary schools are identified on the Get Information about Schools database using the Office for National Statistics' Rural and Urban Area Classification. Decision-makers should consider this indicator when deciding a proposal for the closure of a rural secondary school. Where a school is not recorded as rural on GIAS, the decision-maker can consider evidence provided by interested parties that a particular school should be regarded as rural.

The presumption against the closure of rural schools does not apply in cases where a rural infant and junior school on the same site are being closed to establish a new primary school.

**Maintained nursery schools and the presumption against closure**

Decision-makers should adopt a presumption against the closure of maintained nursery schools. This does not mean that a nursery school will never close, but the case for closure should be strong and the proposal should demonstrate that:

- plans to develop alternative early years provision clearly demonstrate that it will be at least equal in quality and quantity to the provision provided by the nursery school with no loss of expertise and specialism; and

- replacement provision is more accessible and more convenient for local parents.

In considering a proposal to close a school which currently includes early years provision, the decision-maker should consider whether the alternative early years provision will integrate pre-school education with childcare services and/or with other services for young children and their families.

**Balance of denominational provision**

In deciding a proposal to close a school that has been designated with a religious character, decision-makers should consider the effect that this will have on the balance of denominational provision in the area, as well as taking account of the number of pupils currently on roll, the medium and long term need for places in the area, and whether standards at the school have been persistently low.

In relation to the balance of denominational provision, if an infant and a junior school of a particular religious character in an area are to close and be replaced with a new all-through school, then there should normally be a preference for
that new school to be of the same religious character as the predecessor schools.

Where one school has a religious character and the other does not, or has a different religious character, both proposers and decisions-makers should consider what would best meet the needs of the local community. Decision-makers should consider what impact the proposal will have on the balance of denomination provision in the area, the quality of the provision available (particularly when proposing a merger) and parental demand in the area for the different types of provision.

**Community services**

Some schools may be a focal point for family and community activity, providing extended services for a range of users, and their closure may have wider social consequences. Where the school is providing access to extended services, provision should be made for the pupils and their families to access similar services through their new schools or other means.

**Determining revocation proposals**

When a proposer or LA does not wish to implement an approved proposal because doing so would be unreasonably difficult or circumstances have changed (so that implementation would be inappropriate), the proposer must publish a revocation proposal, to be relieve themselves and/or the LA of any duty to implement.

The LA will be the decision-maker for revocation proposals with the exception of cases where the original proposal was determined by the [Schools Adjudicator](#). In such cases, the LA must refer the revocation proposal together with any comments or objections within two weeks of the end of the representation period to the Schools Adjudicator. Where the LA made the initial determination of the original proposals and the proposals were later referred to the adjudicator, the LA should determine any revocations proposals made.

The decision-maker should be satisfied that the proposer has carried out the statutory process appropriately (as set out in part 4 of this guidance) and should have regard for any responses received during the representation period.

LAs must determine a revocation proposal within two months of the end of the representation period. Where the LA has not determined the proposal by the end of the two-month period, the decision-maker must refer the decision to the Schools Adjudicator. The decision-maker should make such persons aware of the decision as they consider appropriate. This should include:
• the Secretary of State (via schoolorganisation.notifications@education.gov.uk)
• the governing body/proposers (as appropriate);
• the Schools Adjudicator or LA (as appropriate);
• the Diocesan Board of Education of any Church of England diocese in the relevant area;
• the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant authority; and
• for a special school, the parents of every registered pupil at the school;
• any other body considered appropriate (e.g. other relevant faith organisation); and
• the trustees of the school (where relevant e.g. site trustees).

Determining requests to modify approved proposals

Proposers may request modifications to approved proposals or ask the body which approved the proposals to specify a later date in respect of conditional approval\(^\text{18}\). Where the Schools Adjudicator determined the original proposals, the LA must refer the case to the Schools Adjudicator within two weeks of receipt of the request from the proposers.

The decision-maker should be satisfied that the proposal does not modify the existing proposals to the extent that new proposals are substituted for those that were originally published.

Where approved proposals are modified, the LA or the Schools Adjudicator (as the case may be) must notify the Secretary of State (via schoolorganisation.notifications@education.gov.uk) within one week of the date of the proposals being modified.

Where the bodies listed below are unsatisfied with the outcome of a decision taken on a revocation, they may appeal to the Schools Adjudicator within four weeks of the publication of the decision. The Schools Adjudicator will take a fresh decision on the proposals.

• the Diocesan Board of Education for any diocese in the Church of England that is comprised in the area of the relevant authority;
• the bishop of any Roman Catholic Church in the area of the relevant authority;
• the proposers;

\(^{18}\) Under paragraph 21(2)(a) of Schedule 2 to the Act
• the governing body or trustees of any foundation or voluntary school which is the subject of the proposals (where relevant).

Within one week of receiving the appeal the LA must send to the adjudicator:

• any objections or comments in relation to the proposals;
• minutes of the meeting at which the revocation proposals were considered; and
• any papers considered by the LA at that meeting.
Annex A: School closure consultations

In the case of the proposed closure of a rural primary school or a community or foundation special school, prior to publishing a statutory notice and proposal, proposers must, under section 16(1) of EIA 2006 consult:

- The LA (as appropriate);
- The parents of registered pupils at the school;
- where the LA is a county council the local district or parish council where the school that is the subject to the proposal is situated; and
- in the case of a special school – any LA which maintains an EHC plan or statement of special educational needs in respect of a registered pupil at the school.

The Secretary of State considers that these bodies, along with those listed below should be consulted in the case of the proposed closure of all schools:

- the governing body (as appropriate);
- pupils at the school\(^{19}\);
- (if a proposal involves, or is likely to affect a school which has a particular religious character) the appropriate diocese or relevant faith group\(^{20}\);
- the trustees of the school (if any);
- teachers and other staff at the school;
- any LA likely to be affected by the proposal, in particular neighbouring authorities where there may be significant cross-border movement of pupils;
- the governing bodies, teachers and other staff of any other school that may be affected;
- parents of any pupils at other schools who may be affected by the proposal including where appropriate families of pupils at feeder primary schools;
- any trade unions who represent staff at the school; and representatives of any trade union of staff at other schools who may be affected by the proposal;

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\(^{19}\) Under section 176 of the Education Act 2002.

\(^{20}\) Under the DBE Measure 1991 Church of England schools must consult with their diocese before making closure proposals.
• MPs whose constituencies include the school that is the subject of the proposal or whose constituents are likely to be affected by the proposal; and

• any other interested organisation / person that the proposer thinks are appropriate.
Annex B: Statutory proposals for school closures

As set out in Schedule 2 to the Establishment and Discontinuance Regulations, the information below must be included in a proposal to close a school:

Contact details
The name and contact address of the LA or governing body publishing the proposals and the name, address and category of the school it is proposed that should be discontinued.

Implementation
The date on which it is proposed to close the school or, where it is proposed that the closure be implemented in stages, the dates of and information about each stage.

Reason for closure
A statement explaining the reason why closure of the school is considered necessary.

Pupil numbers and admissions
The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is currently made at the school.

Displaced pupils
A statement and supporting evidence about the need for school places in the area including whether there is sufficient capacity to accommodate displaced pupils.

Details of the schools or further education colleges at which pupils at the school to be discontinued will be offered places, including—

a) any interim arrangements;

b) the provision that is to be made for those pupils who receive educational provision recognised by the LA as reserved for children with special educational needs; and

c) in the case of special schools, the alternative provision made by any LA other than the LA which maintain the school.
Details of any other measures proposed to be taken to increase the number of school or further education college places available if necessary, in consequence of the proposed discontinuance.

**Impact on the community**
A statement and supporting evidence about the impact on the community of the closure of the school and any measures proposed to mitigate any adverse impact.

**Rural primary schools**
Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15, a statement that the LA or the governing body (as the case may be) considered section 15(4).

**Balance of denominational provision**
Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

**Maintained nursery schools**
Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out—

a) the LA’s assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and

b) the accessibility and convenience of replacement provision for local parents.

**Sixth form provision**
Where the school proposed to be discontinued provides sixth form education, the effect for 16 to 19 year olds in the area that the closure will have in respect of—

a) their educational or training achievements;

b) their participation in education or training; and the range of educational or training opportunities available to them.
Special educational needs provision

Where existing provision that is recognised by the LA as reserved for pupils with special educational needs is being discontinued, a statement as to how the LA or the governing body (as the case may be) believes the proposals are likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

Travel

Details of length and journeys to alternative provision.

The proposed arrangements for travel of displaced pupils to other schools including how the proposed arrangements will mitigate against increased car use.
Annex C: Statutory proposals for establishing a new school

As set out in the Establishment and Discontinuance Regulations the information below must be included in section 10 and 11 proposals to establish a new school:

**Contact details**
The name and contact address of the LA or the proposers (as the case may be).

**Implementation**
The date on which it is proposed that the school be opened or, where it is proposed that the opening be implemented in stages, the dates of and information about each stage.

Where the proposals are to establish a voluntary, foundation or foundation special school, a statement as to whether the proposals are to be implemented by the LA or by the proposers, and if the proposals are to be implemented by both,

(a) a statement as to the extent that they are to be implemented by each body, and

(b) a statement as to the extent to which the capital costs of implementation are to be met by each body.

**Reason for the new school**
A statement explaining the reason why the new school is considered necessary and whether it is to replace an existing school or schools.

**Category**
Whether the school will be a foundation or foundation special school (and, if so, whether it is to have a foundation), a voluntary school (and whether it will be voluntary controlled or voluntary aided), a community or community special school, or a LA maintained nursery school and, if required by section 10, a statement that the Secretary of State’s consent has been obtained to publish the proposals.

**Ethos and religious character**
A short statement setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.
If it is proposed that the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

Where it is proposed that the school—

(a) has a religious character, evidence of the demand in the area for education in accordance with the tenets of the religion; or

(b) adheres to a particular philosophy, evidence of the demand for education in accordance with that philosophy that is not already met in other maintained schools or academies in the area.

Pupil numbers and admissions

The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is to be made at the school.

Admission arrangements

Except in relation to proposals for special schools, the proposed admission arrangements and over-subscription criteria for the new school including, where the school is proposed to be a foundation or voluntary school which is to have a religious character—

(a) the extent to which priority for places is proposed to be given to children of the school’s religion or religious denomination; and

(b) the extent, if any, to which priority is to be given to children of other religions or religious denominations or to children having no religion or religious denomination.

Early years provision

Where the proposals are to include provision for pupils aged two to five—

(a) details of how the early years provision will be organised, including the number of full-time and part-time pupils, the number of places, the number and length of sessions in each week, and the services for disabled children that will be offered;

(b) how the school will integrate the early years provision with childcare services, and how the proposals for the establishment of the school are consistent with the integration of early years provision with childcare;
(c) evidence of parental demand for additional early years provision;

(d) assessment of capacity, quality and sustainability of provision in schools, and in settings outside of the maintained school sector which deliver the Early Years Foundation Stage within three miles of the school; and

(e) the reasons why schools and settings outside the maintained school sector which deliver the Early Years Foundation Stage within three miles of the school and which have spare capacity, cannot make provision for any forecast increase in the numbers of such children.

Sixth form provision

Where it is proposed that the school will provide sixth form education, for 16 to 19 year olds in the area, how the proposals will —

(a) improve the educational or training achievements;

(b) increase participation in education or training; and

(c) expand the range of educational or training opportunities available to them.

Where the addition of sixth-form provision is being proposed, a change of age-range will be required, and proposers should refer to the prescribed alterations guidance.

Special educational needs provision

Whether the school will have provision that is recognised by the LA as reserved for children with special educational needs and, if so, the nature of such provision.

Details of the proposed policy of the school relating to the education of pupils with special educational needs.

Where the school will replace existing educational provision for children with special educational needs—

(a) a statement on how the proposer believes the proposal is likely to lead to improvements in the standard, quality and range of educational provision for these children;

(b) details of the improvements that the proposals will bring in respect of—

(i) access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the LA’s Accessibility Strategy;
(ii) access to specialist staff, both education and other professionals, including any external support or outreach services;

(iii) access to suitable accommodation; and

(iv) supply of suitable places.

**Single sex school**

Where the school is to admit pupils of a single sex—

(a) evidence of local demand for single sex education and how this will be met if the proposals are approved; and

(b) a statement giving details of the likely effect the new school will have on the balance of provision of single sex education in the area.

**Curriculum**

Confirmation that the school will meet the general requirements in relation to the curriculum contained in section 78 of EA 2002 and an outline of any provision that will be in addition to the basic curriculum required by section 80 of EA 2002, in particular any 14-19 vocational education.

**Relevant experience of proposers**

Evidence of any relevant experience in education held by the proposers including details of any involvement in the improvement of standards in education.

**Effects on standards and contributions to school improvement**

Information and supporting evidence on—

(a) how the school will contribute to enhancing the diversity and quality of education in the area; and (b) how the school will contribute to school improvement.

**Location and costs**

A statement about -

(a) the area or the particular community or communities which the new school is expected to serve;

(b) the location of the site or sites including, where appropriate, the postal address or addresses;
(c) the current ownership and tenure (freehold or leasehold) on which the site will be held, and if the site is to be held on a lease, details of the proposed lease;

(d) whether the site is currently used for the purposes of another school and if so, why the site will no longer be required by the other school;

(e) the estimated capital costs of providing the site and how those costs will be met (including the extent to which the costs are to be met by the proposers and the LA) and how the proposers intend to fund their share of the costs of implementing the proposals (if any);

(f) whether planning permission is needed under the Town and Country Planning Act 1990, and when it is anticipated that it will be obtained;

(g) confirmation from the Secretary of State or LA (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

**Travel**
The proposed arrangements for travel of pupils to the school.

**Federation**
Details of any proposals for the school to be established as a federated school.

**Voluntary aided schools**
Where the school is to be a voluntary aided school—

(a) details of the trusts on which the site is to be held; and

(b) confirmation that the governing body will be able and willing to carry out their obligations under Schedule 3 to SSFA 1998.

**Foundation schools**
Where the school is to be a foundation or foundation special school, confirmation as to—

(a) whether it will have a foundation and if so, the name or proposed name of the foundation;

(b) the rationale for the foundation and the particular ethos that it will bring to the school;

(c) the details of membership of the foundation, including the names of the members;
(d) the proposed constitution of the governing body; and

(e) details of the foundation’s charitable objects.
Annex D: Further Information

This guidance primarily relates to:

- **The Education and Inspections Act 2006**, as amended by the [Education Act 2011](#)
- **The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013**
- **The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013**
- **The free school presumption – Departmental advice for local authorities and new school proposers (May 2018)**
- **Presumption against the closure of primary schools**
- **Rural and Urban Area Classification**
- **The Religious Character of Schools (Designation Procedure) Regulations 1998**
- **How to apply for religious designation**
- **Schools Adjudicator**
- **School Admissions Code**

It also relates to:

- **School Governance (Constitution) (England) Regulations 2012**
- **School Governance (Roles, Procedures and Allowances) (England) Regulations 2013**
- **Governors handbook.**
- **School Premises (England) Regulations 2012**
- **The School Companies Regulations 2002** as amended by the [2003 Regulations](#) and the [2014 Regulations](#)
- **Change your charity’s governing document**
- **Academies Act 2010**
- **Making significant changes to an existing academy and Closure by Mutual Agreement (2018);**
- **Regional Schools Commissioner**
- **Consultation principles**
Appendix 5 – Public Report – Ward Councillors consulted

Hunters Hill College

Proposal to close the school

<table>
<thead>
<tr>
<th>Councillor Name</th>
<th>Date (sent)</th>
<th>Method of Consultation</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>Alex Yip</td>
<td>13/11/2020</td>
<td>E-mail</td>
<td>Councillor Yip responded via BeHeard, which is included in the statutory consultation results (appendix 3). An email enquiry was received by Councillor Francis from Councillor Alex Yip 19th November 2020. Councillor Francis responded to this email on 23rd November 2020. As this was an enquiry to Councillor Francis it was not included in the statutory consultation results in appendix 3.</td>
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<tr>
<td>Adam Higgs</td>
<td>13/11/2020</td>
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<tr>
<td>Adrian Delaney</td>
<td>13/11/2020</td>
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<tr>
<td>Alex Yip</td>
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<tr>
<td>Bob Beauchamp</td>
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<td>Bruce Lines</td>
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<tr>
<td>Charlotte Hodivala</td>
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<tr>
<td>David Barrie</td>
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<td>David Pears</td>
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<td>Debbie Clancy</td>
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<tr>
<td>Deirdre Alden</td>
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<td>Eddie Freeman</td>
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<td>Ewan Mackey</td>
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<td>Gareth Moore</td>
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<td>Gary Sambrook</td>
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<td>Matt S Bennett</td>
<td>13/11/2020</td>
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<tr>
<td>Maureen Cornish</td>
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<td>Meirion Jenkins</td>
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<td>Peter Fowler</td>
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<td>Robert Alden</td>
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<td>Simon Morrall</td>
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<td>Suzanne Webb</td>
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<td>Timothy Huxtable</td>
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<tr>
<td>Akhlaq Ahmed</td>
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<tr>
<td><strong>Other Local Authority</strong></td>
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<tr>
<td>Janet King (Lickey Hills)</td>
<td>13/11/2020</td>
<td>Public notice</td>
<td>Councillor from Bromsgrove area responded via BeHeard, which is included in the statutory consultation results (appendix 3).</td>
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Appendix 6

Displacement of pupils at Hunters Hill College

Birmingham City Council as the Local Authority has a statutory duty to ensure that all pupils living in the city have access to a school place. Should the proposal to close the school be approved, all pupils will need to be provided a place at another school. We will ensure that the school place is:

- available when required for each displaced pupil (September 2021 if not sooner)
- appropriate to the pupils’ needs as defined in their EHCP
- provides an improved quality of education
- is nearer to the pupils’ homes wherever possible and appropriate

Discussions have been ongoing with other providers to look at opportunities for additional places or expansion, if required. Whilst the specificities of these options cannot be shared at this stage, in lieu of a decision, we are confident that all required places will be provided.

In the meantime, Annual Reviews and updates to EHCPs are being undertaken for all pupils on roll including meetings with parents/carers to discuss their child’s circumstances. This is to ensure data is current, which will support an efficient response, should the displacement occur. Referrals to and engagement with relevant services continue to be made by the school and Local Authority officers in order to support pupils and their families e.g. Education Legal Intervention team, Children Missing Education, Exclusions, Children’s Advice & Support Service, Family Support as well as Social Care teams.

<table>
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<th>Hunters Hill Pupils 2020/21</th>
<th>Y7</th>
<th>Y8</th>
<th>Y9</th>
<th>Y10</th>
<th>Y11</th>
<th>Total Y7-11</th>
<th>Total Y8-10²</th>
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<td>Birmingham resident pupils</td>
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<td>19</td>
<td>21</td>
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<td>Other LA resident pupils¹</td>
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<td>8</td>
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<tr>
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<td>19</td>
<td>28</td>
<td>27</td>
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<td>Change of Placements agreed (pending start date)³</td>
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<td>2</td>
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<td>4</td>
<td>13</td>
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<td>Remaining Birmingham pupils on roll to be displaced if proposal approved</td>
<td>-</td>
<td>7</td>
<td>17</td>
<td>14</td>
<td>18</td>
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<td>0</td>
<td>7</td>
<td>4</td>
<td>12</td>
<td>8</td>
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</tbody>
</table>

Update as at 23.12.2020

¹ 12 pupils reside outside of Birmingham across Bromsgrove, Redditch, Sandwell, Solihull, Wolverhampton and Worcestershire Local Authority areas.

² The Year 8-10 totals column shows the number of pupils in these year groups who would require priority placement should closure be approved; given that Year 11 pupils could leave as part of normal transition at the end of July 2021. This reduces the requirement for placements but does not stop families expressing a Change of Placement request throughout 2020/21.

³ Placements have been confirmed and accepted at the following schools:
- Lindsworth School: community special school in Birmingham
- Riverside Education: alternative provision independent school in Birmingham
Appendix 6

- VASE (Values and Attitudes Special Education Academy): independent school in Birmingham

Should the decision to close Hunter Hill College be made, SENAR will undertake 1 to 1 meetings with pupils and their families as early as possible in spring term 2021 to discuss the pupil’s EHCP and options for an alternative placement. SENDIASS representatives will also be in attendance, as required, to provide advocacy for the family. Post-16 pathways for the pupil will form part of these discussions. For those pupils who do not reside in Birmingham, the home Local Authority will be informed of the decision to close.

Once a placement has been agreed with the pupil, their family and the provider, the EHCP will be updated and an agreed start date confirmed. The pupil cannot be removed from the roll of Hunters Hill until that pupil is known to be in attendance at their “receiving” school. “Pupil tracking” is therefore paramount and will be undertaken by colleagues within SENAR or Education Infrastructure.

Options for displacement need to be appropriate to the needs of the individual and this forms the core of all discussions.

The following provisions are under consideration:

- Other special schools within Birmingham -
  - Skilts School: community special school for boys which has proposed to temporarily increase its age range to include Y7-9 (pending decision 18th January 2021) as part of the relocation to a new purpose-built school within Birmingham
  - Lindsworth School: community special school in Birmingham
  - Queensbury School: academy special school in Birmingham. This would need the agreement of the Multi-Academy Trust.

- Other independent or alternative provision schools within Birmingham.
Title of proposed EIA
Hunters Hill College

Reference No
EQUA507

EA is in support of
Amended Policy

Review Frequency
No preference

Date of first review
04/11/2020

Directorate
Education and Skills

Division
Education and Early Years

Service Area
Education Infrastructure

Responsible Officer(s)
Morvia Innis
Nigel Harvey-Whitten
Lisa Fraser

Purpose of proposal
To propose and implement changes to remedy issues at Hunters Hill College

Data sources
Interviews; relevant reports/strategies; relevant research; Other (please specify)

Pupil data December 2020 (see attachment). Financial information. Buildings review. HR staff information will be used if the proposal is approved for implementation. The pre-publis h part of the statutory consultation ran for 17 weeks from 22nd June to 16th October. The decision is to move into the formal consultation (representation stage). Views at the representation stage will be forwarded to the decision makers, who for this proposal is the Full Cabinet of Birmingham City Council.

ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS

Protected characteristic: Age
Service Users / Stakeholders
Hunters Hill College admit pupils aged 11-16.

The closure of the school would mean all pupils currently on roll will be displaced. Displaced pupils would be offered an appropriate provision that meets the individual needs of each child as described in their Education Health and Care Plan (EHCP).

Definition of EHCPs:
The majority of children and young people with SEN or disabilities will have their needs met within local mainstream early years settings, schools or colleges. Some children and young people may require an EHC needs assessment in order for the Local Authority to decide whether it is necessary for it to make provision in accordance with an EHC plan.

A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.

A child of compulsory school age, or a young person, has a learning difficulty or disability if he or she:

• has a significantly greater difficulty in learning than the majority of others of the same age, or
• has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions

The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood.

To achieve this, local authorities use the information from the assessment to:

• establish and record the views, interests and aspirations of the parents and child or young person
• provide a full description of the child or young person’s special educational needs and any health and social care needs
+ establish outcomes across education, health and social care based on the child or young person’s needs and aspirations
+ specify the provision required and how education, health and care services will work together to meet the child or young person’s needs and support the achievement of the agreed outcomes
This information is used to inform the EHCP Plan, which is a legally binding document.

**Definition of SEMH Needs:**

SEMH (Social, Emotional & Mental Health) is a term that was introduced in the Special Educational Need and Disabilities (SEND) Code of Practice in 2014. It replaced the terms BESD (Behaviour Emotional Social Development) and EBD (Emotional & Behaviour Difficulties).

Social, emotional and mental health (SEMH) needs are a type of special educational needs in which children/young people have severe difficulties in managing their emotions and behaviour.

Children and young people may experience a wide range of social and emotional difficulties which manifest themselves in many ways. These may include becoming withdrawn or isolated, as well as displaying challenging, disruptive or disturbing behaviour. These behaviours may reflect underlying mental health difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children and young people may have disorders such as Attention Deficit Disorder, Attention Deficit Hyperactivity Disorder or Attachment Disorder.

A mental health condition is considered a disability if it has a long-term effect on your normal day-to-day activity. This is defined under the Equality Act 2010.

---

**Service Users / Stakeholders**

**Gender details:**

Hunters Hill College is a single sex school, providing teaching provision for boys only.

The proposed closure will impact all pupils on roll. Displaced pupils would be offered an appropriate provision that meets the individual needs of each child as described in their Education Health and Care Plan (EHCP).

Transition to alternative provision will be provided and will be either single sex or co-educational.

**Race details:**

This data is not collected by the DfE or the LA.

The proposed closure will impact all pupils on roll and each pupil will be considered individually with regards finding an alternative, appropriate placement.

**Religion or beliefs details:**

This data is not collected by DfE or LA. The proposed closure will impact all pupils on roll and each pupil will be considered individually with regards to finding an alternative, appropriate placement.

**Sexual Orientation details:**

This data is not collected by DfE or LA. The proposed closure will impact all pupils on roll and each pupil will be considered individually with regards to finding an alternative, appropriate placement.

---

Protected characteristic: Sex

Service Users / Stakeholders

Gender details:

Hunters Hill College is a single sex school, providing teaching provision for boys only.

The proposed closure will impact all pupils on roll. Displaced pupils would be offered an appropriate provision that meets the individual needs of each child as described in their Education Health and Care Plan (EHCP).

Transition to alternative provision will be provided and will be either single sex or co-educational.

Protected characteristics: Gender Reassignment

Gender reassignment details:

This data is not collected by the DfE or the LA.

The proposed closure will impact all pupils on roll and each pupil will be considered individually with regards finding an alternative, appropriate placement

Protected characteristics: Marriage and Civil Partnership

Marriage and civil partnership details:

This data is not collected by the DfE or the LA. The proposed closure will impact all pupils on roll and each pupil will be considered individually with regards to finding an alternative, appropriate placement.

Protected characteristics: Pregnancy and Maternity

Pregnancy and maternity details:

This data is not collected data by DfE or LA. Proposed closure will impact all pupils on roll and each pupil will be considered individually with regards to finding an alternative, appropriate placement.

Protected characteristics: Race

Race details:

This data is not collected by the DfE or LA for pupils.

The proposed closure will impact all pupils on roll and each pupil will be considered individually with regards finding an alternative, appropriate placement.

Protected characteristics: Religion or Beliefs

Religion or beliefs details:

This data is not collected data by DfE or LA. The proposed closure will impact all pupils on roll and each pupil will be considered individually with regards to finding an alternative, appropriate placement.
Sexual orientation details: This data is not collected by DfE or LA. The proposed closure will impact all pupils on roll and each pupil will be considered individually with regards to finding an alternative, appropriate placement.

Socio-economic impacts

Please indicate any actions arising from completing this screening exercise: No actions have been identified.

Please indicate whether a full impact assessment is recommended: NO

What data has been collected to facilitate the assessment of this policy/proposal?

Information regarding the pupils is attached.

Information regarding the staff group employed by Hunters Hill College will be reviewed if the proposal is approved for implementation. The school will be required to undertake a equalities impact assessment.

An individual EHCP review of all pupils will be undertaken if the proposals are accepted to be implemented.

Consultation analysis

Consultation commenced on 22nd June 2020 and ended on 16th October 2020. We have reviewed the equalities assessment at the end of the 1st part of the consultation and updated this impact assessment utilising the feedback received. The 2nd part of the consultation ran from the 12th November until 10th December 2020. At the end of the consultation, officers reviewed the impact assessment and reflected on feedback received.

Adverse impact on any people with protected characteristics

There is a risk of adverse impacts for any pupils with protected characteristics - if the school closes the children will no longer be able to attend Hunters Hill College and alternative placements will need to be offered. This has been reviewed following feedback received as part of the part of the school organisation consultations. Although this proposal has a risk of adversely impacting boys between 11-16, the School Organisation Regulations 2013 require by law a statement as to how the local authority believe the proposals are likely to lead to improvements in the standard, quality and or range of the educational provision for these children (which officers commonly refer to as “the SEN improvement test”). The Local Authority provided a statement about the likely improvement to SEN provision as part of the full proposal document, published for public consultation, with further elaboration within the decision report (Cabinet Report and appendices).

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

The proposal is developed to mitigate the risk of adverse impact, specifically the quality and proximity/locality of alternative provision for any displaced pupils and support for pupil wellbeing and transition. Staff have access to support services through HR, professional associations, Trade Unions and wellbeing services.

How will the effect(s) of this policy/proposal on equality be monitored?

Further service user consultation and feedback has been invited and encouraged and will be recorded and considered during the financial year 2020-2021. This equality analysis will be updated throughout the proposal and consultation process (the school organisation process part 1 & part 2) and this analysis will be referenced within the decision report.

What data is required in the future?

Any changes to the protected characteristics may well require further monitoring on the effect of the proposals moving forward.

Are there any adverse impacts on any particular group(s)

Hunters Hill College is a boys special schools offering up to 135 places for pupils age 11 – 16 (Yr7–Yr11) with an Education and Health Care Plan (EHCP) for Social, Emotional and Mental Health needs (SEMH). There are currently 83 pupils on roll at the school (as at January 2021). Admissions to the school are via the Special Educational Needs Assessment and Review Service (SENAR). The risk of adverse impacts has been identified for any pupils with protected characteristics. This has been reviewed following feedback received during the 1st and the 2nd part of the consultation. Although this proposal risks adversely impacting boys between 11-16, the School Organisation Regulations 2013 require by law a statement as to how the local authority believe the proposals are likely to lead to improvements in the standard, quality and or range of the educational provision for these children (which officers commonly refer to as “the SEN improvement test”).

Initial equality impact assessment of your proposal

N/A
The proposal will effect pupils with protected characteristics; age, gender and disability; however, if implemented, the risk of pupils being adversely impacted is mitigated by the likely improvement to SEN provision for these pupils and focussed on the individual needs of pupils including review of their EHCPs.

Documents reviewed:
- Consultee List
- Pre-publication consultation summary (part 1)
- Overview of Pupil numbers - Dec 2020
- Statutory Representation public consultation summary (part 2)
Executive Summary

1.1 This report follows those approved on 24th June 2017 (Conservation Area Review Report: Public Consultation) and 8th February 2019 (Conservation Area Review: Implementation of findings), which both addressed the Conservation...
Area Review Recommendations report. The 2017 report sought permission to approve and consult on the Conservation Area Review. The 2019 report followed the undertaking of the consultation and gained approval to implement the recommendations.

1.2 The 2017 report identified the then 30 conservation areas across the city. It proposed cancellations, variation (merging, reducing or enlarging), and finally it set out opportunities for potential new designations. Following the public consultation, and having considered any new representations received, if the recommendation was still to implement the cancellations/variations with amendments then there was to be a further report with revisions to recommend those cancellations/variations, and an update on other opportunities emerging since the 2017 report (following consultation with Planning Committee). This report addresses those revisions.

1.3 This report also provides a brief update on ongoing work in line with the 2017 report, including a proposal for a new conservation area within Balsall Heath which has emerged since the 2017 report. It seeks approval to carry out a soft consultation on the proposal with residents and stakeholders in Balsall Heath, and subject to positive feedback, to develop and consult on a conservation area appraisal and management plan to be put to members to consider for adoption in a future Cabinet report.

2 Recommendations

2.1 Approves revisions to the Conservation Area Review Recommendation Report of 2017. This includes:

**Austin Village Conservation Area:**

2.2 Approves the preparation of a Conservation Area Appraisal and Management Plan (and design guide), in conjunction with a review of an Article 4 direction and a public consultation process on these documents. The consultation will be in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease. Approve the cancellation of the conservation area designation if the new Appraisal and Management Plan does not result in reversing the declining condition of the conservation area as identified by Historic England’s Heritage at Risk Register which records the condition and trend.

2.3 Authorises the discharge of petition 2206 submitted to City Council on 14 July 2020 and Councillor Debbie Clancy and first-named petitioner be informed accordingly.

**Barnsley Road Conservation Area:**

2.4 Approves the preparation of a Conservation Area Appraisal and Management Plan, with Article 4 direction and boundary change (deductions) and a public consultation process on these documents. The consultation will be in line with
the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

**Jewellery Quarter Conservation Area and Colmore Row Conservation Area:**

2.5 Approves recommendations on the draft Conservation Area Appraisal and Management Plans for both Conservation Areas, the draft proposed boundary changes, and permission to undertake public consultation for the proposed boundary changes and the draft Conservation Area Appraisal and Management Plans for both areas. This would be in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

**Lozells and Soho Hill Conservation Area:**

2.6 Approves the draft Conservation Area Appraisal and Management Plan, the draft proposed boundary changes, and a public consultation process on these documents. Consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

**Edgbaston Conservation Area, Ryland Road Conservation Area and Lee Crescent conservation areas:**

2.7 Approves the draft Conservation Area Appraisal and Management Plan for a new merged Edgbaston Conservation Area, with Article 4 direction, draft proposed boundary changes, and a public consultation on these documents. Consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

**St. Agnes, Moseley Conservation Area:**

2.8 Approves the draft Conservation Area Appraisal and Management Plan, with Article 4 direction and draft proposed boundary changes, and a public consultation process on these documents. Consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

2.9 **Selly Park, Conservation Area:**

Approves the draft Conservation Area Appraisal and Management Plan, with Article 4 direction and draft proposed boundary changes, and a public consultation process on these documents. Consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.
2.10 **Old Yardley Conservation Area:**

Approves the draft Conservation Area Appraisal and Management Plan, with Article 4 direction and draft proposed boundary changes, and a public consultation process on these documents to support the objectives of the adopted East Birmingham Inclusive Growth Strategy. Consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

**Balsall Heath:**

2.11 Approves a soft consultation for a Conservation Area within the Moseley Road Corridor in Balsall Heath under Option 3 (See Appendix 2). The consultation will comprise, ascertaining the support in principle for a Conservation Area within the local community, and the extent of location of designation.

2.12 Following a positive response from community consultation, approval to draft a Conservation Area Appraisal and Management Plan to be considered for adoption at a later date by members. All consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

**Acocks Green:**

2.13 Agrees not to designate a Conservation Area.

2.14 Authorises the discharge of petition 2229 submitted to the City Council on the 3rd of November 2020, and Councillor Adam Higgs, Roger Harmer, John O'Shea, and first-named petitioner be informed accordingly.

**3 Background**

3.1 The statutory requirements of the Local Planning Authority concerning the designation and management of Conservation Areas is legislated under the Planning (Listed Buildings and Conservation Areas) Act 1990. This is set out in greater detail under paragraphs 5.2 through 5.4 of the 2017 report.

3.2 A designation should ‘preserve and enhance’ the ‘special architectural or historic interest’ of that area (Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990). Such a designation does not stifle development, but rather allows for growth and change that responds positively to that special character.

3.3 A review of the continued management of all conservation areas within the Birmingham area was undertaken by the City Council in 2017, in accordance with Paragraph (2) of Section 69 of the Planning (Listed Buildings and
Conservation Areas) Act 1990. The legislation requires for such a review to be undertaken on a regular basis. Current best practice suggests this should be done every 5 years.

3.4 Paragraph (2) of Section 69 also requires that under a Conservation Area Review process, consideration should also be given to further areas which may need to be designated, merged, or altered. However, there is no reason why a proposal cannot come forward in an interim period between reviews.

3.5 The findings of the review were endorsed by the City’s Conservation and Heritage Panel and approved by the Deputy Leader of the Council on the 26th of June 2017. The revisions and additional undertakings to that approval are as follows;

Cancellation of Conservation Areas

Austin Village:

3.6 The 2019 report secured approval for the cancellation of Austin Village Conservation Area and the removal of the associated Article 4 direction. Submission of a petition to City Council on 14 July 2020 halted the formal process of cancelling the designation, and there is now a public appetite to draft a Conservation Area Appraisal and Management Plan and review the Article 4 direction to retain the designation. The cancellation therefore is currently no longer being pursued whilst a new Conservation Area Appraisal and Management Plan is drawn up and tested. Permission is also sought to undertake appropriate consultation in line with this work. The intention is that by providing guidance to residents in the new Conservation Area Appraisal and Management Plan with support from Council Officers it will enable them to arrest the decline and gradually improve the condition of the Conservation Area. The 2019 Historic England at Risk Register identified the condition of the Austin Village Conservation Area as 'very bad' and the trend as 'deteriorating significantly'. The intention is that the Conservation Area designation will only be retained if future Heritage at Risk Registers demonstrate an improvement in its condition with the ultimate aim of it being completely removed from the register. If the condition has not improved by the publication of the 2023 Historic England Heritage at Risk Register then the Conservation Area designation will be cancelled. Therefore the approval to cancel the designation under the 2019 report is sought to be retained, so that cancellation can still be completed formally, if an unsatisfactory conclusion is reached under these new proposals.

Ideal Village:

3.7 For information, following the approval of the 2019 report the Ideal Village Conservation Area was cancelled on 24th October 2019.

Variation (Merging, Reducing, or Enlarging)
Barnsley Road:

3.8 Paragraph 5.10 of the 2017 report identified the need to review the Conservation Area boundary. A draft Conservation Area Appraisal and Management plan is now to be prepared and consulted on in conjunction with an Article 4 direction and boundary alterations.

Jewellery Quarter Conservation Area and Colmore Row Conservation Area:

3.9 Paragraph 5.11 of the 2017 report identified that parts of the conservation area should be transferred to the Colmore Row and Environs Conservation Area. A revised Conservation Area Appraisal and Management Plan was also proposed. This work has been undertaken and a new Conservation Area Appraisal and Management Plan have been drafted, which includes boundary alterations.

3.10 A revised Conservation Area Appraisal and Management plan is now to be prepared and consulted on which includes boundary alterations.

3.11 The Jewellery Quarter Neighbourhood Planning Forum and Jewellery Quarter Development Trust have drafted a Neighbourhood Plan for the Quarter and it is desirable that a comprehensive consultation event addressing all these documents takes place at the same time to mitigate confusion.

Lozells and Soho Hill Conservation Area:

3.12 Paragraph 5.12 of the 2017 report identified the need to review the Conservation Area boundary. A draft Conservation Area Appraisal and Management plan is now to be prepared and consulted on in conjunction with an Article 4 direction and boundary changes. This would be delivered in partnership with the Soho Road BID.

Edgbaston Conservation Area, Ryland Road Conservation Area and Lee Crescent Conservation Areas:

3.13 Paragraph 5.13 of the 2017 report identified the opportunity to merge the three Conservation Areas. A draft Conservation Area Appraisal and Management plan has been prepared in conjunction with the local community. This goes further than the 2017 approval and seeks approval to vary the boundary and include an Article 4 direction and to begin a public consultation process on these documents.

Warwick Bar Conservation Area and Digbeth, Deritend and Bordesley High Street conservation Areas:

3.14 Paragraph 5.13 of the 2017 report identified the opportunity to merge the two Conservation Areas. A draft Conservation Area Appraisal and Masterplan is now to be prepared. This goes further than the 2017 approval and seeks to vary the boundary. This document will form part of a wider Supplementary Planning Document for Digbeth and will seek approval under a separate report.
St Agnes, Moseley Conservation Area:

3.15 This designation was not specifically addressed under the 2017 report, but subsequently the local community have chosen to work with the Local Planning Authority, and have drafted a Conservation Area Appraisal and Management Plan. As part of this exercise it was felt that the designation boundary could be altered, for an Article 4 direction to be made, and to go to consultation on proposed changes.

Selly Park Conservation Area:

3.16 This designation was not specifically addressed under the 2017 report, but subsequently the local community have chosen to work with the Local Planning Authority, and have drafted a Conservation Area Appraisal and Management Plan. As part of this exercise it was felt that the designation boundary could be altered, for an Article 4 direction to be made, and to go to consultation on proposed changes.

Old Yardley Conservation Area:

3.17 It is a key objective within the East Birmingham Inclusive Growth Strategy for local heritage to be at the heart of the area’s regeneration programme. Therefore approval is requested to produce a draft Conservation Appraisal and Management Plan for Old Yardley, which will then go to public consultation.

New Conservation Areas

Acocks Green and Weoley Hill

3.18 Paragraph 5.14 of the 2017 report identified that in accordance with the provision of Paragraph (2) of Section 69 of the Act there is a requirement to continue to review the city and determine if other areas should be designated as conservation areas. At that time two areas were identified (1) Acocks Green and (2) Weoley Hill. In the case of Weoley Hill, little public interest has been shown and for now this will not be pursued any further. In the case of Acocks Green extensive survey work was undertaken by the community and by the Local Planning Authority which concluded that there was neither the ‘special architectural or historic interest’ as required by Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate a conservation area, nor was there enough surviving historic fabric for which a meaningful Article 4 direction could be drafted.

