

**Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting. If a 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.**

**BIRMINGHAM CITY COUNCIL**

**CABINET**

**Tuesday, 26 January 2016 at 1000 hours in Committee Rooms 3 and 4, Council House, Birmingham**

**PUBLIC AGENDA**

**1      NOTICE OF RECORDING**

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

**2      APOLOGIES**

**Attached    3      COUNCIL TAX TAXBASE FOR 2016/17**

Report of the Strategic Director – Finance and Legal.

**Attached    4      BUSINESS RATES INCOME 2016/17**

Report of the Strategic Director – Finance and Legal.

**Attached    5      CORPORATE REVENUE MONITORING REPORT MONTHS 7 AND 8**

Joint report of the Chief Executive and Director of Economy and the Strategic Director – Finance and Legal.

**Attached    6      CLEARANCE OF PROPERTIES AT THE FORDROUGH/HOULDEY ROAD**

Report of the Director of Planning and Regeneration.

**Attached    7      LOCAL GOVERNMENT ASSOCIATION PEER REVIEW OF THE EDUCATION AND SCHOOLS STRATEGY AND IMPROVEMENT PLAN**

Report of the Strategic Director of People.

Attached 8 **CHANGE TO IMPLEMENTATION DATE: PROPOSAL TO ALTER THE UPPER AGE-RANGE OF TURVES GREEN BOY'S SCHOOL TO PROVIDE A SIXTH FORM**  
Report of the Strategic Director of People.

Attached 9 **PROPOSAL TO DISCONTINUE COLMERS FARM JUNIOR SCHOOL AND TO ALTER THE UPPER AGE RANGE OF COLMERS FARM INFANT SCHOOL**  
Report of the Strategic Director of People.

Attached 10 **PLANNED PROCUREMENT ACTIVITIES (MARCH 2016 – MAY 2016)**  
Report of the Assistant Director, Procurement.

Attached 11 **APPOINTMENTS TO OUTSIDE BODIES**  
Report of the Director of Legal and Democratic Services.

12 **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.

13 **EXCLUSION OF THE PUBLIC**  
That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-

### **PRIVATE AGENDA**

Attached 14 **CORPORATE REVENUE MONITORING REPORT MONTHS 7 AND 8**  
Joint report of the Chief Executive and Director of Economy and the Strategic Director – Finance and Legal.  
(Exempt Paragraph 3)

Attached 15 **PLANNED PROCUREMENT ACTIVITIES (MARCH 2016 – MAY 2016)**  
Report of the Assistant Director, Procurement.  
(Exempt Paragraph 3)

16 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**  
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.

## BIRMINGHAM CITY COUNCIL

PUBLIC

<b>Report to:</b>	<b>CABINET</b>	
<b>Report of:</b>	<b>Strategic Director - Finance and Legal</b>	
<b>Date of Decision:</b>	<b>26<sup>th</sup> January 2016</b>	
<b>SUBJECT:</b>	<b>COUNCIL TAX TAXBASE FOR 2016/2017</b>	
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 000853/2016</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b>	<input type="checkbox"/>
	<b>O&amp;S Chairman approved</b>	<input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Cllr Ward, Deputy Leader</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Zaffar, Corporate Resources Overview &amp; Scrutiny Committee</b>	
<b>Wards affected:</b>	<b>All</b>	

**1. Purpose of report:**

- 1.1 This report seeks approval to the Council Tax taxbase for 2016/2017 for the City Council, New Frankley in Birmingham and Sutton Coldfield Parish Councils. This forms an important part of the calculation of next year's revenue from Council Tax.
- 1.2 The report sets out the basis of the calculation and the assumptions which have been included.

**2. Decision(s) recommended:**

- 2.1 To approve a Council Tax taxbase for Birmingham of 239,042 Band D equivalent properties, for 2016/2017, as calculated in Appendix 2, in accordance with The Local Authorities (Calculation of Council Taxbase) (England) Regulations 2012.
- 2.2 To approve a taxbase for the New Frankley in Birmingham Parish of 1,312 Band D equivalent properties for 2016/2017, as calculated in Appendix 3.
- 2.3 To approve a taxbase for the Sutton Coldfield Parish of 36,509 Band D equivalent properties for 2016/2017, as calculated in Appendix 4.