Balsall Heath

3.19 Since the 2017 review, an area of Balsall Heath known as the “Moseley Road Corridor” is being considered for the adoption of a new conservation area. It is the opinion of the National Trust that the designation of a conservation area within Balsall Heath, would lend stronger support to any bid focusing on
regenerating the area and help to support the Grade II* listed Moseley Baths Project being carried out by the Baths Coalition Partnership. This report seeks approval for the support in principle of a conservation area in the Moseley Road Corridor of Balsall Heath under Option 3 (see Appendix 2), and to carry out a soft consultation with residents and stakeholders in Balsall Heath to ascertain whether there is local support for the proposal. Should the proposal be supported by the community, it then requests approval for the development of a conservation area appraisal and management plan to support the future adoption of a conservation area (details of this can be found within Appendix 1).

**Explanatory Note**

3.20 It is recommended that we draft and consult on a number of Conservation Area Appraisal and Management Plans, however considering the scope of this work these are at different stages. A number of these have already been drafted whilst others are yet to be undertaken.

3.21 For those Conservation Areas where the document has already been drafted it is anticipated that consultation will take place imminently. In the current climate the consultation process will accord with the Council’s Statement of Community Consultation which can be found here. All consultation will be carried out in line with the temporary changes to the Statement of Community Involvement dated July 2020, but will revert to the requirements of the January 2020 statement should current restrictions ease.

4 **Options Considered and Recommended Proposal**

4.1 **Option 1 – Do Nothing:** The Council could choose not to accept the recommendations in this report. However, to not do so would mean that the Council would not be fulfilling its duty to review its Conservation Areas under the Planning (Listed Building and Conservation Areas) Act 1990.

4.2 **Option 2 – Approve the Report Recommendations:** To approve the recommendations outlined in Section 2 of this report as part of the Local Authority’s duty to review its Conservation Areas under the Planning (Listed Building and Conservation Areas) Act 1990.

4.3 **The recommended option is Option 2.** To approve the report’s recommendations

5 **Consultation**

5.1 The Conservation Area review proposals have been consulted on as part of the Council’s Design and Review Panel, and in previous reports.
5.2 The proposals regarding Balsall Heath have been discussed with the National Trust, and Historic England and have been given positive support. Local Councillors in the wards of Balsall Heath West and Moseley were also consulted and responses were positive. These responses are recorded in Appendix 4.

5.3 A petition was submitted to City Council on 14 July 2020 by Councillor Debbie Clancy containing 50 signatures calling upon Birmingham City Council to modify the existing Article 4 Direction to properly reflect Austin Village, Longbridge and its community. The petition states, ‘We called on the council to modify the existing Article 4 Directive to properly reflect Austin Village and its community, including the use of modern affordable building materials, whilst protecting the village’s conservation status to prevent unsympathetic development that damages the unique charm of this historic area.

5.4 A petition was submitted to the City Council on 3 November 2020 by Councillors Adam Higgs, Roger Harmer, and John O’Shea calling upon Birmingham City Council to dismiss a recommendation from Council Officers not to designate a Conservation Area in Acocks Green.

6 Risk Management

6.1 There is a risk that failure to introduce the proposed Balsall Heath Conservation Area could negatively impact on the long-term regeneration of the Moseley Corridor, and enhanced funding options may be lost that could have helped to support a sustainable financial model for the Moseley Road Baths.

6.2 There is also a risk that if the Conservation Area review recommendations are not accepted, the Council will not be fulfilling its duty under the Planning (Listed Building and Conservation Areas) Act 1990.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council’s priorities, plans and strategies?

7.1.1 The recommendations meet the Council’s priorities in terms of “achieving excellence”. It will do this by trying to maximise the potential of the Moseley Corridor in terms of improving the street scene, respecting local heritage and encouraging funding and investment opportunities to support the local economy and neighbourhoods. The wider conservation area recommendations, if implemented, will also support these objectives. In doing this the recommendations will help to meet another of the Council’s priorities “We put citizens first” and the Council Plan 2018-2022 (as updated in 2019) objective of: “Birmingham is a great city to live in”.

7.1.2 The recommendation is also supported by Birmingham Development Plan Policy “TP12 Historic Environment”.

Page 9 of 11
7.2 Legal Implications

7.2.1 The continued management and expansion of the conservation areas seeks to ‘preserve and enhance’ the ‘special architectural or historic interest’ of that area (Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

7.2.2 The designation of conservation areas is undertaken by the Local Planning Authority itself, and is a statutory function governed by the Planning (Listed Buildings and Conservation Areas) Act 1990. The Local Planning Authority is under a duty to review existing conservation area designations from time to time.

7.2.3 Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 empowers a Local Planning Authority to make an Article 4 direction and Schedule 3 contains the procedures for making Article 4 directions.

7.3 Financial Implications

7.3.1 Work to review the Conservation Areas and undertake the required consultation was undertaken by staff within Inclusive Growth (Planning and Development) and the costs have been met from the approved Planning and Development revenue budget.

7.3.2 The additional work resulting from this report to move forward will be undertaken by staff within Inclusive Growth (Planning and Development) and the costs will also be met from the approved Planning and Development revenue budget.

7.4 Procurement Implications (if required)

7.4.1 There are no procurement implications

7.5 Human Resources Implications (if required)

7.5.1 There are no human resources implications.

7.6 Public Sector Equality Duty

7.6.1 An Equality Analysis screening was undertaken in 2017 and is attached at Appendix 3 and it is considered that the proposals are still current and will have no adverse impact on the groups and characteristics protected under the Equality Act 2010. However, the Balsall Heath recommendation is additional to these previous recommendations and so a supplementary equality analysis has been conducted (see Appendix 5)
Appendices

8.1 Appendix 1 Background on Balsall Heath Conservation Area Proposal
8.2 Appendix 2 Balsall Heath Conservation Area Outline Option Maps
8.3 Appendix 3 Equality Analysis
8.4 Appendix 4 Councillor Comments
8.5 Appendix 5 Supplementary Equality Analysis

Background Documents

9.1 Conservation Area Review Report: Public Consultation 26th June 2017
9.2 Conservation Area Review Implementation of findings 8th February 2019
1.1 Since the 2017 review, an area of Balsall Heath known as the “Moseley Road Corridor” is being considered for the adoption of a new conservation area. The “Area of Search” within this corridor runs from the Junction of Haden Way and the Moseley Road in the North to the Junction of Park Road and Alcester Road in the South. This corridor includes 7 listed and locally listed buildings as well many non-listed buildings which are considered to be of architectural merit. Important listed buildings of note along the route are the grade 2 listed Moseley Road Baths, which is one of the only examples of its kind in Europe and as such it is on Historic England’s “buildings at risk” register and the World Monument Fund Watch List. There is also the Library, the School of Art, the Moseley Dance Centre, the old tram station, and the residential properties at Brighton Place.

1.2 In regards to the Moseley Baths, there is currently a multi agency partnership “(the Moseley Baths Coalition) in place including the CIO of the baths, the City Council as the landlord, the National Trust, the World Monument Fund, and Historic England, in order to secure a business model that will guarantee a sustainable future for the building. To date historic England have issued grants to repair the roof of the main “gala” pool, and the National Trust are leading on a bid for £10million of Heritage Lottery Funding to contribute towards developing the business model. However in order for the project to be full realised it is estimated that the full renovation and business offer of the baths will require circa £30 million, implying a current £20million gap in funding.

1.3 The setting of the baths and the surrounding townscape is also in much need of improvement. It is currently cluttered with signage, and shop frontages which are unsympathetic to the historic buildings in the wider area. There are a number of run down and vacant units which are falling into disrepair such as the former tram depot which is currently undergoing enforcement action, and a high number of dead frontages resulting from a significant number of A5 uses (takeaways) that reflect negatively on the heritage setting.

1.4 It is the opinion of the National Trust that the designation of a conservation area within Balsall Heath would lend stronger support to any bid focusing on regenerating the area and help to support the Moseley Baths Project being carried out by the Coalition partnership.
The designation of a conservation area, also signals confidence, and would help to attract public and private investment that could address the imbalance of uses in the existing street scene. This has the potential to create a niche shopping experience much like the successful examples of the Jewellery Quarter, which in turn, could offer regeneration opportunities for the area.

In order for a conservation area to be justified in principle, guidance from Historic England states that the area should meet the following three tests;

➢ It should have sufficient historical and architectural significance to be considered special
➢ That this quality is shown in the character and appearance of the area
➢ Whether it is desirable for the character and appearance to be preserved and enhanced.

It is the opinion of council officers that these tests are successfully met, and that a conservation area in Balsall Heath is acceptable in principle to support funding opportunities and the regeneration of the wider area.

2 Outline Options considered and Recommended Proposal (See Appendix 2)

2.1 Option 1 – Do nothing. This option is not recommended as a potential to help regenerate the corridor and the street scene within it would be missed. It would also be a missed opportunity that would have improved the areas position in terms of bids for heritage funding and inward investment.

2.2 Option 2 – This option focuses the Conservation Area in a small part of the Moseley Corridor. Its tight focus on the Moseley Baths, Library, and School of Art may make bids for heritage funding specifically for the Bath project stronger, however there are many other buildings along the Moseley Road corridor that contribute to the character and appearance of the area, and to not include them with the proposed boundary would be a missed opportunity to improve the overall setting of the corridor.

2.3 Option 3 – This would incorporate part of the wider Moseley Road Corridor, and additional statutory listed and locally listed buildings such as the old tram depot. This option incorporates a number of buildings which, while not
Appendix 1

statutorily or local listed, add a positive contribution to the setting and appearance of the corridor, and could help to influence the design of the public realm emerging from the Department for Transport of the West Midlands (TfTWM) Sprint Route proposals along the A435.

2.4 **Option 4** – This option is the same as option 3 but covers a wider area of the Moseley Road Corridor, and would additionally include the listed residential dwellings at Brighton Place. The only drawbacks to this option would be the potential of saturating the conservation area with a disproportionate amount of negative frontages, which could devalue the purpose of designating such an area as per the Historic England tests.

2.5 It is the recommendation of officers that the Council approve the principle of a Conservation Area within the Moseley Corridor at Balsall Heath, and to agree for planning officers to begin a soft consultation of Option 3, and, subject to receiving community support begin to develop a conservation area appraisal and management plan, that will be put to cabinet for approval at a later date.
Introduction

The report records the information that has been submitted for this equality analysis in the following format.

Initial Assessment

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

Relevant Protected Characteristics

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.
1 **Activity Type**

The activity has been identified as a Reviewed Policy.

2 **Initial Assessment**

2.1 **Purpose and Link to Strategic Themes**

*What is the purpose of this Policy and expected outcomes?*

A Review for the continued management of all conservation areas within the Birmingham has been undertaken by the City Council in accordance with the required legislation. The Review makes a number of recommendations in respect of the City's conservation areas. These recommendations have been endorsed by the City's Conservation and Heritage Panel for wider public consultation. Birmingham City Council has 30 designated conservation areas.

The designation of a conservation area seeks to 'preserve and enhance' the 'special architectural or historic interest' of that area (Section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990). Such a designation does not stifle development, but rather allows for growth and change that responds positively to that special character.

The designation of conservation areas is undertaken by the local authority itself, and is a statutory function governed by the Planning (Listed Buildings & Conservation Areas) Act 1990.

Paragraph (2) of Section 69 of the Act is clear that the local planning authority must review both the existing conservation areas as well as consider if further areas need to be designated on a regular basis. Standard practice within the discipline is that this should be around every 5 years. A review of all conservation areas in Birmingham has now been undertaken in order to meet this statutory requirement.

The findings of the review identified a number of issues including potential cancellation (de-designation), variation (merging, reducing and enlarging) and possible adoption of new conservation areas. The review's findings will be the basis of a public consultation seeking views on the proposals identified within it.

**For each strategy, please decide whether it is going to be significantly aided by the Function.**

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<th>Aided by Function</th>
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<tbody>
<tr>
<td>Children: A Safe And Secure City In Which To Learn And Grow</td>
<td>No</td>
</tr>
<tr>
<td>Health: Helping People Become More Physically Active And Well</td>
<td>No</td>
</tr>
<tr>
<td>Housing : To Meet The Needs Of All Current And Future Citizens</td>
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</tr>
<tr>
<td>Jobs And Skills: For An Enterprising, Innovative And Green City</td>
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2.2 **Individuals affected by the policy**

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<tr>
<td>Will the policy have an impact on employees?</td>
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<tr>
<td>Will the policy have an impact on wider community?</td>
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2.3 **Relevance Test**

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2.4 Analysis on Initial Assessment

Analysis

The findings of the conservation review identified a number of issues affecting designations including: potential cancellation (de-designation), variation (merging, reducing and enlarging) and possible adoption of new conservation areas. The review's findings will be the basis of a public consultation seeking views on the proposals identified within it.

In terms of analysis of the potential issues effecting equality matters and protected groups:

(a) Possible adoption of new conservation areas

Could designation impact on homeowners with large families that wish to extend their property, i.e. by making it more difficult or more expensive through tighter planning controls and additional fees?

In practice the designation of a conservation area would not add any further planning controls in respect of extensions of residential homes. Designation would mainly impact on applications for changes to the appearance and character of the public facing aspects of a building.

Might designation create an issue for people with disabilities, i.e. by making adaptation of properties more difficult/expensive through tighter planning controls and additional fees?

There are, anecdotally, examples where accessibility improvements have been made to properties within Conservation Areas without detracting from their historical character. There is also national guidance to help and support people making applications for adapting their property.

Each affected area will be consulted with on the potential for designation, this will include: a meeting with a representative body (such as a neighbourhood forum, parish council etc.), a letter drop to all properties, the letter will include a link to the City Council website containing reports, maps of the designated area and explanations as to what this will entail for the upkeep and maintenance of a property (this will be set out in conservation management plan, that will clearly explain the restrictions on maintenance and types of development that might or might not be supported).

(b) Cancellation

Cancellation of a designated will occur when changes to properties, over time, have resulted in such a loss of character to no longer warrant the area being a conservation area.

Consultation will be as above for new areas, i.e. meeting with a representative body followed by a letter drop to all properties with a link to the website containing reports, maps and explanations of proposed changes.

(c) Variation

Variation to a conservation area will mainly cover changes to the designated boundary and updates to management plans.

Monitoring

All consultation feedback will be assessed for any trends in terms of equality issues and the policy reviewed accordingly.
At this stage the analysis of the policy is that there is no potential to disproportionately affect any protected groups. The policy and analysis will be reviewed in the light of consultation feedback.
3 Full Assessment

The assessment questions below are completed for all characteristics identified for full assessment in the initial assessment phase.

3.1 Concluding Statement on Full Assessment

At this stage the assessment is that changes to conservation areas will not disproportionately affect any protected group. This finding will be tested through implementation of a robust consultation plan that will involve representative groups and inform all affected residents. Consultation findings will be subsequently used to review the proposed amendments to the policy including that of designated areas.

4 Review Date

04/09/17

5 Action Plan

There are no relevant issues, so no action plans are currently required.
### Appendix 4: Ward Member consultation
**Conservation Area’s Update and Proposal**

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<tr>
<th>SUBJECT</th>
<th>WARD</th>
<th>CONSULTATION</th>
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| Balsall Heath Conservation Area: Support for proposal | Balsall Heath, Moseley | Email dated 28th April 2020 requesting comments by 8th May 2020 | Cllr Kerry Jenkins - “echoing Cllr Straker Welds and clearly happy to support proposals that will bring increased benefit to neighbourhoods”
Cllr Zhor Malik - “Thank you for your email and attachments,...can I say that I am definitely in favour of a Conservation area around the Baths”
Cllr Martin Straker Welds - “uplifted by the prospect of a conservation area celebrating the fine heritage features in Balsall Heath” | |
**Assessments**

<table>
<thead>
<tr>
<th>Title of proposed EIA</th>
<th>Conservation Area's Review and Balsall Heath Proposal</th>
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<tbody>
<tr>
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<td>City Design &amp; Development Plans</td>
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<tr>
<td>Responsible Officer(s)</td>
<td>Andrew Lindop</td>
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<tr>
<td>Quality Control Officer(s)</td>
<td>Andrew Fuller</td>
</tr>
<tr>
<td>Accountable Officer(s)</td>
<td>Andrew Fuller</td>
</tr>
<tr>
<td>Purpose of proposal</td>
<td>To Consult on proposed changes to conservation areas within Birmingham</td>
</tr>
<tr>
<td>Data sources</td>
<td>Survey(s); Consultation Results; relevant reports/strategies</td>
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**ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS**

**Protected characteristic: Age**
- Age details:
- Service Users / Stakeholders
- The main contents of this report have already been assessed in a previous EIA Assessment REF EAO002061. However the same issues highlighted then still apply, and also apply to a new conservation area in Balsall Heath. Namely that the designation/amendment of a conservation area might potentially create an issue for people with disabilities, i.e. by making the adaptation of properties more difficult and expensive through tighter planning controls and additional fees. There are however examples of where improvements have been made to conservation areas without detracting from the areas historic character. There is also national guidance to help and support people adapting their property, as well as disabled facilities grants.

**Protected characteristic: Disability**
- Disability details:

**Protected characteristic: Sex**
- Gender details:
- Not Applicable

**Protected characteristics: Gender Reassignment**
- Gender reassignment details:
- Not Applicable

**Protected characteristics: Marriage and Civil Partnership**
- Marriage and civil partnership details:
- Not Applicable

**Protected characteristics: Pregnancy and Maternity**
- Pregnancy and maternity details:
- Not Applicable

**Protected characteristics: Race**
- Race details:
- Not Applicable

**Protected characteristics: Religion or Beliefs**
- Religion or beliefs details:
- Not Applicable

**Protected characteristics: Sexual Orientation**
- Sexual orientation details:
- Not Applicable

**Socio-economic impacts**
- links should be made available during any consultation to national guidance on disability adaptations, as well as disabled facilities grants.

Please indicate any actions arising from completing this screening exercise.

Please indicate whether a full impact assessment is recommended
- NO

What data has been collected to facilitate the assessment of this policy/proposal?

Consultation analysis
- Adverse impact on any people with protected characteristics.
Could the policy/proposal be modified to reduce or eliminate any adverse impact?
How will the effect(s) of this policy/proposal on equality be monitored?
What data is required in the future?
Are there any adverse impacts on any particular group(s)
if yes, please explain your reasons for going ahead.
Initial equality impact assessment of your proposal
Consulted People or Groups
Informed People or Groups
Summary and evidence of findings from your EIA

The main contents of this report have already been assessed in a previous EIA Assessment REF EA002061. However the same issues highlighted then still apply, and also apply to a new conservation area in Balsall Heath. Namely that the designation/amendment of a conservation area might potentially create an issue for people with disabilities, ie by making the adaptation of properties more difficult and expensive through tighter planning controls and additional fees. There are however examples of where improvements have been made to conservation areas without detracting from the areas historic character. There is also national guidance to help and support people adapting their property, as well as disabled facilities grants. Links can be provided to these during any consultation carried out.

QUALITY CONTROL SECTION
Submit to the Quality Control Officer for reviewing?
Yes
Quality Control Officer comments
The data and evidence submitted is sound and raises no issues.
Decision by Quality Control Officer
Proceed for final approval
Submit draft to Accountable Officer?
No
Decision by Accountable Officer
Approve
Date approved / rejected by the Accountable Officer
24/11/2020
Reasons for approval or rejection
The proposal raises no issues concerning any of the protected characteristics and therefore can be fully supported.

Please print and save a PDF copy for your records
Julie Bach
Person or Group

Content Type: Item
Version: 30:0
Created at 24/11/2020 11:05 AM by Andrew Lindop
Last modified at 24/11/2020 03:23 PM by Workflow on behalf of Andrew Lindop

[Form Outputs]
### Executive Summary

1.1 The purpose of this report is to ensure Cabinet remains sighted on the progress of the Clean Air Zone’s digital and physical infrastructure development, changes to the income and expenditure forecast, and the air quality monitoring situation.
over the course of the last year. It also highlights the agreements that the Council will need to enter into with the Secretary of State for Transport for the delivery of Central Government systems, which are required for the operation and enforcement of the CAZ, and delegations are sought to enable those agreements to be entered into once the documents have been finalised.

1.2 At various meetings of the City Council it has been noted that some time has elapsed since Cabinet received sight of the latest CAZ income and expenditure forecast which has been impacted by the delay to launch. More recently the Joint Air Quality Unit (JAQU), which is a joint organisation between the Department for Transport (DFT) and the Department for Environment, Food and Rural Affairs (DEFRA), has also detailed its plans for recovering the costs of Birmingham’s use of their CAZ Central Services which warrants visibility of the impacts of their proposals on the CAZ operating expenditure. This report also provides an opportunity for a broader update on the CAZ delivery.

1.3 As the Council continues to work towards the CAZ launch on 1st June 2021, further work is ongoing to integrate local CAZ systems with the Clean Air Zone Central Services provided by Central Government for all Local Authorities developing CAZs in England. In addition to digital integration, the Council will be required to enter into a ‘CAZ Agreement’ with the Secretary of State for Transport which details the provision of the CAZ Central Services to the Council. These services include:

i an online vehicle compliance checker (VCC) which determines if a vehicle complies with the CAZ emissions standards and if a charge should be paid,

ii an online payment portal through which all payments for use of the CAZ will be made, and

iii a central helpdesk for central CAZ queries and digital assisted payments.

1.4 In order to prioritise and enable systems integration and testing in the New Year, whilst the main CAZ Agreement continues to be developed, a separate Data Sharing Agreement (DSA) is being drafted by JAQU. The Council’s Clean Air Zone team, with significant support from Legal Services, have provided extensive feedback to drafts of both the CAZ Agreement and Data Sharing Agreement to ensure JAQU are aware of the standards and provisions that the Council expects. The delegation sought in this report will allow the signing of those agreements to be authorised in a timely manner once they are finalised.

1.5 In December 2020 the Secretary of State for Transport signed into force the Clean Air Zones Central Services (Fees) (England) Regulations 2020. These regulations require that any local authority using the Clean Air Zone Central Services pay a £2 charge which will be applied to all transactions processed by the online payment portal (item ‘ii’ in paragraph 1.3). A copy of these regulations can be seen in Appendix B. In practice, this charge will apply to all payments made for entry into the Birmingham CAZ and this represents a change in both the basis and the value of the fee from the Council’s original FBC submission to
JAQU. The Council previously expected to pay up to 5% of the CAZ revenue for these services, but now forecasts that costs will increase to approximately 16% of CAZ revenue. More detail on the implications of this change is provided in paragraph 7.3.

1.6 The Leader and the Cabinet Member for Transport and Environment have attended meetings with the Parliamentary Under Secretaries of State for DEFRA and DFT where the Government’s mandate for the implementation of the Birmingham local plan for NO\textsubscript{2} compliance has been consistently affirmed.

2 Recommendations

2.1 Notes that the launch date for the CAZ has been agreed as the 1\textsuperscript{st} June 2021. This is a change from the original date of 1\textsuperscript{st} January 2020 which could not be met initially due to the late delivery of the government’s vehicle compliance checker, and was followed by a further delay to the revised launch date set for summer 2020 as a result of the impacts of COVID-19.

2.2 Notes that the Council remains subject to a Ministerial Direction (the Environment Act 1995 (Birmingham City Council) Air Quality Direction 2019) which requires that it implements its plans so that compliance within the legal limit for Nitrogen Dioxide is achieved in the shortest possible time.

2.3 Notes that the Council continues to monitor air quality in the city and recorded improvements in Nitrogen Dioxide (NO\textsubscript{2}) levels throughout the course of 2020 and the legal limit for annual average NO\textsubscript{2} levels remains at 40 µg/m\textsuperscript{3} (micrograms per cubic metre). Improvements in 2020 were largely because of significantly reduced traffic levels caused by the national restrictions imposed as a result of COVID-19. Whilst the reduction in NO\textsubscript{2} levels for last year is positive, the improvements are not considered to be permanent and are expected to be reversed when traffic levels increase following the anticipated lifting of COVID-19 restrictions.

2.4 Notes that the majority of infrastructure works to support and enforce the CAZ are complete and testing of the IT enforcement solution and integration with the Clean Air Zone Central Service will commence in early 2021, subject to the necessary data sharing arrangements being in place.

2.5 Notes that Cabinet previously approved the Charging Order and Indicative Net Allocation of Net Proceeds report in June 2019 which included estimated revenue forecasts based on the information available at the time. The income and expenditure (I&E) forecast has been updated to reflect the revised CAZ operational dates, assumptions regarding traffic volumes and compliance, and revised costs from JAQU for the use of the Clean Air Zone Central Service. It also includes projects which have been allocated CAZ funding, subject to sufficient net revenue being generated, following approval by Cabinet.

2.6 Notes that the fees to pay for the Council’s use of the Clean Air Zone Central Services provided by the Secretary of State for Transport, through JAQU, will be
recovered using a Statutory Instrument (SI) and that the basis and value of the fee has changed from the Council’s original FBC submission to JAQU, which equated to 5% of the Council’s revenue, to a transactional approach which levies a £2 fee per transaction and will incur charges equivalent to approximately 16% of CAZ revenue.

2.7 Notes that the I&E will continue to be updated as assumptions are refined and new data becomes available. This includes data from additional air quality monitoring stations, additional traffic counting equipment, and automatic number plate recognition and compliance information. A further report will be presented to Cabinet following the CAZ launch with an updated forecast which will seek to address the remaining uncertainties and confirm the ongoing reporting process.

2.8 Notes that the Council will be required to enter into agreements with the Secretary of State for Transport for the provision of the Clean Air Zone Central Services. These agreements are currently still being drafted by JAQU on behalf of the Secretary of State and will include a Data Sharing Agreement (DSA) and a Clean Air Zone Central Services Agreement (CAZ Agreement) which will detail the specification and provision of the Clean Air Zone Central Services by the Secretary of State to the Council. These documents are expected to be finalised by JAQU in the New Year and at present are insufficiently mature to present to Cabinet.

2.9 Delegates authority to the Cabinet Member for Transport and Environment in consultation with the Director, Inclusive Growth, to finalise and enter into a CAZ Agreement with the Secretary of State for Transport for the provision of the Clean Air Zone Central Services required to operate the CAZ.

2.10 Delegates authority to the Cabinet Member for Transport and Environment in consultation with the Director, Inclusive Growth, to finalise and enter into a Data Sharing Agreement with the Secretary of State for Transport for the purposes of testing, monitoring, operation and enforcement of the CAZ.

2.11 Authorises the City Solicitor (or their delegate) to negotiate, execute, seal, take any necessary action, and complete all necessary documents to give effect to the above recommendations.

3 Background and Update on Air Quality and CAZ Digital and Physical Infrastructure Implementation

3.1 The Council has been working to implement the CAZ since approval of the FBC by Cabinet in December 2018 and receipt of funding for the programme from Central Government in March 2019.

3.2 Following delays experienced by Central Government in delivering their systems for enforcement, and more recently due to the impacts of COVID-19, the launch date for the CAZ has been moved originally from 1st January 2020, to summer 2020, and has now be agreed as 1st June 2021.
This report provides an update on progress towards implementing the CAZ, a summary of the air quality monitoring that has taken place this year given that air quality improvements are the key justification for the CAZ, and the latest income and expenditure forecast.

**Air Quality**

The Council undertakes continuous monitoring of air quality throughout the city and reports annually as part of its obligations under the Environment Act 1995 for Local Air Quality Management. In addition, specific studies have been commissioned in relation to the CAZ programme.

The Council has identified on successive occasions that excessive levels of Nitrogen Dioxide (NO$_2$) is the main air quality issue in the city, particularly within the city centre, with road traffic emissions being a substantial contributor. NO$_2$ exposure can exacerbate respiratory problems and the Council has previously committed to an area-based strategy which includes the CAZ and is detailed in the Council’s Air Quality Action Plan. NO$_2$ levels are measured in $\mu$gm$^{-3}$ (micrograms per cubic metre of air) and the legal limit for a calendar year is an average not exceeding 40 $\mu$gm$^{-3}$.

The results included in the Council’s 2019 Air Quality Annual Status Report (ASR), which considered data captured in 2018, showed annual average NO$_2$ level exceedances in a number of areas with the highest reading measuring 55 $\mu$gm$^{-3}$, 37% higher than the legal limit. Across all the 96 sites with measuring apparatus that collected sufficient data, 34 showed exceedances above the legal limit. The following year, in the Council’s 2020 ASR which detailed results from 2019, the highest reading was 51 $\mu$gm$^{-3}$ and 26 of the Council’s monitoring stations recorded exceedances above the legal limit.

Traffic volumes fluctuated significantly over the course of 2020 in response to the national COVID-19 restrictions. Weekly traffic levels dropped to around 30% of those recorded in January (pre-COVID-19), with minimum levels recorded in March and April. Subsequently traffic levels rose to around 90% of those recorded pre-COVID-19 until early November 2020 when they decreased significantly again due to the further restrictions.

Annualised data from 2020, collected between January and September, showed that the number of monitoring sites that recorded exceedances had reduced to just 5. There have been COVID-19 related challenges that have prevented all of the monitoring sites having their results processed which has impacted the number of sites with complete data sets, however not only have fewer sites recorded exceedances but those exceedances have also reduced.

The results of monitoring throughout 2020 appear positive with a marked reduction in NO$_2$ levels compared to the previous years. It is not possible to conclude that it is exclusively as a result of lower traffic levels, largely due to anomalous weather experienced earlier in the year which can impact the
monitoring equipment, but with the reduction correlates strongly with reduced traffic volumes. This was expected given the strong causal links between roadside traffic emissions and NO\textsubscript{2} concentrations. Air quality improvements noted during 2020, however, cannot be considered to be permanent as traffic levels are expected to increase following the anticipated lifting of COVID-19 restrictions, and therefore the improvements recorded are expected to be at least partially reversed.

3.10 The objective of the CAZ is to accelerate changes in traffic fleet composition to increase the proportion of less polluting vehicles in order to achieve compliance with the legal air quality limits. The Council’s air quality monitoring team urge caution when interpreting short term data trends because of the large number of factors that can affect results and prefer to look at longer term trends (over periods of 5 years). These strongly indicate that there remains an intervention required in order to achieve compliance with the legal NO\textsubscript{2} limits in the shortest possible time, and provide a longer term solution to the air quality issues within the city.

CAZ Infrastructure

3.11 The infrastructure to support and enforce the CAZ continues to progress, with the vast majority of works to the physical infrastructure complete and the back office IT enforcement solution advancing in conjunction with the Central Service development. The Council does anticipate further change requests from JAQU and the impact of any changes will be considered once the necessary detail has been provided. A further Executive report will be provided should significant issues arise.

3.12 The Council has completed the installation of 61 Automatic Number Plate Recognition (ANPR) cameras in 40 locations around the CAZ perimeter, and a further 6 within the CAZ. These interface with a bespoke back office system which records vehicle entrants and will communicate with the Clean Air Zone Central Services to determine each vehicle’s compliance and also whether a payment has been made to enter the CAZ as will be required for drivers of non-compliant vehicles. Also now installed are all boundary signs notifying motorists of the CAZ, with radial advance warning signs expected to be fully installed early in 2021 alongside gantry signs on the A38.

3.13 Beginning in January 2021, systems integration and testing will take place in accordance with an agreed test plan which has been co-created between the Council, its contractor, and JAQU. This timescale for this testing assumes no further significant changes being required by JAQU.

3.14 There are several key dependencies upon JAQU which present risks to the project’s timely delivery and include; the provision of sample data for testing purposes, a Data Sharing Agreement (DSA) which covers both testing and normal operations, and a CAZ Agreement which specifies the Clean Air Zone
Central Services, their performance levels and service standards. The Council continues to assist JAQU with the development of these agreements.

3.15 The Council continues to manage applications for time-limited exemptions from CAZ charging which will begin from the CAZ launch in June 2021. These include CAZ residents and eligible workers and local businesses under certain circumstances. It is also compiling longer term exemptions from charging for emergency service vehicles and other specialist vehicles.

3.16 The CAZ business case included some Additional Measures which complement the CAZ. Of these works, the Great Lister Street junction with Dartmouth Middleway and the two Controlled Parking Zones (CPZs) associated with this programme are scheduled for completion by July 2021 pending consultation. Traffic signal changes at Dartmouth Circus will take place after the launch of the CAZ to account for actual traffic flow changes once the CAZ is operational. Furthermore, work on the junction between Suffolk Street Queensway and Paradise Circus is scheduled for the last quarter of 2021 to link in with phased works for the Metro currently underway in that area. These works have developed since the original Additional Measures proposal and continue to be progressed with key stakeholders.

3.17 As part of the Early Measures programme, works to install 10 Variable Message Signs (VMS) are complete and the signs are operational. Transport for West Midlands have completed works for 10 new bus shelters around the city as well as refurbishment of several others. These include Real Time Information (RTI) screens for users of the bus network. Further work is underway to install Bus Priority Measures (BPM), an updated Network Signing Strategy (NSS), and Traffic Signal Upgrades (TSU) which are also expected to be complete by March 2021.

Income and Expenditure

3.18 The CAZ income and expenditure has been under continuous review as the project has developed and will remain under review following the implementation of the CAZ. A breakdown of the elements of the income and expenditure forecast, alongside changes from the original FBC projections and the reasons for change, are included in section 7.3 Financial Implications.

Agreements with the Secretary of State for Transport

3.19 The Council has been working with JAQU to develop their CAZ Agreement and DSA. Further detail is provided in section 7.4 Legal Implications.

4 Options Considered and Recommended Proposal

4.1 Not Applicable.
Consultation

5.1 A statutory public consultation for the CAZ was undertaken by the Council between July and August 2018. This was reported to Cabinet in September 2018.

Risk Management

6.1 Overall programme risks are managed through the internal performance monitoring boards associated with the programme. This includes the management of risks related to capital works, exemptions and the supporting IT systems.

6.2 CAZ income and expenditure continue to be based on forecasts until sufficient up to date data on vehicle compliance and CAZ journey information is available. The I&E will be kept under review and updated when this information is available. The Council has made prudent adjustments to the modelled net income in order to allow for variations between the modelled outcomes and what the actual outcomes may be. More information is provided in 7.3.7 below.

6.3 The effects of COVID-19 related lockdowns present a challenge for accurately modelling traffic levels though the Council continues to assume that there will be an increase following the anticipated lifting of COVID-19 restrictions in the future.

6.4 There remain a number of dependencies on JAQU for the delivery and performance of the Clean Air Zone Central Services. This includes the production of the necessary legal agreements to enable the use of those services and further detail is provided in 7.2.4 and 7.2.5 below. Delegations are sought in paragraphs 2.9 and 2.10 to allow the Council to enter into these agreements in a timely manner.

6.5 There are further dependencies on JAQU which require their developers taking a consistent approach to the delivery of the Central Services, into which the Council’s systems will interface. Any additional development work required resulting from adjustments to that system will introduce risk to the Council’s delivery schedule and additional costs. Further governance may be required should significant changes arise, and this will be taken forward in accordance with the Council's gateway and financial approval framework.

Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council’s priorities, plans and strategies?

7.1.1 The recommendations in this report are consistent with the Council Plan 2018-2022 (2019 Update).

   Birmingham is an entrepreneurial city to learn, work and invest in
   • The Clean Air Zone and associated grant funds encourage investment in compliant methods of transportation.

7.1.2 Birmingham is a fulfilling city to age well in –
• Improving air quality will have a direct impact on the health and wellbeing of citizens and visitors to the city centre. People are encouraged and financially incentivised to use public transport or upgrade their vehicles rather than commuting in non-compliant vehicles.

7.1.3 **Birmingham is a great, clean and green city to live in –**

• The CAZ will directly improve air quality in the city centre. This is a further step on the way to a clean and sustainable city.

7.1.4 **Birmingham is a city that takes a leading role in tackling climate change**

• The scheme supports the Additional Climate Change Commitments agreed by Cabinet on 30th July 2019 following the motion on Climate Emergency passed by full City Council on the 11th June 2019, including the aspiration for the City Council to be net zero-carbon by 2030.

7.2 **Legal Implications**

7.2.1 The Secretary of State for the Department of Environment, Food and Rural Affairs issued a Ministerial Direction in March 2019 which required that the Council implement its plans so that compliance within the legal limit value for Nitrogen Dioxide is achieved in the shortest possible time, and by 2021 at the latest. The Council remains subject to this Direction.

7.2.2 The Clean Air Zone will be introduced pursuant to the Transport Act 2000. A Charging Order has been produced which is expected to be made in January 2021 or as soon as possible thereafter. It is this order which will provide the legal basis for charging non-compliant vehicle users of the CAZ from 1st June 2021.

7.2.3 A Statutory Instrument (the Clean Air Zones Central Services (Fees) (England) Regulations 2020) has been developed by the Joint Air Quality Unit and signed into force by the Secretary of State for Transport in December 2020. The SI details the recovery of the fee for the use of the Clean Air Zone Central Services and can be seen in Appendix B. The Clean Air Zone Central Services will provide a means of determining vehicle compliance through a vehicle checker, an online payment portal for all UK CAZ charges including for the Birmingham CAZ, and a centralised helpdesk for assisted digital payments. As a result, the Council, alongside all other Local Authorities implementing a CAZ, will be mandated to pay the fees (currently £2 per transaction) associated with use of the service.

7.2.4 The Council will need to enter into a Data Sharing Agreement (DSA) with the Secretary of State for Transport (through JAQU) with provisions for the personal data that will be shared to enable the CAZ enforcement and
monitoring. The DSA is currently being developed by JAQU and the final details of this agreement have yet to be provided, though the Council has provided detailed feedback to earlier drafts on a number of occasions.

7.2.5 The Council will also be required to enter into a Clean Air Zone Agreement with the Secretary of State for Transport for the provision of the Clean Air Zone Central Services. This agreement details the services that will be provided by the Secretary of State, including an online vehicle checker, an online payment portal through which CAZ charges can be paid, and a central CAZ helpdesk for queries and digital assisted payments. The final details of this agreement have yet to be provided by JAQU though the Council has provided detailed feedback to earlier drafts on a number of occasions.

7.2.6 The CAZ Agreement will be entered into pursuant to Regulation 12(7) of the Public Contract Regulations 2015 and as such does not require a procurement exercise. The CAZ Agreement for the provision of the CAZ Central Service seeks to establish co-operation between the Secretary of State for Transport and the Council with the aim of ensuring the achievement of the common objective of air quality compliance. The service will be provided on a cost-recovery basis.

7.2.7 The requirement of air quality compliance was imposed upon the UK by the EU Ambient Air Quality Directive(b) and upon the Council by the Environment Act 1995 (Birmingham City Council) Air Quality Direction 2019.

7.3 Financial Implications

7.3.1 The core objective of the Clean Air Zone is to accelerate the achievement of compliance within the legal limits for NO₂ in the shortest possible time; whilst revenue will be generated in the process it has not fundamentally been designed with revenue generation in mind.

7.3.2 The Clean Air Zone net revenue income/expenditure was the subject of the Clean Air Zone: Charging Order and Indicative Allocation of Net Proceeds report to Cabinet of 25th June 2019. Specifically, the report noted that net proceeds must be used to fund local transport initiatives and be allocated in accordance with Part 3 of the Transport Act 2000.

7.3.3 Schedule 12 paragraph 8 of that Act requires that net proceeds of a charging scheme shall be applied by a local authority “for the purpose of directly or indirectly facilitating the achievement of local transport policies of the authority”.

7.3.4 In developing the original CAZ business case, the Council commissioned the development of a model to forecast CAZ income and expenditure (I&E). This model was based on assumptions around traffic volumes and composition forecasts, as they were known at the time, and anticipated compliance rates across various vehicle categories. These assumptions
result in a degree of uncertainty in relation to the forecast income and expenditure. Whilst some of this uncertainty has been resolved/reduced as a result of the recent update, some significant areas of uncertainty remain such as the continued effect of COVID-19 on traffic levels. The assumptions will continue to be refined as the CAZ programme develops. Once implemented the I&E forecast will continue to be updated regularly and the frequency of these updates will be defined in a subsequent report to Cabinet following the launch.

7.3.5 At the time the Indicative Allocation of Net Proceeds report was written, the forecasted income for the CAZ was anticipated to generate £82.174m of net proceeds between the 2020/21 and 2030/31 financial years which was a slight reduction from the £85.708m in the CAZ FBC which is the figure used for comparison in this report. The report also provisionally allocated £75.700m to the following projects:-

- Controlled Parking Zones to mitigate localised impacts of the CAZ;
- Gap funding for the Hydrogen Bus Pilot;
- City centre pedestrianisation and public realm improvements;
- Enhanced programme of bus priority, walking and cycling schemes;
- Creation of a Clean Air City Fund, with a proposed annual allocation of £20,000 to each ward (£40,000 for two member wards) for use against a defined catalogue of measures to aid sustainable transport and improve air quality;
- New transformational transport plans for the period up to 2050; and
- Match funding contributions towards new or upgraded public transport projects.

7.3.6 Numerous changes have occurred that impact the overall income and expenditure forecast which stem from four key areas. These are:-

- delays to implementation,
- a firming up of assumptions,
- increased costs of using the CAZ Central Services, and
- a reduced operating period as the CAZ Central Services are due to terminate in 2027.

The revised I&E is shown in Tables 1 and 2 below.

7.3.7 It should be noted that the majority of the revised I&E figures are still based on forecasts. In order to account for the continued level of uncertainty, particularly around vehicle compliance rates which cannot be accurately forecasted, and to reflect a prudent approach to estimating net revenues, an adjustment factor has been included which reduces net income to 65%
of the forecast level. This adjustment factor is consistent with the approach taken in the original FBC.
Table 1 - CAZ PROJECTED OPERATIONAL I&E

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<td>65%</td>
<td>65%</td>
</tr>
<tr>
<td>Net Revenue</td>
<td>(11,712)</td>
<td>(9,773)</td>
<td>(7,713)</td>
<td>(5,527)</td>
<td>(3,642)</td>
<td>(2,772)</td>
<td>(41,140)</td>
<td>(85,708)</td>
<td>44,568</td>
</tr>
</tbody>
</table>
7.3.8 Table 1 includes a revised net revenue forecast, after applying the adjustment factor, which shows a reduction from £85.708m as forecast in the original FBC to £41.140m as currently forecast. This is primarily because of the reduced operating window (originally 2020 to 2030, now 2021 to 2027) and increased costs for the CAZ Central Services. Further details are provided in 7.3.9 to 7.3.13 below.

7.3.9 The reduction in income of £72.939m is as a result of delays to implementation and also the reduction in the overall operational lifespan of the CAZ. Initially expected to operate until 2030, the Clean Air Zone Central Services will now terminate in 2027 which means the CAZ will currently be unable to operate past the date of termination.

7.3.10 The Council’s operating costs forecast in the original FBC totalled £43.464m and are now forecast to be £39.091m, which is an overall reduction of £4.373m primarily due to the reduced operating lifespan of the CAZ.

7.3.11 The sinking fund contributions have been revised in line with updated expectations from a revenue percentage contribution of £6.066m to a limited fund of £1.000m for decommissioning which sees a reduction in forecast expenditure of £5.066m; actual costs will depend on whether complete decommissioning will take place or the apparatus is repurposed for other means.

7.3.12 Central Service costs have increased by £9.117m to £16.972m as a result of a change in the basis and value of the fee from the Council’s original FBC submission to JAQU, which equated to 5% of the Council's revenue, to a transactional approach which levies a £2 fee per transaction that will incur charges equivalent to approximately 16% of revenue. This is based on the original traffic modelling and expected number of non-compliant vehicle journeys. The fees to pay for the Council’s use of the Clean Air Zone Central Services provided by the Secretary of State for Transport, through JAQU, will be recovered using a Statutory Instrument which can been seen in Appendix B. The exact costs of the service will be proportional to non-compliant vehicle use of the CAZ and will therefore increase or decrease in line with use of the service.

7.3.13 Overall, the CAZ operating costs have decreased by £8.424m which is again linked in the main to the overall reduction in the operational lifespan of the CAZ.
Table 2 - CAZ COMMITTED EXPENDITURE

<table>
<thead>
<tr>
<th></th>
<th>21/22 £000</th>
<th>22/23 £000</th>
<th>23/24 £000</th>
<th>24/25 £000</th>
<th>25/26 £000</th>
<th>26/27 £000</th>
<th>Total £000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Revenue (Incl. Adjustment)</td>
<td>(11,712)</td>
<td>(9,773)</td>
<td>(7,713)</td>
<td>(5,527)</td>
<td>(3,642)</td>
<td>(2,772)</td>
<td>(41,140)</td>
</tr>
<tr>
<td><strong>Projects with Funding Approved by Cabinet</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hydrogen Bus</td>
<td>3,355</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3,355</td>
</tr>
<tr>
<td>Taxi Running Grant</td>
<td>200</td>
<td>200</td>
<td>200</td>
<td>200</td>
<td>200</td>
<td>200</td>
<td>1,200</td>
</tr>
<tr>
<td>City Centre Pedestrianisation</td>
<td>5,835</td>
<td>2,560</td>
<td>3,460</td>
<td>3,623</td>
<td>0</td>
<td>0</td>
<td>15,478</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td>9,390</td>
<td>2,760</td>
<td>3,660</td>
<td>3,823</td>
<td>200</td>
<td>200</td>
<td>20,033</td>
</tr>
<tr>
<td><strong>Projects with Provisional Allocation to meet Air Quality Objectives</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contingency for Additional Mitigations</td>
<td>0</td>
<td>3,873</td>
<td>2,068</td>
<td>1,559</td>
<td>0</td>
<td>0</td>
<td>7,500</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td>0</td>
<td>3,873</td>
<td>2,068</td>
<td>1,559</td>
<td>0</td>
<td>0</td>
<td>7,500</td>
</tr>
<tr>
<td>Projected Net Proceeds</td>
<td>(2,322)</td>
<td>(3,140)</td>
<td>(1,985)</td>
<td>(145)</td>
<td>(3,442)</td>
<td>(2,572)</td>
<td>(13,607)</td>
</tr>
<tr>
<td><strong>West Midlands Combined Authority Transport Schemes Capped Contributions Subject to Funding Availability/Prioritisation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>University Station Redevelopment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,400</td>
</tr>
<tr>
<td>Camp Hill Line Stations Scheme</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,218</td>
</tr>
<tr>
<td>Cross City Bus Scheme</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4,225</td>
</tr>
</tbody>
</table>
Included in Table 2 above, are projects which have CAZ funding allocated to them via an approved Cabinet report. These are shown in the top section of the table and cover the Hydrogen Bus Project, an additional CAZ mitigation measure in the form of Private Hire Vehicle Running Grant, and the City Centre Public Realm (CCPR) project. The CCPR project and associated CAZ funding requirements continues to be developed and will be subject to separate reporting and approvals in line with the Council’s Gateway and Financial Approvals Framework. Further projects which require funding will need to meet the requirements of paragraphs 7.3.2 and 7.3.3 and be in line with the Council priorities.

To be prudent and to enable compliance within the required timescales, the Council has set aside £7.500m should further financial incentive measures, which target specific areas of non-compliance, be required (see Table 2).

Table 2 also contains projects included in the Clean Air Zone Contributions to West Midlands Combined Authority Transport Schemes report approved by Cabinet on 17th March 2020. This approved capped revenue funding contributions of £3.400m towards delivery of the University Station redevelopment scheme, £5.218m towards delivery of the Camp Hill Line Stations scheme and £4.225m towards delivery of the Cross-City Bus scheme. Whilst it is still the Council’s intention to fund these projects it should be noted that the funding contributions will only be available where sufficient CAZ net proceeds have been accumulated, after resourcing CAZ operational requirements and prioritised schemes, with due regard to other funding commitments made by Cabinet. Where funding is available it should be noted that this may not be to the full value or in line with the original expenditure profile included in the approved Cabinet reports.

Should any additional net revenue become available over the lifetime of the CAZ there will be an initial process of prioritisation by the Cabinet Member, Transport and Environment and the Assistant Director, Transport and Connectivity to ensure funding is utilised in line with regulations and is aligned with the relevant Council priorities. This will take place in advance of the formal approvals being sought through the Council’s Gateway and Financial Approvals Framework.

7.4 Procurement Implications (if required)
7.4.1 None.

7.5 Human Resources Implications (if required)
7.5.1 None.

7.6 Public Sector Equality Duty
7.6.1 Under Section 149 of the Equality Act 2010 the Council has a statutory duty to have due regard to the need to eliminate discrimination and advance equality of opportunity by ensuring that no dis-benefits are introduced to any persons who share a protected characteristic. The CAZ programme will have an impact on a variety of aspects including the health and well-being and financial capacity of those working, living and visiting the city. The scheme will have an impact upon air quality, congestion, ease of travel, within the city and also the capacity of the city’s roads which will see an increased volume of traffic in some areas. As such, an Integrated Impact Assessment (IIA) has been undertaken during the feasibility phase which consists of an Equality Impact Assessment (EIA) and a Health Impact Assessment (HIA). As described below:

- Equality Impact Assessment: the purpose of this piece of work is to assess the impacts to the various socio-economic groups which inhabit the city. The assessment shows that the largest impact will be to lower income families and those with disabilities. As part of the CAZ programme a number of mitigation measures have been developed which will aim to reduce the impact on the people who fall into these groups.

- Health Impact Assessment: the purpose of this piece of work assesses the implications of introducing the various schemes on the health and well-being of those people who live, work and visit the city, highlighting the particular impacts on identified vulnerable groups such as, children and disabled people. The output of this assessment showed that the overall health impact would be positive, with areas of high income deprivation benefitting most. This is partly due to the improvement in vehicle emissions and the indirect benefits of the modal shift towards active travel.

7.6.2 Equality Assessment (EQUA210) is provided as Appendix A. This document is being kept under review.

8 Appendices
8.1 Appendix A - Equality Analysis
8.2 Appendix B - The Clean Air Zones Central Services (Fees) (England) Regulations 2020

9 Background Documents
- Birmingham Clean Air Zone Submission of Full Business Case and Request to Proceed with Implementation, Cabinet Report 11th December 2018. CMIS Reference 005939/2018
• Birmingham City Council 2020 Air Quality Annual Status Report (link not yet available).
Title of proposed EIA
Birmingham Clean Air Zone submission of FBC and request proceed with implementation

Reference No
EQUA210

EA is in support of
New Function

Review Frequency
Annually

Date of first review
01/12/2021

Directorate
Inclusive Growth

Division
Transport and Connectivity

Service Area
Clean Air Zone Team

Responsible Officer(s)
Naomi R Coleman
Janet L Hinks
Stephen Arnold

Purpose of proposal
To proceed with implementation of Birmingham Clean Air Zone, aligned to the Full Business Case

Data sources
Survey(s); Consultation Results; Interviews; relevant reports/strategies; Statistical Database (please specify); relevant research; Other (please specify)

Please include any other sources of data
Distributional Impact Appraisal (DIA), Health Impact Assessment (HIA)

ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS

Protected characteristic: Age

Age details:
Children, young people and the elderly can be more vulnerable to air pollution and would be more likely adversely affected by any reduction in the availability community transport servicing schools and community centres within the CAZ. Self evidently such groups are far more reliant on public transport than the general population. They could also be adversely affected by the increased cost of community transport particularly if this prevented them accessing schools and community centres within the CAZ, or if it prevented families of patients at Birmingham Children's Hospital from visiting them during their stay.

A high proportion of elderly people have limited mobility and therefore could be adversely affected by implementation of the CAZ if it were to result in the reduction in availability of community transport and taxis, and also the potential increase in cost of community transport and private vehicle travel.

A Defra commissioned study in 2006 showed that there is a tendency for higher relative mean annual concentrations NO₂ and PM10 in the most deprived areas of the country, areas which exceed emissions standards, the correlation stronger. The most vulnerable human receptors include young people and the elderly. A report published by the Royal College of Physicians finds that children living in high pollution areas are four times more likely to have reduced lung function when they become adults (Royal College of Physicians, 2016.).
The entire CAZ has a very low proportion of people over the age of 65 by LSOA relative to distribution across England and Wales and there is no variation in the proportion of people over the age of 65 within the CAZ. The areas with greater proportions of elderly people are in the Sutton Coldfield area in the northern part of Birmingham and the Northfield/Se Oak areas to the south. This suggests that the elderly population is unlikely to be disproportionately affected by changes incurred within the CAZ.

Where transport is not provided by the school or local authority, then there could be a differential adverse impact on children attending special educational needs schools if the introduction of the CAZ discourages or prevents families from accessing these schools. However, based on School Travel Plan monitoring within the CAZ area the level of trips to school by non-car modes is generally quite high.

There are also several community centres within the CAZ that have been identified as providing services used principally by children and which may require transport to and from the premises. These include St Martin’s Youth Centre and community centres associated with schools in the CAZ area such as Al-Rasool School and St George’s Academy.

Community transport vehicles are typically older and liable to incur the CAZ charge. As community centres are typically funded either partially or fully by charitable donations, they are unlikely to have sufficient cash reserves to upgrade to a compliant vehicle. Therefore, they may have to either increase the cost or reduce the availability of their travel services as a result of the CAZ charge. This would have a differential adverse impact on children using these services.

BCC Procurement contracts for SEN and Community transport specify the requirement for CAZ compliant vehicle no sooner than July 2020.

However, where Community and School transport is registered as section 19 or section 22 for operation in Birmingham and not registered as a Hackney Carriage or Private Hire Vehicle they will be exempt from the CAZ charges for 1 year.

Birmingham Licenced taxis that undertake BCC SEN and Community transport services or any other BCC transport contracts are excluded from exemption, as they are already required to be CAZ compliant from January 2020 in order to meet the Birmingham Licensing Authority policy criteria. Likewise, any other external Local Authority licensed taxi vehicle used to service a contract procured by BCC to deliver SEN and Community Transport (whether section 19 or other) would need to meet CAZ compliance standards of Euro 6 diesel or Euro 4 petrol as a minimum.

All facilities of importance within the air quality modelling area for the preferred CAZ option would experience a decrease in NO\textsubscript{2} concentrations to some degree. The degree of increase or decrease in NO\textsubscript{2} concentrations has been modelled to show impacts following implementation of the preferred CAZ option relative to locations of facilities of importance to children as described above. The greatest...
decreases in average NO\textsubscript{2} concentrations are generally seen within the CAZ areas itself and surrounding major arterial roads as they extend out of the CAZ, which is also where average NO\textsubscript{2} concentrations are highest under the Do Minimum scenario.

By introducing exemptions, the residual effect is anticipated to be neutral as affected vehicles would be exempted.

Protected characteristic: Disability

Service Users / Stakeholders; Employees; Wider Community

Disability details:

The presence of a higher disability ratio may indicate a high proportion of people sensitive to air quality due to some long term illnesses (especially respiratory). The disabled are also more likely to have concerns over personal security, i.e. more reluctant to travel via taxi or public transport and will therefore be more heavily reliant on private transport.

The CAZ includes areas where there are a high proportion of disabled residents based on the comparative illness and disability ratio component of the Index of Multiple Deprivation. The central north section as well as the southern west part of the CAZ includes the highest proportion of disabled residents in the CAZ. There is only a small section within the centre with a low proportion of disabled residents.

The 2011 Census reported that 9\% of the population of Birmingham (98,181 people) reported a long term health problem or disability that was significantly limiting their day-to-day activities. A similar percentage of the population reported their day-to-day activities were slightly limited by a health problem or disability. The official labour market statistics state that the total number of people claiming disability living allowance in Birmingham is 43,920 (approximately 4\% of the population).

The population of the young, the old and disabled exhibit a higher proportion of persons who are more sensitive to poor AQ are known to be more sensitive to poor air quality and the implementation of the Clean Air Zone will have positive impacts for those in the CAZ area and the wider city.

There are a number of exemptions and mitigations which will be available to support disabled people who live or need to travel into the Clean Air Zone and who would be adversely affected by the charges. These will be specifically targeted towards CAZ residents, low income groups and those visiting specified medical facilities.

Vans and mini buses registered as providing essential community and school transport services and those classified as section 19 or section 22 operators in Birmingham will also be exempt for 1 year from the date of CAZ implementation.

The reliance on Wheelchair Accessible Hackney Carriages is also noted and proposals to support the uptake of compliant models of these vehicles is also proposed to ensure the continued availability of this service.

Vehicles within the disabled passenger vehicle tax class will be exempt from paying a charge in a Clean Air Zone. As noted, vehicles registered as providing essential community...
and school transport classified as section 19/22 operators in Birmingham will also be exempt for 1 year from the date of CAZ implementation.

Protected characteristic: Sex
Gender details:

There is a very low proportion of female residents throughout the majority of the CAZ. There is a higher proportion of female residents in a small section in the southern part of the CAZ (Digbeth area) and one area, north east of the centre which includes a high proportion of female residents. This is in the vicinity of the Birmingham Children’s Hospital and the high proportion of female residents is assumed to be due to the presence of key worker accommodation on the hospital site. Much of the remaining CAZ area has a low proportion of female residents by LSOA relative to distribution across England and Wales.

Notwithstanding the above, the DIA has identified that there could be a disproportionate and differential impact on women, who as a group are more frequent users of taxis and have a more negative perception or experience of alternative modes of public transport and active travel modes (walking and cycling).

Specific mitigation measures are not being proposed on the basis of gender. However a number of the mitigation measures being proposed will serve an indirect benefit to women; the mitigation for taxis, PHV etc would help mitigate potential impacts on women by maintaining availability of taxis and PHV. Also, exemptions for CAZ workers likely to benefit women, who are disproportionately represented in these roles (nursing, care workers etc).

Protected characteristics: Gender Reassignment
Gender reassignment details:

The DIA notes that “There are potential differential impacts on security [in relation to people with gender reassignment] as a consequence of some public attitudes which may affect transport preferences. However, the scale of this issue is not known and based on anecdotal evidence.”

It was difficult to find sufficient evidence or studies to provide robust research on this. However it is considered that people with this protected characteristic are more likely to experience, or be concerned about, antisocial behaviour or hostility towards them which may influence whether they are comfortable using public transport or would be more likely to use taxis or own vehicles.

By assumption, therefore, any reduction in PHV and taxis m adversely affect people with this protected characteristic, so the mitigation measures to support the PHV and taxis are beneficial to gender reassignment by helping to ensure that people do not leave the taxi and PHV businesses, therefore ensuring the continued availability of this form of transport for people who do not feel safe using public transport.

Protected characteristics: Marriage and Civil Partnership
Marriage and civil partnership details:

Not Applicable
It is not considered that the introduction of a CAZ will negatively impact individuals who are married or in a civil partnership.

Protected characteristics: Pregnancy and Maternity

Pregnancy and maternity details:

There are health inequalities associated with pregnancy and air quality. The DIA notes that there is emerging evidence on the links between high levels of emissions and effects on the unborn child. Evidence shows that air pollution can affect the growth of the unborn baby and may be linked to premature birth or even still birth. It is estimated that traffic-related air pollution exposure (particularly exposure to PM) of pregnant women accounts for more than one-fifth of all cases of low birth weight at term. Low birth weight is associated with low lung function, COPD, cardiovascular disease and early death in adulthood. Air pollution can also harm placental development, which affects the development of the unborn child and has been associated with several chronic diseases, including heart disease, obesity and type 2 diabetes. Poor foetal growth is linked to abnormal development of the kidneys, and to hypertension and kidney disease in later life.

It is thought that the introduction of a Clean Air Zone will have a positive impact on pregnant women and those on maternity leave with small children.

A specific mitigation measure is not proposed for this group, however, it is noted that there are potential impacts related to accessibility to key facilities e.g. the Children's Hospital and specific mitigation measures to support visitors and patient are proposed.

Protected characteristics: Race

Race details:

Compared to England and Wales, much of Birmingham has a high proportion of its population that identifies as Black, Asian and Minority Ethnic (BAME). There is a generally high concentration of Birmingham’s BAME population to be with the central part of Birmingham, with the highest concentrations to the east (Hockley, Winson Green and Handsworth areas) and west of the CAZ (Sparkbrook, Small Heath and Bordesley Green areas). The areas with the lowest proportion of BAME population are the Sutton Coldfield area in the northern part of Birmingham and the Northfield/Selly Oak areas to the south, but these still comprise populations in the top 40% proportion of BAME population compared to England and Wales as a whole.

There are however high proportions of LSOAs within the CAZ with high levels of income deprivation and BAME communities. Key issues are therefore likely to relate to travel within the CAZ and the proportion of residents within the CAZ that have non-compliant vehicles who would not be able to avoid the zone.

The DIA notes that the impact on the taxi trade could have consequential impacts for BAME and low income communities, since a very high proportion of taxi drivers are from communities with high proportion of non-white residents and income deprived residents. Since taxis in
Birmingham are all wheelchair accessible, whereas currently none of the private hire taxis are, a reduction in this type of vehicle will have an adverse impact on disabled people who may depend on them for access.

As such, a number of mitigation measures being proposed are targeted at providing support for drivers of both Hackney Carriages and Private Hire Vehicles as detailed in the initial Equality Impact Assessment below.

There would be an overall beneficial health impact within the study area under the preferred CAZ option and all other options, however, the magnitude of benefit would be greatest under the preferred CAZ option. When income distribution is considered relative to England and Wales, residents of those LSOAs which fall within quintile one for income deprivation would experience a disproportionately greater amount of the benefits associated with reductions in atmospheric concentrations of all three pollutant types (NO, PM10 and PM2.5) than those within less deprived quintiles.

Protected characteristics: Religion or Beliefs

Service Users / Stakeholders; Employees; Wider Community

Religion or beliefs details:

According to the 2011 census, Christianity was the highest represented religion in Birmingham with 46% of residents saying they were Christian. Whilst 22% of the population were Muslim and 19% had no religious beliefs.

The majority of people classifying themselves in one of the White or Black ethnic groups said that they were Christian, whereas the Muslim community was predominantly made up of the Asian population. In general, the Muslim population are concentrated closer to the city centre area with the Christian group generally further out towards the council boundary.

Within the proposed CAZ area there are 30 registered places of worship, including Roman Catholic, Presbyterian, Church England, Greek Orthodox Churches, Synagogues, Mosques and Sikh Temples. Most are of a size that suggests their catchment is highly localised. However, Birmingham Central Mosque is an exception with a capacity of 20,000 and regularly attracts more than 4,000 worshippers for Friday services, suggesting that it attracts a significant number of visits from outside the CAZ area on a regular basis. Other places of worship with a significantly larger than average capacity (greater than 500 spaces) within the CAZ area include the Anglican, Greek Orthodox and Catholic Cathedrals, Camp Hill Seventh Day Church, Ladywood Seventh Day Adventist Church and Birmingham City Church.

The DIA includes an analysis of the distribution of different faith populations across Birmingham. This did not indicate any pronounced issues regarding the distribution of populations and the CAZ. Therefore the analysis looked more closely at the location of large places of worship that would require people to travel across the CAZ boundary.

Mitigation measures are not being proposed specifically for faith groups as there is no direct correlation between religious and ability to comply with the requirements of the Clean Air Zone.
Further measures to work with faith and community groups on travel planning is also included within the proposed mitigations.

Protected characteristics: Sexual Orientation

Sexual orientation details:

It is not considered that the CAZ scheme is likely to disadvantage individuals based on their sexual orientation. However, similar to gender reassignment, any reduction in PHV and taxis may adversely affect people with this protected characteristic, so the mitigation measures to support the PI and taxis are beneficial by helping to ensure that people do not leave the taxi and PHV businesses, therefore ensuring the continued availability of this form of transport for people who do not feel safe using public transport.

Socio-economic impacts

Please indicate any actions arising from completing this screening exercise.

The mitigations and exemption packages are detailed in the Initial Equality Impact Assessment below.

Please indicate whether a full impact assessment is recommended

YES

What data has been collected to facilitate the assessment of this policy/proposal?

A Distributional Impact Appraisal and a Health Impact Assessment were completed as detailed in the Initial Equality Impact Assessment below. The attached document should be read together with this EIA.

Consultation analysis

A public consultation on the Clean Air Zone proposals was launched on Wednesday 4th July 2018 and ran for 6 weeks until Friday 17th August 2018.

The consultation questionnaire asked for details about the respondents so we would be able to know how well people with each protected characteristic were represented among the respondents. The consultation report (published as part of the report to Cabinet on September 10th 2018) provided an overview of the of the overall demographics of those who responded compared to the general population. This suggested favourable levels of engagement from different communities across the city.

The aim of the consultation process was to seek feedback from individuals and organisations on the proposals for a Class D Clean Air Zone (CAZ) for Birmingham. Specifically identifying:

- Feedback and thoughts on all aspects of the CAZ proposals (including the principle of the proposals);
- Develop a better understanding of the impact that the proposals would have on individuals and organisations;
- What support/mitigation is needed for particular groups of people/organisations; and
- Suggestions for any further measures which were not included.

A programme of engagement which has taken place during 2019 is shown below.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Background</th>
<th>Event type</th>
</tr>
</thead>
<tbody>
<tr>
<td>20/6/2019</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
<td>Description</td>
<td>Engagement Type</td>
</tr>
<tr>
<td>--------------------</td>
<td>--------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Sunday 19 August 2018</td>
<td>Clean Air Day event at Birmingham Cathedral</td>
<td>Market-place event in St. Philip's Cathedral grounds, Colmore Row. BCC stall to present communities with Clean Air Zone Information.</td>
<td>Community fair</td>
</tr>
<tr>
<td>Sunday 25th, Saturday 26th May 2019</td>
<td>Lord Mayor's Show</td>
<td>Information stand at Cannon Hill Park with 2 volunteers. Spoke to 95 individuals, main interest checking vehicle registrations.</td>
<td>Community Engagement</td>
</tr>
<tr>
<td>Sunday 28th July 2019</td>
<td>Birmingham Pride</td>
<td>Stand held at Birmingham Pride to give people information and guidance on the Clean Air Zone and how to prepare.</td>
<td>Community Engagement</td>
</tr>
<tr>
<td>02/05/2019</td>
<td>CAZ Business Event</td>
<td>Series of events for businesses and organisation to find out latest information about the CAZ and additional support available to them to prepare.</td>
<td>Business Engagement</td>
</tr>
<tr>
<td>04/06/2019</td>
<td>CAZ Business Event</td>
<td>-</td>
<td>Business Engagement</td>
</tr>
<tr>
<td>18/06/2019</td>
<td>CAZ Business Event</td>
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<td>Business Engagement</td>
</tr>
<tr>
<td>Date</td>
<td>Event Type</td>
<td>Location</td>
<td>Notes</td>
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<tr>
<td>02/07/2019</td>
<td>CAZ Business Event</td>
<td>-</td>
<td>Business Engagement</td>
</tr>
<tr>
<td>21/06/2019</td>
<td>Shabana Mahmood MP visit</td>
<td>Nelson Primary School</td>
<td>Community Engagement</td>
</tr>
<tr>
<td>05/07/2019</td>
<td>Shabana Mahmood MP visit</td>
<td>Chandos Primary School</td>
<td>Community Engagement</td>
</tr>
<tr>
<td>12/07/2019</td>
<td>Shabana Mahmood MP visit</td>
<td>Drop-in St Matthew's CE Primary</td>
<td>Community Engagement</td>
</tr>
<tr>
<td>19/07/2019</td>
<td>Shabana Mahmood MP visit</td>
<td>St Luke's Church</td>
<td>Community Engagement</td>
</tr>
<tr>
<td>02/10/2019</td>
<td>Chamber of commerce breakfast briefing</td>
<td>Chamber of Commerce breakfast briefing to member about developments within Brum Breathes. Specifically, the CAZ. Presentations by Cllr Zaffar and Steve Arnold.</td>
<td>Business Engagement</td>
</tr>
<tr>
<td>10/10/2019</td>
<td>Fleet operators and HGV's Clean Air Roadshow</td>
<td>Motor Transport is hosting a second Birmingham Clean Air Roadshow on 10 October to provide vital information and support to HGV and van operators ahead of the city's Clean Air Zone rollout by July 2020.</td>
<td>Business Engagement</td>
</tr>
<tr>
<td>21/11/2019</td>
<td>Sandwell workshop</td>
<td>Working together with Sandwell to address air quality and understand</td>
<td>Business Engagement</td>
</tr>
</tbody>
</table>
the impact of the work we are delivering and the changes we are making, with particular reference to air quality hotspots. Agenda includes a presentation on the Sandwell Change and Air Quality Action Plan and also an update from Birmingham on Air Quality Monitoring and Evaluation.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Details</th>
<th>Engagement</th>
</tr>
</thead>
<tbody>
<tr>
<td>22/10/2019</td>
<td>West Midlands Transport Conference</td>
<td>Business Engagement</td>
<td></td>
</tr>
<tr>
<td>24/10/2019</td>
<td>TOA taxis chairman meeting</td>
<td>Meeting with chairman of TOA taxis to discuss concerns and forward planning of support packages for the taxi community</td>
<td></td>
</tr>
<tr>
<td>24/10/2019</td>
<td>City centre strategy board</td>
<td>Presentation of CAZ plans at the next City Centre strategy board</td>
<td></td>
</tr>
<tr>
<td>26/10/2019</td>
<td>Birmingham Hebrew Congregation presentation</td>
<td>Presentation and briefing at Birmingham Hebrew Congregation to the community about Brum Breathes and the Clean Air Zone plans</td>
<td></td>
</tr>
<tr>
<td>05/11/2019</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>
Adverse impact on any people with protected characteristics.

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

The mitigations and exemption packages are detailed in the Initial Equality Impact Assessment below.

How will the effect(s) of this policy/proposal on equality be monitored?

The City Council propose to undertake some qualitative monitoring and evaluation of travel behaviours to understand the impacts of the mitigation measures and exemptions and help to interpret and explain the findings from the traffic monitoring and air quality. The proposed method for doing so is by commissioning a consultant, research group or university team via a competitive tendering process to undertake a Cohort Study. The Cohort Study would be recruited through targeted sampling of people eligible for the mitigation measures and exemptions as well as a general population sampling to assess the impact of the CAZ on different groups, and provide a comparison to understand the additional impact that the mitigation and exemption measures have on travel behaviour.

What data is required in the future?

To be determined by the Cohort Study as detailed above.

Are there any adverse impacts on any particular group(s)

Yes

If yes, please explain your reasons for going ahead.

As detailed in the Initial Equality Impact Assessment below.

Initial equality impact assessment of your proposal

Birmingham City Council has a duty under S149 of the Equalities Act to pay due regard to the need to eliminate discrimination, harassment and victimisation and to ensure equality of opportunity to those who share a protected characteristic and those who don't. Additionally the Council has a duty to foster good relations between perso
who share relevant protected characteristics and those who don’t. The authority must give proper regard to all the goals in Section 149 of the Equalities Act in the context of the function that it is exercising, and at the same time, pay regard to any countervailing factors which, in the context of that function being exercised, it is proper and reasonable for the authority to consider.

As such, Birmingham City Council has commissioned a distributional impact appraisal, together with a health impact assessment, to identify how the impacts of a proposed Clean Air Zone (CAZ) would be distributed across Birmingham’s diverse population and business communities. These impacts include positive health benefits as well as financial impacts. The outputs of this work together with responses received as part of the consultation have been used to develop a package of measures to reduce the impact on individuals and businesses most likely to be adversely impacted by the Clean Air Zone proposals.

**Social and Equality Impacts**

Income deprivation has been considered at lower super output level (LSOA) relative to England and Wales, and relative to Birmingham. Compared to England and Wales as a whole, there are high levels of income deprivation within the CAZ and Birmingham in general. Owners of non-compliant vehicles resident within the CAZ and in close proximity to the CAZ (such as Nechells, Aston, Perry Barr, Tyburn, Soho and Sparkbrook) are potentially the worst affected financially by the proposed scheme, as due to their geographical location they would be least able to avoid entering and exiting the CAZ for everyday car journeys. There is a higher rate of non-compliant cars associated with areas of income deprivation. It should also be noted that there is a relatively high proportion of households within the CAZ that have no access to a car. The adverse impacts therefore would be distributed among those households that are dependent on car use and which have non-compliant vehicles. It is notable that low income households across Birmingham are also among those who would benefit most from the effects of the CAZ in terms of reduced journey times and reduced petrol consumption due to reduced congestion around the city centre as well as from the health benefits of the proposed scheme.

Other social groups potentially adversely affected by the CAZ proposals would be those dependent on common transport and taxis, as without mitigation these forms of transport could be adversely affected to the extent that their availability decreases (see below). People vulnerable to the impacts would include the disabled, the elderly, women and children. There are some key community facilities within the CAZ whose users could be adversely affected by the combination of CAZ charges and parking charges. Examples include staff and families of children who are patients of Birmingham Children’s Hospital, and congregants of the larger or more unique places of worship within the CAZ. Exemption will be offered to visitors of select medical facilities within the CAZ however it is not possible to provi
mitigation to cover all key community facilities without adversely affecting the rate of achieving compliance. Visitors to community facilities are not provided for under the package of mitigation measures and exemptions therefore individuals will be required to plan their travel appropriately.

Business Impacts
The analysis has shown that some transport dependent businesses are more likely to have compliant fleets than others and so the impact of the CAZ would be distributed unequally across businesses. Taxi businesses would be facing high upfront costs and few choices of response to the CAZ. Other types of business less able to afford the impact of the CAZ appear to be private hire taxi companies, companies with fleets that are owned by individuals rather than registered to the company, and SME HGV operators. A very high proportion of businesses within the CAZ are SMEs. Since all would be dependent on transport to some extent any increase in costs from their suppliers as a result entering the CAZ are likely to be passed on to the businesses, who in general would have less capacity to cope with increased costs than larger businesses. A number of the mitigation measures and exemptions are targeted at SMEs, Commercial Vehicle Fleets, taxis and private hire taxi companies to ensure that they are catered for and the impact is minimised.

Health Impacts
Health impacts would result from the reduction in pollutants (particularly NO\textsubscript{2} and fine particles (PM10 and PM2.5)) as well as behavioural changes from switching active modes of transport (walking and cycling) and improving environmental conditions. Analysis has shown that income deprived communities would proportionately receive higher health benefits than the population as a whole, meaning that the CAZ would help address a health inequality associated with the more deprived communities typically being exposed to more air pollution. Spatial analysis of where the main air quality changes would occur have shown that there would be a 26% improvement in NO\textsubscript{2} pollution concentrations around schools and nurseries which are currently within the areas at greater risk of illegal levels of air pollution.

One of the aims of the CAZ is to nudge behavioural changes so that people use more active modes of travel wherever they can. Although it is not possible to quantify the likely level change of the CAZ, across a population the increase in physical activity could contribute to significant improvements in overall public health.

Mitigation
The City Council has paid due regard to the need to achieve the goals set out in the Equalities Act (see above), and where
there is risk of an adverse impact to a protective group, this has been identified and considered in the development of mitigation measures and exemptions. A targeted package of mitigation measures and exemptions has been developed to ensure that those impacted are catered for where possible and that the City Council’s duties under the Equality Act are fulfilled. The mitigation measures and exemptions are set out below.

Mitigation Measures:

- **M1a - CAZ workers earning less than 30k pa.** Scrappage scheme and/or mobility credit.
- **M2a - Hackney carriage support package;**
- **M2b - Council Hackney Carriage rental scheme;**
- **M2c - Private hire vehicle upgrade support;**
- **M4 - HGV & Coach compliance fund;**
- **M5 - Marketing and engagement campaign.**

Exemptions:

- Commercial vehicles registered within the CAZ will receive a 1 year exemption from date of CAZ commencement (max 2 vehicles per company);
- Commercial vehicles with a pre-existing finance agreement beyond 2020 registered within the CAZ will receive 1 year exemption from date of CAZ commencement (max 2 vehicles per company);
- Residents of the CAZ - Individuals with non-compliant vehicles registered in the CAZ will be exempted for 2 years from date of CAZ commencement;
- Individuals with a non-compliant vehicle travelling into the CAZ regularly for work and earning less than £30k pa will be exempt upon successful application for 1 year from date of CAZ commencement; and
- Vans and mini buses registered as providing essential community and school transport services and those classified as section 19/22 operators in Birmingham will be exempt for 1 year from date of CAZ commencement.
- Vehicles with disabled passenger tax class.
- Specialist Vehicles (Emergency Service Vehicles, Historic Vehicles, Military Vehicles, Agricultural or Similar Vehicles, Recovery Vehicles, Showman’s Vehicles, Special Vehicles

Temporary Non-Chargeables:

- Taxis awaiting retrofit.
- Commercial Vehicles awaiting retrofit.

Consulted People or Groups

As detailed under Consultation Analysis

Informed People or Groups

As detailed under Consultation Analysis

Summary and evidence of findings from your EIA

The impacts of introducing a Clean Air Zone include positive health benefits as well as financial impacts. Financial impacts are two-fold; positive impacts include generation of a revenue stream for the city council which will be used to fund future transport initiatives that will result in further
improvements to air quality. However, financial burden will be placed on those who are eligible to pay the CAZ charge. The impacts of this will be mitigated as much as reasonably possible via the implementation of a set of mitigation measures and exemptions.

It has been identified that the most significantly impacted protected characteristics are Age, Disability, Pregnancy and Maternity and Race. Some impacts are positive rather than adverse, particularly for Pregnancy and Maternity. The mitigation measures and exemptions help to address any adverse impacts. It has also been noted that there could be possible impacts for Gender and Religion or Belief particularly linked to those on lower incomes. It is anticipated that individuals with these characteristics, will benefit from the various exemptions and mitigations.

It is important to stress that the implementation of a Clean Air Zone will have positive health impacts on a number of characteristics, particularly Age and Pregnancy and Maternity. It will also help address health inequality associated with more deprived communities typically being exposed to more air pollution.

Evidence for these impacts has been drawn from extensive consultation, a distributional impact appraisal and a health impact assessment, as detailed above. A distributional impact appraisal and a health impact assessment in a combined document as per attachment.

QUALITY CONTROL SECTION
Submit to the Quality Control Officer for reviewing? No
Quality Control Officer comments
Decision by Quality Control Officer
Submit draft to Accountable Officer?
Decision by Accountable Officer
Date approved / rejected by the Accountable Officer
Reasons for approval or rejection
Please print and save a PDF copy for your records
Julie Bach
Person or Group
Attachments
Content Type: Item
Version: 173.0
Created at 26/11/2018 11:33 AM by Naomi R Coleman
Last modified at 17/12/2020 08:53 AM by Workflow on behalf of Peter A Bethell
The Secretary of State, with the consent of the Treasury and in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(1), makes the following Regulations.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Clean Air Zones Central Services (Fees) (England) Regulations 2020.
(2) They come into force on 31st December 2020.
(3) They extend to England and Wales, but apply in England only.

Interpretation

2.—(1) In these Regulations—
“charging scheme” has the meaning given in section 163(1) of the Transport Act 2000(2);
“charging authority” has the meaning given in section 163(5)(a) of the Transport Act 2000;
“charging authorities” has the meaning given in section 163(5)(b) of the Transport Act 2000;
“the clean air zones central services” means the services known as the clean air zones central services provided by or on behalf of the Secretary of State and which may provide in relation to a charging scheme one or more of the following services—

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(1) 1973 c. 51. Section 56(1) was amended by S.I. 2011/1043 and will be amended by section 23(5), and Schedule 8, paragraph 17, of the European Union (Withdrawal) Act 2018 (c. 16).
(2) 2000 c. 38. Section 163 was amended by section 103 of, and paragraphs 1 and 2 of Schedule 5 to, the Local Transport Act 2008 (c. 26) and paragraphs 95 and 102 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20).
(a) the provision of a website which allows persons to check whether they need to pay a charge in relation to a charging scheme and, if so, pay the charge via the website;
(b) customer support to persons who may be subject to charges under a charging scheme;
(c) support to a charging authority or charging authorities in relation to the introduction of a charging scheme;

“relevant charging authority” means a charging authority in respect of which each of the following conditions is satisfied—
(a) Condition 1 is that the charging authority has been directed to make a charging scheme by the Secretary of State under section 85(5) of the Environment Act 1995(3) (“the direction”);
(b) Condition 2 is that the purpose or one of the purposes stated when the direction was given was to reduce levels of nitrogen dioxide to the second limit value specified in Schedule 2 to the Air Quality Standards Regulations 2010(4) (averaging period of calendar years) in the geographical area for which the charging authority is responsible;
(c) Condition 3 is that the charging authority has made a charging scheme;
(d) Condition 4 is that the direction has not been revoked;

“relevant charging authorities” means charging authorities in respect of which each of the following conditions is satisfied—
(a) Condition 1 is that the charging authorities have been directed to make a charging scheme by the Secretary of State under section 85(5) of the Environment Act 1995 (“the direction”);
(b) Condition 2 is that the purpose or one of the purposes stated when the direction was given was to reduce levels of nitrogen dioxide to the second limit value specified in Schedule 2 to the Air Quality Standards Regulations 2010 (averaging period of calendar years) in the geographical area for which the charging authorities are responsible;
(c) Condition 3 is that the charging authorities have made a charging scheme;
(d) Condition 4 is that the direction has not been revoked.

(2) In the definitions of “relevant charging authority” and “relevant charging authorities” in paragraph (1), it does not matter whether—
(a) in respect of Condition 1, the direction was given before or after these Regulations come into force;
(b) in respect of Condition 3, the charging scheme was made before or after these Regulations come into force.

**Fees—use of clean air zones central services**

3.—(1) A relevant charging authority is, or relevant charging authorities are, liable to pay to the Secretary of State a fee—

(a) in the circumstances set out in paragraph (2), and
(b) of the amount specified in paragraph (3).

(2) The circumstances are when—

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(3) 1995 c. 25. Section 85 was amended by section 367 of the Greater London Authority Act 1999 (c. 29) and S.I. 2001/3719 and 2011/1043. It will be amended by S.I. 2019/458.

(4) S.I. 2010/1001.
(a) a person pays one or more charges in relation to the charging scheme made by the relevant charging authority or relevant charging authorities (as the case may be) by a payment processed by the clean air zones central services (a “processed payment”);

(b) the processed payment is made in the period starting on 1st January 2021 and ending at the end of 31st March 2027.

(3) The amount is, in relation to a processed payment, £2 per charge covered by the processed payment.