<b>Lead Contact Officer(s):</b>	Ian Harris
<b>Telephone No: E-mail address:</b>	0121 464 9367 ian.harris@birmingham.gov.uk

### **3. Consultation**

#### **3.1 Internal**

The Service Director – Customer Services and the Deputy Leader of the Council have been consulted in the preparation of this report.

#### **3.2 External**

No public consultation is required on the Council Tax taxbase. It is a statement of fact supplemented by the City Council's forecast of likely changes to the taxbase in 2016/17.

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

The completion of the Council Tax taxbase does not have any direct implications for the City Council's Corporate Policy Priorities.

#### **4.2 Financial Implications**

(Will decisions be carried out within existing finances and Resources?)

The Council Tax taxbase in conjunction with the Council Tax level (to be approved at the Council meeting on the 1st March 2016) will determine the total income from Council Tax in 2016/17 to be included in the approved budget for next year.

#### **4.3 Legal Implications**

The Council is required to set the taxbase under the Local Government Finance Act 1992. The taxbase 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. The report does not have any other direct implications.

#### **4.4 Public Sector Equality Duty (see separate guidance note)**

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

### **5. Relevant background/chronology of key events:**

#### **5.1 The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, obliges local authorities to determine their taxbase for Council Tax setting purposes before 31 January each year. This enables billing authorities, like Birmingham, to calculate the number of properties where Council Tax is payable and to inform other precepting bodies (in our case the West Midlands Police & Crime Commissioner, the Fire and Rescue Authority, New Frankley in Birmingham and Sutton Coldfield Parish Councils) and other levying bodies, by 31 January, of this figure for precepting/levying purposes.**

5.2 The HM Revenue & Customs Valuation Office (VOA) provided the City Council with an updated copy of the valuation list, as at 14<sup>th</sup> September 2015. This was used in completing the Council Taxbase Return (CTB) to Central Government (CLG) on 16<sup>th</sup> October 2015, representing the 2015/16 taxbase as at the 14<sup>th</sup> September 2015. Due to timing issues 815 new properties (584 Band D equivalents) were not included on the VOA list of the 14<sup>th</sup> September. Following communication with the CLG and VOA, they both have agreed to accept a revised CTB return.

5.3 The City Council then determines the taxbase for tax setting purposes for 2016/17. The calculation in this report is based upon the valuation list as at 30<sup>th</sup> November 2015 and also 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 2016/17 e.g. successful appeals against valuation bands. Details of these factors are included within Appendix 1.

5.4 There has been a net increase of 2626 (0.6%) in the total number of domestic properties in the past year to 30<sup>th</sup> November 2015, compared with an increase of 1,597 during the previous 12 month period. The table in Appendix 1 shows the number of properties by band in Birmingham as at 30<sup>th</sup> November 2015 and highlights the changes since 2014. The valuation list shows that 83.0% of all domestic properties in Birmingham have been allocated to “below average value” categories (i.e. Bands A-C), a very marginal reduction from last year, but indicating that there has been no real overall change in the average banding of properties.

5.5 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 2015/16. 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 discounts, (in accordance with previous decisions). It is recommended that the overall eventual composite rate of collection should remain unchanged at 97.1% in 2016/17. On this basis, the taxbase for setting the Council Tax for 2016/17 will be 239,042 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 eventually exceeds the assumed rate, the resultant surplus will become available to be taken into account in setting future years’ budgets.

5.6 This Council Tax taxbase is an increase of 4,953 (2.1%) from 2015/16. The main reasons for this are an increase in net new properties forecast for the year and a reduction in the total amount of Council Tax Support discounts, offset by an increase in student exemptions. The Council Tax Support scheme remains unchanged for 2016/17.