(4) Liabilities under paragraph (1)—

(a) are payable on invoice by the Secretary of State,

(b) are recoverable as civil debts, and

(c) in respect of relevant charging authorities, are to be treated as joint and several liabilities.

Signed by authority of the Secretary of State for Transport

Rachel Maclean
Parliamentary Under Secretary of State
Department for Transport

4th December 2020

We consent

Maggie Throup
James Morris
Two of the Lords Commissioners of Her Majesty’s Treasury

2nd December 2020
The Secretary of State is under a duty to ensure that air quality standards are maintained, set out in regulation 17 of, and Schedule 2 to, the Air Quality Standards Regulations 2010 (S.I. 2010/1001) (“the 2010 Regulations”). For nitrogen dioxide one such limit is that levels of nitrogen dioxide must not exceed 40 micrograms per cubic metre, averaged over a calendar year. They implement the UK’s obligations under Directive 2008/50/EC on ambient air quality and cleaner air for Europe (amongst other things). They will continue to form part of UK law after the end of the implementation period on 31st December 2020 at 23:00.

Various local authorities (“charging authorities”) with responsibility for traffic have the power to make charging schemes under Chapter 1 of Part 3 of the Transport Act 2000 (c. 38). Charging schemes allow, for example, motorists to be charged for travelling in the area for which the charging authority is responsible.

The Secretary of State has the power to direct charging authorities to introduce charging schemes under section 85(5) of the Environment Act 1995 (c. 25); and may do so to discharge the regulation 17 duty under the 2010 Regulations.

These Regulations apply to the charging authorities defined in regulation 2(1). These are charging authorities which have made charging schemes under an extant direction of the Secretary of State given for the purpose of reducing nitrogen dioxide levels to the level required by the 2010 Regulations.

The Secretary of State will provide services known as the clean air zones central services which charging authorities may choose to use. These include a website which will allow motorists to check whether they need to pay a charge under a charging scheme and, if so, make the payments. Where charging authorities use the clean air zones central services, regulation 3 imposes a fee of £2 per charge paid for by a payment processed through the services and makes provision for its collection.

An impact assessment has not been produced for this instrument as it has no impact, or no significant impact, on the costs of business, charities or the voluntary sector.
Birmingham City Council
Report to Cabinet
19th January 2021

Subject: City Centre Public Realm – Phase 1 Full Business Case
Report of: Acting Director, Inclusive Growth
Relevant Cabinet Member(s): Councillor Ian Ward – Leader
Councillor Waseem Zaffar – Transport and Environment
Councillor Tristan Chatfield – Finance and Resources
Relevant O &S Chair(s): Councillor Liz Clements – Sustainability and Transport
Councillor Sir Albert Bore, Resources
Report author: Philip Edwards – Assistant Director, Transport and Connectivity
Tel: 0121 303 6467
Email: philip.edwards@birmingham.gov.uk

<table>
<thead>
<tr>
<th>Are specific wards affected?</th>
<th>☒ Yes</th>
<th>☐ No – All wards affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, name(s) of ward(s):</td>
<td>Ladywood</td>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Is this a key decision?</th>
<th>☒ Yes</th>
<th>☐ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If relevant, add Forward Plan Reference:</td>
<td>007437/2020</td>
<td></td>
</tr>
</tbody>
</table>

| Is the decision eligible for call-in? | ☒ Yes | ☐ No |

| Does the report contain confidential or exempt information? | ☒ Yes | ☐ No |

Exempt Appendix G

Commercially sensitive information is provided in Appendix G to this report in accordance with Paragraph 3 - Schedule 12A Local Government Act 1972: Information relating to the financial or business affairs of any particular person (including the Council). The accompanying exempt appendix contains confidential market information which could impact on the tender process.
1 Executive Summary

1.1 The City Centre Public Realm (CCPR) scheme aims to deliver high-quality public realm improvements, provide greater priority for pedestrians and cyclists and enhanced signage and wayfinding in the city centre to create an attractive, welcoming and safe environment for citizens and visitors to enjoy.

1.2 This report seeks approval of the Full Business Case (FBC) for Phase 1 of CCPR at an estimated cost of £12.395m, as set out in Appendix A, which forms an important part of the comprehensive renewal of the public realm within the city centre core.

1.3 The report also seeks approval to the revised procurement strategy as set out in Appendix B.

1.4 A separate FBC for Phase 2 of the CCPR Scheme will be presented to Cabinet in the summer of 2021.

2 Recommendations

2.1 Approves the FBC for Phase 1 of the City Centre Public Realm scheme at a total estimated cost of £12.395m, funded from Transforming Cities Fund (£4.000m) and Clean Air Zone (£8.395m) as set out in Appendix A.

2.2 Approves the strategy and commencement of the procurement activity for the works for the CCPR scheme as detailed in Appendix B.

2.3 Delegates the award of the contract for the works for the CCPR scheme to the Acting Director, Inclusive Growth in conjunction with the Assistant Director, Development and Commercial (or their delegate), the Interim Chief Finance Officer (or their delegate) and the City Solicitor (or their delegate), subject to the cost being within the budget.

2.4 Under Standing Order Part D2.5, approves the commencement of single contractor negotiations by the Head of Major Transport Projects with the West Midlands Combined Authority (WMCA) for the supply of the paving materials up to the value of £0.500m to enable an order to be placed prior to the award of the contract for the works.

2.5 Delegates the award of the contract for the supply of the paving material to the Acting Director, Inclusive Growth in conjunction with the Assistant Director, Development and Commercial (or their delegate), the Interim Chief Finance Officer (or their delegate) and the City Solicitor (or their delegate), subject to the cost being within the pre-tender estimate.

2.6 Notes that the FBC for Phase 2 of the CCPR scheme will be presented to Cabinet in the summer of 2021.

2.7 Notes the loss of car parking income from removal of 30 pay and display bays on Colmore Row/Waterloo Street to accommodate the works and that this is being factored into the 2021/22+ Medium Term Financial Plan budget process in order to mitigate the impact.
2.8 Authorises the City Solicitor to negotiate, execute and seal and complete all necessary agreements and documentation to give effect to the above recommendations.

3 Background

3.1 The CCPR scheme will transform the city centre and create an attractive, welcoming and safe environment for citizens and visitors to enjoy. The improvements will also support economic recovery and growth, improve accessibility for pedestrians, cyclists and people with disabilities and create a lasting legacy.

3.2 On the 29 October 2019 Cabinet approved the Outline Business Case (OBC) for the CCPR scheme. A subsequent review of the project milestones and delivery strategy was undertaken and a Revised Financial Appraisal (RFA) was approved by Cabinet in July 2020. The RFA gave approval for:

- A revised delivery strategy – to undertake detailed design and Early Contractor Involvement (ECI) ahead of the FBC; and
- Reallocation of £0.758m of professional fees from the post-contract fees to the pre-contract fees to support the substantial development of the project to FBC.

3.3 The project, as outlined in the OBC, proposed a two-phase approach: Phase 1 and Phase 2. This FBC sets out the Phase 1 deliverables only. Phase 2 works will be subject to a separate FBC to be submitted to Cabinet in the summer of 2021.

3.4 Phase 1 deliverables include:

- Victoria Square public realm improvements;
- Colmore Row/Waterloo Street public realm improvements;
- River Fountain – repair and reinstatement as a fountain; and
- Permanent Hostile Vehicle Mitigation (HVM) at seven locations across the city centre.

4 Options Considered and Recommended Proposal

4.1 Options were considered at the OBC stage, approved by Cabinet on the 29 October 2019. This included the recommended option at the time to proceed with a design and build contract.

4.2 Options were considered to accelerate the delivery of Victoria Square by identifying current contractors working in the area. The Planned Procurement Activities Report dated 11 February 2020 was approved by Cabinet to enter into single contract negotiations (SCN) to deliver the Victoria Square public realm works.

4.3 A revised delivery strategy and associated milestones were approved by Cabinet in the RFA in July 2020. This revised strategy allowed time to develop the project in further detail and produce a comprehensive FBC including establishing a detailed design, finalising the scope of the project, securing ECI and establishing accurate capital and revenue costs.
4.4 Negotiations for the works failed to reach a satisfactory conclusion between the two parties and therefore there is now a requirement, in this FBC, for a revised procurement process. See Appendix B for the procurement strategy.

5 Consultation

5.1 A public consultation exercise was carried out for Phase 1 and Phase 2 of CCPR between 13 January and 21 February 2020. A total of 598 responses were received via BeHeard. Analysis shows that 77% of respondents agree or strongly agree that the proposals to improve the public realm are attractive and welcoming.

5.2 A consultation analysis report is shown in Appendix D.

5.3 Engagement has been undertaken with Ward Councillors and Retail and Colmore Business Improvement District (BID) representatives who support the proposed delivery of the CCPR project.

6 Risk Management

6.1 A risk register is included in Appendix E which highlights the scheme’s strategic risks. The top four risks and mitigations are set out in Table 1 below.

<table>
<thead>
<tr>
<th>Risk</th>
<th>Mitigation</th>
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<tbody>
<tr>
<td>Unknown ground conditions, utilities and basements</td>
<td>Concrete testing and historic highway data investigation on concrete slab to establish ground conditions. Review of New Roads and Street Works Act (NRSWA) programme and Streetworks register. Undertaking Ground Penetrating Radar (GPR) surveys and trial holes to conclude clash detection and enter into early agreement with Statutory Undertakers. Partnership working and sharing of stats data. Known basement surveys requested.</td>
</tr>
<tr>
<td>Activities prior to construction are delayed. No float in programme.</td>
<td>Regular review of programme, and briefing sessions with senior officers and Cabinet Members.</td>
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<tr>
<td>The impact of Covid-19 and Brexit on the supply of materials, the contractor’s resources and timescales</td>
<td>Engagement with the contractor and their supply chain to understand material lead in and resources available.</td>
</tr>
<tr>
<td>Clean Air Zone revenue does not materialise due to ongoing Covid-19/travel behaviour changes</td>
<td>Predicted Clean Air Zone revenue has been reassessed and the Clean Air Zone funding requirement has been re-profiled with less funding required in the early years of the Clean Air Zone. Project</td>
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7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council’s priorities, plans and strategies?

7.1.1 The proposals set out in this report will support the City Council’s key policies and priorities as set out in the City Council Plan and Budget 2018 – 22 (as updated in 2019):

- Outcome 1, Priority 4: ‘We will develop our transport infrastructure, keep the city moving through walking, cycling and improving public transport’;
- Outcome 4: ‘Birmingham is a great, clean and green city to live in’, particularly ‘improve the environment and tackle air pollution’;
- Outcome 5: ‘Birmingham residents gain the maximum benefit from hosting the Commonwealth Games’.
- Outcome 6: ‘Birmingham is a city that takes a leading role in tackling climate change’.

7.1.2 The public realm proposals will support walking and cycling through the city centre and create available space for outdoor tables and chairs to support economic recovery and growth. The scheme will create high-quality walking and cycling routes in a daytime pedestrianised environment, helping to support environmental and climate change policies in advance of the Commonwealth Games.

7.1.3 In addition to the alignment with the Council’s priorities, plans and strategies identified, the scheme also aligns to the following Council policies and the city’s role as Host City for the 2022 Commonwealth Games:

- **Birmingham Development Plan 2011 (BDP)** – The proposed public realm changes that will be delivered as part of the City Centre Public Realm scheme are consistent with the achievement of Birmingham’s objectives set out in the BDP, including:
  - To provide high quality connections throughout the City and with other places including encouraging the increased use of public transport, walking and cycling; and
  - To develop Birmingham as a city of sustainable neighbourhoods that are safe, diverse and inclusive with locally distinctive character.

- **Draft Birmingham Transport Plan 2020 (DBTP)** – The project will help deliver the objectives set out in the plan including improving cycling and walking infrastructure and pedestrianisation, supporting
cross city centre navigation and connectivity with public transport hubs, and improving walking environments to make streets inclusive for all and help older people and people with disabilities travel around the city.

- **Emergency Birmingham Transport Plan (EBTP)** – The scheme will help address the short, medium and longer term measures set out in the EBTP including maximising improvements to walking and cycling and ensuring public spaces are safe and accessible for everyone. The scheme will support the vision and objectives set out in the Draft Birmingham Transport Plan and EBTP and support the delivery of further walking and cycling improvements to support social distancing and Covid-19 recovery.

7.1.4 **Birmingham Business Charter for Social Responsibility (BBC4SR)**

Compliance with the BBC4SR is a mandatory requirement that will form part of the conditions of these contracts. Tenderers will be required to submit an action plan with their tender that will be evaluated in accordance with the procurement strategy set out in Appendix B and the action plan of the successful tenderer will be implemented and monitored during the contract period. The social value outcomes for the project are also detailed in Appendix B.

7.2 **Legal Implications**

7.2.1 The Council in carrying out transportation, highway and infrastructure related work will do so under the relevant primary legislation comprising the Town and Country Planning Act 1990; Highways Act 1980; Road Traffic Act 1974; Road Traffic Regulation Act 1984; Traffic Management Act 2004; Traffic Act 2000 and other related regulations, instructions, directives and general guidance.

7.2.2 Under Section 1 of the Localism Act 2011, the Council has the power to enter into the arrangements set out in this report, which are within the remit and limits of the general power of competence in Sections 2 and 4 of the Localism Act 2011.

7.2.3 The information in Exempt Appendix G is commercially sensitive with regard to the confidential market information which would impact on the future commercial negotiations – Exempt information 12A of the Local Government Act 1972 (as amended) - 3. Information relating to the financial business affairs of any particular person (including the Council).

7.2.4 The works contract for the CCPR scheme will be procured in accordance with the Public Contracts Regulations 2015.

7.3 **Financial Implications**

    **Capital Costs**
7.3.1 The estimated total capital cost of Phase 1 of the City Centre Public Realm scheme outlined is £12.395m and are planned to be funded by Transforming Cities Fund (£4.000m) and Clean Air Zone (£8.395m). A detailed breakdown is included in Exempt Appendix G.

7.3.2 A delay in implementing the CAZ means that there is a risk that the funding required for Phase 1 may become unavailable. The recommendations approved by Cabinet within the OBC in October 2019 included the use of corporate resources up to the total value of £20.478m in the event that the funding sources identified were not approved or fell short of the required values and noted that, in the event of additional funding being subsequently confirmed, that this would be used to repay corporate funding. The use of corporate resources was subsequently included and approved as part of the Council 2020/21+ Capital Programme in February 2020.

7.3.3 The OBC for the Phase 1 works included £5m of funding as a part of the Commonwealth Games Public Realm capital budget, which forms a part of the overall budget for the Commonwealth Games being funded jointly between the Council, local Partners and the Government. As the detailed proposals for the Phase 1 works have been refined during the evolution from an Outline to a Full Business Case it has become clear that the City Centre Public Realm works can be funded wholly from funding available through Transforming Cities and Clean Air Zone programmes and it has been agreed with all Games Partners that the Commonwealth Games funding is more appropriately utilised to mitigate any risks arising as a result of the COVID-19 pandemic and ensure delivery of other projects that are critical for the successful delivery of the Commonwealth Games.

7.3.4 Subject to the successful conclusion of single contractor negotiations, the supply of paving materials is to be undertaken by WMCA, to enable the order prior to the award of contract for the works. The total estimated cost of this is £0.500m, and the WMCA will store and insure the materials at a secure location at no additional cost to the Council.

Revenue Implications

7.3.5 This project will both remove and create assets that will form part of the highway upon completion of the project; as such they will be maintained within the overall highway maintenance programme. The net maintenance costs arising from the public realm proposals in this FBC is estimated to be £0.001m per annum, which will be funded from the provision for Highways Maintenance held within Corporate Policy contingency. This figure does not include maintenance for the River Fountain or the three mechanically operated HVMS, details of both of these are shown separately below.

7.3.6 The revenue implications for the River Fountain is estimated to £0.020m per annum, based on engagement with a fountain specialist, which will be funded from the existing approved maintenance budget for clocks and fountains.
7.3.7 The total revenue implications for the mechanically operated HVMs at three of the seven locations are estimated to be £0.031m per annum based on a five-year maintenance agreement with the supplier. This cost is being factored into the 2021/22+ Medium Term Financial Plan budget process.

7.3.8 Additionally, the project will result in the removal of 30 pay and display bays on Colmore Row/Waterloo Street which will result in an estimated loss of parking income of £0.202m per annum, (£2.02m over a ten-year period). The loss of income will be offset within the overall net car parking income generated, and specifically through the controlled parking zones being implemented as part of the Clean Air Zone (CAZ) additional measures.

7.4 **Procurement Implications (if required)**

7.4.1 The procurement strategy for the works and the supply of paving materials is detailed in Appendix B.

7.5 **Human Resources Implications (if required)**

7.5.1 The management and delivery of Phase 1 of the City Centre Public Realm scheme will be led by officers within Transport and Connectivity supported by external consultants for professional services.

7.6 **Public Sector Equality Duty**

7.6.1 An initial Equality Analysis was carried out prior to approval of the OBC in October 2019. A revised analysis has been carried out (Report ref. EQUA285) and is attached in Appendix F. This found that this scheme does not have any adverse impact on the protected groups and characteristics under the Equality Act 2010 and there is no requirement for a full assessment.

8 **Appendices**

8.1 Appendix A – Full Business Case

8.2 Appendix B – Procurement Strategy

8.3 Appendix C – Scheme Plans

8.4 Appendix D – Consultation Analysis

8.5 Appendix E – Risk Register

8.6 Appendix F – Equalities Analysis

8.7 Exempt Appendix G

9 **Background Documents**

9.1 City Centre Public Realm Revitalisation Outline Business Case Report to Cabinet 29th October 2019


A. GENERAL INFORMATION

A1. General

<table>
<thead>
<tr>
<th>Project Title (as per Voyager)</th>
<th>City Centre Public Realm Improvement Scheme Phase 1 – Full Business Case (FBC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voyager Code</td>
<td>CA-03078-03</td>
</tr>
<tr>
<td>Portfolio / Committee</td>
<td>Transport &amp; Environment Finance &amp; Resources</td>
</tr>
<tr>
<td>Approved by Project Sponsor</td>
<td>Phil Edwards 16/12/2020 Approved by Finance Business Partner Simon Ansell 15/12/2020</td>
</tr>
</tbody>
</table>

A2. Outline Business Case approval (Date and approving body)

The Outline Business Case (OBC) for the proposed City Centre Public Realm (CCPR) improvements presented in this Full Business Case (FBC) was approved by Cabinet on the 29 October 2019. Since the approval of the OBC, the project has been divided into two phases. These phases are detailed in Table 1 below.

Table 1: CCPR Phases

<table>
<thead>
<tr>
<th>Phase</th>
<th>Area/Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 1</td>
<td>Victoria Square and Colmore Row/Waterloo Street</td>
<td>FBC outlined in this document.</td>
</tr>
<tr>
<td>Phase 2</td>
<td>Remaining CCPR areas</td>
<td>FBC to be submitted in the summer of 2021 subject to funding.</td>
</tr>
</tbody>
</table>

A3. Project Description

This FBC is for the delivery of Phase 1 of the CCPR project only. The FBC for Phase 2 will be subject to a separate FBC subject to funding in the summer of 2021. The two phases are illustrated on Figure 1 below.
Phase 1 of the project forms an important part of the comprehensive renewal of the public realm within the city centre core. Improvements to the quality of public realm include safe and attractive pedestrian environments, greater priority for active modes of travel and the creation of spill-out areas for outdoor seating, to further support businesses in their recovery and growth from the impacts of Covid-19. Permanent hostile vehicle mitigation (HVM) will replace the existing and unattractive temporary barriers.

Birmingham will be on the world stage during the 2022 Commonwealth Games (CWG) and the city centre will act as a gateway for many visitors coming to Birmingham for the first time. The public realm improvements will help create a lasting legacy, provide a safe, attractive and welcoming pedestrianised environment that will attract more visitors and investment and maximise the potential of the Colmore area, supporting further economic growth.

Existing Situation

Birmingham city centre is at the heart of the West Midlands with a magnitude of investment and opportunities over the next decade including HS2, Midland Metro extensions and the hosting of the 2022 CWG. Birmingham was the fourth most visited city in the UK in 2019\(^1\) and boasts the largest city economy in the UK outside London with a GDP of £31.9bn\(^2\). The city centre benefits from three main railway stations in the heart of the city: New Street, Snow Hill and Moor Street.

The existing public realm including the paving and street furniture is outdated, tired and inconsistent in its specification and positioning. Recent Midland Metro extensions have made improvements to the public realm adjacent to the Town Hall in Victoria Square, and on New Street (closest to the Council House) and this project will adopt the same material palette to be consistent across the area.

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\(^1\) Visitbritain.org/town-data

\(^2\) Birmingham Update Q4 2019
The majority of the city centre is already pedestrianised; however, there is an increasing amount of vehicular activity taking place in the city core including Colmore Row and Waterloo Street at all hours of the day. This, combined with narrow footway and street furniture, creates pinchpoints for the increasing number of pedestrians travelling to and through the area for work and leisure.

Temporary National Barrier Assets (NBA) are in place across the city centre; however, these are large, intrusive structures that create unnecessary difficulties for cyclists, pushchairs and people with disabilities to navigate through. A permanent, less invasive solution is required to improve the flow of pedestrians and cyclists in the city centre whilst maintaining the necessary safety and security measures to protect the city from hostile vehicles.

**Drivers and Opportunities for Change**

The proposals set out in this FBC aim to transform the public realm in the city centre and create an attractive, safe and welcoming environment to support economic recovery and growth.

The early impacts on city centre retail and hospitality businesses as a result of Covid-19 have further strengthened the case for change and the need for investment in the city centre to drive forward further investment, attract more businesses to the city centre and create jobs that this project will aim to support.

The CWG’s has presented an exciting opportunity to exhibit these improvements as for a lot of visitors, Birmingham city centre will, be the first place that spectators from around the world will see. High-quality public realm will enable safe, convenient and accessible travel to CWG venues, transport hubs and fan zones across the city centre.

New Street Station will be at the heart of visiting spectators and guests, providing fast and reliable services across the country including to Birmingham International Airport. The station normally accommodates circa 50 million passengers per annum but this will increase significantly during the games3. According to the latest version of the CWG spectator and workforce model (SWAT v1.5) up to 11,643 spectators (in addition to business as usual) will walk or cycle between the city centre and Arena Birmingham per hour4 during the games, passing through areas of high-quality public realm that this scheme will deliver. It is therefore vital that the public realm in the vicinity of New Street and Victoria Square is of the highest quality and specifications to create a lasting and positive impact. Improvements to the public realm in Victoria Square and on Colmore Row and Waterloo Street will provide high-quality connectivity between New Street and Snow Hill, complementing the public realm improvements being undertaken in the Snow Hill area.

High-quality public realm improvements can have many social, health, economic and environmental benefits including greater business and consumer confidence in the city centre allowing greater inward investment, increasing land values and spending in the city centre, boosting tourism and creating more jobs. Improved connectivity to transport hubs, jobs and leisure facilities will encourage walking and cycling which will also have positive health and social benefits.

Case studies within the UK have also shown that well-planned improvements to public spaces including restrictions to traffic and reallocation of space for walking and cycling can lead to increased revenue for retail stores and a boost in footfall and trading of 20-30%5. The outdoor ‘spill-out’ area that will be provided as part of this scheme will further enhance the desire for people to spend more time in the area. There are many misconceptions that restricting access to private cars damage the economy; however, studies have shown that this does not reduce the number of customers or spend within city centres. Widened footways and pedestrianised areas allow streets to become ‘places’ attracting greater footfall, outdoor tables and chairs and social interaction making the area a more attractive and welcoming place to be.

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3 [https://www.birminghamupdates.com/birmingham-new-street-is-now-the-fifth-busiest-station-beating-london-euston/](https://www.birminghamupdates.com/birmingham-new-street-is-now-the-fifth-busiest-station-beating-london-euston/)

4 Data from the CWG spectator and workforce model (SWAT v1.5) during daytime hours (07:00-19:00).

5 Pedestrian pound 2018
The number of vehicles including HGVs driving through the city core during peak pedestrian hours is ever-increasing and is impacting upon the safety of pedestrians and cyclists. This combined with the risk of hostile vehicles in crowded places and densely populated areas of pedestrians provides a much-needed reallocation of space and improved security measures to ensure pedestrian safety is comprehensive, giving the public the confidence to enjoy the city centre without fear. The permanent HVM measures proposed will provide this security and fit with the aesthetics of the surrounding environment.

Phase 1 will also restore running water to one of Europe’s largest fountains the River Fountain, known locally as the ‘Floozie in the Jacuzzi’, which was turned off in 2013 and subsequently filled with flowers in 2015. The Fountain is an iconic feature situated in Victoria Square surrounded by attractive buildings and architecture and has for many years been central to the identity of the city. Repairing and restoring the three tiered River Fountain to its former glory will support visitor numbers and create an improved civic space for people to meet and relax and to host civic events.

Scheme Development

Since the approval of the OBC on the 29 October 2019, the project has been split into two phases as a result of the impacts that the Covid-19 pandemic has had on the delivery of the project. As a result, some elements of the project that were set out in the OBC to be delivered prior to the CWG have been delayed until after the Games. The two phases are:

- Phase 1 – Victoria Square and Colmore Row/Waterloo Street public realm works, River Fountain reinstatement and seven HVM locations
- Phase 2 – The remaining elements of the CCPR project as outlined in the OBC (subject to a separate FBC)

A Revised Financial Appraisal (RFA) was approved by Cabinet on the 21 July 2020 which gave authority for the detailed design to be undertaken prior to the submission of this FBC to ensure accurate capital and revenue costs and timescales were estimated.

Scheme Proposals

This FBC outlines the scheme proposals for Phase 1 of the project, which is illustrated in the scheme drawing in Appendix C. Due to the CWG embargo, no construction work is permitted to take place after March 2022. ECI has informed the project that there is insufficient construction time available, partly due to Christmas working restrictions in 2021, to fully complete the construction works. Therefore, a phased delivery will be undertaken which includes:

**Phase 1 Proposals (delivered by March 2022)**

- Public realm improvements in Victoria Square;
- Public realm improvements on the corner of Colmore Row/Waterloo Street by Victoria Square;
- Repair and reinstatement of the River Fountain in Victoria Square;
- HVM at seven locations including Victoria Square, Waterloo Street, Colmore Row;
- Support the reinstatement of the Ironman in Victoria Square;
- Subject to a Traffic Regulation Order (TRO) the scheme proposals include:
  - No loading/unloading or vehicular access between 11am and 11pm on Colmore Row and Waterloo Street, seven days a week;
  - Removal of three pay and display bays on Colmore Row;
  - Removal of 25 pay and display bays on Waterloo Street;
  - Removal of two disabled bays on Waterloo Street;
  - Removal of two pay and display bays on Waterloo Street East to be replaced with the two removed disabled bays on Waterloo Street;
  - Removal of motorcycle bays on Colmore Row.

**Phase 1 Proposals (delivered by October 2023)**

- Completion of public realm improvements on Colmore Row/Waterloo Street including provision for a 2m outdoor seating/spill out area, new signage and wayfinding, street furniture and lighting.
To avoid any further delays to the programme, the project has identified the need to procure materials ahead of the contractor award due to the long lead time for this item and its impact on the works output. The West Midlands Combined Authority (WMCA) has been identified as a supplier of this material due to the need to match the specification of the product previously used by the MMA in the area.

A4. Scope

This scope includes all elements within Phase 1 of the CCPR project outlined within this report.

A5. Scope Exclusions

Phase 2 has been excluded from the scope of works and will be subject to a separate FBC in the summer of 2021 subject to funding.

B. STRATEGIC CASE

This sets out the case for change and the project’s fit to the Council Plan objectives

B1. Project Objectives and Outcomes

*The case for change including the contribution to Council Plan objectives and outcomes*

Scheme Objectives

The scheme objectives are set out in Table 2.

Table 2: Scheme Objectives
<table>
<thead>
<tr>
<th>Scheme Objectives</th>
<th>Outcomes</th>
<th>Current Issues</th>
<th>How this scheme will achieve the objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>To deliver high-quality public realm for all user groups and increase visitor</td>
<td>Accessible for all users. Attractive and welcoming for people visiting</td>
<td>Tired paving Neighbouring improvements e.g. Paradise, Centenary Square Metro Extension has upgraded surrounding paving.</td>
<td>Replacement of paving, street furniture including seating and lighting. Flush kerbs.</td>
</tr>
<tr>
<td>numbers and support economic recovery</td>
<td>Birmingham for the first time during the 2022 Commonwealth Games.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>River Fountain restored as a water feature.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To create a pedestrian friendly environment to support business recovery and</td>
<td>Widened footways for restaurants and bars to spill out on. Vehicles</td>
<td>Narrow footways, street clutter, lots of vehicles.</td>
<td>Create spill out areas for restaurants and bars on Colmore Row/Waterloo Street to have outside seating and create an environment that people want to spend time in.</td>
</tr>
<tr>
<td>growth</td>
<td>restricted between 11am and 11pm to ensure safe environment for</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>pedestrians to enjoy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To improve the security and safety in the city core</td>
<td>Permanent HVM at seven locations within the city core. Vehicle access</td>
<td>National Barrier Asset (NBA) HVM is unattractive and obstructive for cyclists and people with disabilities to navigate. No restrictions for vehicles to enter the city core at any time. High pedestrian flows and narrow footways increase the number of conflicts between pedestrians and vehicles.</td>
<td>Greater priority for pedestrians and cyclists at peak times. HVM controlled centrally to ensure a joined up safety and security strategy.</td>
</tr>
<tr>
<td></td>
<td>and loading restricted on Colmore Row/Waterloo Street between 11am and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>11pm.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Enhanced connectivity for pedestrians and cyclists | Improved connectivity for pedestrians and cyclists connecting. | Existing street clutter and NBA HVM makes movement through the city centre difficult. | Improved signage and wayfinding.

**Policy Fit**

The improvements to the public realm in the city core set out in this FBC, helps support the delivery of local and regional policies set out in Table 3 below.

**Table 3: Policy Fit**

<table>
<thead>
<tr>
<th>Policy</th>
<th>Strategic Alignment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local Policies</strong></td>
<td></td>
</tr>
</tbody>
</table>
| City Council Plan and Budget 2018-2022 (as updated in 2019) | The proposed scheme supports the policy objectives outlined in the City Council’s Plan and Budget 2018-2022 including:  
Outcome 1, Priority 4: ‘We will develop our transport infrastructure, keep the city moving through walking, cycling and improving public transport’;  
Outcome 4: ‘Birmingham is a great, clean and green city to live in’, particularly ‘improve the environment and tackle air pollution’;  
Outcome 5: ‘Birmingham residents gain the maximum benefit from hosting the Commonwealth Games’;  
Outcome 6: ‘Birmingham is a city that takes a leading role in tackling climate change’.  
The Phase 1 proposals will provide improvements to walking and cycling, which will support the sustainable and environmental outcomes of the City Council Plan as well as delivering the majority of these improvements prior to the Commonwealth Games for everyone to enjoy. |
| Birmingham Development Plan (2011) | The vision for Birmingham set out in the Birmingham Development Plan (BDP) is:  
“By 2031 Birmingham will be renowned as an enterprising, innovative and green City that has delivered sustainable growth meeting the needs of its population and strengthening its global competitiveness.”  
The proposed public realm improvements in the city centre are consistent with the achievement of Birmingham’s objectives set out in the BDP, including:  
- To provide high quality connections throughout the city and with other places including encouraging the increased use of public transport, walking and cycling;  
- To create a prosperous, successful and enterprising economy with benefits felt by all;  
- To promote Birmingham’s national and international role; and |
• To ensure that the City has the infrastructure in place to support its future growth and prosperity.

As well as specific policies including:

- **Policy PG2 – Birmingham as an international city** – *Birmingham will be promoted as an international city supporting development, investment and other initiatives that raise the City’s profile and strengthen its position nationally and internationally.*
- **Policy PG3 – Place making** - *Provide attractive environments that encourage people to move around by walking and cycling;*
- **Policy GA1.1 – City Centre** - *…improvements to the quality of the environment and the shopping experience within this area will be promoted.*
- **Policy GA1.4 – Connectivity** – *Improvements to and prioritisation of pedestrian and cycle accessibility;*
- **Policy TP39 – Walking** – *The provision of safe and pleasant walking environments throughout Birmingham will be promoted; and*

**Policy TP40 – Cycling** - *Cycling will be encouraged through a comprehensive city-wide programme of cycling infrastructure improvements.*

| Birmingham Transport Plan (draft 2020) | The draft Birmingham Transport Plan aims to create safe and healthy environments will make active travel, walking and cycling – the first choice for people making short journeys. The scheme will help deliver the objectives set out in the plan including:

- Develop improved cycling and walking infrastructure and pedestrianisation supporting cross city centre navigation and connectivity with public transport hubs; and

Improve walking environments make streets inclusive for all and help older people and people with disabilities travel around the city. |
| Emergency Birmingham Transport Plan (June 2020) | The Emergency Birmingham Transport Plan does not replace the Birmingham Transport Plan; however, it sets out the short, medium and long term actions that Birmingham can take to enable a low carbon, clean air recovery from Covid-19. These measures, relevant to the City Centre Public Realm scheme, including maximising improvements to walking and cycling and ensure public spaces are safe and accessible for everyone. The scheme will support the vision and objectives set out in Birmingham’s Transport Plan (below) and support the delivery of further walking and cycling improvements to support social distancing and Covid-19 recovery. |
| Birmingham Connected (2014) | The Birmingham Connected White Paper directly links to the strategies and policies of the BDP, outlined below. It sets out the agenda for investing in a radically improved integrated transport system that will realise the city’s potential to support sustainable economic growth, support job creating and link communities. It seeks to make travel more |
The scheme will contribute to the objectives set out in the Birmingham Connected White Paper, including facilitating improvements to walking and cycling in the city centre.

### Clean Air Strategy (draft 2019)

The scheme will support the objectives set out in the Council’s draft Clean Air Strategy and the Council’s implementation of a Class D Clean Air Zone to improve air quality in the city centre by:

- Contributing towards a reduction in car usage – reducing emissions and improve health; and
- …increasing the range of cleaner, sustainable and active travel modes.

### City Centre Retail Strategy (2015)

This strategy document builds on the vision of the City’s Big City Plan published in 2010 focussing on the city centre and retail core. Plans to enhance the public realm in the retail core around New Street and Victoria Square are presented in this strategy to attract investment and visitors and improve the image of the city, with the aim of making Birmingham one of the top retail destinations in the UK. The main objectives that this scheme helps deliver includes:

- Support and promote the rationalisation of vehicular traffic on key streets in the Retail Core to create pedestrian friendly environments that are accessible to all; and
- Support the improvement of the public realm and environment.

### Regional Policies

#### Midlands Connect Strategy: Powering the Midlands Engine (2017)

The Midlands Connect Strategy sets out the long-term approach to power the Midlands Engine giving ‘much-needed certainty to businesses, communities and investors whilst also improving quality of life, improving skills and enhancing access to new opportunities’.

This public realm scheme will improve connectivity within the city centre for sustainable modes of transport including walking and cycling and allow the economic potential of the Midlands to be maximised.

#### Greater Birmingham and Solihull LEP Strategic Economic Plan (2016-2030)

The proposed scheme supports policies set out in the GBS LEP Strategic Economic plan including:

- Reduce demand, ensuring that capacity on key routes is released by negating unnecessary trips. This means investing in towns and local centres to ensure that very short distance trips can be made safely by walking, cycling and public transport
- Supporting the regeneration of our high streets
- Improving connectivity within towns and local centres

#### Movement for Growth, West Midlands

This policy document sets out the WMCA’s strategic transport plan and long term delivery plan for transport across the West Midlands.
Combined Authority (WMCA)

The transport vision:

“Reduce transport’s impact on our environment – improving air quality, reducing carbon emissions and improving road safety”

This vision will be supported by:

- Using transport improvements to enhance the public realm and attractiveness of our centres
- Ensuring that walking and cycling are a safe and attractive option for many journeys, especially short journeys by enhancing local travel

The scheme will improve the public realm and attractiveness of the city core, whilst encouraging more active travel including cycling and walking supporting public health.

Birmingham Business Charter for Social Responsibility (BBC4SR)

Compliance with the BBC4SR is a mandatory requirement that will form part of the conditions of the contract for the main works. Tenderers will be required to submit an action plan with their tender that will be evaluated in accordance with each procurement strategy and the action plan of the successful tenderers will be implemented and monitored during the contract period.

B2. Project Deliverables

*These are the outputs from the project e.g. a new building with xm2 of internal space, xm of new road, etc*

Phase 1 outputs include:

- Paving:
  - 212sqm Yorkstone slab paving;
  - 5,499sqm Granite paving;
  - 520m Granite edging;
  - 548m Corduroy tactile;
  - 58m Dished channel drain;
- Provision for 2m ‘spill-out’ space outside buildings for outdoor seating on Colmore Row/Waterloo Street (refer to Appendix C for more details);
- Seven HVM bollards (three mechanically operated locations);
- Support the reinstatement of the Ironman in Victoria Square;
- Street furniture:
  - Four heritage street lighting on Colmore Row;
  - Three benches;
  - Three bins;
  - Four cycle racks;
  - Provision for one cycle hire dock;
  - Provision for e-scooter racks (if approved).

B3. Project Benefits

*These are the social benefits and outcomes from the project, e.g. additional school places or economic benefit.*

<table>
<thead>
<tr>
<th>Measure</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>List at least one measure associated with each of the objectives and outcomes in B1 above</td>
<td>What the estimated impact of the project will be on the measure identified – please quantify where</td>
</tr>
<tr>
<td>Support the economic recovery and growth of the city centre through renewal of public realm</td>
<td>Practicable (e.g. for economic and transportation benefits) Enhancement of the area will create a more attractive, safe and useable area to attract more visitors, businesses and investment to the area and increase consumer spend. The provision of 2m ‘spill out’ area outside properties on Colmore Row/Waterloo Street will create an attractive and safe place to spend time. It will also encourage repeat visits which is particularly important for Birmingham city centre given that the city will become a gateway during the CWG in 2022.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Encourage active modes of travel within the city centre</td>
<td>Accessibility for pedestrians, cyclists and people with mobility issues will be improved through new, high-quality paving. An attractive, public space will increase the availability of civic space to host community events e.g. Pride and generate revenue for the city. A more pleasant environment through the city centre will encourage more people to walk shorter journeys, improving air quality and supporting the Council’s clean air policies. It will also deliver health benefits to the citizens and visitors of Birmingham.</td>
</tr>
<tr>
<td>People’s perceptions of safety and attractiveness of the city centre</td>
<td>59 crimes were reported in the vicinity of Victoria Square/Colmore Row/Waterloo Street between September 2019 and August 2020. Anti-social behaviour accounted for 29% of these crimes. Improvements to the public realm, lighting and provision of outdoor seating will improve the perceived safety of people within the area. Permanent HVM bollards will ensure only necessary access for loading takes place during designated hours. Outside of these hours the HVM will ensure pedestrians are safe from hostile vehicles.</td>
</tr>
<tr>
<td>Property price increase</td>
<td>Substantial evidence that public realm improvements increase property prices in the local vicinity.</td>
</tr>
</tbody>
</table>

Table 2, in Section B1 above, outlines the scheme objectives, and how these will be achieved through this scheme tackling the current issues faced in the area. It also outlines the benefits and outcomes associated with delivering these objectives. Further economic benefits are listed in Section G3 below.

**B4. Benefits Realisation Plan**

*Set out here how you will ensure the planned benefits will be delivered*

Benefits will be delivered upon completion of Phase 1 of the project. The planned benefits will be delivered by ensuring a robust governance structure has been established to monitor progress and manage dependencies, risks and issues, as they arise. Clear tolerance and escalation levels are set to ensure issues are identified and managed in a timely manner.
Ordering the paving materials ahead of the contract award will mitigate any delay to the programme or outputs that could be caused as a result of long lead times for this item.

Further benefit realisation is set out in Table 4 below.

Table 4: Benefits Realisation

<table>
<thead>
<tr>
<th>Benefit</th>
<th>Who will benefit?</th>
<th>How will benefits be realised?</th>
<th>Baseline measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improved public realm</td>
<td>All users</td>
<td>Increased attractiveness for all users</td>
<td>Satisfaction levels</td>
</tr>
<tr>
<td>Improved perception of safety for all users</td>
<td>All users</td>
<td>Crime rates</td>
<td>Crime statistics</td>
</tr>
<tr>
<td>Increased use of active modes</td>
<td>Pedestrians, cyclists, other active modes</td>
<td>Increase in number of people walking and cycling</td>
<td>Pedestrian counts (February 2020)</td>
</tr>
<tr>
<td>Increase in customers due to outdoor seating area</td>
<td>Local businesses</td>
<td>Occupancy of outdoor seating area</td>
<td>Business engagement and utilisation</td>
</tr>
</tbody>
</table>

B5. Stakeholders

Public consultation on the overall City Centre Public Realm scheme was carried out between 13 January 2020 and 21 February 2020. A total of 598 responses were received via BeHeard.

As part of the consultation exercise approximately 3,500 leaflets were delivered to all commercial and residential properties with the scheme area and regular emails were sent out via the Business Improvement Districts (BIDs) to their businesses. In addition, consultation material including leaflets and questionnaires were held at Library of Birmingham and individuals could request a copy of the material and questionnaire by contacting the project team.

Key stakeholders were emailed copies of the scheme proposals and consultation materials, urging them to provide feedback via the BeHeard consultation site. Two public drop-in sessions were also held to talk to discuss the project with businesses, residents and individuals and to understanding any local issues or concerns.

Engagement with Colmore and Retail BID, ward councillors and resident groups/representatives has been ongoing throughout the development of this project to ensure they are kept informed of the progress and changes.

Analysis of the consultation responses identified key themes and suggestions from individuals and organisations which has been taken into consideration whilst developing the scheme and addressed in Appendix D. The analysis highlights the following key statistics:

- 77% of respondents agree or strongly agree that the proposals to improve the public realm are attractive and welcoming. This is broken down to:
  - 77% of individuals;
  - 90% of businesses/organisations;
  - 79% of residents.

- 72% of respondents agree or strongly agree with the proposals to restrict access and loading between 7am and 7pm. This is broken down to:
  - 74% of individuals;
  - 42% of businesses/ organisations;
  - 7% of residents.
46% of respondents believe the scheme will have a somewhat or very positive impact on them/their business and 34% believe the impact will be neutral. This is broken down to:

- 46% of individuals;
- 58% of businesses/organisations;
- 14% of residents.

### C. ECONOMIC CASE AND OPTIONS APPRAISAL

This sets out the options that have been considered to determine the best value for money in achieving the Council’s priorities.

#### C1. Summary of options reviewed at Outline Business Case

(include reasons for the preferred option which has been developed to FBC)

If options have been further developed since the OBC, provide the updated Price quality matrix and recommended option with reasons.

Options were reviewed at the OBC stage and Option 5 was approved to be taken forward to FBC stage. The options included:

**Option 1 – Business as Usual (Do Nothing)**

**Option 2 – Do Minimum** – implement HVM at critical locations across the city centre.

**Option 3 – Partial intervention** - implement permanent HVM measures as part of a comprehensive safety and security strategy for the city centre. Public realm improvements to New Street, Lower Temple Street and Ethel Street.

**Option 4 – Partial intervention** – Option 3 with the addition of public realm improvements in Victoria Square.

**Option 5 – Comprehensive Integrated Approach** – permanent HVM measures as part of a comprehensive safety and security strategy for the city centre. Public realm improvements to the city core including New Street, Lower Temple Street, Ethel Street and Victoria Square. Repair and restoration of the River Fountain in Victoria Square.

#### Changes since the OBC

After the approval of the OBC in October 2019, a new delivery team was established. Upon review of the programme, a revised delivery strategy and timeline was developed to allow time to develop the project in further detail and produce a comprehensive FBC including establishing a detailed design, finalising the scope of the project, securing Early Contractor Involvement (ECI) and establishing accurate capital and revenue costs. The Design and Build approach that was approved at OBC, outlined construction start in 2020. These timescales were deemed unfeasible and a revised delivery strategy and programme was issued and approved by Cabinet as part of a RFA in July 2020.

The RFA also granted permission to transfer £0.758m from the post-contract costs to develop the project to FBC. The Covid-19 pandemic has led to programme delays and uncertainty around funding available to deliver the project. As a result, the project was split into two phases outlined in Section A3 above. This FBC outlines the proposals for Phase 1 of the project with a separate FBC for Phase 2 to be submitted in Summer 2021. This phased delivery will enable the project team to fully understand the cost estimates and the funding requirements needed.

#### C2. Evaluation of key risks and issues

The full risks and issues register is included at the end of this FBC.

A summary of the key risks are outlined in Table 5 below. A copy of the full risk register can be found in Appendix E.

<table>
<thead>
<tr>
<th>Risk</th>
<th>Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 5: Top Risks
Unknown ground conditions/utilities/basements

Ground Penetrating Radar (GPR) surveys and trial hole work being undertaken to conclude clash detection and enter into early agreement with Statutory Undertakers. Partnership working and sharing of stats data. Known basement surveys requested.

Activities prior to construction are delayed. No float in programme.

Regular review of programme and briefing sessions with senior officers and Cabinet Members.

The impact of Covid-19 and Brexit on the supply of materials, the contractor’s resources and timescales

Engagement with the contractor and their supply chain to understand material lead in and resources available.

CAZ revenue does not materialise due to ongoing Covid-19/behaviour changes

Predicted CAZ revenue has been reassessed and the CAZ funding requirement has been re-profiled with less funding required in the early years of the CAZ. Project underwritten by Prudential Borrowing in OBC.

C3. Other impacts of the preferred option

*Describe other significant impacts, both positive and negative*

A VURT (Valuing Urban Realm Toolkit) assessment was undertaken in February 2020 to assess the economic benefits of the CCPR scheme. The toolkit was introduced by Transport for London (TfL) to provide an evidence-based justification for investing in public realm improvements by assigning monetary values to the less tangible benefits of a scheme. The estimated monetary benefits cover an appraisal period of 15 years (2022-2036) and are provided in 2010 prices and values. The estimated monetary benefits for Victoria Square, Colmore Row and Waterloo Street are shown in Table 6 below.

**Table 6: Estimated monetary benefits**

<table>
<thead>
<tr>
<th>Area</th>
<th>Estimated Monetary Benefits (2010 prices)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victoria Square</td>
<td>£813,358</td>
</tr>
<tr>
<td>Colmore Row</td>
<td>£780,845</td>
</tr>
<tr>
<td>Waterloo Street</td>
<td>£261,461</td>
</tr>
</tbody>
</table>

Other impacts that CCPR will address are set out in Table 7 below.

**Table 7: Impacts of preferred option**

<table>
<thead>
<tr>
<th>Measure</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedestrians and Cyclists</td>
<td>Safe, attractive public spaces with enhanced public realm will create an area for all users to enjoy.</td>
</tr>
<tr>
<td>Public Realm</td>
<td>Better quality environment and paving materials leading to improved development value and a more attractive destination to attract more visitors to the city.</td>
</tr>
</tbody>
</table>
## APPENDIX A

<table>
<thead>
<tr>
<th>Noise/Air Quality</th>
<th>Noise generated from construction works will be minimised where possible. Timing of construction will be assessed based on local characteristics e.g. residential properties, businesses.</th>
</tr>
</thead>
</table>

### D. COMMERCIAL CASE

*This considers whether realistic and commercial arrangements for the project can be made*

#### D1. Partnership, joint venture and accountable body working

*Describe how the project will be controlled, managed and delivered if using these arrangements*

The Council is responsible for the delivery of Phase 1 of the CCPR scheme. The scheme proposals have been developed alongside key partners including Retail BID and Colmore BID.

#### D2. Procurement implications and Contract Strategy

*What is the proposed procurement contract strategy and route? Which Framework, or OJEU? This should generally discharge the requirement to approve a Contract Strategy (with a recommendation in the report).*

**Detailed Design**

The detailed design for phase 1 of the project is being undertaken by Arcadis Consulting Limited under a contract awarded under delegated authority in September 2020.

**Public Realm Works (including River Fountain)**

The procurement strategy for the works and the water feature is in Appendix B of the Cabinet report.

**Purchase of Materials**

The supply of paving materials is to be undertaken by the West Midlands Combined Authority to enable an order to be placed and delivered prior to the award of the contract and the commencement of the works. The cost of the paving materials is expected to be in the region of £0.5m. The WMCA will store and insure the materials at a secure location at no extra cost to the Council until the materials are ready to be used. The procurement strategy for the order of materials is in Appendix B.

#### D3. Staffing and TUPE implications

There are no identified staffing or TUPE implications with this project. The scheme will be resourced using City Council staff and external resources for the professional services and the works.
## E. FINANCIAL CASE

*This sets out the cost and affordability of the project*

### E1. Financial implications and funding

<table>
<thead>
<tr>
<th>Capital expenditure incl. contingency</th>
<th>2020/21 £000s</th>
<th>2021/22 £000s</th>
<th>2022/23 £000s</th>
<th>Total £000s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital code: CA-03078-03</td>
<td>414</td>
<td>1,274</td>
<td>8,147</td>
<td>2,560</td>
</tr>
<tr>
<td>Total capital expenditure</td>
<td>414</td>
<td>1,274</td>
<td>8,147</td>
<td>2,560</td>
</tr>
</tbody>
</table>

**CAPITAL FUNDING:**

<table>
<thead>
<tr>
<th>Source</th>
<th>2020/21 £000s</th>
<th>2021/22 £000s</th>
<th>2022/23 £000s</th>
<th>Total £000s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transforming Cities Fund (TCF)</td>
<td>414</td>
<td>1,274</td>
<td>2,312</td>
<td>4,000</td>
</tr>
<tr>
<td>CAZ Revenue</td>
<td>0</td>
<td>0</td>
<td>5,835</td>
<td>8,395</td>
</tr>
<tr>
<td>Total capital funding</td>
<td>414</td>
<td>1,274</td>
<td>8,147</td>
<td>2,560</td>
</tr>
</tbody>
</table>

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### Capital Costs

The estimated total capital cost of Phase 1 of the City Centre Public Realm scheme outlined is £12.395m and are planned to be funded by Transforming Cities Fund (£4.000m) and Clean Air Zone (£8.395m). A detailed breakdown is included in Exempt Appendix G.

A delay in implementing the CAZ means that there is a risk that the funding required for Phase 1 may become unavailable. The recommendations approved by Cabinet within the OBC in October 2019 included the use of corporate resources up to the total value of £20.478m in the event that the funding sources identified were not approved or fell short of the required values and noted that, in the event of additional funding being subsequently confirmed, that this would be used to repay corporate...
funding. The use of corporate resources was subsequently included and approved as part of the Council 2020/21+ Capital Programme in February 2020.

The OBC for the Phase 1 works included £5m of funding as a part of the Commonwealth Games Public Realm capital budget, which forms a part of the overall budget for the Commonwealth Games being funded jointly between the Council, local Partners and the Government. As the detailed proposals for the Phase 1 works have been refined during the evolution from an Outline to a Full Business Case it has become clear that the City Centre Public Realm works can be funded wholly from funding available through Transforming Cities and Clean Air Zone programmes and it has been agreed with all Games Partners that the Commonwealth Games funding is more appropriately utilised to mitigate any risks arising as a result of the COVID-19 pandemic and ensure delivery of other projects that are critical for the successful delivery of the Commonwealth Games.

Subject to the successful conclusion of single contractor negotiations, the supply of paving materials is to be undertaken by WMCA, to enable the order prior to the award of contract for the works. The cost of this is estimated to be £0.500m and the WMCA will store and insure the materials at a secure location at no additional cost to the Council.

**Revenue Implications**

This project will both remove and create assets that will form part of the highway upon completion of the project; as such they will be maintained within the overall highway maintenance programme. The net maintenance costs arising from the public realm proposals in this FBC is estimated to be £0.001m per annum, which will be funded from the provision for Highways Maintenance held within Corporate Policy contingency. This figure does not include maintenance for the River Fountain or the three mechanically operated HVMs. Details of both of these are shown separately below.

The revenue implications for the River Fountain is estimated to be £0.020m per annum, based on engagement with a fountain specialist, which will be funded from the existing approved maintenance budget for clocks and fountains.

The total revenue implications for the mechanically operated HVM at three of the seven locations are estimated to be £0.031m per annum based on a five-year maintenance agreement with the supplier. This cost is being factored into the 2021/22+ Medium Term Financial Plan budget process.

Additionally, the project will result in the removal of 30 pay and display bays on Colmore Row/Waterloo Street which will result in an estimated loss of parking income of £0.202m per annum (£2.02m over a ten-year period). The loss of income will be offset within the overall net car parking income generated, and specifically through the controlled parking zones being implemented as part of the Clean Air Zone (CAZ) additional measures.

**E3. Approach to optimism bias and provision of contingency**

A contingency of 20% has been applied to the cost of Phase 1 public realm works on Colmore Row/Waterloo Street. A contingency of 40% has been applied to the cost of the HVM and River Fountain.

The contingency covers project risks around scope of construction and the outcomes of realising risks identified within the risk register.

Construction risk and contingency has been priced to cover any delays and changes to outputs.

**E4. Taxation**

*Describe any tax implications and how they will be managed, including VAT*
There will be no adverse VAT implications for the City Council in this scheme as the maintenance of highways is a statutory function of the City Council such that any VAT paid to contractors is reclaimable.

As this is a construction project, the requirements of HMRC’s Construction Industry Tax Scheme will be included in the contract documentation to ensure the Council’s compliance.

F. PROJECT MANAGEMENT CASE

This considers how project delivery plans are robust and realistic

<table>
<thead>
<tr>
<th>F1. Key Project Milestones</th>
<th>Planned Delivery Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Phase 1</strong></td>
<td></td>
</tr>
<tr>
<td>Public Consultation</td>
<td>January – February 2020</td>
</tr>
<tr>
<td>Appoint contractor for detailed design</td>
<td>August 2020</td>
</tr>
<tr>
<td>Commence detailed design</td>
<td>November 2020</td>
</tr>
<tr>
<td>Full Business Case approval</td>
<td>January 2021</td>
</tr>
<tr>
<td>Placing the order for materials with WMCA</td>
<td>January 2021</td>
</tr>
<tr>
<td>Invitation to tender (ITT) issued</td>
<td>February 2021</td>
</tr>
<tr>
<td>ITT return</td>
<td>March 2021</td>
</tr>
<tr>
<td>Award of construction contract</td>
<td>April 2021</td>
</tr>
<tr>
<td>Construction start</td>
<td>June 2021</td>
</tr>
<tr>
<td>Construction end</td>
<td>March 2022/October 2023</td>
</tr>
</tbody>
</table>

BCC Project Team recognise that the achievement of the programme (and these milestones) may be subject to change.

F2. Achievability

Describe how the project can be delivered given the organisational skills and capacity available

The project involves standard highway engineering and measures and the City Council has in-house experience of successfully delivering highway projects of this nature. Specialist expertise and support has been obtained through appropriate external consultants for the public realm design elements, Traffic Regulation Orders and Construction Design Management (CDM) responsibilities.

F3. Dependencies on other projects or activities

N/A

F4. Officer support

| Project Manager: | Craig Richards     |
|                 | Tel: 07704539772   |
|                 | Email: craig.richards@birmingham.gov.uk |

| Project Accountant: | Simon Ansell       |
|                    | Tel: 0121 464 9124  |
|                    | Email: simon.anSELL@birmingham.gov.uk |

| Project Sponsor: | Philip Edwards     |
|                 | Tel: 0121 303 6467  |
|                 | Email: philip.edwards@birmingham.gov.uk |
F5. Project Management

Describe how the project will be managed, including the responsible Project Board and who its members are

The Project Board has been set up which will oversee the City Centre Public Realm works. It consists of officers responsible for delivering and monitoring the overall City Centre Public Realm and includes:

- Officers from Transport and Connectivity, Planning, Highways, Finance, Legal and Procurement including the Assistant Director, Transport & Connectivity and the Assistant Director, Highways and Infrastructure.
<table>
<thead>
<tr>
<th>G. SUPPORTING INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Please adapt or replace the formats as appropriate to the project)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>G1. Project Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detailed Project Plan supporting the key milestones in section F1 above</td>
</tr>
<tr>
<td>Please refer to Section F1 of this report for delivery milestones.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>G2. Summary of Risks and Issues Register</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risks should include Optimism Bias, and risks during the development to FBC</td>
</tr>
<tr>
<td>Grading of severity and likelihood: High – Significant – Medium - Low</td>
</tr>
<tr>
<td>Please refer to Appendix E for the scheme risk register.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>G3. External funding and other financial details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of external funding arrangements and conditions, and other financial details supporting the financial implications in section E1 above (if appropriate)</td>
</tr>
<tr>
<td>A summary of funding for the delivery of the scheme is provided in Section E2 of this report.</td>
</tr>
</tbody>
</table>
# G4. Stakeholder Analysis

The table below identifies all of the stakeholders involved in the project outlining their role and significance and how these relationships will be managed throughout the successful delivery of the project.

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Role and Significance</th>
<th>How stakeholder relationships will be managed</th>
</tr>
</thead>
<tbody>
<tr>
<td>MP and local councillors</td>
<td>Local impact to ensure they are aware of the scheme should they be approached by their constituents</td>
<td>Regular updates through member briefings</td>
</tr>
<tr>
<td>Retail and Colmore BID</td>
<td>Key stakeholder group</td>
<td>Regular updates through email and meetings</td>
</tr>
<tr>
<td>Residents/businesses affected by TRO</td>
<td>Affected stakeholders</td>
<td>Updates during detailed design, prior to construction and during works.</td>
</tr>
<tr>
<td>Taxi operators</td>
<td>End user</td>
<td>Updates during detailed design, prior to construction and during works.</td>
</tr>
<tr>
<td>General groups e.g. cycling and walking, bus users and resident groups</td>
<td>End user</td>
<td>Updates during detailed design, prior to construction and during works.</td>
</tr>
<tr>
<td>Emergency services</td>
<td>End user</td>
<td>Updates during detailed design, prior to construction and during works.</td>
</tr>
<tr>
<td>General public</td>
<td>End user</td>
<td>Updates during detailed design, prior to construction and during works.</td>
</tr>
</tbody>
</table>
## G5. Benefits Register

For major projects and programmes over £20m, this sets out in more detail the planned benefits. Benefits should be monetised where it is proportionate and possible to do so, to support the calculation of a BCR and NPSV (please adapt this template as appropriate).

<table>
<thead>
<tr>
<th>Measure</th>
<th>Annual value</th>
<th>Start date</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>List at least one measure associated with each of the outcomes in B1 above</td>
<td></td>
<td></td>
<td>What the estimated impact of the project will be on the measure identified</td>
</tr>
<tr>
<td>(a) Non-quantified benefits:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Other Attachments

*provide as appropriate*

- Appendix B – Procurement Strategy
- Appendix C – Scheme Plans
- Appendix D – Consultation Analysis
- Appendix E – Risk Register
- Appendix F – Equalities Analysis
- Exempt Appendix G – Exempt Appendix
Appendix B

Procurement Strategy for the City Centre Public Realm Works

1 Background

1.1 The background and context are detailed in the Cabinet report.

1.2 Cabinet approved entering into single contractor negotiations for the public realm works in Victoria Square and along Colmore Row in the Planned Procurement Activities Report to Cabinet dated 11<sup>th</sup> February 2020. The negotiations failed to reach a satisfactory conclusion between the two parties and there is now a requirement for a procurement process to be undertaken for these works plus the public realm improvements in Waterloo Street and the reinstatement of the River Fountain in Victoria Square.

2 Outcomes Expected

2.1 The following outcomes are anticipated as a result of the proposed procurement process to be carried out:

- An improved public realm in the area to create an attractive focal point in the city centre, improving the overall experience for visitors; particularly those arriving to support the Commonwealth Games;
- Reinstatement of the River Fountain;
- Provision of hostile vehicle mitigation measures at seven locations in the city core;
- Social value actions committed and delivered in accordance with the contractor’s social value action plan.

3 Market Analysis

3.1 There are a large number of providers in the market who could provide the required works. It is anticipated with the Covid-19 situation, that there will be an appetite from the marketplace for an opportunity of this size and value from a number of providers as organisations try and win business to offset that lost due to cancelled contracts in other areas.

4 Strategic Procurement Approach

4.1 The following options were considered:

- Not to tender the requirement – this is not an option on the basis that the works are required to improve the visitor experience to the city centre and assist with the facilitation of economic growth.
• To tender for separate works contracts – this option was considered and discounted due to the lack of technical expertise in the Council to support the project, in particular in relation to the River Fountain.

• To tender for a single works contract. This is the recommended option on the basis that it will allow for all suppliers to express an interest in tendering for the opportunity, costs will be reflective of the current market position and all the Council’s priorities can be incorporated into the tender documentation.

• To use a collaborative framework agreement. There are collaborative framework agreements in place and these options were discounted as detailed below.
  ➢ Crown Commercial Services Construction Works and Associated Services: this covers both construction and civil engineering. A review of the framework suppliers gave a view that they primarily deliver building contracts and were unlikely to have the relevant ability or interest to deliver a public realm scheme.
  ➢ Midlands Highway Alliance (MHA) – Although there are number of suppliers on this framework agreement suitable to deliver the works, in the current environment it is considered that better value for money will be realised from tendering to the open market. This option was discounted on this basis.
  ➢ Scape National Civil Engineering Framework – This is a sole supplier framework agreement. This option was discounted for the same reasons as the MHA framework agreement.

5 **Procurement Approach**

5.1 Duration and Advertising Route:

5.1.1 The contract will be awarded for a period of up to 30 months and advertised in the www.findatender.co.uk, Contracts Finder and www.finditinbirmingham.com.

5.2 Sourcing Strategy

5.2.1 The contract will be awarded to one supplier.

5.3 Procurement Route

5.3.1 The contract will be tendered using the ‘Open’ Procedure on the basis that there are a large number of providers in the market who could provide the required works for an opportunity of this size and value.
5.4 Scope and Specification

5.4.1 The scope and specification for the public realm works and reinstatement of the water feature will be in accordance with the contract documentation produced by the project team and in accordance with approved specification for highway works to support the infrastructure improvements.

5.5 Tender Structure (Including Evaluation and Selection Criteria)

5.5.1 Evaluation and Selection Criteria

The quality, social value and price balances below were established having due regard for the corporate document 'Evaluating Tenders' which considers the complexity of the services to be provided. The tender documents will include the form of contract based on the New Engineering Contract (NEC) Engineering and Construction Contract Option C: target cost with activity schedule and with appropriate revisions to incorporate the Council's policies.

5.5.2 Tenders will be evaluated against the specification in accordance with a predetermined evaluation model.

5.5.3 The evaluation of tenders will be assessed as detailed below:

The assessment will be divided into the following stages:

Stage 1 – Selection Assessment
Stage 2 – Invitation to Tender

Stage 1 – Selection Assessment

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAGE ONE - Selection Stage</td>
<td></td>
</tr>
<tr>
<td>Company Information</td>
<td>Pass / Fail</td>
</tr>
<tr>
<td>Financial Information (including Insurance)</td>
<td>Pass / Fail</td>
</tr>
<tr>
<td>Health and Safety</td>
<td>Pass / Fail</td>
</tr>
<tr>
<td>Compliance with Equalities</td>
<td>Pass / Fail</td>
</tr>
<tr>
<td>Quality Management</td>
<td>Pass / Fail</td>
</tr>
<tr>
<td>Grounds for Mandatory Exclusion</td>
<td>Pass / Fail</td>
</tr>
<tr>
<td>Grounds for Discretionary Exclusion</td>
<td>Pass / Fail</td>
</tr>
<tr>
<td>Modern Slavery Act 2015</td>
<td>Pass / Fail</td>
</tr>
<tr>
<td>Technical and Professional Ability *</td>
<td>Pass / Fail</td>
</tr>
<tr>
<td>Declaration</td>
<td>Pass / Fail</td>
</tr>
</tbody>
</table>

* A robust pass/fail will be incorporated to ensure that only those tenderers with satisfactory experience of delivering public realm schemes with a water feature in a busy city centre environment proceed to the next stage.
Tenderers must pass all the pass/fail elements for their responses to Stage 2 Invitation to Tender to be evaluated.

Stage 2 – Invitation to Tender Stage

Evaluation and Selection Criteria

Tenders will be evaluated using the quality/social value/price in accordance with a pre-determined evaluation model. The quality element will account for 50%, social value 20% and price 30%. This quality, social value and price balance has been established having due regard to the corporate document ‘Evaluating Tenders’ which considers the complexity of the services to be provided and the degree of detail contained within the contract specification.

Tenders will be evaluated against the specification in accordance with the pre-determined evaluation model described below:

Quality (50% Weighting)

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Overall Weighting</th>
<th>Sub-weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical Competency and Delivery Methodology</td>
<td>50%</td>
<td>40%</td>
</tr>
<tr>
<td>Organisation and Resources</td>
<td></td>
<td>10%</td>
</tr>
<tr>
<td>Project Management</td>
<td></td>
<td>10%</td>
</tr>
<tr>
<td>Stakeholder Engagement</td>
<td></td>
<td>40%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Tenderers who score less than 60% of the quality threshold i.e. a score of 60 marks out of maximum quality score of 100 marks will not proceed to the next stage of the evaluation.

Social Value (20%)

<table>
<thead>
<tr>
<th>Sub-Weighting</th>
<th>Sub-Criteria</th>
<th>Theme Sub-Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>25%</td>
<td>Local Employment</td>
<td>25%</td>
</tr>
<tr>
<td></td>
<td>Buy Local</td>
<td>20%</td>
</tr>
<tr>
<td></td>
<td>Partners in Communities</td>
<td>20%</td>
</tr>
<tr>
<td></td>
<td>Good Employer</td>
<td>15%</td>
</tr>
<tr>
<td></td>
<td>Ethical Procurement</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>Green and Sustainable</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL 100%</strong></td>
<td></td>
</tr>
<tr>
<td>Quantitative</td>
<td>75%</td>
<td>BBC4SR Action Plan</td>
</tr>
<tr>
<td>--------------</td>
<td>-----</td>
<td>--------------------</td>
</tr>
<tr>
<td>Overall Social Value</td>
<td>20%</td>
<td>TOTAL 100%</td>
</tr>
</tbody>
</table>

**Social Value Outcomes**

The social value outcomes tenderers will be required to address will include:

**Local Employment**

- A strong local employment offer with the focus on hardest to reach groups particularly focused on the residents in the surrounding areas of the Council House, in particular to Ladywood, Bordesley and Highgate and Nechells wards.
- Employment and employability opportunities for the target groups particularly young, BAME, NEET, care leavers and ex-offenders.

**Buy Local**

- Spend to be, as practically as possible, with local, small and medium enterprises as well as social enterprises.

**Partners in Communities**

- Bidders and their supply chain will need to utilise their community reach and focus their outcomes on community cohesion with sensitivity to local demographics and dynamics, working with existing charities, in particular around rough sleeping.
- Working with schools and colleges to promote the STEM agenda for girls.
- Working with schools will need to focus on increasing attainment and employment options for those students facing disadvantage.
- Volunteering, fundraising, donations and supporting local, relevant community organisations
- A robust understanding and methodology for community engagement

**Good Employer**

- Provide good employment practices to increase the staff employability and quality of employment.
- Demonstration of the provision of in-depth training for their employees in equality, diversity and inclusion.
- Good practices around areas including collective representation, zero-hour contracts, whistle blowing policies
- The payment of the Real Living Wage down the supply chain is a mandatory requirement in accordance with the Council’s policy.
Green and Sustainable

- Plans for a carbon natural position and what activities they are undertaking to achieve that additional to the specification including details relating to transport, recycling, materials used and offsetting.

Ethical Procurement

- The outcomes sought under this theme relate to the treatment of subcontractors in terms of payment and training.
- Evidence is required as to how the bidder is ensuring that the materials used are sourced ethically.

Price (30%):

Tenderers will be required to price on a fixed fee contract on the basis of the tender documents comprising: Schedule of Works, Specifications, NEC Engineering and Construction Contract Option C: target cost with activity schedule. This option is a cost reimbursable contract, subject to a pain/gain share mechanism – with an agreed target cost built up from an activity schedule. This option provides incentives to the contractor to ensure efficient delivery, by allowing them to share in the benefits of any scheme cost savings, but also to bear a share of the additional cost if there are any overruns.

Overall Evaluation

The evaluation process will result in comparative quality, social value and price scores for each tenderer. The maximum quality score will be awarded to the bid that demonstrates the highest quality. The maximum social value score will be awarded to the bid that demonstrates the highest social value. The lowest price will be given the maximum score. Other tenderers will be scored in proportion to the maximum scores in order to ensure value for money and the proposed contract will be awarded to the first ranked tenderer.

5.6 Evaluation Team

The evaluation of tenders will be undertaken by officers from the Transport Projects Team, Inclusive Growth Directorate and supported by the Corporate Procurement Services.

5.7 Indicative Implementation Plan

<table>
<thead>
<tr>
<th>Cabinet Approval (Strategy)</th>
<th>January 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITT Issued</td>
<td>February 2021</td>
</tr>
<tr>
<td>ITT Return</td>
<td>March 2021</td>
</tr>
<tr>
<td>Evaluation Period</td>
<td>March 2021</td>
</tr>
<tr>
<td>Contract Approval (Award)</td>
<td>April 2021</td>
</tr>
<tr>
<td>----------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Mobilisation period</td>
<td>May 2021</td>
</tr>
<tr>
<td>Contract Start</td>
<td>June 2021</td>
</tr>
</tbody>
</table>

5.8 Service Delivery Management

5.8.1 Contract Management

The contract will be managed operationally by the Transport Delivery Manager, Transport Projects, Transport and Connectivity, Inclusive Growth Directorate.
PROCUREMENT STRATEGY FOR THE SUPPLY OF PAVING MATERIAL FOR THE CCPR WORKS

1 Service Requirements

1.1 In order to meet the timescales for the scheme, due to the lead times for delivery of the paving materials, there is a requirement for the initial paviours be ordered in advance of the award of contract for the works to enable the contractor to commence as early as possible. There is not enough float in the timetable to wait for the award of contract for the works and for the recommended contractor to order the first batch of materials, hence the recommendation for the Council to order the materials. Other paving materials required will be ordered by the contractor and will form part of the works contract.

1.2 To ensure consistency of public realm, it is a fundamental principle that the paving materials match those installed by the West Midlands Combined Authority (WMCA) for the Metro extension that adjoins the scheme.

2 Procurement Options

2.1 The following options were considered:

- To enter into single contractor negotiations with the WMCA for the supply of the paving materials. This is the recommended option and further details for the justification for this approach is detailed in paragraph 3.2.

- To undertake an open procurement process – There is no time in the programme to undertake a procurement process as detailed in paragraph 1.1 and therefore this option was discounted.

- To use a collaborative framework agreement – There is a collaborative framework agreement in place for building materials from Yorkshire Purchasing Organisation that covers the supply of paving materials. This option was considered and discounted on the basis that the rules of the framework agreement require a further competition exercise to be undertaken. As per paragraph 1.1, there is not time for a contract to be awarded following a further competition exercise.

3 Procurement Approach

3.1 Scope and Specification

3.1.1 The scope and specification are as follows:

- 2,700m² Granite paviours; and
• 212m² Yorkstone slab paving.

3.2 Justification for Single Contractor Negotiations

3.2.1 The WMCA undertook a procurement exercise compliant to the Public Contracts Regulations 2015 to implement a 10-year programme of tram system enhancement works across the West Midlands and awarded an alliance contract to the Midland Metro Alliance (MMA), consortium of private sector suppliers. Included within the specification is the supply of paving materials to support these works. The MMA is a partnership and not a contracting entity therefore in order to access the arrangement a contract for the paving materials is required to be entered into with the WMCA. To be compliant with the Council’s Constitution and Procurement Governance Arrangements, the proposed procurement route is to enter into single contractor negotiations with the WMCA.

3.2.2 Informal discussions have taken place with WMCA for the supply of the paving materials and support Council decision-making on the chosen procurement route that indicated an estimated cost of £500,000. These discussions have resulted in an indicative proposal that informs the recommended procurement option to enter into single contractor negotiations to conclude the award of a contract for the paving materials. This indicative cost includes all the costs to the Council.

3.2.3 The basis of the negotiations is to confirm value for money to the Council, delivery arrangements and the terms and conditions the materials will be supplied under.

3.2.4 The value of this contract is below the threshold for goods for the Birmingham Business Charter for Social Responsibility.

3.2.5 The justification for entering into single contractor negotiations is that due to practical and logistical considerations, WMCA is the sole supplier that could supply the paving materials and realise the benefits as stated above in paragraph 1.1 and 1.2. This requirement is not being tendered as this may result in different specifications for the materials to match the adjoining Metro scheme paving and overall project timescales.

3.2.6 The Interim Chief Finance Officer and the City Solicitor have certified in writing their approval to enter into single contractor negotiations with the WMCA for the supply of paving materials.
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Executive Summary

Introduction
The City Centre Public Realm Scheme will transform the public realm in the city centre and create an attractive, welcoming and safe environment.
High-quality public spaces will be created to enhance the city’s environment and connectivity and attract more visitors and further investment to help facilitate economic growth. Access and loading will be restricted during peak times, in the city core, to make the city centre more welcoming and safer for pedestrians and other non-motorised users including those with mobility issues.
Birmingham will be at the centre of the world stage during the 2022 Commonwealth Games, and the city centre will act as a gateway for many visitors visiting Birmingham for the first time. These improvements will create a lasting legacy for all users to enjoy.
Permanent, less intrusive Hostile Vehicle Mitigation (HVM) measures will be implemented to replace the existing temporary measures as part of a safety and security strategy for the city centre.

Who took part in the consultation?
598 consultation responses were received via BeHeard and an additional 7 from businesses/organisations. Further engagement was undertaken with local businesses and key stakeholder groups which has been included as part of this consultation report.

Headline findings from the consultation
Analysis of the consultation responses identified key themes and concerns from individuals, residents and organisations including:

- 77% of all respondents strongly agree or agree that the proposals are attractive and welcoming. This is broken down to:
  - 77% of individuals;
  - 90% of businesses/organisations;
  - 79% of residents.
- 72% of all individuals strongly agree or agree with the proposed vehicle access and loading restrictions;
- 47% of businesses/organisations strongly disagree or disagree with the proposed vehicle access and loading restrictions;
- 93% of residents strongly disagree or disagree with the proposed vehicle access and loading restrictions;
- 46% of individuals believe that the scheme will have a somewhat positive or very positive impact on them and 34% think it will have a neutral benefit;
- 58% of businesses/organisations believe that the scheme will have a somewhat positive or very positive impact on their business;
- 64% of residents believe that the scheme will have a somewhat negative or very negative impact on them.

Birmingham City Council’s response to feedback
The Council has thoroughly read and analysed each response to the consultation and taken note of the discussions with local businesses and residents particularly with regards to the restricted times for vehicle access and loading. The feedback received will help inform any changes required for the public realm design as well as highlighting the need to develop the TRO proposals to include adhoc permits or one-time codes to support residents with emergency maintenance and large deliveries. Any proposed changes have been outlined in the Full Business Case (FBC).
1 Consultation Process

1.1 Background

This section provides an overview of the consultation process, outlining the methods of communication used by Birmingham City Council to promote and advertise the City Centre Public Realm consultation. It also summarises the engagement events that took place and the number of stakeholders that have been engaged with during this consultation.

The public consultation was carried out between the 13th January 2020 and the 21st February 2020.

1.2 Publicising the consultation

Birmingham City Council, along with its partners, used a number of different channels of communication to spread the word about the City Centre Public Realm Improvements consultation. This included:

- Existing stakeholder and community networks;
- Existing email and other electronic communications (corporate BCC, Birmingham Connected);
- Regular emails and bulletins from Retail BID and Colmore BID to their businesses;
- Press briefing;
- Printed leaflets delivered to all residential and commercial properties within the red boundary shown on Figure 1.1;
- Additional leaflet drop to residents at: Temple House, Temple Loft Apartments, Sun House and Burne Jones House.
- Traditional media;
- Social media activity including Facebook and Twitter; and
- Public events.

![Figure 1.1: Leaflet drop boundary](image-url)
1.3 Response channels

1.3.1 Online – Be Heard

All publicity directed citizens to either www.birmingham.gov.uk/citycentrepublicrealm or to BeHeard directly at www.birminghambeheard.org.uk/economy/citycentrepublicrealm.

The following documents were available to view or download on the Be Heard site:

- Technical Plan;
- Computer Generated Images (CGI); and
- Leaflet.

Respondents were asked to submit their feedback about the proposals through the online questionnaire, including closed and open questions and providing the opportunity for respondents to give additional comments.

For those who did not wish to or were not able to respond to the questionnaire online, paper copies and consultation documents were available the Library of Birmingham. Paper copies of the questionnaire and consultation materials were also sent in the post to individuals upon request.

1.3.2 Email correspondence

All email correspondence sent to transport.projects@birmingham.gov.uk was logged, acknowledged and responded to where relevant and appropriate. Emails from 6 citizens and organisations relating to the City Centre Public Realm Improvements were received during the consultation period.

1.3.3 Stakeholder Communication

Emails were sent to key stakeholders inviting them to give their views on the proposals via BeHeard. Attached to the email was:

- A leaflet outlining the highway improvements and details of the drop-in sessions;
- Scheme Consultation Plan detailing the highway proposals; and
- Computer Generated Images (CGI) of after the scheme proposals.

A copy of the attached documents are shown in Annex A.

1.3.4 Engagement Events

Two face to face drop-in sessions were held at the Head of Steam and the Council House. During these sessions the project team engaged with many representatives from businesses and residents of the city centre as well as members of the general public. These events were advertised through the leaflet drop, email channels, social media and through Retail BID and Colmore BIDs communications with their businesses.

Table 1.1: Public Consultation Events dates, times and approximate attendance

<table>
<thead>
<tr>
<th>Event date</th>
<th>Number of stakeholders engaged with</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wednesday 5 February 2020 (12:00-15:00)</td>
<td>45</td>
</tr>
<tr>
<td>Wednesday 12 February 2020 (15:30-18:30)</td>
<td>17</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>62</strong></td>
</tr>
</tbody>
</table>

Separate engagement events were also held with specific stakeholders and groups including:

- Local ward councillors;
- Disability groups;
- BCC waste management;
- BCC internal stakeholders; and
• Cycling stakeholder group.

1.3.5 Overall Engagement

Table 1.2 outlines the number of businesses/organisations and other stakeholders engaged with during the consultation period.

Table 1.2: Overall engagement figures

<table>
<thead>
<tr>
<th>Engagement</th>
<th>Number of representatives from businesses/organisations engaged</th>
<th>Number of other stakeholders engaged</th>
</tr>
</thead>
<tbody>
<tr>
<td>BeHeard response</td>
<td>19</td>
<td>565</td>
</tr>
<tr>
<td>Written response</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Face to face engagement</td>
<td>56</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>82</strong></td>
<td><strong>673</strong></td>
</tr>
</tbody>
</table>
2 Methodology

2.1 Confidentiality

All responses to the survey were made anonymously and confidentially, with no personal details being requested that could identify the respondent, however postcodes were collected in order to ascertain how people living in different locations responded to the survey. Additionally, respondents had the opportunity to opt in to receive updates on the scheme and provide their email address. The respondent's personal data was held by Birmingham City Council as the data controller and by Pell Frischmann Consultants Ltd as data processors. The survey was conducted in accordance with the Data Protection Act 2018 and General Data Protection Regulations (GDPR).

2.2 Consultation Survey

The survey was a mixture of qualitative and quantitative questions, with the qualitative questions requesting people’s comments in order to explain their views and suggestions.

2.3 Analysis of Consultation Responses

2.3.1 Quantitative Analysis

Analysis was conducted on all responses to the quantitative questions. Percentage figures have been rounded to the nearest whole number for the majority of questions and, as a result, not all responses totals may equal 100%.

Response numbers to each of the quantitative (or "closed") and qualitative (or "open") questions varied.

Those who responded to this consultation constitute a self-selecting sample, and therefore appropriate caution should be applied when interpreting and utilising the response numbers in this report. Public consultation is not a referendum or a vote on whether a specific proposal should be carried out or not, instead, public consultation is a way of “actively seeking the opinions of interested and affected groups”\(^1\) in relation to a proposal or set of options.

2.3.2 Qualitative Analysis

Each of the qualitative responses was read, analysed, and assigned to a theme or themes relevant to the question asked.

We have set a minimum number of 7 responses by individuals mentioning a theme for them to be included in the analysis tables in this report. A list of additional themes mentioned by fewer respondents is set out after each question.

\(^1\) Organisation for Economic Co-operation and Development (OECD)
3 Respondent Demographics

3.1 Summary

598 individuals and businesses/organisations responded to the consultation via the questionnaire on BeHeard.

7 businesses/organisations responded to the consultation separately to the BeHeard questionnaire.

3.2 Demographics

The Council has a statutory equality duty to ensure that no dis-benefits are introduced to any of the protected characteristics groups in Birmingham. Demographic data has been collected through the consultation questionnaire as part of Birmingham City Council’s duty under the Equality Act 2010. This data was then compared against 2011 census data or 2017 mid-year population estimates for the Ladywood ward.

3.2.1 Age

1% were aged 0-17, 18% aged 18-29, 26% aged 30-39, 20% aged 40-49, 16% aged 50-59 and 9% aged 60-69 and 5% aged over 70. 7% gave no answer or preferred not to say.