5.7 Cabinet is asked to approve the taxbase for Birmingham of 239,042 Band D equivalent properties. Once formally determined, this taxbase cannot subsequently be altered, and will be used when the City Council sets the Council Tax for 2016/17.

5.8 Cabinet is also asked to approve the taxbase for the New Frankley in Birmingham Parish which, after applying the collection rate described above, produces a taxbase figure of 1,312 Band D equivalent properties. This is an increase of 12 on the Band D equivalent properties for 2015/16.

5.9 For the first time, Cabinet is also asked to approve the taxbase for the Sutton Coldfield Parish which, after applying the collection rate described above, produces a taxbase figure of 36,509 Band D equivalent properties.

**6. Evaluation of alternative option(s):**

6.1 Not Applicable

**7. Reasons for Decision(s):**

7.1 The Council Tax taxbase for 2016/2017 must, by law, be set and communicated to preceptors and levying bodies by no later than the end of January, each year.

**Signatures**

**Date**

Cabinet Member :

Chief Officer: .....

**List of Background Documents used to compile this Report:**

CTB Form (DCLG)

**List of Appendices accompanying this Report (if any):**

1. Further details of the Council Tax taxbase calculation
2. Calculation of Council Tax taxbase for Birmingham
3. Calculation of Council Tax taxbase for New Frankley in Birmingham Parish Council
4. Calculation of Council Tax taxbase for Sutton Coldfield Parish Council

**Report Version**

**Dated**

## Further details of the Council Tax Taxbase Calculation

The calculation of the taxbase for 2016/17 commences with the total number of properties on HM Revenue & Customs valuation list at 30<sup>th</sup> November 2015, as follows:

Band	2016/17				2015/16		Annual Movement	
	No. Properties 2016/17	Proportion in Band %	Cumulative Proportion %	No. Band D Equivalent	No. Properties 2015/16	No. Band D Equivalent	No. Properties	Band D
A	156,881	36.1%	36.1%	104,588	155,654	103,770	1,227	818
B	127,437	29.3%	65.4%	99,118	127,098	98,854	339	264
C	76,100	17.5%	83.0%	67,644	75,618	67,216	482	428
D	38,272	8.8%	91.8%	38,272	37,856	37,856	416	416
E	20,557	4.7%	96.5%	25,125	20,480	25,031	77	94
F	8,607	2.0%	98.5%	12,432	8,537	12,331	70	101
G	5,735	1.3%	99.8%	9,558	5,730	9,550	5	8
H	870	0.2%	100.0%	1,740	860	1,720	10	20
<b>Total</b>	<b>434,459</b>	<b>100.0%</b>		<b>358,477</b>	<b>431,833</b>	<b>356,328</b>	<b>2,626</b>	<b>2,149</b>

The following additional factors have been then taken into account and have to be calculated for each of the property bands (A to H):

- 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 2016, or during 2016/2017, 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 fall by 3,097 Band D equivalents compared with the budgeted figure for 2015/16. This takes account of an assessment of the expected number and level of Council Tax Support discounts, drawing on experience of discounts awarded in 2015/16
- An estimate of the number of properties which will be classed as long term empty and therefore will attract a premium of 50%.

The calculations of the above factors for each tax band are set out in Appendix 2 to this report. The equivalent information for New Frankley in Birmingham Parish is shown in Appendix 3 and Appendix 4 for Sutton Coldfield Parish . These also show how the number of taxable properties in each band has to be adjusted to produce a value expressed as an equivalent number of “Band D” properties (as required by the Council Tax legislation).