<table>
<thead>
<tr>
<th>Age Group</th>
<th>% of questionnaire respondents</th>
<th>% of Ladywood Population (2018)</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-17</td>
<td>1%</td>
<td>15%</td>
<td>-14%</td>
</tr>
<tr>
<td>18-29</td>
<td>18%</td>
<td>42%</td>
<td>-24%</td>
</tr>
<tr>
<td>30-39</td>
<td>26%</td>
<td>21%</td>
<td>5%</td>
</tr>
<tr>
<td>40-49</td>
<td>19%</td>
<td>10%</td>
<td>9%</td>
</tr>
<tr>
<td>50-59</td>
<td>16%</td>
<td>7%</td>
<td>10%</td>
</tr>
</tbody>
</table>

Figure 3.1: Which age group applies to you?

3.2.1.1 Comparison to Local Population

The under 29s age group was significantly under-represented, as might be expected in this type of consultation. As a result, other age groups are over-represented in the respondents to the survey.
3.2.2 Sex/Gender

51% of respondents were male and 38% female, with 10% not answering or preferring not to state their gender.

![Bar chart showing sex/gender distribution]

Figure 3.2: What is your sex/gender?

3.2.2.1 Comparison to Local Population

The ratio of male to female respondents was in line with the gender estimates of the affected area with males slightly more represented than females.

<table>
<thead>
<tr>
<th>Gender (Data from ONS Mid 2018 Population Estimates for Ladywood)</th>
<th>% of questionnaire respondents</th>
<th>% of Ladywood Population (2018)</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>51%</td>
<td>54%</td>
<td>-3%</td>
</tr>
<tr>
<td>Female</td>
<td>38%</td>
<td>46%</td>
<td>-8%</td>
</tr>
</tbody>
</table>
3.2.3 Disability

17% of respondents reported having a disability (defined as having a physical or mental health condition or illness lasting or expected to last for 12 months or more). 71% said they did not have a disability and 12% either did not answer or preferred not to say.

![Graph](image)

Figure 3.3: Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?

3.2.3.1 Comparison to Local Population

The survey has a slight under-representation of respondents with a disability, when compared to the Ladywood population.

Table 3.3: Disability – A comparison of this consultation against data from the 2011 Census

<table>
<thead>
<tr>
<th>Disability</th>
<th>% of questionnaire respondents</th>
<th>% of Ladywood Population (2011 Census)</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>17%</td>
<td>12%</td>
<td>5%</td>
</tr>
<tr>
<td>No</td>
<td>71%</td>
<td>88%</td>
<td>-17%</td>
</tr>
</tbody>
</table>
3.2.4 Ethnicity

76% of respondents described their ethnicity as white English/Welsh/Scottish/Northern Irish/British. 5% selected ‘Other white background’, 1% as mixed/ from multiple ethnic groups, 6% Asian/British Asian and 1% Black African/Caribbean/Black British. 1% of respondents described their ethnicity as from another ethnic group and 11% did not answer or preferred not to say.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>% of questionnaire respondents</th>
<th>% of Ladywood Population</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>White: English/Welsh/Scottish/Northern Irish/British</td>
<td>76%</td>
<td>40%</td>
<td>36%</td>
</tr>
<tr>
<td>Other White background</td>
<td>5%</td>
<td>8%</td>
<td>-3%</td>
</tr>
<tr>
<td>Black African/Caribbean/Black British</td>
<td>1%</td>
<td>7%</td>
<td>-6%</td>
</tr>
<tr>
<td>Mixed/multiple ethnic groups</td>
<td>1%</td>
<td>24%</td>
<td>-18%</td>
</tr>
<tr>
<td>Asian/Asian British</td>
<td>6%</td>
<td>17%</td>
<td>-16%</td>
</tr>
<tr>
<td>Other ethnic group</td>
<td>1%</td>
<td>4%</td>
<td>-3%</td>
</tr>
</tbody>
</table>
3.2.5 Sexual Orientation

62% described their sexual orientation as heterosexual or straight, 11% as gay or lesbian, 3% as bisexual and 2% as other, with 23% not answering or preferring not to say.

![Sexual Orientation Chart]

**Figure 3.5: What is your sexual orientation?**

3.2.5.1 Comparison to Local Population

This question was not asked in the 2011 Census therefore there is no comparison to the Ladywood population.

3.2.6 Religion

47% described themselves as having no religion, while 31% said they were Christian and 3% said they were Muslim. Buddhist, Hindu and Sikh accounted for 1% of respondents each and 15% did not provide an answer.

![Religion Chart]

**Figure 3.6: What is your religion or belief?**
3.2.6.1 Comparison to Local Population

The survey has an under-representation of people who identify as being from a Christian faith and there is a large over-representation of people stating that they have “no religion”.

Table 3.5: Religion – A comparison of this consultation against data from the 2011 Census

<table>
<thead>
<tr>
<th>Religion (2011 Census)</th>
<th>% of questionnaire respondents</th>
<th>% of Ladywood Population</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>No religion</td>
<td>47%</td>
<td>31%</td>
<td>16%</td>
</tr>
<tr>
<td>Christian</td>
<td>31%</td>
<td>41%</td>
<td>-10%</td>
</tr>
<tr>
<td>Muslim</td>
<td>3%</td>
<td>12%</td>
<td>-9%</td>
</tr>
<tr>
<td>Jewish</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Sikh</td>
<td>1%</td>
<td>3%</td>
<td>-2%</td>
</tr>
<tr>
<td>Hindu</td>
<td>1%</td>
<td>4%</td>
<td>-3%</td>
</tr>
<tr>
<td>Other religion</td>
<td>2%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Buddhist</td>
<td>1%</td>
<td>2%</td>
<td>-1%</td>
</tr>
</tbody>
</table>
3.2.7 Location of respondents

Figure 3.7 shows the location of the respondents listed as their home address and their most commonly used mode of transport.
Figure 3.8 shows the location of respondents and businesses/residents who were engaged with within the scheme area.
4 Consultation Responses

4.1 About you

4.1.1 Q1. Are you responding to this consultation as an individual or on behalf of a business/organisation?

The majority of respondents to this questionnaire were individual citizens, 97%, with 3% of businesses responding via BeHeard. However, separate responses were also received directly from businesses located within the scheme area. More information about this is available in Section 0.

![Figure 4.1: About you](image)

Q1) Are you responding to this consultation as an individual or on behalf of a business/organisation?

- An individual citizen: 97%
- On behalf of a business/organisation: 3%

5% of respondents stated that they live within the scheme area, defined by an image of the scheme extents on the questionnaire. The majority of respondents did not live within the scheme area.

![Figure 4.2: Residence within the scheme area](image)

Q11) Do you live within the scheme area?

- Yes: 5%
- No: 93%
- Don't know: 2%
- Not Answered: 0%
4.1.3 Q12. What is your postcode?
Refer to Figure 3.7 in Section 3.2.7.

4.1.4 Q13. How often do you visit Birmingham city centre?

Nearly half of all respondents visit Birmingham city centre 5 or more days a week, suggesting this is for work purposes. 13% of respondents undertake a trip 3 or 4 days a week, 15% one or two days per week and 17% one or two days per month. 7% of respondents undertake a trip less often than one day per month and 2% stating they never visit Birmingham city centre.

**Figure 4.3: Frequency of visits to Birmingham city centre**

4.1.5 Q14. When visiting Birmingham city centre, what is your typical mode of transport?

30% of respondents travel to the city centre via train, bus/coach and car represent 20% and 21% respectively. 14% of respondents said they walk, and 9% cycle when visiting Birmingham city centre.

**Figure 4.4: Typical mode of travel into the city centre**
4.1.6 Q15. When visiting Birmingham city centre, typically what is the purpose of your trip?

49% of respondents stated the main purpose of their trip to Birmingham city centre is for work and 37% for leisure or shopping.

![Figure 4.5: Purpose of trip into Birmingham city centre](image)

**Q15) When visiting Birmingham city centre, typically what is the purpose of your trip?**

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work</td>
<td>49%</td>
</tr>
<tr>
<td>Leisure/shopping</td>
<td>37%</td>
</tr>
<tr>
<td>Education or study</td>
<td>1%</td>
</tr>
<tr>
<td>Resident</td>
<td>6%</td>
</tr>
<tr>
<td>Visiting friends/family</td>
<td>1%</td>
</tr>
<tr>
<td>Personal business (inc: doctors, dentist etc)</td>
<td>1%</td>
</tr>
<tr>
<td>Other</td>
<td>4%</td>
</tr>
<tr>
<td>Not Answered</td>
<td>2%</td>
</tr>
</tbody>
</table>

4.2 Scheme proposals

This section covers responses from individuals, businesses/organisations and residents (within the scheme area outlined as the red boundary on Figure 1.1) for Q16-Q20. In total 598 responses were received via BeHeard which includes:

- 565 individual responses, not including residents (representing 94% of total respondents);
- 19 responses from businesses/organisations (representing 3% of total respondents); and
- 14 responses from residents (representing 2% of total respondents).

An additional 7 responses were received separately via email from businesses and organisations in addition to a number of discussions with representatives of businesses with a summary of discussions outlined in Section 4.3 below.

The results have been broken down into the three categories to clearly show the differing views and impacts of the proposals of the different user groups.

4.2.1 Q16. Do you agree that the public realm proposals are attractive and welcoming?

Overall, 77% of respondents agree or strongly agree that the public realm proposals are attractive and welcoming. 14% disagree that the proposals are attractive and welcoming and 7% didn’t know or had no opinion.

90% of businesses/organisations agree or strongly agree that the public realm proposals are attractive and welcoming. 5% of businesses/organisations disagree and 5% don’t know or don’t have an opinion.

79% of residents agree or strongly agree that the public realm proposals are attractive and welcoming and 14% strongly disagree.

Figure 4.6 shows a breakdown of the responses per user group. Overall, the majority of respondents from all user groups believe that the proposals are attractive and welcoming.
4.2.2 Q17. Do you have any comments on the proposed public realm proposals?

Table 4.1 outlines the key recurring themes that were mentioned by individuals, businesses/organisations and residents in response to this question.

Table 4.1: Q17 Individual - Key Themes

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number of responses</th>
<th>BCC’s response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Individuals</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>More greenery/ tree planting is required</td>
<td>54</td>
<td>We will look at locations within the scheme area where we may be able to plant additional greenery e.g. planters, at the detailed design stage.</td>
</tr>
<tr>
<td>Money would be better spent on other things</td>
<td>24</td>
<td>The funding to deliver this scheme is made up of Transforming Cities and CAZ revenue funding. There are specific requirements for what this money can be spent on e.g. measures to improve air quality. Birmingham City Council has been granted almost £600k to continue its successful approach in supporting rough sleepers as part of the Next Steps Accommodation Programme.</td>
</tr>
<tr>
<td>tackling homelessness</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public realm proposals will be an improvement</td>
<td>21</td>
<td>Good quality public realm is important to the economic growth of the city. Pedestrian friendly, public areas are also crucial at attracting people into the city centre, supporting the retail core. It is also acknowledged that high-quality public realm</td>
</tr>
<tr>
<td>to the area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theme</td>
<td>Number of responses</td>
<td>BCC’s response</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Improve provision for cyclists</td>
<td>20</td>
<td>There is not sufficient space available to provide segregated cycle facilities within the city core e.g. along New Street. Existing mixed or shared-use areas will remain as existing. New and improved cycle parking will be implemented as part of this scheme.</td>
</tr>
<tr>
<td>Proposals need to ensure they are suitable for those with mobility issues</td>
<td>17</td>
<td>The scheme proposals will be compliant with the Disability Discrimination Act. During the consultation the project team has engaged with disability groups who have shared their advice and best practice. This engagement will continue through the detailed design stage.</td>
</tr>
<tr>
<td>Proposals need assurances that the paving will be maintained when dug up by utility companies</td>
<td>16</td>
<td>Annual maintenance requirements have been included within the revenue costs outlined in the Full Business Case. Utility companies have been consulted and contacted regarding the scheme. A restriction is placed after the new works are complete. (S58 Act: NRSWA 1991)</td>
</tr>
<tr>
<td>Re-paving seems unnecessary</td>
<td>15</td>
<td>The existing public realm in the city centre is tired having been last renewed in 1992/93. The visual appearance and overall experience for visitors to the city centre is important to the success of the retail centre.</td>
</tr>
<tr>
<td>Repaving of the city centre is desperately needed</td>
<td>11</td>
<td>Investment in the suburbs is ongoing. There have been recent transformations of local areas including Selly Oak and Longbridge and future proposed improvements that are outlined in Birmingham’s Urban Centres Framework.</td>
</tr>
<tr>
<td>More money needs to be spent in the suburbs rather than the city centre</td>
<td>11</td>
<td>Support plans to restore the River Fountain</td>
</tr>
<tr>
<td>Support the integrated HVM measures</td>
<td>8</td>
<td>The installation of permanent, less hostile HVM will support the safety and security of the city centre for the Commonwealth Games and beyond.</td>
</tr>
<tr>
<td>Too much construction going on in the city prior to CWG - disruption to businesses is great</td>
<td>7</td>
<td>We will work with the chosen contractor to phase the construction and minimise the impact of construction on local businesses as best we can.</td>
</tr>
</tbody>
</table>

improves the value of properties within the local area.
Theme | Number of responses | BCC’s response
---|---|---
**Businesses & Organisations**
Supportive of the part-pedestrianisation of Colmore Row/ Waterloo St | 2 | The scheme will deliver pedestrianisation of Colmore Row and Waterloo Street between 11am and 11pm, 7 days a week

**Residents**
The public realm proposals will be an improvement to the area | 2 | The public realm proposals will transform the city centre and feel like an attractive and welcoming environment.

Typical responses from individuals, businesses/ organisations and residents include:

**Individuals**

“I think there should be more green - areas of grass and trees both for aesthetic reasons and to reduce air pollution!”

“All utility company providers and any other developers that disturb the integrity of the finished product should reinstate to original and sign a subsidence maintenance liability”

**Businesses/Organisations**

“The landscaping plans look excellent and will massively improve the visual impact and experience of visitors to, and residents of the city centre.”

“We are strongly supportive of the part pedestrianization of Colmore Row and Waterloo Street adjacent to Victoria Square.”

The paving is smart, but how will you prevent workmen replacing the specifically patterned manhole covers incorrectly? It is a common occurrence at this stage.”

**Residents**

“This will make a fantastic improvement to the area”

“Opening up the city centre to pedestrians rather than cars is overwhelmingly a good principle”

**4.2.3 Q18. To what extent do you agree with the proposed vehicle access and loading restriction between the hours of 7am and 7pm?**

Overall, 72% of all respondents agree or strongly agree with the proposed vehicle access and loading restriction between the hours of 7am and 7pm.

74% of individual respondents agree or strongly agree with the proposed vehicle access and loading restriction between the hours of 7am and 7pm. 11% disagree with the restrictions and 12% didn’t know or had no opinion.

42% of businesses/organisations who responded via BeHeard agree or strongly agree with the proposed vehicle access and loading restrictions. 47% of businesses/organisations disagree or strongly disagree and 11% don’t know or don’t have an opinion.
93% of residents who responded to this question disagree or strongly disagree with the proposed vehicle access and loading restriction between the hours of 7am and 7pm. 7% strongly agree with the restriction proposals.

Figure 4.7 shows a breakdown of the responses per user group. The majority of individuals support the proposed restrictions however it is clear to see from the responses that residents do not support the proposals for vehicle access and loading restrictions. Some businesses/organisations agree with the restrictions, however others disagree.

4.2.4 Q19. Do you have any comments on the proposed vehicle access and loading restrictions?

Table 4.2 outlines the key recurring themes that were mentioned by individuals, businesses/organisations and residents in response to this question.

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number of responses</th>
<th>BCC's response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Individuals</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support the restriction of vehicles</td>
<td>48</td>
<td>Restriction on loading and access in the city will help improve the safety and security of the city centre, particularly for pedestrians, cyclists and disabled users during peak times.</td>
</tr>
<tr>
<td>Theme</td>
<td>Number of responses</td>
<td>BCC’s response</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>City centre is dangerous in the morning and evening peak with large number of pedestrians</td>
<td>14</td>
<td>During the AM and PM peak periods, footfall in the city centre is particularly high. The permanent HVM measures will limit the number of vehicles accessing the areas, therefore making it a safer and more accessible area for all.</td>
</tr>
</tbody>
</table>
| Disruptive to businesses and residents in the city centre            | 12                  | We will work with the chosen contractor to phase the construction and minimise the impact of construction on local businesses and residents as best we can.                                                                                       Further consultation will be undertaken as part of the licence to construct the works
The improvements to the public realm and HVM will make the centre a more attractive and welcoming place, attracting more visitors and leading to greater benefits.
It is also acknowledged that high-quality public realm improves the value of properties within the local area. |
| Vehicle restriction should extend into the evening for late night shopping/bars/restaurants | 12                  | Based on the feedback received from businesses we have amended the restriction time to 11am to 11pm, allowing deliveries to take place in the morning and restricting vehicle access in the evenings for bars and restaurants.                                                                                     |
| Restrictions are unrealistic for deliveries                          | 8                   | Engagement with businesses and residents during the consultation period identified some concerns and questions which will be further reviewed during the development of the TRO. The current restrictions during the Frankfurt Christmas Market (FCM) in November & December mean deliveries are restricted to take place outside the hours of 10am-6pm. The success of this during the busiest retail months of the FCM shows that changes to deliveries can be made, if required. |
| Restrictions would negatively impact disabled users                 | 8                   | During the detailed design stage, we will be looking at locations where the disabled bays from Bennetts Hill could be relocated. One of the options would be to relocate the existing disabled bays to Waterloo Street East.                                                                                          |
| TRO would need to be properly enforced, not left to be abused        | 7                   | The implementation of the HVM measures will help enforce the TRO as the bollards will be in the ‘closed’ position during hours of restrictions.                                                                                                                                                                                      |
## Birmingham City Centre Public Realm Scheme Consultation Analysis Report

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number of responses</th>
<th>BCC’s response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Businesses/Organisations</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Will be difficult to find delivery companies who will deliver before 7am. Even if it is possible it will not be cost effective. | 3  
  The restriction times have been amended to between 11am and 11pm to allow morning deliveries which will tie in with existing delivery times for most businesses. |
| Not enough time for loading                                                                                                                | 2  
  The times in which vehicles are restricted have been amended to 11am to 11pm to allow a greater period of time in the morning for deliveries to take place. The number of loading bays will be determined by the quantity of deliveries required, as per survey results. |
| **Residents**                                                                                                                             |                                                                                                                                                                                                            |
| Maintenance and deliveries will become more difficult and more expensive if they can only take place after 7pm.                               | 8  
  The TRO for Colmore Row / Waterloo Street will now restrict access to motor vehicles between 11am and 11pm, allowing morning deliveries. There are no residential properties on Colmore Row / Waterloo Street however Phase 3 of the project (post Commonwealth Games) will look to implement a permit system where residents can apply for a permit to allow access for large deliveries or emergency maintenance work. |

Typical responses from individuals, businesses/organisations and residents include:

**Individuals:**

“This needs to be strictly enforced with penalties enforced against businesses that disregard it.”

“The city centre traffic has become an absolute nuisance. Cycling is incredibly dangerous in Birmingham, so I am welcoming the restrictions to vehicle access that would make cycling and walking around the city centre safer and more enjoyable.”

“I think vehicles should also be limited until 10pm on Friday and Saturday Evenings.”

**Businesses/Organisations:**

“We support the restriction proposed due to the positive environmental benefit this would bring.”

“The restriction may need to start a little later in the day to allow for all deliveries to be made.”
“We operate a business that requires fresh food deliveries on a daily basis and we will not be able to find companies nor will it be cost effective to deliver prior to 7am.”

Residents:

“As a resident, restricting access prevents deliveries being made or access for tradespeople (e.g. plumbers, electricians, etc) impossible.”

“It would be great to apply for exceptional circumstances permits that allowed daytime access. It’s already hard to find contractors prepared to work on our property and these changes will make it near impossible. If we could have exceptions which allowed individual vehicles access during working hours on an occasional basis that would alleviate the problems.”

4.2.5 Q20. What impact do you think the scheme will have on you/your business?

Overall, 46% of individuals felt that the scheme would have a positive impact on them, and 36% a neutral benefit. 11% of individuals felt that the proposals would have a negative/somewhat negative impact on them.

58% of businesses/organisations who responded to via BeHeard think that the scheme will have a positive impact on their business while 32% think that it will have a negative impact on their business. It is worth noting that due to the small numbers of responses from businesses/organisations, each response represents approximately 5%.

64% of residents think that the scheme will have a very negative or somewhat negative impact on them, and 14% think it will have a somewhat positive/very positive impact on them. 14% of residents believe the impact on them will be neutral.

Figure 4.8 shows a breakdown of the responses per user group. The majority of individuals believe that the scheme will have a neutral to very positive impact on them. Businesses/organisations also believe that the scheme will have a positive impact on their business however, residents feel that overall there will be a very negative impact on them.
During the drop-in events the project team spoke with many local businesses regarding the scheme proposals. Overall, the businesses were supportive of the improvements but did raise some concerns regarding the Traffic Regulation Order (TRO) and the impact that this would have on deliveries, as well as the disruption to the businesses during construction. Some common comments received included:

- 7am-7pm is a little early for deliveries as will have an impact on resources and costs;
- Suggestion of 10am start time – to reflect Frankfurt Christmas Market that works during December; and
- Some businesses said they could accommodate the 7am-7pm restriction and modify delivery times if required but it would be inconvenient.

Other suggestions from businesses

- More public artwork;
- Hanging planting;
- Improved street lighting (e.g. overhead lighting façade to façade); and
- Construction phasing plan.

4.4 About the Consultation

The following section covers responses to Q21-Q23 from all respondents.

4.4.1 Q21. Do you have any further comments on the scheme proposals?

The majority of comments in this section had already been noted in the previous section however the most common themes emerging are shown in Table 4.3 below.
Table 4.3: Q21 Key Themes

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number of responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opportunity to create cycle paths/provision through the city centre including cycle parking</td>
<td>28</td>
</tr>
<tr>
<td>Money would be better spent on other things/areas of the city</td>
<td>23</td>
</tr>
<tr>
<td>Support the overall scheme</td>
<td>18</td>
</tr>
<tr>
<td>More planting/greenery</td>
<td>15</td>
</tr>
<tr>
<td>New public realm needs to be well maintained</td>
<td>8</td>
</tr>
</tbody>
</table>

4.4.2 Q22. Do you feel that the information provided has enabled you to make an informed comment on the proposals?

68% of respondents felt that the information provided was sufficient to make an informed comment on the proposals. 22% however felt more information could have been provided. These suggestions are laid out in **Section 4.4.3** below.

Q22) Do you feel that the information provided has enabled you to make an informed comment on the proposals?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>68%</td>
</tr>
<tr>
<td>No</td>
<td>22%</td>
</tr>
<tr>
<td>Don't know</td>
<td>10%</td>
</tr>
<tr>
<td>Not Answered</td>
<td>1%</td>
</tr>
</tbody>
</table>

Figure 4.9: Do you feel that the information provided has enabled you to make an informed comment on the proposals?

4.4.3 Q23. What additional information would have helped you to comment on the proposals?

Of the total 598 respondents, 36% gave further comments on what additional information could have been provided to help comment on the proposals. The most common themes were:

Table 4.4: Q23 Common themes

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number of responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>More Computer Generated Images (CGIs)</td>
<td>37</td>
</tr>
<tr>
<td>Detailed breakdown of costs</td>
<td>23</td>
</tr>
<tr>
<td>More detailed plans</td>
<td>19</td>
</tr>
<tr>
<td>Detailed timescales of works</td>
<td>18</td>
</tr>
<tr>
<td>Plans for cycle provision in the city centre</td>
<td>11</td>
</tr>
<tr>
<td>What the street furniture will look like</td>
<td>7</td>
</tr>
</tbody>
</table>
Comments included:

- “A detailed breakdown of what each part of the scheme will cost and further information on the ongoing costs associated with repairing the fountain in Victoria Square”
- “More in-depth images and maps of the proposals”
- “Would like to see more detailed plans, design statements, material sample documents”
OVERALL PLAN

Materials Palette

Victoria Square
Granite paving buff colour

New Street
Granite kerb in a contrasting colour
Natural Yorkstone

Temple Street
Granite kerb in a contrasting colour
Natural Yorkstone

HVM bollards
Hostile Vehicle Mitigation (HVM) with moving bollards for access.

NOTES:
1. Mixture of large to small granite paving with subtle yorkstone banding and linear form to highlight and complement historical setting.
2. Refurbishment of water feature to enable water to return to the fountain.
3. Hostile Vehicle Mitigation (HVM) with fixed bollards.
4. Proposed trees.
5. Opportunity for public art and new wayfinding.
6. Opportunity for spill out seating from cafes and restaurants.
7. Space provided for loading.
8. Existing staircase to be refurbished.
9. Footway surface on Colmore Row and Waterloo Street to extend Victoria Square.
10. Tree to be removed as in decline and replaced with a new tree in a nearby location.
11. Hostile Vehicle Mitigation (HVM) with moving bollards provided for access.

Proposed extension of Traffic Regulation Order with respect to loading, parking and hours of access.
Planned improvements to public realm, to take place following 2022 Commonwealth Games.
Proposed scheme by Metro
Existing staircase to be maintained and cleaned.
Projected works include

Footways in natural yorkstone and granite flags to maintain historical context.
Subtle central 'feature' pathway using contrasting paving to frontage surfacing.
Existing trees - will be pruned sympathetically to reduce canopy size and increase light levels.
Flush kerb to be introduced between Bennett's Hill and Temple Street.
New Cycle stands.
Footway / frontage surfacing in granite flags, detail in yorkstone to tie with surrounding areas.

Proposed terracing.

Space provided for loading.

Existing staircase to be maintained and cleaned.

Proposed terracing.

Proposed trees.

Opportunity for public art and new wayfinding.

Opportunity for spill out seating from cafes and restaurants.

Space provided for loading.

Existing staircase to be refurbished.

Flush surface on Colmore Row and Waterloo Street to extend Victoria Square.

Tree to be removed as in decline and replaced with a new tree in a nearby location.

Hostile Vehicle Mitigation (HVM) with moving bollards provided for access.

Proposed extension of Traffic Regulation Order with respect to loading, parking and hours of access.

Planned improvements to public realm, to take place following 2022 Commonwealth Games.

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Proposed terracing.

Proposed trees.

Opportunity for public art and new wayfinding.

Opportunity for spill out seating from cafes and restaurants.

Space provided for loading.

Existing staircase to be refurbished.

Flush surface on Colmore Row and Waterloo Street to extend Victoria Square.

Tree to be removed as in decline and replaced with a new tree in a nearby location.

Hostile Vehicle Mitigation (HVM) with moving bollards provided for access.
Victoria Square
Proposed view of Victoria Square looking towards Waterloo Street
Proposed view of New Street looking west towards Victoria Square.
New Street
Proposed view of New Street looking west towards Corporation Street
Consultation on the
City Centre Public Realm Scheme
CITY CENTRE PUBLIC REALM IMPROVEMENTS
Have your say:
Consultation closes on 21 February 2020

Working in partnership with

Birmingham City Council
RETAIL BID BIRMINGHAM

Page 397 of 462
Our vision

We want to transform the public realm in the city centre and create an attractive, welcoming and safe environment to attract more visitors to Birmingham city centre which will facilitate economic growth.

High-quality public spaces will be created to enhance the city’s environment and connectivity. At peak times access and loading will be restricted within the city centre to make it easier, more welcoming and safer for pedestrians and more accessible to those with mobility issues.

The works programme will also include permanent and less intrusive hostile vehicle security measures (HVM) as part of a comprehensive safety and security strategy for the city centre.

Birmingham will be at the centre of the world stage during the 2022 Commonwealth Games and the city centre will act as a gateway for many visitors visiting the city for the first time.

These improvements will create a lasting legacy by providing a safe, attractive and welcoming pedestrianised environment for all users to enjoy.
Public realm improvements

The scheme will:

- Enhance the public realm using new high-quality paving materials throughout the scheme area, whilst reinstating heritage paving in sections of Victoria Square
- Create a kerb free pedestrian route for passengers travelling from New Street Station to the retail and business centre
- Widen footways, where possible, to provide easier connectivity for pedestrians
- Replace the temporary HVM measures that have been in place for several years with permanent, less intrusive, measures at occasions within the public realm
- Extend Victoria Square into Colmore Row and Waterloo Street forming a larger pedestrian space
- Remove one tree from Waterloo Street that is in decline and replace with one new tree in a nearby location
- Improve and enhance the street lighting, making the area feel safer for all
- Improve wayfinding for all
- Upgrade the street furniture by replacing the existing with high-quality street furniture
- Repair and restore The River fountain in Victoria Square
Vehicle access restrictions

We are proposing to extend the existing pedestrian zone and loading restrictions to standardise operation times to 7am to 7pm seven days a week to ensure a safe and secure environment for pedestrians during times of busy footfall.

This will provide greater priority for pedestrians and make the area feel safer, more welcoming and help to minimise the interaction between pedestrians and vehicles. Reallocating space to pedestrians will require changes to the current taxi and disabled bays.

Improved loading facilities will be provided for local businesses outside of the restriction hours to offset the daytime restrictions. Vehicular access will be maintained to off-street, private accesses at all times through manual operation of the HVM bollards.
Proposed view of New Street looking west towards Corporation Street

Proposed view of New Street looking west towards Victoria Square
Construction

Construction is expected to begin in 2020.

We will do all that we can to minimise the disruption, including:

- Adopting a phased approach to the construction works
- Co-ordinating with other local works
- Business access will remain throughout the duration of the works, during business hours. Where the works might require short term unavoidable interruptions to access, we will carry out such works outside of normal trading hours.
Events

We will be holding two drop-in events, where you can see the plans for yourself and talk to the project team.

<table>
<thead>
<tr>
<th>Venue</th>
<th>Location</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head of Steam</td>
<td>Somerset House, 36 Temple Street, Birmingham</td>
<td>Wednesday 5 February 2020</td>
<td>12pm-3pm</td>
</tr>
<tr>
<td>Council House</td>
<td>Victoria Square, Birmingham B1 1BB</td>
<td>Wednesday 12 February 2020</td>
<td>3:30pm-6:30pm</td>
</tr>
</tbody>
</table>
Have your say

We want to know what you think about our plans for the changes to the city centre public realm. We are consulting on the proposed changes to the access, loading/unloading, hostile vehicle security measures and public realm.

You can view full details of the consultation, detailed plans of the proposed scheme and respond to an online questionnaire at www.birminghambeheard.org.uk/economy/citycentrepublicrealm

The simplest way to respond to this consultation is via the website, but if you are unable to access the internet, you can view printed plans and pick up a paper questionnaire at:

<table>
<thead>
<tr>
<th>Library</th>
<th>Location</th>
<th>Opening times</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library of Birmingham</td>
<td>Centenary Square, B1 2ND</td>
<td>Mon and Tue: 11am to 7pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wed to Sat: 11am to 5pm</td>
</tr>
</tbody>
</table>

If you require more information, have any questions or would like paper copies of the plans and questionnaire posted to you, please contact us at transportprojects@birmingham.gov.uk or on 0121 303 7532.

Consultation closes on 21 February 2020.
## Appendix E – Risk Assessment

<table>
<thead>
<tr>
<th>Risk No</th>
<th>Risk description</th>
<th>Risk mitigation</th>
<th>Residual / current risk</th>
<th>Additional steps to be taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Unknown ground conditions/utilities/basements</td>
<td>Concrete testing and historic highway data investigation on concrete slab to establish ground conditions. Review of New Roads and Street Works Act (NRSWA) programme and Streetworks register. Undertaking Ground Penetrating Radar (GPR) surveys and trial holes to conclude clash detection and enter into early agreement with Statutory Undertakers. Partnership working and sharing of stats data. Known basement surveys requested.</td>
<td>Significant</td>
<td>Tolerable</td>
</tr>
<tr>
<td>2.</td>
<td>Activities prior to construction are delayed. No float in programme.</td>
<td>Regular review of programme, and briefing sessions with senior officers and Cabinet Members.</td>
<td>Significant</td>
<td>Material</td>
</tr>
<tr>
<td>3.</td>
<td>The impact of Brexit on the supply of materials, the contractor’s resources and timescales</td>
<td>Engagement with the contractor and their supply chain to understand material lead in and resources available.</td>
<td>Medium</td>
<td>Material</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Likelihood Description</td>
<td>Impact Description</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>CAZ revenue does not materialise due to ongoing Covid-19/travel behaviour changes</td>
<td>Predicted CAZ revenue has been reassessed and the CAZ funding requirement has been re-profiled with less funding required in the early years of the CAZ. Project underwritten by Prudential Borrowing in OBC.</td>
<td>Medium</td>
<td>Significant</td>
</tr>
<tr>
<td>5.</td>
<td>The impact of Covid-19 on the supply of materials, the contractor’s resources and timescales</td>
<td>Engagement with the contractor and their supply chain to understand material lead in and resources available.</td>
<td>Medium</td>
<td>Significant</td>
</tr>
<tr>
<td>6.</td>
<td>Budget estimates are higher than available funding</td>
<td>Complete review of scheme costs post detailed design and before tender submission.</td>
<td>Medium</td>
<td>Medium</td>
</tr>
<tr>
<td>7.</td>
<td>Type of TRO is not accepted by residents or businesses</td>
<td>Reduction in scheme scope pre games allows for consultation and delivery of TRO in Colmore Row/Waterloo Street. The BIDs are not opposed to the TRO proposed.</td>
<td>Low</td>
<td>Medium</td>
</tr>
</tbody>
</table>

Measures of likelihood/Impact:

<table>
<thead>
<tr>
<th>Description</th>
<th>Likelihood Description</th>
<th>Impact Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>Almost certain, is expected to occur in most circumstances. Greater than 80% chance.</td>
<td>Critical impact on the achievement of objectives and overall performance. Critical opportunity to innovate/improve performance missed/wasted. Huge impact on costs and/or reputation. Very difficult to recover from and possibly requiring a long term recovery period.</td>
</tr>
<tr>
<td>Level</td>
<td>Description</td>
<td>Impact</td>
</tr>
<tr>
<td>---------</td>
<td>--------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Significant</td>
<td>Likely, will probably occur in most circumstances. 50% - 80% chance.</td>
<td>Major impact on costs and objectives. Substantial opportunity to innovate/improve performance missed/wasted. Serious impact on output and/or quality and reputation. Medium to long term effect and expensive to recover from.</td>
</tr>
<tr>
<td>Medium</td>
<td>Possible, might occur at some time. 20% - 50% chance.</td>
<td>Waste of time and resources. Good opportunity to innovate/improve performance missed/wasted. Moderate impact on operational efficiency, output and quality. Medium term effect which may be expensive to recover from.</td>
</tr>
<tr>
<td>Low</td>
<td>Unlikely, but could occur at some time. Less than 20% chance.</td>
<td>Minor loss, delay, inconvenience or interruption. Opportunity to innovate/make minor improvements to performance missed/wasted. Short to medium term effect.</td>
</tr>
</tbody>
</table>
Title of proposed EIA

Reference No
EA is in support of
Review Frequency
Date of first review
Directorate
Division
Service Area
Responsible Officer(s)
Quality Control Officer(s)
Accountable Officer(s)
Purpose of proposal

Data sources
Please include any other sources of data
ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS

Protected characteristic: Age

Age details:

Equality Impact Assessment for the City Centre Public Realm Improvement Project

EQUA285
New Strategy
Annually
06/04/2020
Inclusive Growth
Transport and Connectivity
Project Delivery Team

☐ Lucy Ronaldson
☐ Janet L Hinks
☐ Craig Richards

To transform the public realm in the city centre, and create an attractive, welcoming and safe environment to attract more visitors to Birmingham city centre. The city centre will act as a gateway for many first time visitors to the 2022 Commonwealth Game

Consultation Results; relevant reports/strategies; relevant research

Service Users / Stakeholders; Wider Community

The scheme will deliver public realm improvements in the city centre, including improved lighting, flush kerbs and permanent Hostile Vehicle Mitigation (HVM) measures. The scheme also aims to further pedestrianise the city core during busy day-time hours, restricting loading and access and therefore improving the safety and security of the city centre. Children, young people and the elderly can be more concerned over personal security and be more sensitive to changes however these proposals will positively impact these groups.

The scheme is anticipated to have some positive impacts with regards to
age of users. The proposed installation of permanent HVM measures to replace the existing obtrusive temporary National Barrier Asset deployed will result in easier permeability through the barriers. Also, improved lighting, flush kerbs and improved street furniture will benefit elderly pedestrians by improving visibility at night, reducing trip hazards and providing ample benches for the elderly to rest. The city core will become pedestrianised during busy daytime hours by limiting access and loading activity through the use of the HVM barriers which will improve the overall safety of the city core for all age groups.

It is acknowledged that during the construction of the public realm scheme there is likely to be some disruption to pedestrians, in particular elderly citizens who are less mobile and may find traversing the works more difficult. To mitigate this problem, site investigations along with a phasing plan will be created to identify appropriate timescales for the works to be completed, minimising the construction footprint as much as possible.

The consultation received responses from a range of age groups. The majority of the age categories based on the Ladywood mid-2018 population estimates were over-represented. The 0-17 age category was under-represented however this is not seen as unusual. Overall, improvements to the public realm, street furniture (including benches) and flush surfaces will benefit all ages, especially elderly people and those with pushchairs and wheelchairs.
The scheme will deliver public realm improvements in the city centre including new paving, street furniture and measures to restrict vehicles in the city core during peak pedestrian hours to ensure the safety and security of pedestrians. This will be a positive improvement for people with disabilities as the flush surface will make it more accessible for wheelchair users. New street furniture including benches will provide greater provision for people with and without disabilities to sit and rest. Less intrusive, permanent HVM will also make travelling through the city centre by foot less challenging. More spacing between the bollards will allow more pedestrians, wheelchair users and pushchairs to permeate through the HVM whilst providing protection against hostile vehicles.

2011 Census data was collected for the Ladywood Ward and compared against the demographic data provided by consultation respondents. There was an over representation from people with disabilities responding to the consultation as 17% of respondents stated they had a disability compared with census data which shows 11% of people in the affected ward had a disability.

The public consultation included face-to-face and written engagement with disability groups including Pocklington Trust and Guide Dogs to seek their feedback on the scheme proposals. Responses received from these organisations in addition to individual respondents, who stated they had a disability, were analysed to ensure any potential concerns would be captured during detailed design.

The most common comment received was a lack of colour contrast between the materials proposed so visually impaired users would be able to identify where hazards may be.
Although flush kerbs were welcomed, appropriate delineation is required between footways and areas where vehicle movements will still occur to allow blind and partially sighted people to differentiate between footway and carriageway. De-cluttering of street furniture and replacement of temporary HVM measures with less intrusive permanent measures were also welcomed.

Some respondents who stated they had a disability mentioned concerns about possibly removing disabled parking on Bennets Hill and that access to the city centre would become harder for them as public transport is not an option. The impact of the potential loss of disabled parking on Bennets Hill will be considered during the detailed design of Phase 2 and development of the TRO. A suitable location to re-locate these spaces will be sought, if deemed appropriate.

As part of the detailed design, the design consultant will develop a design that meets all disability design guidance whilst also looking to address the comments and suggestions received as part of this consultation.

---

**Protected characteristic: Sex**

**Gender details:**

*Not Applicable*

*2018 mid-year population estimates show that Ladywood have 46%/54% split of females and males respectively. The consultation responses represented a 38%/51% split of females to male, with 11% not answering or preferring not to say. It is not anticipated that the City Centre Public Realm scheme is likely to disadvantage people because of their gender.*
Gender reassignment details:

It is not anticipated the City Centre Public Realm scheme is likely to disadvantage individuals with gender reassignment.

Protected characteristics: Marriage and Civil Partnership

Marriage and civil partnership details:

Not Applicable

Protected characteristics: Pregnancy and Maternity

Pregnancy and maternity details:

Improvements to the public realm in the city centre including improved lighting, flush kerbs and street furniture e.g. benches is likely to have a positive impact on pregnant women and young mothers. The existing HVM barriers filter all users through one entrance, which can create challenges for pushchairs and wheelchairs to pass through during peak times however, the permanent measures will be less intrusive and will provide multiple locations for pedestrians, pushchairs and wheelchairs to pass whilst protecting the city against hostile vehicle attacks.

As mentioned above, there is likely to be some disruption to pedestrians during construction however this will be mitigated through a detailed phasing and construction plan to ensure only small parts of the street are inaccessible to pedestrians at any given time – whilst ensuring appropriate signage is in place.

It is not anticipated that the City Centre Public Realm scheme is likely to disadvantage people who are pregnant or who are young mothers.

Protected characteristics: Race

Race details:

Not Applicable
Data collected from the 2011 census shows that 48% of the population of Ladywood identify as White and 48% as Black and Ethnic Minorities (BAME). Respondents identifying themselves as white ethnicity represented 81% of total respondents with BAME only representing 8%. This was a 40% under-presentation of the BAME community.

It is not anticipated that the City Centre Public Realm scheme is likely to disadvantage people because of their race.