Council Tax Tax Base - Birmingham 2016-17											Band D	
											Total	Equivalent
Property Band		Band AR	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Properties	Properties
i)	Dwellings on valuation list	0	156,881	127,437	76,100	38,272	20,557	8,607	5,735	870	434,459	358,477
ii)	Estimated Exemptions	0	(4,858)	(4,239)	(2,378)	(2,288)	(1,065)	(146)	(79)	(30)	(15,083)	(12,642)
iii)	Net adjustment in respect of estimated disabled relief	235	326	(101)	(183)	(86)	(102)	(7)	(33)	(49)	0	(267)
iv)	Net adjustment in respect of estimated successful appeals and other adjustments	0	(1,104)	(995)	(557)	(275)	(137)	(44)	(28)	(5)	(3,145)	(2,568)
v)	Net adjustment in respect of estimated new properties	0	859	699	416	208	113	47	32	5	2,379	1,962
	No. of chargeable dwellings	235	152,104	122,801	73,398	35,831	19,366	8,457	5,627	791	418,610	344,962
vi)	Total no. of discounts (including Council Tax Support)	(94)	(70,564)	(37,716)	(15,398)	(5,171)	(1,747)	(562)	(290)	(33)	(131,575)	(98,782)
	Equivalent no. of chargeable dwellings net of discounts (vii-viii)	141	81,540	85,085	58,000	30,660	17,619	7,895	5,337	758	287,035	246,180
	Statutory proportion	5/9	6/9	7/9	8/9	1	11/9	13/9	15/9	18/9		
	<b>Equivalent Band D properties (the "Relevant Amounts")</b>	<b>78</b>	<b>54,360</b>	<b>66,177</b>	<b>51,556</b>	<b>30,660</b>	<b>21,534</b>	<b>11,404</b>	<b>8,895</b>	<b>1,516</b>	<b>TOTAL =</b>	<b>246,180</b>
	ALLOWANCE FOR NON-COLLECTION (2.9%)	(2)	(1,576)	(1,919)	(1,495)	(889)	(624)	(331)	(258)	(44)	TOTAL =	(7,138)
	<b>TOTAL</b>	<b>76</b>	<b>52,784</b>	<b>64,258</b>	<b>50,061</b>	<b>29,771</b>	<b>20,910</b>	<b>11,073</b>	<b>8,637</b>	<b>1,472</b>	<b>TOTAL =</b>	<b>239,042</b>



Council Tax Tax Base - New Frankley in Birmingham Parish 2016-17											Band D	
											Total	Equivalent
Property Band		Band AR	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Properties	Properties
i)	Dwellings on valuation list	0	1,557	1,591	104	58	1	0	0	1	3,312	2,429
ii)	Estimated Exemptions	0	(13)	(9)	(1)	0	0	0	0	0	(23)	(17)
iii)	Net adjustment in respect of estimated disabled relief	4	1	(4)	(1)	0	0	0	0	0	0	(1)
iv)	Net adjustment in respect of estimated successful appeals	0	0	0	0	0	0	0	0	0	0	0
v)	Net adjustment in respect of estimated new properties	0	0	0	0	0	0	0	0	0	0	0
vii)	No. of chargeable dwellings	4	1,545	1,578	102	58	1	0	0	1	3,289	2,411
viii)	Total no. of discounts (including Council Tax Support)	(3)	(855)	(604)	(18)	(4)	0	0	0	0	(1,484)	(1,060)
	Equivalent no. of chargeable dwellings net of discounts (vii-viii)	1	690	974	84	54	1	0	0	1	1,805	1,351
	Statutory proportion	5/9	6/9	7/9	8/9	1	11/9	13/9	15/9	18/9		
	<b>Equivalent Band D properties (the "Relevant Amounts")</b>	<b>1</b>	<b>460</b>	<b>758</b>	<b>75</b>	<b>54</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>TOTAL =</b>	<b>1,351</b>
	ALLOWANCE FOR NON-COLLECTION 2.9%	0	(13)	(22)	(2)	(2)	0	0	0	0	TOTAL =	(39)
	<b>TOTAL</b>	<b>1</b>	<b>447</b>	<b>736</b>	<b>73</b>	<b>52</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>TOTAL =</b>	<b>1,312</b>

Council Tax Tax Base - Sutton Coldfield Parish 2016-17											Band D Total	Band D Equivalent Properties
Property Band		Band AR	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Properties	Properties
i)	Dwellings on valuation list	0	3,303	5,495	7,473	9,403	8,556	4,081	2,577	369	41,257	43,907
ii)	Estimated Exemptions	0	(67)	(71)	(77)	(86)	(67)	(35)	(13)	(2)	(418)	(412)
iii)	Net adjustment in respect of estimated disabled relief	4	13	17	12	39	(47)	(10)	(18)	(10)	0	(48)
iv)	Net adjustment in respect of estimated successful appeals	0	0	0	0	0	0	0	0	0	0	0
v)	Net adjustment in respect of estimated new properties	0	0	0	0	0	0	0	0	0	0	0
vii)	No. of chargeable dwellings	4	3,249	5,441	7,408	9,356	8,442	4,036	2,546	357	40,839	43,447
viii)	Total no. of discounts (including Council Tax Support)	(2)	(1,609)	(1,554)	(1,324)	(1,074)	(631)	(237)	(107)	(10)	(6,550)	(5,847)
	Equivalent no. of chargeable dwellings net of discounts (vii-viii)	2	1,640	3,887	6,084	8,282	7,811	3,799	2,439	347	34,289	37,600
	Statutory proportion	5/9	6/9	7/9	8/9	1	11/9	13/9	15/9	18/9		
	<b>Equivalent Band D properties (the "Relevant Amounts")</b>	<b>1</b>	<b>1,093</b>	<b>3,023</b>	<b>5,408</b>	<b>8,282</b>	<b>9,547</b>	<b>5,487</b>	<b>4,065</b>	<b>694</b>	<b>TOTAL =</b>	<b>37,600</b>
	ALLOWANCE FOR NON-COLLECTION 2.9%	0	(32)	(88)	(157)	(240)	(277)	(159)	(118)	(20)	<b>TOTAL =</b>	<b>(1,091)</b>
	<b>TOTAL</b>	<b>1</b>	<b>1,061</b>	<b>2,935</b>	<b>5,251</b>	<b>8,042</b>	<b>9,270</b>	<b>5,328</b>	<b>3,947</b>	<b>674</b>	<b>TOTAL =</b>	<b>36,509</b>

<b>Report to:</b>	<b>CABINET</b>	<i>Exempt information paragraph number – if private report:</i>
<b>Report of:</b>	<b>Strategic Director - Finance and Legal</b>	
<b>Date of Decision:</b>	<b>26<sup>th</sup> January 2016</b>	
<b>SUBJECT:</b>	<b>BUSINESS RATES INCOME 2016/17</b>	
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 000852/2016</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b> <input type="checkbox"/> <b>O&amp;S Chairman approved</b> <input type="checkbox"/>	
<b>Relevant Cabinet Member(s):</b>	<b>Cllr Ian Ward</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Zaffar, Corporate Resources Overview &amp; Scrutiny Committee</b>	
<b>Wards affected:</b>	<b>All</b>	

**1. Purpose of report:**

- 1.1 This report seeks approval to the City Council's business rates income projection for 2016/17 for submission to the Government. This forms the calculation of next year's revenue from business rates.
- 1.2 The report sets out the basis of the calculation and the assumptions included.

**2. Decision(s) recommended:**

- 2.1 To approve the 2016/17 business rates income for Birmingham as shown in Appendix 1.

<b>Lead Contact Officer(s):</b>	Ian Harris
<b>Telephone No:</b> <b>E-mail address:</b>	0121 464 9367 <a href="mailto:ian.harris@birmingham.gov.uk">ian.harris@birmingham.gov.uk</a>

### **3. Consultation**

Consultation should include those that have an interest in the decisions recommended

#### **3.1 Internal**

Officers in the Economy Directorate have been consulted in determining a forecast for business rates in 2016/17. The Deputy Leader of the Council has been consulted in the preparation of this report.

#### **3.2 External**

No 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 2016/17.

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

The completion of the business rates income projection does not have any direct implications for the City Council's Corporate Policy Priorities.

#### **4.2 Financial Implications**

##### **(Will decisions be carried out within existing finances and Resources?)**

This business rates income projection will determine the income retained from business rates in respect of 2016/17, 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 also projects forward the level of additional business rates that will be collected up to 31 March 2017. Of this total projection, the City Council will be able to plan for the retention of 49% of this income (£205.842m) in 2016/17 when setting its budget.