Protected characteristics: Religion or Beliefs

Religion or beliefs details:

Not Applicable

2011 census data shows that within the Ladywood ward, 41% of the population are Christians and 31% of the population state that they do not have a religion. Christians were slightly under-represented in the consultation with 31%, however an over representation from people with no religion of 47% of respondents.

It is not anticipated that the City Centre Public Realm scheme is likely to disadvantage people who have a religious belief.

Protected characteristics: Sexual Orientation

Sexual orientation details:

Not Applicable

62% of respondents to the consultation identified themselves as heterosexual or straight with 23% choosing not to say. This question was not asked in the 2011 census so there is no data to compare this to. However, it is not considered that the City Centre Public Realm scheme is likely to disadvantage people because of their sexual orientation.
Please indicate any actions arising from completing this screening exercise.

Please indicate whether a full impact assessment is recommended

NO

What data has been collected to facilitate the assessment of this policy/proposal?

Consultation analysis

Adverse impact on any people with protected characteristics.

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

How will the effect(s) of this policy/proposal on equality be monitored?

What data is required in the future?

Are there any adverse impacts on any particular group(s)

No

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

Consulted People or Groups

Informed People or Groups

Summary and evidence of findings from your EIA

The scheme has no adverse impacts on the protected characteristics groups listed above. Many of the measures proposed will provide benefits to pedestrians and cyclists as well as people with mobility issues. Birmingham will act as a gateway to the 2022 Commonwealth Games with many people visiting Birmingham for the first time. The improvements to the public realm will transform the city core into an attractive and safe environment which will contribute towards a lasting legacy and help facilitate economic growth.

As part of the City Centre Public Realm scheme, the City Council undertook extensive public and stakeholder engagement. Public consultation took place between the 13th January 2020 and the 21st February 2020. In total 598 responses were received via the City Council’s consultation platform, BeHeard. Further responses were
received from Transport for West Midlands, cycle groups, disability groups and other key stakeholders.

The results of the consultation will be presented to Cabinet as part of the Full Business Case. The views of individuals and groups representing protected characteristic groups were invited to comment on the impact of the scheme proposals on their protected characteristic. All comments received were considered as part of the consultation analysis. No adverse impacts relating to protected characteristics were received.

QUALITY CONTROL SECTION

Submit to the Quality Control Officer for reviewing?

No

Quality Control Officer comments

Ok to proceed to Accountable Officer

Proceed for final approval

20 10 20

Decision by Quality Control Officer

No

Submit draft to Accountable Officer?

Decision by Accountable Officer

Accountable Officer

Date approved / rejected by the Accountable Officer

Approve

Reasons for approval or rejection

28/10/2020

Please print and save a PDF copy for your records

approved, meets all requirements and offers full explanations

Yes

Julie Bach

Person or Group

Close
Birmingham City Council

Reports not on the Forward Plan

Birmingham City Council
19 January 2021

Subject: Investing in our Future
What Birmingham City Council needs to do next: 2021 to 2026

Report of: Chris Naylor, Interim Chief Executive
Report author: Amerdip Kaur, Chief Executive’s Senior Policy Officer

1) Key Decisions not on the Forward Plan / Urgent Decisions
To be completed for Key Decisions not on the Forward Plan 28 days before the Cabinet meeting at which the decision is to be taken.

<table>
<thead>
<tr>
<th>Reasons for Urgency / why not included on the notification</th>
<th>The report was initially conceived as a non-key decision but as more details emerged of the financial implications, it was agreed to put forward the report as a key decision.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Chief Executive Agreement obtained:</td>
<td>11/01/21</td>
</tr>
</tbody>
</table>
| Name, Date and any comments of O&S Chair agreement obtained: | Cllr Carl Rice, 11/01/21  
Co-ordinating O&S will consider the report at an informal briefing on Friday and I hope that Cabinet will take note of any comments. |
1 Introduction

1.1 This paper sets out the proposed direction of travel for the leadership, design and organisation of Birmingham City Council so that it can deliver the administration’s long-term vision for the City and the six priority outcomes as set out in the Delivery Plan:

- An entrepreneurial city to learn, work and invest in
- An aspirational city to grow up in
o A fulfilling city to age well in
o A great city to live in
o A city whose residents gain the most from hosting the 2022 Commonwealth Games
o A city that takes a leading role in tackling climate change

1.2 We are living in arguably, the most challenging times facing Birmingham since the Second World War. The coronavirus has caused untold human tragedy and economic damage. We will recover, building back better by addressing some of the systemic inequalities that hold our citizens back and that limit their life chances.

1.3 To support this, there are huge opportunities on the horizon in the short, medium, and long-term. For example:

a) The Commonwealth Games is only 18 months away
b) The arrival of HS2
c) The City’s ambition to tackle climate change and delivering economic growth via decarbonisation (as set out in the Route to Zero Action Plan)

1.4 Two of our greatest assets are our communities and the City Council’s staff. Our diverse communities have demonstrated their resilience, resourcefulness and compassion during the pandemic. As an organisation we need to be geared toward supporting communities to build upon their strengths so that the benefit of the opportunities ahead is shared more widely.

1.5 To do that, we need to change as an organisation, in a way that empowers our staff to showcase their innovation and creativity.

1.6 Accordingly, this report includes:

• Challenges and Opportunities - why we believe there are opportunities that can address the challenges we face and what it will mean in practice to benefit from these opportunities
• A new model of leadership, service delivery and governance - the changes we will need to make inside the Council
• A new approach to officer governance - how we will give Members and wider stakeholders confidence that we will deliver what we say we will deliver
• Making it happen - an outline of next steps.

2 Recommendations

2.1 It is recommended that Cabinet approves the proposed direction of travel outlined in this paper for the leadership, design and organisation of Birmingham City Council so that it can fulfil the administration’s ambition at this time of both hope and challenge.
2.2 It is recommended that Cabinet approves the inclusion of £0.51m in the Medium-Term Financial Plan from 2021/22 to fund the increase in costs of the senior management structure.

3 Executive Summary

3.1 This is a pivotal moment for the City and the Council. We face significant on-going risks and challenges that must be addressed. Unchecked, the financial sustainability of the Council is threatened. Moreover, the fortunes of the people of Birmingham could suffer. There is a pressing need to act.

3.2 The three immediate opportunities detailed further in the attached paper are as follows:

- **Fundamentally shifting our focus from crisis to prevention** - This relates to helping and supporting individuals and families at the early stages of an issue or crisis in their lives, before it manifests as a statutory need.

- **Increasing the pace and scale of growth, for those that need it the most, while delivering our climate change objectives** – By adopting an interventionist approach, the Council can address market failures and stimulate developments that might otherwise not happen, benefiting those who need them the most. In this way, our growth objectives become aligned directly with our approach to early intervention and prevention, by providing amongst other things the tangible supporting infrastructure (affordable housing, local jobs etc.) that help provide the economic foundations for a good life.

- **New ways of working** - Building on the positive experience during the pandemic (while reflecting on what has been challenging), there is the opportunity is to make a permanent shift where 80-85% of our workforce moves to agile and flexible working. In so doing we shift our focus from a desk-based accommodation strategy and a culture of presenteeism to one that champions flexibility and outcomes-based management.

3.3 It is proposed that a new structure is built over the next 2-5 years that has two elements:

- A new **Council Core** that exists to set direction and purpose, joins up and then holds delivery departments and the wider system to account, as well as providing world class support and governance services.
  - Chief Executive
  - Director of City Management
  - Director of Partnership; Participation and Equality
  - Purpose Director: City Futures
  - Purpose Director: Places, Prosperity and Sustainability
Best in class service delivery functions delivered on an in-house basis that are designed from first principles to deliver the council’s key objectives. In particular: managing from crisis to prevention, growth and climate change, and customer oriented and relentlessly reliable universal services.

- Managing Director: City Operations
- Managing Director: City Housing
- Managing Director: City and Municipal Development
- Children’s Trust
- Managing Director: City Help and Support
- Managing Director: City Life Courses

3.4 A new approach to officer governance - the proposed changes to how the Council organises itself will require a refreshed approach to officer governance and leadership.

3.4.1 This will involve the Council Core taking responsibility for setting policy direction and performance standards in an annual process of dialogue and consultation with the Delivery Functions.

3.4.2 Each department will have their own Annual Business Plan that cascades from the annual budget, delivery plan and programme plan.

3.4.3 Cabinet Members and Scrutiny Chairs will relate directly to Purpose Directors and relevant Managing Directors through their portfolio meetings and in the development of annual scrutiny programmes.

Corporate Leadership Team will be replaced by four meetings that will each take place once a month and include all the directors referred to above:

- **strategy group** that focuses on policy and strategy development
- **performance group** that focuses on the delivery of the budget, business plan objectives, performance framework measures and the delivery of key programmes
- **assurance group** that focuses on the achievement of statutory and other regulatory objectives
- **leadership group** that brings together all directors and their reports, to ensure alignment and understanding across the Council as a whole.

We will also provide a consistent conduit for member meetings be they Cabinet, Overview & Scrutiny Boards, safe-guarding boards, health and well-being or audit committee.

3.5 Making it happen - the changes outlined above will be progressed in phases over the next 2 years with a period of consolidation in the following 3 to 5 years. A JNC
report will follow to establish the key posts of the structure and a phased approach to implementation through to 2022.

4 Options considered and Recommended Proposal

4.1 The approach outlined in this paper is the recommended option in addressing the councils and city’s challenges and to take advantage of the opportunities to improve the lives of our residents.

5 Consultation

5.1 Plans for consultation and engagement will be devised as part of developing the outline business cases ensuring that all relevant stakeholders including trade unions, staff and partners.

6 Risk Management

6.1 The Council has an established approach to risk management which is set out in the Strategic Risk Register. Strategic and operational risks will be reviewed in light of this report.

7 Compliance Issues

7.1 How are the recommended decisions consistent with the City Council’s priorities, plans and strategies?

7.1.1 The plans detailed within this paper are the next phase to Birmingham City Council’s Delivery Plan to 2022 agreed by Cabinet in November 2020.

7.2 Legal Implications

7.2.1 The plans detailed within this paper will ensure that all service provision is delivered in accordance with the relevant statutory framework and the associated statutory guidance.

7.2.2 Legal advice on any employment issues and any other governance issues that may arise will be provided on an ongoing basis to the JNC panel and others.

7.3 Financial Implications

7.3.1 The proposals to strengthen the Council’s core, as set out in paragraph 3.3 above, will cost £0.51m per annum and will be built into the Medium-Term Financial Plan (MTFP) from 2021/22. A separate JNC report is being prepared that sets out the senior posts proposed to be deleted and new senior posts proposed to be created. The net effect of those changes is an increase in the establishment cost of £0.51m. This will be funded from a combination of HRA and General Fund to reflect the nature of the investment. The Medium-Term Financial Plan contains sufficient provision to cover any associated costs as a result of the planned senior changes.
7.3.2 Given the importance and scale of the services the council operates, the significant size of the City Council’s budget, notwithstanding the need to ensure value for money, the structure proposal is deemed affordable.

7.3.3 For information purposes, the total spend to date for the discovery phase 1 to get the Council to strategic outline business cases that back up a) the MTFP, b) the Delivery Plan and c) the proposals for change, as outlined within this report has been £1,141,320, with a further £2,622,999 for discovery phase 2. This second phase will take the Council to March 2021 with the production of final business cases (FBCs). FBCs will bring greater clarity around the substance of what needs to change, together with more detailed numbers in relation to both the benefits and the investment required to deliver the change. These FBCs will be reported in accordance with our constitution.

7.4 Procurement Implications (if required)

7.4.1 Procurement implications will be considered as the plans are developed into outline business cases.

7.5 Human Resources Implications (if required)

7.5.1 A JNC report will be discussed at JNC Paper on 28th January 2021

7.5.2 Organisational-wide HR implications will be considered as the plans are developed into outline business cases.

7.6 Public Sector Equality Duty

7.6.1 The Council has already committed itself to addressing structural inequalities, recently publishing “Everyone’s Business, Everyone’s battle” – a call to action for the Council and the City. In addition to tackling discrimination, our response must also be about re-doubling our efforts to understand and then tackle the root causes of those issues and features of people’s lives that drive them to our services.

7.6.2 A full equality impact assessment under the Equality Act 2010 will be completed that considers the impact on all protected characteristics including all staff and service users who are part of the protected characteristics cohort.

8 Appendices

8.1 Appendix A: Investing in our Future - What Birmingham City Council needs to do next: 2021 to 2026

9 Background Documents

9.1 None
APPENDIX A

INVESTING IN OUR FUTURE

What Birmingham City Council needs to do next: 2021 to 2026

1 Introduction

The paper sets out a proposed direction of travel for the leadership, design and organisation of Birmingham City Council so that it can fulfil the Council’s ambition at this time of both hope and challenge.

Its central message is that if we want to address the issues we face, by seizing the opportunities before us, then we will need to invest. Invest in our capacity and leadership, and, in the changes, we need to make. That investment will be paid-back in better outcomes for all citizens and the prospect, over the medium term, of balancing our books without the need for widespread cuts – but we do need to make change in order to get the results. In this way the paper sets out the practical implications of the ambition described in the Delivery Plan agreed in November and the key proposals in the forthcoming Medium Term Financial Plan.

Accordingly, this paper sets out:

- Why we believe there are opportunities that can address the challenges we face
- What it will mean in practice to benefit from these opportunities
- The changes we will need to make inside the Council
- How we will give Members and wider stakeholders confidence that we will deliver what we say we will deliver
- An outline of next steps

It builds upon and reflects the feedback received following discussions with the Cabinet and Overview and Scrutiny Members during October and November. It draws to a conclusion those conversations, making the links and connections between them, and sets out the overall impact on Council’s leadership, structure, ways of working and culture. Much of what is proposed herein builds upon and is the practical manifestation of the Modernisation Programme that was launched last year, discussed with Modernisation Working Groups at that time.
2 Challenges and Opportunities

This is a pivotal moment for the City and the Council. We face significant on-going risks and challenges that must be addressed. Unchecked, the financial sustainability of the Council is threatened. Moreover, the fortunes of the people of Birmingham could suffer. There is a pressing need to act.

A decade into austerity, the nation’s finances have worsened and so we face many more years of fiscal restraint. Meanwhile demand for our services is rising – partly as a result of the impact of austerity in some of our communities. This is a negative circle we need to find ways to challenge and break1.

COVID is having a huge impact on the City’s economy and on the livelihoods of many citizens. Since March 2020:

- 1/3 of all businesses have had to close for some or all of the time
- 33,000 people have lost their jobs
- 55,000 people remain on furlough
- In overall terms unemployment has risen by 68%, meaning over 15% of citizens are out of work – almost twice the national average. Rates of unemployment this high have not been seen since 1987
- The impact is being felt most acutely by younger workers, with over 1 in 5, 16 to 24 years olds out of work.

The pandemic has had a negative impact upon the Council’s finances. Since the Spring, business rate yields have dropped by 7% creating a significant hole in our medium-term financial plan. We anticipate needing to close a budget gap of circa £100m over the coming years because of this and principally other demand led or other COVID related pressures. Adopting a business as usual – salami slicing - approach to managing this gap is unlikely to deliver the savings we need. Nor will it enable us to address future challenges.

Overcoming structural inequalities

COVID 19 has revealed characteristics of our place that have been hidden in plain sight and which now need to be tackled. These structural inequalities hold too many of our communities back and they drive the demand our services are struggling to afford to meet. For too many, prospects remain conditioned by their race, their sex, their age and other personal characteristics. This is damaging for them, costs the Council and other public services money we cannot fund, and threatens the long-term cohesion of our city. The Council has already committed itself to addressing these issues, recently publishing “Everyone’s Business, Everyone’s battle” – a call to action for the Council and the City. In addition to tackling discrimination, our response must also be about re-doubling our efforts to understand and then tackle the root causes of those issues and features of people’s lives that drive them to our services. This will mean thinking again about how we build the foundations for the good life in our City – a strong economy, better paid and stable jobs, wealth retention, lower costs of living (particularly housing), clean air, thriving inclusive communities and the best possible schools etc. It also means reforming our services, so that they see and respond to root causes. This reform agenda will in part be about changing how our services operate and function effectively (e.g. SEND), but it’s principal goal will be to involve people, building on their strengths and support their sense of personal agency. It will

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1 Economic output in the region has grown significantly in the last decade, with the economy of Birmingham growing at 4% per annum pre-pandemic. At the same time 42% of children live in poverty.
be about the Council becoming a platform that enables this to happen in concert and partnership with wider civil society. This is categorically not about outsourcing our statutory or rights-based services to the community and voluntary sector, or in some other way abdicating our responsibility— it is about creating the best possible conditions for partnership.

**Getting the basics right and improving customer service**

Residents expectations are rising too. People expect services that are reliable, joined up around their needs and involve them as equals.

Residents benchmark our performance against the likes of Uber and Amazon, Spotify and Expedia. These changes in expectation fundamentally challenge how our services need to be designed; how they are led; our approach to innovation and how we drive change and improvement in a consistent and reliable manner across the Council as a whole. And this applies not only to services run by the customer services team— it means all services, from children’s to adults, from street cleansing to parking enforcement treating customer, citizens and service users with respect. This will require a step change in our approach rather than incremental changes at the margins or digitising what remain effectively paper based or manual processes. The world has moved on and so must we.

**Building Trust**

People also expect a much greater level of involvement in decisions that affect their lives. Be they the big things that have a bearing across the City as a whole, or the little things that have a big impact in their street or neighbourhood. People want to be heard and when they are not, they will mobilise. We are all activists now. The question for the Council is: do we bring those voices in and help shape the fortunes of our city and places; or do we seek to keep them out? We need to bring them in.

In this context, getting the basics right means more than relentless reliability, it also means understanding and then exceeding expectations, and that in turn that means an approach to service delivery that is open, reflective and humble. The test for our services should be whether day in day out, they are capable of building trust.

**New threats and challenges that test the capacity and skills of the Council**

All of this complexity is compounded by new threats that councils and other public sector organisations were not designed to deal with: climate change; rapid technological change; globalisation; the costs and implications of an aging population; terrorism and violent extremism - the global pandemic is a case in point. Over the last 12 months, Covid-19 has materialised and has prematurely taken the lives of thousands, driven unemployment in the City to levels not seen since the late 1980’s and has tested and continues to test our organisation’s capacity and financial resilience to the core.

Irrespective of our statutory obligations— these threats demand fresh thinking that needs to be at the heart of the Council’s future plans. With this comes a fundamental challenge to our leadership, capacity and focus.

To set against these challenges are huge opportunities that the City has yet to fully exploit. A plan to realise these opportunities, alongside getting the basics right, provides the focus for what we need to do next.

The three immediate opportunities, set out in the Delivery Plan published in November, that present themselves are as follows:
1: Fundamentally shifting our focus from crisis to prevention:

This relates to helping and supporting individuals and families at the early stages of an issue or crisis in their lives, before it manifests as a statutory need.

At its heart this is about working with people differently, drawing on, and building the support that exists in the community, as well as joining up professional disciplines on the frontline: giving them all a common mission to help people stay afloat and then thrive.

The is not about pulling departments or partners together under one roof, it is about creating a new service that:

- Uses data and insight to reach out and find people most at risk
- Triage the help and support they may need
- Always seeks to find resources and solutions that exist in the community – building a platform that enables this network of resources to grow and be sustained.
- Provides integrated universal public sector support where this is helpful or directs people to more targeted specialist support as required.
- Integrates pathways into specialist Early Help in the Children's Trust or “life course” services in Adult Social Care and health.

Our proposed working title for this new operational department is City Help and Support

In scope for this new service will be amongst other things: housing options; homelessness; libraries; debt and money advice; job readiness, skills and adult learning; employment support; drug and alcohol services; the youth service; domestic abuse; parts of the adults front door and our efforts in support of digital inclusion – together with a platform and capacity for working with, supporting and helping to build community and voluntary sector networks of support.

2: Increasing the pace and scale of growth, for those that need it the most, while delivering our climate change objectives

Prior to the pandemic, Birmingham was growing at almost twice the rate of London and four times the national average. The Council can use its landholdings and access to low cost finance, while also leveraging once in a generation opportunities such as the development of HS2 and the Commonwealth Games, to increase the pace and scale of growth in all parts of the City – in particular housing (including both social and other forms of affordable housing – as in houses that people can actually afford) but also potentially town centre and sub-urban shopping districts and employment land development too.

By adopting an interventionist approach, the Council can address market failures and stimulate developments that might otherwise not happen, benefiting those who need them the most. In this way, our growth objectives become aligned directly with our approach to early intervention and prevention, by providing amongst other things the tangible supporting infrastructure (affordable housing, local jobs etc.) that help provide the economic foundations for a good life.

Working differently, the Council can also capture some of the wealth that is currently being generated in the City and then use that resource for social purposes.

To enable delivery of these opportunities, it is proposed to create a new Purpose Director: Places, Prosperity and Sustainability with a highly skilled team, to lead on the
development of all parts of the city including: strategic place shaping and economic development, including those resources devoted to transport planning and the development of strategies to address the climate crisis that are inclusive and actually capable of delivering the route to zero. They will be responsible for ensuring that the City has world class digital infrastructure that enables all citizens to participate. They will also lead strategically on arts, culture, and heritage. They will set the ambition for the Council’s delivery functions and partnerships, joining them up and holding them to account. They will lead on key relationships relevant to the portfolio: international, national, regional, city wide and local - increasing our profile, generating investment in the City winning consent for change. To ensure we see the growth we want, it also proposed that we create a new City and Municipal Development Department to execute city led development schemes and support the right kind developments by others.

3: New ways of working

Building on the positive experience during the pandemic (while reflecting on what has been challenging), there is the opportunity is to make a permanent shift from a situation where 15-20% of our workforce works in an agile and flexible manner to one where 80-85% do so. In so doing we shift our focus from a desk-based accommodation strategy and a culture of presenteeism to one that champions flexibility and outcomes-based management – not least because working in this way is crucial to underpinning our approach to workforce equalities and talent management. The ability to allow Council staff to work flexibly is key to supporting women and carers grow and develop in the workplace.

This new approach also provides the basis for making significant savings in the short term, something that our medium-term financial plan demands with little or no impact on frontline service delivery.

Delivering the change

Reaping the benefits of these opportunities will require certain parts of the organisation to change, over the coming months and then years. This will mean ensuring that the Council’s core corporate services are able to support change and deliver improvement and do so in a way that is both assured and consistent. If we say we are going to make a change, we need to know that we can deliver.

Winning consent and working in partnership

This means winning consent and taking people with us – both inside the organisation and out. Inside, delivering change in a fair and constructive way – with the support of our trade union colleagues. This will be about focusing our culture change and organisational development teams on supporting the specific changes the organisation needs to deliver in the coming months and years. Outside the organisation it will be about building a culture of participation and public engagement ensuring our localism agenda is mainstreamed, led and delivered.

All this relies on partnership: international, national, regional, local and hyper local. Partnerships and partnership activity will require proper resourcing.

A focus on core service delivery

For the public, staff and elected members, none of this will ring true unless we also continue to improve core services: street cleansing and refuse collection; enforcement; housing
management; children services; SEND; adult social care and our overall approach to
customer services. There is the prospect of a virtuous circle whereby the opportunities for us
to grow and reform and work differently provide the financial breathing space to consolidate,
 improve and invest in the frontline – and in turn, getting the basics right helps to build trust
and win consent for wider changes in the City. But of course, the opposite could be true and
so what we do next is pivotal.

Centring equalities

Underpinning all this needs to be a fresh approach to equalities. This will require an
understanding in both a quantitative and qualitative way the nature and prevalence of
structural inequalities in our City – the barriers that prevent people moving forward in their
lives and then ensuring that we have policies, strategies and actions to tackle them over the
short, medium and long term. We will require comprehensive data and to hear people’s lived
experience, finding consistent ways of taking decisive action to tackle the inequalities that
exist.

Delivering the Commonwealth Games

Finally, the Commonwealth Games, in just 20 months-time, provide a moment of profound
hope.

Hope, because they offer the City us a world stage to tell a story of a place that is on the
cusp of defining what all great 21st century cities should aspire to achieve. Diverse, youthful,
carbon neutral, open for business, growing, forward thinking and founded on principles of
equality and opportunity for all. A chance to redefine and capture for a new generation, the
purpose of the Commonwealth in a once imperial city that is on course to be the country’s s
first BAME majority place.

But there are risks, with a burden in terms of capital delivery and city operations that is huge.
Ensuring we have the right leadership and capacity to get the games done and put on our
best show, is a must do priority for the months ahead.
3 A new model of leadership, service delivery and governance

To respond to the challenges and exploit the opportunities set out above we require a new model of leadership, service delivery and governance.

Due to the scale of the City Council (almost twice the size of the next largest unitary and five to six times larger than the average Metropolitan Borough Council or London Borough) it receives national attention particularly when services have not been as reliable as they should have been. This has led to several years of intervention and oversight by central Government.

The size of the Council has often been seen as a liability, but if utilised effectively it should be a great asset. There is the scope to unlock huge efficiencies. Our size also provides the scale, influence and reach to tackle the big challenges of our times. A key lesson from COVID has been that size matters. Our ability to understand data and impact across 1.2 million people, to act decisively on their behalf, to communicate with and advocate for them has been a decisive feature of our success in managing the pandemic. Birmingham has led the way, a fact acknowledged by Government.

But with size comes risk. Leading then governing and delivering services across an organisation of 11,000 staff in the service of 1.2 million people, is categorically different to running an organisation a sixth of the size. On that basis, it is critical that the Council has the appropriate level of capacity and capability in the organisation to meet the challenges and exploit the opportunities referred to above, capacity which has previously been eroded due to the impacts of austerity.

Specifically:

- The challenges we face require a joined up, strategic and integrated approach – a common purpose and the ability to transcend professional silos and a structure that enables this.

  The issue for the CEO is particularly challenging. Under the current structure the post has ten direct reports (11 if you include their office) when best practice would suggest a CEO should have no more than 5. In Birmingham, the average span of control is 1:6. Across the Council as a whole, it should be much closer to 1:10. This creates an organisational design which means that the CEO is the personal fulcrum for all issues that fall between silos and the first point of contact when things go wrong. It's a situation that is completely unsustainable and needs to change as a matter of urgency.

- Meanwhile, the Council’s structure has effectively devolved responsibility for developing policy, setting priorities and service standards and for then measuring performance and accountabilities against those standards, to individual service departments. The same applies to assurance processes that relate to the fulfilment of statutory obligations, health and safety and other regulations. Departments set their own standards and performance measures and assess their performance against them. This needs to be changed to ensure that there is improved corporate visibility of these standards, measures and assurance arrangements together with more robust arrangements in relation to reporting. This will also enable the opportunity for greater scrutiny and constructive challenge.
The Council needs to build new capacity, working to a consistent methodology, refresh governance and improve leadership in order to improve its ability to help manage and deliver large scale change and improvement projects. **Capacity:** by employing people with the right skills and experience to execute complex change projects, which is a professional discipline in its own right; **Governance:** with the creation of a standard method for managing projects, monitoring progress against delivery and escalating problems and issues for resolution; **Leadership:** to create a culture of active problem solving and clear accountability.

The Council has committed to no further outsourcing and bringing services back in house. This has protected terms and conditions and maintained the relative protection of a public sector job. These are all good outcomes in themselves, and also means the Council is very well placed to respond flexibly and with agility to the immediate challenges of the future.

However, this has also coincided with a significant reduction in senior management costs which has weakened the Council’s ability to lead and manage services. An increase in senior management capacity will not only allow the Council to improve the day to day quality of service delivery allowing it to cope with the rich and varied nature of issues that arise when serving a population the size of Birmingham, but also allows it to seize the opportunities of growth and respond to climate change. Increased senior management capacity will also allow us to further develop relationships with key partners and by having a consistent officer presence, at the appropriate level, engaging on the strategic issues affecting the City.

These observations go to the heart of Member concerns about service grip and the availability and visibility of directors and senior managers. This is partly a frustration about service performance and service failure but also about the lack of follow through, imagination, policy thinking and innovation.

**New Model of Service Delivery and Governance**

To improve service delivery, meet future challenges and deliver upon the big opportunities available to the City it proposed that a new model of leadership service delivery and governance is created.

It is proposed that a new structure is built over the next 2-5 years that has two elements:

1) A new **Council Core** that exists to set direction and purpose, joins up and then holds delivery departments and the wider system to account, as well as providing world class support and governance services.
2) **Best in class service delivery functions delivered on an in-house basis** that are designed from first principles to deliver the council’s key objectives. In particular: managing from crisis to prevention, growth and climate change, and customer oriented and relentlessly reliable universal services.

This is a model that creates a matrix management or eco-system approach to policy development and delivery; an approach that is designed to clarify and articulate accountabilities and provide a clear and unequivocal route for issue escalation and remedy.
It relies upon, but also fosters and creates a strong team ethos. Organisational Development and Culture Change is ‘built in’ rather than ‘bolted on’.

It also relies upon there being parity of esteem and power between the delivery functions and the policy and performance functions. In this way, it is not a re-heated ‘strategic director’ model that essentially maintains silo working albeit in broader groupings. This is about having the best delivery capability and with it the benefits of strong silo working, and the best strategy, policy, partnership and performance management capability – to join things up – all brought together and managed through a new approach to governance and leadership.

Taking each in turn:

**A new corporate core**

![Diagram](image)

The Council’s Core: A new council core that exists to set direction and purpose, joins up and then holds delivery departments and the wider system to account, as well as providing world class support and governance services

**Chief Executive** – overall strategic and operational leadership of the organisation, supported by a Head of Chief Exec Office and Policy Lead (head of service grade) who runs the CEO’s office and supports him with the preparation of briefings, reports and other matters, maintains grip on agenda planning and a forward view of matters that need to be managed through the Council’s officer and member governance, manages a small ‘Response Unit’ to diagnose service issues, persistent Member/MP enquires and citizen concerns so that the CEO is able to respond at pace with the right intervention.

For the next 18-24 months, the Council’s Commonwealth Games Director will continue to report to the Chief Executive.

**Director of City Management:**

Overall responsibility for the Council’s back office and support services and platforms (e.g. customers services), performance improvement, programme delivery, performance and
financial management, assurance and governance arrangements. The Director will be the Council’s section 151 officer.

Over the coming two to five years they will:

- Create an integrated suite of *enabling services* (finance, HR, procurement-commissioning, commercial and investment, IT and FM) that supports the Council’s Delivery Departments to deliver day to day and improvement when this is required. The stance of these services will be problem resolution, rather than problem observation. The ERP programme will need to be re-purposed to achieve the above goal (it was originally conceived as a system change project not a service improvement project)

- Sponsor the Director of Digital and Customer Services (who will report to this post) to develop best in class customer service platforms – including the consolidation of telephone lines into a contact centre environment, website rationalisation, the integration of front office and back office arrangements (removing the need for back offices as much as possible) and member feedback and complaints processes that are simple, fast and effective.

- Deliver our new ways of working programme including contingent changes in HR, FM and IT. The services that will all report to this new director.

- Implement an annual finance and business planning process that enables the **Purpose Directors** to set objectives and performance standards for the Council’s Operational Departments and wider system. This process does not currently exist.

- Curate and lead an integrated monthly performance management process that tests delivery against budget, objectives and performance standards as well as other relevant measures. The point of this being to hold teams to account, but also to provide an escalation root for the resolution of service issues, interdependencies or other concerns. This process does not currently exist.

- Curate and lead an integrated monthly assurance process that tests the council’s compliance with key statutory and other regulatory requirements including but not limited to:
  - Safeguarding
  - Health and Safety
  - Fire and Building safety
  - Internal Audit
  - Fraud
  - Governance
  - Legal

  As with the performance management framework the purpose of this assurance process is to understand where issues exist and ensure there is a mechanism for identifying resolution. This activity does not routinely happen.

- Develop an appropriately skilled Programme Management Office so that the Council can be assured and have confidence that major change projects deliver as intended, to budget and on time. This will require forming at least one or more framework agreements with external suppliers so that the requisite skills and capabilities can be bought in as cost effectively as possible and in a timely manner. This capacity does not currently exist.
Establish a small Service Design and Innovation team, who can work with the Purpose and Policy Directors and Operational Directors to help identify service improvements and respond to wicked issues. This should form part of a city-wide Design and Innovation network.

Develop a comprehensive Workforce Resilience and Development planning arrangement that responds to the Council’s aging workforce ‘cliff’ and enables the achievement of the Council’s Workforce to Reflect the Community objectives. The HR Director will report to the Director of City Management.

Establish an appropriately skilled Investment and Commercial team to support the Council’s growth and sustainability objectives.

To achieve the above at the necessary pace, the new department will require an “Establish and Recover” team that will be located within a time limited (24-36months) enhanced PMO reporting directly to the Director of City Management and through appropriate governance arrangements the CEO. The costs of this team can be capitalised meaning they will not be a burden on the Council’s revenue budget. Its purpose will be to deliver the above changes, alongside other major programmes in the Council together with the implementation of the organisational design set out here in.

Director of Partnership; Participation and Equality

Overall responsibility for developing, supporting and nurturing the City’s key partnership infrastructure including the City Board and relationships with the Combined Authority. Leads on national engagement with MHCLG and other parts of government.

Over the next 2-5 years develops and implements:

- those elements of the Council’s localism agenda that relates to civic engagement, participation and involvement in decision making, be that city wide or neighbourhood level (e.g. ward budgets). As part of this, develop the city’s approach to wider participation and community activism. The development of the work will form part of the portfolio of programmes overseen by the Council’s Enhanced PMO (see above). Relevant teams from the neighbourhoods department will move into this function.

- an ‘insight as a service’ team in the form a City Equalities Observatory – a data led function that tests and challenges our Purpose Directors and their teams to ensure their approaches demonstrably address structural inequalities.

- an equalities team that works as part of the City Equalities Observatory works to understand the qualitative dimension of inequalities in the city. On an annual basis the team ensures that equalities insight and “calls to action” are embedded in the Council’s annual finance and business planning process. In this way our long-term endeavour to reduce inequality drives our annual planning and performance cycle.

Leads the Council’s Community safety and cohesion teams.

Leads the Council Communications team.

Pending the outcome of change in the health service, including plans for an ICS, this post will manage the Director of Public Health.

Purpose Director: City Futures
Overall responsibility for outcomes for children, young people and adults who need our help and support. Adopts a “furthest first” approach to strategy and service priorities ensuring that in all our work, our mission is focused on understanding and then breaking down structural inequalities and barriers. In this task they will be supported by the work of the City Equalities Observatory. As the youngest city in the UK, we want our city to be the best place on earth to grow up and raise a family.

Sets the purpose, policy objectives, and performance measures for the Children’s Trust, the proposed City Help and Support Service, and the Social Care and Life Courses Department (currently known as the Adult Social Care Department). This work is enabled through the agreement of annual Business Plans agreed with each operational department, a task that will be supported by an AD graded Purpose and Commissioning Lead and a small policy and service development team. The focus of the teams will be to ensure service issues are understood, challenged and resolved and that pathways and services interface properly from a citizen and service user perspective and to ensure the system is continuously ambitious!

Establishes a robust assurance framework across the Operational Delivery departments (which is then reported monthly via the mechanism and reporting cycle put in place by the Director of City Management see above).

Ensures that operational services adopt participatory practice where-ever possible and appropriate, drawing on support from the Service Design and Innovation Team.

Takes a strategic lead on partnership working with the NHS, is lead officer for the health and wellbeing board, the Children’s Partnership and is a member of the City Board.

Commissions school improvement services and has overall responsibility for engagement with schools. Mission: we want all children to experience the best educational opportunities of anywhere in the UK.

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**Purpose Director: Places, Prosperity and Sustainability**

Overall responsibility for the economic and physical growth of the City and for ensuring that the Council achieves its objectives in relation to carbon reduction.

Adopts a “furthest first” approach to strategy and service priorities ensuring that in all our work, our mission is focused on understanding and then breaking down structural inequalities and barriers. In this task they will be supported by the work of the City Equalities Observatory. Specifically, this role and team is focused on ensuring the economic foundations for the good life in Birmingham – connecting all working age adults to the growth prospects of the city so that their life chances improve. In practical terms this means leaving no stone unturned in pursuit of jobs, working with the CA and partners to maximise investment in the city. The Director will also be responsible for strategy and policy relating arts and culture – it’s time to be at the heart of the nation’s heritage, arts and culture – the home to the most talented and revered performers and creatives as well as the natural place for those at the start of their artistic careers

Responsible for commissioning strategic planning, planning and transport policy (although this will be developed by the City and Municipal Development Department - see below).
The Director will establish a **Route to Zero Investment and Development Team**, with the possibility of this being in partnership with a university or other research and development function. This will be established on a self-financing basis

**Responsible for overall Housing Strategy**

Sets the purpose, policy objectives, and performance measures for the proposed City Operations Department; City Housing Department; City and Municipal Development Department. This work is enabled through the agreement of **annual Business Plans** agreed with each operational department, a task that will be supported by an AD graded Policy and Commissioning Lead and a small policy and service development team. The focus of the teams will be to ensure service issues are understood, challenged and resolved and that pathways and services interface properly from a citizen and service user perspective and to ensure the system is continuously ambitious!
Best in class service delivery functions delivered on an in-house basis\(^2\) that are designed from first principles to deliver the council’s key objectives. In particular: managing from crisis to prevention, growth and climate change, and customer oriented and relentlessly reliable universal services. The key delivery functions are as follows:

**Managing Director: City Operations**

Responsible for delivering relentlessly reliable services as specified by the Purpose and Policy Director: Places, Prosperity and Sustainability in the annual business plan. Specifically:

- Refuse collection
- Street cleansing
- Waste disposal
- Waste minimisation
- Parks and open spaces
- Enforcement
- Private Landlord Licensing
- Highways
- Parking
- Emergency planning
- Run and manage the Council’s newly proposed integrated transport function.

\(^2\) With the exception of the Birmingham Children’s Trust
In the coming 18 months the Director of City Operations and their department will be pivotal to the achievement of key deliverables in respect of the Commonwealth Games and its mandate and deliverables will be set in the context of what is required in the run up to and including games time.

As one of the few genuinely universal services, a core purpose and mission of the City Operations Department over the next 2-5 years, will be to drive civic pride and a sense of connection between the Council and citizens. This bond of trust will be a function of: its reliability; its responsiveness (responding to service issues or reports of issues – e.g. fly tips, nuisance etc.); and by being visibly on the side of residents – big bold public commitments to tackle anti-social behaviour and the co-option of residents in that fight. This means being both data led in the use of intelligence and more agile in the use of CCTV and other enforcement measures. But it also means using behavioural insight to shift both individual actions and habits, and the perception of the Council. There are numerous examples across the Country where this have been done – to do the same in Birmingham requires consistent leadership, management and joined up thinking.

Work closely with the Director of City Management on workforce management issues and improving industrial relations.

Managing Director: City Housing

Responsible for delivering relentlessly reliable services as specified by the Purpose and Policy Director: Places, Prosperity and Sustainability in the annual business plan. Specifically:

- Landlord management services
- Caretaking
- Repairs and maintenance
- Planned works
- Health and safety

One of the first jobs of an incoming director will be to undertake a root and branch review of the service. As with City Operations this is about a fit for purpose service that is relentlessly reliable, and builds trust by being on the side of tenants. It is also about making sure that the service is safe and protects tenants. This means developing a robust assurance process that feeds information into the monthly cycle that the Director of City Management will lead and develop.

The review will also consider the skills and capabilities of the service to deal with and then manage the Council’s response to climate change particularly in relation to retrofitting. Ensuring that we are best placed to be on the front foot for the implementation of new technologies and approaches as and when they are conceived and when the Council is in a position to implement them.

Work closely with the Director of City Management on workforce management issues and improving industrial relations.

Managing Director: City and Municipal Development

This department will be mandated to undertake development within the City as mandated by the Policy and Partnership Director: Places, Prosperity and Sustainability. Led by an
ambitious Director of Development supported by a Director of City Planning, and a strong commercial team that works to support a Commercial Director. This department will lead on capital delivery, asset management including acquisition and disposal of land, and the execution of development projects and other investment led growth.

Responsible for delivering stretched housing delivery and other development opportunities as specified in the annual business plan.

This department should be created on the assumption that it will be self-financing and will also, in time, make a significant contribution to the Council’s MTFP.

**Children’s Trust**

The trust will continue its work to ensure that over the next 2-5 years we develop an outstanding Children’s Services offer to the children and young people of the city. Within two years the aim should be to have services that are rated “good” by Ofsted.

The service will be commissioned by the Purpose and Policy Director: City Futures. They will establish a robust assurance process that feeds information into the monthly cycle that the Director of City Management will lead and develop.

**Managing Director: City Help and Support**

The precise nature of this service will be subject to the business case that is being developed and described earlier in this report but is intended to bring together: housing options; homelessness; libraries; debt and money advice; skills and adult learning; job readiness; drug and alcohol services; domestic abuse; parts of the adults front door and our work on digital inclusion – together with a platform and capacity for working with, supporting and helping to build community and voluntary sector networks of support.