#### **4.3 Legal Implications**

The Council has always submitted a business rates return to the Government each year. 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.

#### **4.4 Public Sector Equality Duty (see separate guidance note)**

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

## **5. Relevant background/chronology of key events:**

### **Business Rates Income**

- 5.1 The Valuation Office Agency (VOA) provided the City Council with an updated version of the valuation list as at 25<sup>th</sup> November 2015. 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 2016/17. This forecast is based on developments that are ongoing and planning approvals that are in place and expected to be completed in 2016/17.
- 5.2 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. The baseline for 2016-17 has been recalculated to reflect the Curzon Enterprise Zone extension. This calculation has been included in Appendix 1 also.
- 5.3 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 a reduction of 2% for non-collection in line with local historic experience. Should this collection rate be improved upon, the resulting surplus will become available to assist in budget setting in future financial years.
- 5.4 Each year appeals are made against the rateable value of properties that has been determined by the Valuation Office Agency. Appeals that are upheld are then backdated to the beginning of the ratings list period (April 2010 for the current list), 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 to set aside adequate provision for repaying backdated appeals. In accordance with government regulations, we chose to spread the initial calculated impact of these appeals over a number of years. However, subsequent changes to the level of the provision need to be accounted for in the year of the decision to make such changes.
- 5.5 The Government announced in its recent spending review that there will be a continuation of discounts to be awarded to small businesses in 2016/17. However other schemes introduced previously are now coming to an end on 31<sup>st</sup> March 2016 e.g. Reliefs for Retail premises. These changes 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.
- 5.6 After allowing for these changes, the City Council's total projected retained income for 2016/17 from business rates is expected to be £205,842m. This is an increase of £7.453m when compared with 2015/16. However, the City Council expects to receive compensatory grants of £9.198m which is £3.101m less than those budgeted to be received in 2015/16. Taking this into account, overall income from business rates related funding is expected to increase by £4.352m when compared with 2015/16. This is a combination of an increase in the business rates multiplier (0.8%) and real terms net growth (1.3%) after taking account of appeals.

**6. Evaluation of alternative option(s):**

6.1 There are no alternative options to the calculation of the Business Rates Income Projection.

**7. Reasons for Decision(s):**

7.1 The business rates income projection must, by law, be approved and communicated to the Government and Fire Authority no later than 31 January, each year. It is also a key component in calculating the resources available to the City Council when setting its budget.

**Signatures****Date**

Deputy Leader

.....

Chief Officer:

.....