At its heart this is about working with people differently, drawing on, and building the support that exists in the community, as well as joining up professional disciplines on the frontline: giving them all a common mission to help people stay afloat and then thrive.

This isn’t about pulling departments together under one roof, it’s about creating a new service that:

- Uses data and insight to reach out and find people most at risk
- Triages the help and support they may need
- Always seeks to find resources and solutions that exist in the community – building a platform that enables this network of resources to grow and be sustained.
- Provides integrated universal support where this is helpful or more targets specialist support as required.
- Integrates pathways into specialist Early Help or “life course” services.

The development of the service becomes our community recovery response to COVID

The service would in effect specify and then anchor the Council’s new network of hubs – potentially co-locating with early help services, adult services and other public and voluntary sector agencies. The service is also likely to be pivotal in the realisation of its East Birmingham strategy.

**Managing Director: City Life Courses**
This role, and the department will build upon the current Adult Social Care Department and the work they have led on developing a ‘life course’ approach. Over the next 2-5 years the department should develop this approach, where-ever possible integrating pathways with the health service (as part of on-going national requirements to create integrated care systems) The department could also incorporate SEND. And commission an integrated home to school transport service from the Council’s City Operations department.

The post holder could be the Council’s DAS or this role could be fulfilled by the Director of City Futures. The existing Director of Adult Social Care will be asked to develop a blueprint for this service and an implementation plan, before they retire.

4 A new approach to officer governance

The proposed changes to how the Council organises itself will require a refreshed approach to officer governance and leadership. This will involve the Council Core taking responsibility for setting policy direction and performance standards in an annual process of dialogue and consultation with the Delivery Functions. These will be captured in an annual budget, delivery plan and programme plan. In time these will relate directly to city wide objectives agreed in partnership at the City Board. Each department will have their own Annual Business Plan that cascades from the annual budget, delivery plan and programme plan. This will set out key deliverables as well as a performance framework. This work will be led by the Purpose and Policy Directors supported by a planning cycle that is orchestrated by the Director of City Management.

Cabinet Members and Scrutiny Chairs will relate directly to Purpose Directors and relevant Managing Directors through their portfolio meetings and in the development of annual scrutiny programmes. It will be the job of Purpose and Policy Directors to ensure political priorities and manifesto commitments are mandated and funded in the annual Business Plans.

Corporate Leadership Team will be replaced by four meetings that will each take place once a month and include all the directors referred to above: a strategy group that focuses on policy and strategy development – this meeting will be curated by the Purpose Directors and the Director of Partnerships, Participation and Equalities (with support from the Head of CEO’s Office and Policy Lead); a performance group that focuses on the delivery of the budget, business plan objectives, performance framework measures and the delivery of key programmes – this meeting will be curated and led the Director of City Management and is partly about holding Managing Directors to account, and partly about ensuring they have a clear escalation root for issues to be resolved; an assurance group that focuses on the achievement of statutory and other regulatory objectives – this meeting will be led by the Director of City Management; and finally a monthly leadership group that brings together all directors and their reports, to ensure alignment and understanding across the Council as a whole.

Working in this way we pull together both the Core and Delivery Functions in a regular monthly rhythm of meetings, joint working and issues resolution. We will also provide a consistent conduit for member meetings be they Cabinet, Overview & Scrutiny Boards, safeguarding boards, health and well-being or audit committee.
5 Making it happen

The changes outlined above will be progressed in phases over the next 2 years with a period of consolidation in the following 3 to 5 years. A JNC report later in January 2021 will begin the process of establishing key posts set out herein, together with a phased approach to implementation through to 2022 following appropriate consultation and feedback.
Executive Summary

1.1 This report provides details of the planned procurement activity for the period February 2021 – April 2021. Planned procurement activities reported previously are not repeated in this report.
1.2 The report enables Cabinet to identify whether any reports for procurement activities should be brought to this meeting for specific executive decision, otherwise they will be dealt with under Chief Officer delegations up to the value of £10m, unless TUPE applies to current Council staff.

2 Recommendations
2.1 Notes the planned procurement activities under chief officer delegations set out in the Constitution for the period February 2021 – April 2021 as detailed in Appendix 1.

3 Background
3.1 At the 1 March 2016 meeting of Council changes to procurement governance were agreed which gives Chief Officers the delegated authority to approve procurement contracts up to the value of £10m over the life of the contract. Where it is likely that the award of a contract will result in staff employed by the Council transferring to the successful contract under TUPE, the contract award decision has to be made by Cabinet.

3.2 In line with the Procurement Governance Arrangements that form part of the Council’s Constitution, this report acts as the process to inform Cabinet and the Resources Overview & Scrutiny Committee of planned procurement activities over the following quarter and to act as a sounding for Members for the planned activities where decisions are delegated to Chief Officers/Directors.

3.3 This report sets out the planned procurement activity over the next few months where the contract value is between the EU threshold (£181,302) and £10m. This will give Members visibility of all procurement activity within these thresholds and the opportunity to identify whether any procurement reports should be brought to Cabinet for approval even though they are below the £10m delegation threshold.

3.4 It should be noted that the EU threshold has changed from £164,176 to £189,330 and will apply from 1st January 2020 for a period of 2 years.

3.5 Requests for individual procurements decision reports will be determined by Cabinet. Requests for an individual decision can be made by Cabinet, a Cabinet Member or the Chair of Resources Overview & Scrutiny Committee where they believe that there are sensitivities or requirements that necessitate a decision being made by Cabinet.

3.6 Procurements below £10m contract value that are not listed on this or subsequent monthly reports can only be delegated to Chief Officers if specific approval is sought from Cabinet. Procurements above £10m contract value will still require an individual report to Cabinet in order for the award decision to be delegated to Chief Officers if appropriate.

3.7 A briefing note with details for each item to be procured is listed in Appendix 2. The financial information for each item is detailed in Appendix 3 – Exempt Information.
4 Options considered and Recommended Proposal

4.1 The report approved by Council Business Management Committee on 16 February 2016 set out the case for introducing this process. The options considered are:

- To refer the procurement strategy and contract award of individual procurements to Cabinet for decision.
- To continue with the existing process – this is the recommended option

5 Consultation / Engagement

5.1 This report to Cabinet is copied to Cabinet Support Officers and to Resources Overview & Scrutiny Committee and therefore is the process for consulting with relevant cabinet and scrutiny members. At the point of submitting this report Cabinet Members/ Resources Overview & Scrutiny Committee Chair have not indicated that any of the planned procurement activity needs to be brought back to Cabinet for executive decision.

6 Risk Management

6.1 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council’s priorities, plans and strategies?

7.1.1 Details of how the contracts listed in Appendix 1 and Appendix 2 support relevant Council policies, plans or strategies, will be set out in the individual reports.

7.2 Legal Implications

7.2.1 Details of all relevant implications will be included in individual reports.

7.3 Financial Implications

7.3.1 Details of how decisions will be carried out within existing finances and resources will be set out in the individual reports.

7.4 Procurement Implications (if required)

7.4.1 This is a procurement report and the implications are detailed in the appendices

7.5 Human Resources Implications (if required)

7.5.1 None.

7.6 Public Sector Equality Duty
7.6.1 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports.

8 Background Documents

8.1 List of Appendices accompanying this Report (if any):

- 1. Appendix 1 - Planned Procurement Activity February 2021 – April 2021
- 2. Appendix 2 – Background Briefing Paper
- 3. Appendix 3 – Exempt Information
- 4. Appendix 4 – Notification of Minor Amendments not requiring Cabinet approval
<p>| Type of Report | Title of Procurement | Ref | Brief Description | Contract Duration | Directorate | Portfolio | Finance Officer | Contact Name | Planned CO Decision Date |
|---------------|----------------------|-----|-------------------|------------------|-------------|-----------|------------|----------------|----------------|--------------------------|
| Strategy / Award | Advice for the Disposal of Commercial and Operational Property Assets | TBC | Property advice is required to support with the disposal of property assets (both commercial and operational) in line with the Council’s existing Property Strategy. | 2 years | Inclusive Growth | Deputy Leader | Simon Ansell | Azmat Mir | 22/02/2021 |
| Strategy / Award | Advice to Support Change Initiatives in Inclusive Growth | TBC | Advice is required for the development of strategic Outline and Full Business Cases for a range of change initiatives in the Inclusive Growth Directorate to support: •Accelerating Housing Delivery (Barriers &amp; Opportunities study) •Strategic Asset Review •Delivery Model Review OBC | 4 months | Inclusive Growth | Leader | Simon Ansell | Ashley Innes | 22/02/2021 |
| Strategy / Award | Strategic and Technical Advice for Financial Reporting | TBC | The services required relate to strategic and technical advice for financial reporting for the following areas: •Co-ordinate and manage the closeout of financial accounts •Advice on accounting treatments of complex transactions •Knowledge transfer and building internal capacity •Training and development •Provide resilience in a period of change | 2 years | Finance and Governance | Finance and Resources | Lee Bickerton | Sara Pitt / Mohammed Sajid | 22/02/2021 |
| Strategy / Award | Provision of an Enforcement Officer Service | PO726 | A service is required for the issuing of Fixed Penalty Notices on behalf of the Council for offences such as littering, smoking in smoke free areas, dog fouling and anti-social behaviour within Birmingham City Centre. | 4 years | Neighbourhoods | Street Scene and Parks | Carl Tomlinson | Russell Davey / Chanel Herbert | 01/03/2021 |
| Strategy / Award | Fraud System, Library Management and Manage My Request Software | TBC | The current fraud system, library management and Manage My Request software support the provision of Council services to citizens. | 3 years with the option to extend for a further 2 years | Digital &amp; Customer Services | Finance and Resources | Lee Bickerton | Rhona Bowditch | 22/02/2021 |
| Strategy / Award | CareFirst Support and Maintenance | TBC | Support and maintenance is required for CareFirst that is a web based, modular case management system used by the Council for recording care arrangements, statutory interventions and related events pertaining to social care service users. | 1 year, 6 months | Digital &amp; Customer Services | Finance and Resources | Lee Bickerton / Mark Astbury | Rhona Bowditch | 22/02/2021 |
| Approval to Tender | Increased Testing and Initiatives around Fast Track Cities+ in Birmingham | TBC | Provision of increased testing and appropriate initiatives around Fast Track Cities+ in Birmingham focused on HIV, Hepatitis B and Hepatitis C, including scoping around tuberculosis pathways. | 1 year | Partnerships Insight and Prevention | Finance and Resources | Lee Bickerton | Briona Taik / Marjit Samrai / Chanel Herbert | 01/03/2021 |
| Single Contractor Negotiation | Interim Programme Director for the Smithfield Regeneration Scheme | TBC | The Council will enter into a Joint Venture Agreement (JVA) with Lendlease for Birmingham Smithfield in early 2021. | 1 year | Inclusive Growth | Leader | Simon Ansell | Marianne Slater | 22/02/2021 |
| Strategy / Award | Capacity and Capability Support to Service Finance - Addendum (see Appendix 4) | TBC | The services required relate to support in the following areas: •Finance Improvement Programme •Oracle Fusion Cloud ERP Implementation Programme •Finance Service Engagement and Decision Making •Finance Target Operating Model | 1 year | Finance and Governance | Finance and Resources | Lee Bickerton | Sara Pitt | 22/02/2021 |
| Various routes | FIG Trampoline Gymnastics World Championships | TBC | Birmingham has been selected to host the Federation Internationale de Gymnastique (FIG) Trampoline Gymnastics World Championships in November 2023. To support the running of the event, procurement exercises need to be undertaken for a various goods and services. | Various dates | Neighbourhoods | Leader | Carl Tomlinson / Laura Derham / Rebecca Smith / Charlie Short | Various dates | |
| Various routes | Mental Health and Wellbeing services; Birmingham Children’s Partnership – Addendum (see Appendix 4) | TBC | Delivery of the transformation programme. Included in those services were the following: •School and Community Support for Mental Health and Wellbeing – to expand the NHS’ existing service for support for families with mental health and wellbeing issues. •Mental Health and Wellbeing New/Start Schools Resilience Programme – to expand the existing service to support primary schools. •Mental Health and Wellbeing On-line Counselling – a website to support young people (0-25) | Various dates | Education and Skills | Children's Wellbeing | John Betts | Richard Selwyn | Various dates |
| Various routes | Specialist Programme Resources to support the Corporate Delivery Plan - Addendum (see Appendix 4) | TBC | The leadership of the Council is re-shaping its 2022 Delivery Plan to re-examine every aspect of what the Council does, how it is organised and what it needs to deliver over the next two years and beyond. There is a need for external skills and specialists to support the Council in the delivery programmes / packages of work identified during the design phase of the 2022 Delivery Plan and its associated programmes. | Various dates | Finance and Governance | Finance and Resources | Lee Bickerton | Sara Pitt | 22/02/2021 |
| Strategy / Award | Financial Advisory Support Services - Addendum (see Appendix 4) | TBC | There is a requirement for advisory services to support and improve the Council’s financial processes, controls and governance processes in the following areas: •Fees &amp; charges •Financial regulations •Non-executive support •Support capacity •Capital •Finance Improvement •Neighbourhoods | 1 year | Finance and Governance | Finance and Resources | Lee Bickerton | Sara Pitt | 22/02/2021 |</p>
<table>
<thead>
<tr>
<th>Title of Contract</th>
<th>Advice for the Disposal of Commercial and Operational Property Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director / Assistant Director</td>
<td>Kathryn James, Assistant Director of Property</td>
</tr>
<tr>
<td>Briefly describe the service required</td>
<td>Property advice is required to support with the disposal of property assets (both commercial and operational) in line with the Council’s existing Property Strategy. There is not the capacity in-house to deliver this service as Property Services has been unable to recruit appropriately skilled resource to permanent posts and is currently operating with significant vacancies.</td>
</tr>
<tr>
<td>How will this service assist with the Council’s commitments to Route to Zero?</td>
<td>The specification will require the bidders to deliver the service in way that reduces or eliminates their carbon footprint.</td>
</tr>
<tr>
<td>Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?</td>
<td>There is not a statutory duty for this service. However, external property advice is required to support the Council's existing Property Strategy.</td>
</tr>
<tr>
<td>What are the existing arrangements? Is there an existing contract? If so when does that expire?</td>
<td>This is a new requirement.</td>
</tr>
<tr>
<td>What budget is the funding from for this service?</td>
<td>The cost of the services will be treated as costs of disposal and will be funded from capital receipts generated, in line with existing local authority accounting practice.</td>
</tr>
<tr>
<td>What is the proposed procurement route?</td>
<td>A further competition exercise will be undertaken using the Homes England Property Professional Services Framework Contract Framework Agreement.</td>
</tr>
<tr>
<td>If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Proposed start date and duration of the new contract</td>
<td>The proposed start date is 1st April 2021 for a period of 2 years.</td>
</tr>
<tr>
<td>Title of Contract</td>
<td>Advice to Support Change Initiatives in Inclusive Growth</td>
</tr>
<tr>
<td>------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>Director / Assistant Director</td>
<td>Rebecca Hellard, Interim Chief Finance Officer / Ian MacLeod, Acting Director, Inclusive Growth</td>
</tr>
</tbody>
</table>

Briefly describe the service required

Advice is required for the development of strategic Outline and Full Business Cases for a range of change initiatives in the Inclusive Growth Directorate to support:

- Accelerating Housing Delivery (Barriers & Opportunities study)
- Strategic Asset Review
- Delivery Model Review OBC

There is not the capacity or skills in-house to deliver this service.

Inner Circle Consulting Ltd was engaged for a commission for the initial development work and has performed satisfactorily. Engaging another organisation would not be effective as it would result in additional time and cost for familiarisation that would cost impetus for this time-critical work.

Inner Circle Consulting Ltd will be required to be certified to the Birmingham Business Charter for Social Responsibility and produce actions proportionate to the value of this contract.

How will this service assist with the Council's commitments to Route to Zero?

The specification will require the bidders to deliver the service in a way that reduces or eliminates their carbon footprint.

Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?

There is not a statutory duty for this service. However, external advice is required to support the Council's wider property strategy.

What are the existing arrangements? Is there an existing contract? If so when does that expire?

A contract was awarded under Chief Officer delegated authority that expires in February 2021.

What budget is the funding from for this service?

The cost of the services will be funded from Delivery Plan resources.

What is the proposed procurement route?

A direct award will be undertaken using the Crown Commercial Services Management Consultancy 2 framework agreement.

If single/multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?

Not applicable

Proposed start date and duration of the new contract

The proposed start date is 1st March 2021 for a period of 4 months.
<table>
<thead>
<tr>
<th>Title of Contract</th>
<th>Strategic and Technical Advice for Financial Reporting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director / Assistant Director</td>
<td>Sara Pitt, Assistant Director Finance</td>
</tr>
</tbody>
</table>

**Briefly describe the service required**

The services required relate to strategic and technical advice for financial reporting for the following areas:
- Co-ordinate and manage the closedown of financial accounts
- Advice on accounting treatments of complex transactions
- Knowledge transfer and building internal capacity
- Training and development
- Provide resilience in a period of change

There is not the capacity in-house to deliver this service as the current long-standing incumbent is retiring and this is a specialist area of accounting practice when short term support is required.

**How will this service assist with the Council’s commitments to Route to Zero?**

The services required will support our directorates within the Council in the achievement of their ambitions on the Route to Zero.

**Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?**

The Council has statutory obligations under Section 151. More specifically the obligations of a CFO to ensure good financial management to safeguard value for money and operate a fit for purpose Finance service. The required services will support the Council’s financial report requirements including the production of the Statement of Accounts, adherence to accounting standards and unqualified audit opinions.

**What are the existing arrangements? Is there an existing contract? If so when does that expire?**

This is a new contract.

**What budget is the funding from for this service?**

The cost of the service will be met from the Service Finance, Finance and Governance Directorate budget.

**What is the proposed procurement route?**

A further competition exercise will be carried out using Crown Consultancy Services Management Consultancy 2 Framework Agreement.

**If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?**

Not applicable.

**Proposed start date and duration of the new contract**

The proposed start date is March 2021 for a period of 2 years.
<table>
<thead>
<tr>
<th><strong>Title of Contract</strong></th>
<th><strong>Provision of an Enforcement Officer Service (P0726)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Director / Assistant Director</strong></td>
<td>Rob James, Director of Neighbourhoods</td>
</tr>
<tr>
<td>Briefly describe the service required</td>
<td>A service is required for the issuing of Fixed Penalty Notices on behalf of the Council for offences such as littering, smoking in smoke free areas, dog fouling and anti-social behaviour within Birmingham City Centre.</td>
</tr>
<tr>
<td>How will this service assist with the Council’s commitments to Route to Zero?</td>
<td>The specification will require the bidders to deliver the service in a way that reduces or eliminates their carbon footprint.</td>
</tr>
<tr>
<td>Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?</td>
<td>The Council has a duty under the Environmental Protection Act (EPA) 1990 to ensure public spaces and highways are kept free from litter and refuse, as far as practicable.</td>
</tr>
<tr>
<td>What are the existing arrangements? Is there an existing contract? If so when does that expire?</td>
<td>The current framework agreement is for a period of four years and expires on 03 September 2021.</td>
</tr>
<tr>
<td>What budget is the funding from for this service?</td>
<td>The service is self-funding through Fixed Penalty Notice receipts within Environmental Health. Funding for additional demand outside of this will need to review if not part of self-funding arrangements. This does not represent a fixed contract price as based on volumes.</td>
</tr>
<tr>
<td>What is the proposed procurement route?</td>
<td>An open procurement exercise will be undertaken advertised in Find a Tender, Contracts Finder and <a href="http://www.finditinbirmingham.com">www.finditinbirmingham.com</a></td>
</tr>
<tr>
<td>If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Proposed start date and duration of the new contract</td>
<td>The proposed start date is 4th September 2021 for a period of 4 years.</td>
</tr>
<tr>
<td><strong>Title of Contract</strong></td>
<td><strong>Fraud System, Library Management and Manage My Request Software</strong></td>
</tr>
<tr>
<td>----------------------</td>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td>Director / Assistant Director</td>
<td>Peter Bishop, Director of Digital and Customer Services</td>
</tr>
</tbody>
</table>
| **Briefly describe the service required** | The current fraud system, library management and Manage My Request software support the provision of Council services to citizens. The requirement covers the software licensing and support and maintenance. The contract was novated from Capita as part of the Transition Programme which concluded in August 2019, there is now a requirement to re-provision the following services.  
  - Manage My Request  
  - Library Management system  
  - Fraud System |

**Manage My Request**  
This solution provides a fully managed web-hosted service to provide an application that manages Freedom of Information (FOI) and SAR (Search Access Requests) to the Council.

**Library Management System**  
This solution provides a system to link borrowers with Events, collect events payments and registrations for the Council.

**Fraud System**  
This solution is used by Birmingham Audit, to receive and analyse data through collaboration and intelligence-sharing across departments from various lines of Business Systems in the Council. There are data Warehouse for each of the two application environments, used to detect and manage fraud.

These are propriety software applications which can only be supported by Civica UK Ltd.

| **How will this service assist with the Council’s commitments to Route to Zero?** | The specification will require the bidders to deliver the service in way that reduces or eliminates their carbon footprint. |
| **Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?** | The Council is not under a statutory duty to provide this service. However, this service supports the delivery of the Council’s IT, and by extension, Council services. |
| **What are the existing arrangements? Is there an existing contract? If so when does that expire?** | The contracts currently in place are:  
  - Library Management system – expires 31/03/21  
  - Manage My Request – expires 31/03/21  
  - Fraud System – expires 30/09/21 |
<p>| <strong>What budget is the funding from for this service?</strong> | All current agreements are covered under the RF010 Application Services budget and it is anticipated that any future contracts would be funded from the same budget. |
| <strong>What is the proposed procurement route?</strong> | A direct award will be undertaken using Crown Commercial Service – Data and Application Solutions Framework Agreement. |
| <strong>If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?</strong> | Not applicable. |
| <strong>Proposed start date and duration of the new contract</strong> | The new contracts will commence on 1&lt;sup&gt;st&lt;/sup&gt; April 2021 (1&lt;sup&gt;st&lt;/sup&gt; October 2021 for fraud system) for a duration of 3 years with the option to extend for a further 2 years. |</p>
<table>
<thead>
<tr>
<th>Title of Contract</th>
<th>Carefirst Support and Maintenance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director / Assistant Director</td>
<td>Peter Bishop, Director of Digital and Customer Services</td>
</tr>
<tr>
<td>Briefly describe the service required</td>
<td>Support and maintenance are required for CareFirst that is a web based, multi modular case management system used by the Council for recording care arrangements, statutory interventions and related events pertaining to social care service users. In addition to case recording, CareFirst enables the Council to issue payments to external care providers and the delivery of services to meet assessed needs. It also holds financial assessment data to determine whether and to what extent Service Users contribute towards their care. OLM Ltd is the owner of the proprietary rights for the software and is the only supplier able to provide the support and maintenance.</td>
</tr>
<tr>
<td>How will this service assist with the Council’s commitments to Route to Zero?</td>
<td>The specification will require the bidders to deliver the service in way that reduces or eliminates their carbon footprint.</td>
</tr>
<tr>
<td>Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?</td>
<td>There is not a statutory duty to provide this service. However, this service supports the delivery of the Council’s functions through the delivery of the IT service.</td>
</tr>
<tr>
<td>What are the existing arrangements? Is there an existing contract? If so when does that expire?</td>
<td>The CareFirst application was part of the OLM Ltd Systems programme encompassing Eclipse and the Carefirst module. The current element for Carefirst within this contract expires on 31st March 2021.</td>
</tr>
<tr>
<td>What budget is the funding from for this service?</td>
<td>The cost will be apportioned to Adults Social Care and Birmingham Children's Trust split payment coordinated through budget code RF010 which is Application Services</td>
</tr>
<tr>
<td>What is the proposed procurement route?</td>
<td>A direct award to OLM Ltd using the Crown Commercial Services G Cloud Framework Agreement.</td>
</tr>
<tr>
<td>If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>Proposed start date and duration of the new contract</td>
<td>The proposed start date is 1st April 2021 for a period of 18 months.</td>
</tr>
<tr>
<td><strong>Title of Contract</strong></td>
<td><strong>Increased Testing and Initiatives around Fast Track Cities+ in Birmingham</strong></td>
</tr>
<tr>
<td>----------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Director / Assistant Director</strong></td>
<td>Justin Varney, Director Public Health</td>
</tr>
<tr>
<td><strong>Briefly describe the service required</strong></td>
<td>Provision of increased testing and appropriate initiatives around Fast Track Cities+ in Birmingham focused on HIV, Hepatitis B and Hepatitis C, including scoping around tuberculosis pathways. The service(s) will provide access to additional testing by; - selecting appropriate providers to implement community testing in areas of most demographic/community need - working with primary and secondary care providers to increase testing capacity - looking at an appropriate communications campaign around the removal of stigma and prejudice. The service will work collaboratively with local third-sector organisations as well as targeted representative groups to understand the service needs. This procurement activity will be delivered in line with the Fast-Track Cities International Initiative of which Birmingham has pledged to be a part of.</td>
</tr>
<tr>
<td><strong>How will this service assist with the Council’s commitments to Route to Zero?</strong></td>
<td>The specification will require the bidders to deliver the service in a way that reduces or eliminates their carbon footprint.</td>
</tr>
<tr>
<td><strong>Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?</strong></td>
<td>There is no statutory duty to provide this service. However, in signing the Paris Declaration, Birmingham has committed itself to working to achieve the 2030 ambition of; 90% of people living with HIV knowing their status 90% of HIV positive people on HIV treatment 90% of HIV positive people with suppressed viral loads 0 (zero) stigma and discrimination The HIV Commission has recently added Hepatitis B, Hepatitis C and Tuberculosis to the Fast-Track Cities mandate; therefore, this piece of work will incorporate this. The commitment includes ensuring availability and access to effective testing and treatment to significantly reduce and therefore eradicate new cases of Blood Borne Viruses (BBVs); HIV, Hep B, Hep C and Tuberculosis (TB) by 2030.</td>
</tr>
<tr>
<td><strong>What are the existing arrangements? Is there an existing contract? If so when does that expire?</strong></td>
<td>This is a new requirement.</td>
</tr>
<tr>
<td><strong>What budget is the funding from for this service?</strong></td>
<td>All work conducted under this contract will be funded by Grant income provided by NHS England and Improvement.</td>
</tr>
<tr>
<td><strong>What is the proposed procurement route?</strong></td>
<td>An open procurement exercise will be undertaken, advertised in Find a Tender, Contracts Finder and <a href="http://www.finditinbirmingham.com">www.finditinbirmingham.com</a></td>
</tr>
<tr>
<td><strong>If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?</strong></td>
<td>Not applicable.</td>
</tr>
<tr>
<td><strong>Proposed start date and duration of the new contract</strong></td>
<td>The proposed start date is 1st August 2021 for a period of up to 1 year.</td>
</tr>
<tr>
<td>Title of Contract</td>
<td>Interim Programme Director for the Smithfield Regeneration Scheme</td>
</tr>
<tr>
<td>-------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Director / Assistant Director</td>
<td>Ian MacLeod, Acting Director, Inclusive Growth</td>
</tr>
<tr>
<td>Briefly describe the service required</td>
<td>The Council will enter into a Joint Venture Agreement (JVA) with Lendlease for Birmingham Smithfield in early 2021. In March 2020, an Interim Programme Director was appointed for 12 months to drive the scheme forward. A continuation of the services is required as there is not currently the availability of the resource in-house to deliver this role and drive the obligations of the Council in respect of the JVA forward.</td>
</tr>
<tr>
<td>How will this service assist with the Council’s commitments to Route to Zero?</td>
<td>The specification will require the bidders to deliver the service in way that reduces or eliminates their carbon footprint.</td>
</tr>
<tr>
<td>Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?</td>
<td>There is not a statutory duty for this service. However, given the status of this project as the largest regeneration scheme in the city, it is important that the Council resources this project with the appropriate expertise.</td>
</tr>
<tr>
<td>What are the existing arrangements? Is there an existing contract? If so when does that expire?</td>
<td>The existing contract was approved in March 2020 under Chief Officer delegated authority and expires on 31st March 2021.</td>
</tr>
<tr>
<td>What budget is the funding from for this service?</td>
<td>The cost of the services will be funded from the Smithfield Project Budget.</td>
</tr>
<tr>
<td>What is the proposed procurement route?</td>
<td>To enter into single contractor negotiations with Richard Brown Property Consultancy Ltd for the provision of the services required.</td>
</tr>
<tr>
<td>If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?</td>
<td>Richard Brown Property Consultancy Ltd was engaged for a commission for the initial development work and has performed satisfactorily. After investigations with the market, it was established that engaging another organisation would not be effective as it would result in additional time and cost for familiarisation that would lose impetus for this strategic regeneration project. Richard Brown Property Consultancy Ltd will be required to be certified to the Birmingham Business Charter for Social Responsibility and produce actions proportionate to the value of this contract.</td>
</tr>
<tr>
<td>Proposed start date and duration of the new contract</td>
<td>The proposed start date is 1st March 2021 for a duration of up to 12 months.</td>
</tr>
<tr>
<td>Title of Contract</td>
<td>Capacity and Capability Support to Service Finance</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>Director / Assistant Director</td>
<td>Sara Pitt, Assistant Director Finance</td>
</tr>
</tbody>
</table>

**Briefly describe the service required**

The services required relate to support in the following areas:
- Finance Improvement Programme
- Oracle Fusion Cloud ERP Implementation Programme
- Finance Service Engagement and Decision Making
- Finance Target Operating Model

**How will this service assist with the Council’s commitments to Route to Zero?**

The services required will support our directorates within the Council in the achievement of their ambitions on the Route to Zero.

**Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?**

The Council has statutory obligations under Section 151. More specifically the obligations of a CFO to ensure good financial management to safeguard VFM and operate a fit for purpose Finance service. The required services will support the required planned improvements within the Finance and Governance Directorate which fully support the Council’s objectives, compliance with external audit and mandatory CIPFA FM code. These work packages will support The Finance Improvement Programme and the Oracle Fusion Cloud ERP Implementation Programme (1B) which are both components of the Council’s Delivery Plan.

**What are the existing arrangements? Is there an existing contract? If so when does that expire?**

There is an existing 6-week contract with KPMG to support planning, business readiness and some related services. There is also a call off contract with CIPFA to undertake some related services and an existing PPAR for some related services.

**What budget is the funding from for this service?**

The cost of the service will be met from the Service Finance (RBF08 – L5RO) Finance and Governance Directorate budget £600k and Capital Transformation £600k.

**What is the proposed procurement route?**

The contract and work packages will be awarded by accessing one or more suitable Crown Consultancy Services Frameworks.

**If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?**

Not applicable.

**Proposed start date and duration of the new contract**

Proposed start date is February 2021 for a period of up to 12 months.
<table>
<thead>
<tr>
<th>Title of Contract</th>
<th>FIG Trampoline Gymnastics World Championships</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director / Assistant Director</td>
<td>Chris Jordan, Assistant Director, Neighbourhoods</td>
</tr>
</tbody>
</table>

**Briefly describe the service required**

Birmingham has been selected to host the Federation Internationale de Gymnastique (FIG) Trampoline Gymnastics World Championships in November 2023. Cabinet approved the funding and to commence the arrangements on 17th December 2019. To support the running of the event, procurement exercises need to be undertaken for a various goods and services as detailed in the table below.

**How will this service assist with the Council’s commitments to Route to Zero?**

The specification will require the bidders to deliver the services in a way that reduces or eliminates their carbon footprint.

**Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?**

The Council does not have a statutory duty to provide these services. However, the goods and services will support this event that is anticipated to provide an estimated economic boost of more than £20 million to the city.

**What are the existing arrangements? Is there an existing contract? If so when does that expire?**

These are new contracts.

**What budget is the funding from for this service?**

The cost of the goods and services will be met from the FIG Trampoline World Championships budget – this is funded primarily through partner contributions and income generation. Profile and timing of funding and expenditure needs to be confirmed.

**What is the proposed procurement route?**

The proposed procurement routes are detailed in the table below.

**If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?**

Contracts where entering into single contractor negotiations are listed in the table below with reasons for not tendering and how value for money is demonstrated.

Each supplier will be required to be certified to the BBC4SR and produce an action plan proportionate to the value of the proposed contract.

**Proposed start date and duration of the new contract**

Various start dates as stated below.
<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Procurement Route</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Venue Hire</td>
<td>To hire the Arena Birmingham for the duration of the event with services required specific for the event including additional security, catering, cleaning, car parking, electrics and rigging</td>
<td>To enter into single contractor negotiations with the National Exhibition Centre Ltd as owners of the Arena Birmingham after-market investigations has identified this organisation is the only supplier that can provide this service.</td>
<td>Sole supplier</td>
</tr>
<tr>
<td>Supply of Sporting Podium / Equipment</td>
<td>For the provision of sporting equipment and a podium. as a requirement of the Host City contract, the supplier is specified by British Gymnastics and FIG after a procurement exercise following their governance.</td>
<td>To enter into single contractor negotiations with British Gymnastics’ appointed supplier after-market investigations has identified this organisation is the only supplier that can provide this service.</td>
<td>Sole supplier</td>
</tr>
<tr>
<td>Accommodation &amp; Transport of Athletes and Officials</td>
<td>For the provision of accommodation and transport for the gymnasts taking part in the events.</td>
<td>A procurement exercise advertised in <a href="http://www.findatender.com">www.findatender.com</a>, Contracts Finder and <a href="http://www.finditinbirmingham.com">www.finditinbirmingham.com</a></td>
<td>n/a</td>
</tr>
<tr>
<td>Sports Presentation</td>
<td>To enable the production of the show – to include lighting, presenters, creative briefs, event production, audio content</td>
<td>To undertake a full procurement exercise advertised on <a href="http://www.findatender.com">www.findatender.com</a>, <a href="http://www.finditinbirmingham">www.finditinbirmingham</a> and Contracts Finder</td>
<td>n/a</td>
</tr>
<tr>
<td>TV Broadcast Company</td>
<td>To provide the rights for broadcasting to international companies. As a requirement of the Host City contract, British Gymnastics’ supplier is the BBC</td>
<td>To enter into single contractor negotiations with the BBC, British Gymnastics’ appointed supplier after-market investigations has identified this organisation is the only supplier that can provide this service.</td>
<td>Sole supplier</td>
</tr>
</tbody>
</table>
APPENDIX 4
Notification of Minor Amendments

This appendix provides the rationale for minor amendments to PPAR previously agreed by Cabinet:

<table>
<thead>
<tr>
<th>Title of Contract</th>
<th>Mental Health and Well-being Services; Birmingham Children’s Partnership – Addendum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director/ Assistant Director</td>
<td>Nigel Harvey-Whitten, Assistant Director Children’s Services (Commissioning)</td>
</tr>
<tr>
<td>Briefly describe the service required</td>
<td>Cabinet approved the Planned Procurement Activities Report (PPAR) on September 8th for services to be procured in the delivery of the transformation programme. Included in those services were the following:</td>
</tr>
<tr>
<td></td>
<td>• School and Community Support for Mental Health and Wellbeing – to expand the NHS’ existing service for support for families with mental health and wellbeing issues.</td>
</tr>
<tr>
<td></td>
<td>• Mental Health and Wellbeing NewStart Schools Resilience Programme – to expand the existing service to support primary schools.</td>
</tr>
<tr>
<td></td>
<td>• Mental Health and Wellbeing On-line Counselling – a website to support young people (0-25)</td>
</tr>
<tr>
<td>How will this service assist with the Council’s commitments to Route to Zero?</td>
<td>This service will assist the Council in the efficient and timely delivery of its projects which support Route to Zero.</td>
</tr>
<tr>
<td>Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?</td>
<td>The Council does not have a statutory duty to provide these services. However, these contracts will support the Council’s statutory duty to provide services for children with special educational needs and disabilities and Children’s social care.</td>
</tr>
<tr>
<td>What are the existing arrangements? Is there an existing contract? If so when does that expire?</td>
<td>These are all new requirements.</td>
</tr>
<tr>
<td>What budget is the funding from for this service?</td>
<td>The cost of the service will be met from the “Our City: Investing in Children and Families” Business Case. The Business Case is to be funded from the Council’s Policy and Contingency Reserve and funding is in place for 2020/21, with a likelihood of funding continuing in 2021/22. However, beyond that the business case will be reviewed, so the structure of the contracts will need to reflect the uncertainty regarding future confirmation of funding.</td>
</tr>
<tr>
<td>What is the proposed procurement route and reason for material change?</td>
<td>With existing contracts in place, The NHS Birmingham and Solihull CCG are to lead the procurement of these Mental Health and Wellbeing services. The procurement approach and award of subsequent contracts will be subject to The NHS Birmingham and Solihull CCG governance process in addition to that of BCP. BCP governance structure includes representatives from all BCP member organisations. With the CCG having established and led the management of existing contracts for these services; and having expertise in the procurement of these categories, this makes them best placed to determine and deliver the procurement approach on behalf of BCP. It is expected that their existing contracts for these services will be extended or varied to deliver the requirements here. Therefore, these contracts will not now be procured by the Council.</td>
</tr>
<tr>
<td>If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>Proposed start date and duration of the new contract</td>
<td>Various start dates.</td>
</tr>
</tbody>
</table>
The existing PPAR approved on 13th October 2020 and additional services have been identified and the extra cost is detailed in the Exempt Appendix.

<table>
<thead>
<tr>
<th>Title of Contract</th>
<th>Specialist Programme Resources to support the Corporate Delivery Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director / Assistant Director</td>
<td>Rebecca Hellard - Chief Finance Officer</td>
</tr>
</tbody>
</table>

Briefly describe the service required

The leadership of the Council is re-shaping its 2022 Delivery Plan to re-examine every aspect of what the Council does, how it is organised and what it needs to deliver over the next two years and beyond. There is a need for external skills and specialisms to support the Council in the delivery programmes / packages of work identified during the design phase of the 2022 Delivery Plan and its associated programmes. This work is in train and an extension is required to take the work to completion. This requirement is anticipated until the end this financial year.

How will this service assist with the Council’s commitments to Route to Zero?

This work will directly help the Council to address its Route to Zero commitments through its focus on “increasing the pace and scale of growth, for those that need it most, while delivering our climate change objectives”, as stated in the Delivery Plan.

Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?

There is no statutory duty however the leadership of the Council has identified the need to re-shape the 2022 Delivery Plan.

What are the existing arrangements? Is there an existing contract? If so when does that expire?

This is an extension to the existing PPAR, which was previously brought to Cabinet.

What budget is the funding from for this service?

All work will be funded from the delivery plan reserve.

What is the proposed procurement route?

It is proposed that further competition exercises or direct awards are undertaken using collaborative framework agreements identified as being suitable for each commission. Until the design phase is complete and the packages of work are identified, it is not possible to identify the specific procurement route to be used. The mobilisation of specialist resources identified will need to be done at pace with individual packages of work approved under delegated authority as and when required in accordance with the Council’s Constitution and Procurement Governance Arrangements.

If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?

Not applicable.

Proposed start date and duration of the new contract

Various start dates.
The PPAR approved on 8th September 2020 stated a direct award would be undertaken with CIPFA. Since this approval, delegated approval has been provided by the Portfolio Holder for Finance and Resources to enable award to a wider range of suppliers who provide financial advisory services as listed below. This will allow greater flexibility to help accelerate the delivery of the finance improvement programme through the engagement of these suppliers using their individual expertise. Accordingly, the Crown commercial framework options have also been widened to ensure the best procurement routes within Crown Commercial frameworks are utilised.

<table>
<thead>
<tr>
<th>Title of Contract</th>
<th>Financial Advisory Support Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director \ Assistant Director</td>
<td>Sara Pitt – Assistant Director Service Finance</td>
</tr>
</tbody>
</table>
| Briefly describe the service required | There is a requirement for advisory services to support and improve the Council’s financial processes, controls and governance process in the following areas:  
  • Fees & charges  
  • Financial regulations  
  • Non-executive support  
  • Support capacity  
  • Capital  
  • Finance Improvement  
  • Neighbourhoods  
  • Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management assessment.  
  Phase 1 for the improvement plan was completed in August 2020 and this contract supports the delivery of Phase 2. |
| How will this service assist with the Council’s commitments to Route to Zero? | This service will assist the Council in the efficient and timely delivery of its projects which support Route to Zero. |
| Is the Council under a statutory duty to provide this service? If not what is the justification for providing it? | The Council does not have a statutory duty to provide this service. However, the required services are part of the required planned improvements in Finance and Governance which fully support the Council’s objectives. |
| What are the existing arrangements? Is there an existing contract? If so when does that expire? | This is a new contract. |
| What budget is the funding from for this service? | The cost of the service will be met from the Service Finance, Finance and Governance Directorate budget. |
| What is the proposed procurement route? | A direct award will be carried out using one or more suitable Crown Commercial Consultancy Services Frameworks such as G-Cloud procurement framework. |
| If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)? | Not applicable. |
| Proposed start date and duration of the new contract | The proposed start date February 2021 for a period of approximately 12 months. |