**List of Background Documents used to compile this Report:****List of Appendices accompanying this Report (if any):**

1. Business Rates Income
- 2.
- 3.
- 4.
- 5.

**Report Version****Dated**

## Appendix 1

### Calculation of Business Rates Income

	Outside the Enterprise Zone	Enterprise Zone
Number of hereditaments on the rating list 25th November 2015	44,810 £	1,413 £
Aggregate rateable value on the rating list 25th November 2015	1,021,761,475	29,809,278
Small Business Non-Domestic Rating Multiplier	0.484	0.484
<b>Gross Calculated Rate Yield</b>	<b>494,532,554</b>	<b>14,427,691</b>
Less: Mandatory Reliefs	(72,928,313)	(1,578,347)
Less: Discretionary Reliefs	(899,497)	(436,970)
Plus: Forecast for Growth	9,489,425	4,408,402
<b>Gross Rate Yield after Reliefs and Growth</b>	<b>430,194,169</b>	<b>16,820,776</b>
Less : Estimate of Losses in Collection for Current Year at 2%	(8,816,679)	(123,620)
Less : Allowance for Cost of Collection	(1,924,036)	0
Enterprise Zone Baseline	10,639,768	(10,639,768)
Less: Estimate of Rates to be Retained due to Renewable Energy Schemes	0	0
<b>Net Rate Yield</b>	<b>430,093,222</b>	<b>6,057,388</b>
Less: Allowance for Appeals and Prior Years Adjustments	(10,008,333)	(187,000)
<b>Net Rate Yield after Allowance for Appeals to be distributed</b>	<b>420,084,889</b>	<b>5,870,388</b>
Less: Transitional relief due to increase in business rates being deferred	0	0
Plus: Transitional relief due to decrease in business rates being deferred	0	0
<b>Net Rate Yield after Transitional Arrangements to nearest £</b>	<b>420,084,889</b>	<b>5,870,388</b>
50% of Business Rates to be paid over to Central Government	210,042,444	
49% of Business Rates to be retained by Birmingham	205,841,596	
1% of Business Rates to be retained by West Midlands Fire and Rescue Authority	4,200,849	
100% of Business Rates to be retained by GB&S Local Enterprise Partnership		5,870,388
<b>Total Business Rates Redistributed through Rates Retention Scheme</b>	<b>420,084,889</b>	<b>5,870,388</b>
<b>Retained Income</b>		
<b>Total Resources before Funded Reliefs</b>	<b>205,841,596</b>	<b>5,870,388</b>
Enterprise Zone Relief retained in full (included in discretionary relief above)	0	423,987
Section 31 Grants:		
Small Business Relief	6,220,512	197,136
Inflation (2015-16 2% Multiplier Cap)	2,977,048	91,034
<b>Total</b>	<b>9,197,560</b>	<b>288,170</b>
<b>Total Resources Including Funded Reliefs</b>	<b>215,039,156</b>	<b>6,582,545</b>

<b>Report to:</b>	<b>CABINET</b>	
<b>Report of:</b>	<b>THE CHIEF EXECUTIVE AND DIRECTOR OF ECONOMY AND THE STRATEGIC DIRECTOR FINANCE &amp; LEGAL</b>	
<b>Date of Decision:</b>	<b>26th January 2016</b>	
<b>SUBJECT:</b>	<b>CORPORATE REVENUE BUDGET MONITORING 2015/16 MONTHS 7 &amp; 8 (UP TO 30<sup>TH</sup> NOVEMBER 2015)</b>	
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 000774/2015</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive and Director of Economy approved</b>	<b>O&amp;S Chairman approved</b>
<b>Relevant Cabinet Member(s):</b>	<b>Councillor Ian Ward</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Waseem Zaffir</b>	
<b>Wards affected:</b>	<b>All</b>	

<b>1. Purpose of report:</b>
<p>1.1 This report forms part of the City Council's robust arrangements for controlling its revenue expenditure.</p> <p>1.2 Each Directorate's financial performance to date is shown, together with the risks and issues identified to date in the Corporate Revenue Budget Monitoring document for Months 7 &amp; 8, which is appended to this report.</p>

<b>2. Decision(s) recommended:</b>
<p>2.1 Note the City Council's 2015/16 revenue budget position and the gross pressures identified as at 30<sup>th</sup> November 2015.</p> <p>2.2 Note the latest monitoring position in respect of the City Council's savings programme and the present risks identified in its delivery.</p> <p>2.3 Approve the resource allocations as identified in Section 2.5 of the report.</p> <p>2.4 Note the position on BCC Loan and Equity Funds</p>

<b>Lead Contact Officer(s):</b>	<b>Jon Warlow, Strategic Director Finance and Legal</b>
<b>Telephone No:</b> <b>E-mail address:</b>	0121-303-2950 jon.warlow@birmingham.gov.uk

### **3. Consultation**

Consultation should include those that have an interest in the decisions recommended.

#### **3.1 Internal**

Cabinet Members, Strategic Directors and Assistant Directors of Finance have been consulted in the preparation of this report.

#### **3.2 External**

There are no additional issues beyond consultations carried out as part of the budget setting process for 2015/16.

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

The budget is integrated with the Council Business Plan, and resource allocation is directed towards policy priorities.

#### **4.2 Financial Implications**

(Will decisions be carried out within existing finances and Resources?)

The Corporate Revenue Budget Monitoring document attached gives details of monitoring of service delivery within available resources.

#### **4.3 Legal Implications**

Section 151 of the 1972 Local Government Act requires the Director of Finance (as the responsible officer) to ensure the proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on Directorates and members of the Corporate Leadership Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.

#### **4.4 Public Sector Equality Duty (see separate guidance note)**

There are no additional Equality Duty or Equality Analysis issues beyond any already assessed in the year to date. Any specific assessments needed will be made by Directorates in the management of their services.

## **5. Relevant background/chronology of key events:**

- 5.1 At the meeting on 3rd March 2015, the Council agreed a net revenue budget for 2015/16 of £874.541m to be met by government grants and council tax payers.
- 5.2 The base budget forecast variations in each Directorate are detailed in Section 2 of the Corporate Revenue Budget Monitoring document, together with the actions presently proposed to contain spending within cash limits. The position is summarised in tabular form in Appendix 1 which incorporates actual year to date and forecast year end pressures by Directorate.
- 5.3 Directorate risks relating to the Savings Programme, and measures being undertaken to alleviate these are detailed in Section 2 of this report. The position is summarised in tabular form in Appendix 3.

## **6. Evaluation of alternative option(s):**

- 6.1 Strategic Directors, in striving to manage their budgets, have evaluated all the options available to them to maintain balance between service delivery and a balanced budget.

## **7. Reasons for Decision(s):**

### **7.1 To inform Cabinet of:**

The City Council's 2015/16 revenue budget position and the level of gross pressures identified as at 30<sup>th</sup> November 2015.

The latest monitoring position in respect of the City Council's Savings Programme and the present risks identified in its delivery.

Note the position on BCC Loan and Equity Funds

### **To approve:**

The resource allocations as identified in Section 2.5 of the report.

<b>Signatures</b>	<b>Date</b>
Strategic Director Finance & Legal	.....
Chief Executive	.....
Deputy Leader	.....

**List of Background Documents used to compile this Report:**

City Council Business Plan 2015+ approved at Council (3 March 2015).

**List of Appendices accompanying this Report (if any):**

1. Corporate Revenue Budget Monitoring Document – Month 7 & 8
- 2.
- 3.
- 4.
- 5.

<b>Report Version</b>	V1.0	<b>Dated</b>	8 <sup>th</sup> January 2016
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# **CORPORATE REVENUE BUDGET MONITORING REPORT 2015/16 MONTH 7 & 8**

**(up to 30<sup>th</sup> November 2015)**

## **Section**

<b>1.</b>	<b>Executive Summary.....</b>	<b>3</b>
<b>2.</b>	<b>Detailed Revenue Commentaries by Directorate .....</b>	<b>5</b>
<b>3.</b>	<b>Irrecoverable Housing Benefit.....</b>	<b>13</b>
<b>4.</b>	<b>Irrecoverable Council Tax and Business Rates.....</b>	<b>14</b>

## **Appendices**

<b>1.</b>	<b>Financial Position analysed by Directorate.....</b>	<b>15</b>
<b>2.</b>	<b>Policy Contingency.....</b>	<b>17</b>
<b>3.</b>	<b>Overall Savings Programme .....</b>	<b>18</b>
<b>4.</b>	<b>Age Analysis of Overpayments and Income Written Off.....</b>	<b>19</b>

**1. Executive Summary**

- 1.1 The City Council has a General Fund net revenue budget of £874.541m. Latest projections indicate a pressure of £2.625m in the base budget delivery at year-end and £9.862m of risks relating to the savings programme, giving combined pressures and savings risks of £12.487m at year end. This is a reduction of £6.809m since Month 6. The overall position is summarised in Table 1 overleaf.
- 1.2 As in previous years, plans continue to be developed to manage these financial issues and risks to ensure the City Council balances its budget by the year end. Progress will be reported upon further in future monitoring reports.
- 1.3 Section 2 of this report details budget pressures on the net revenue budget and savings with actions not yet in place by Directorates.
- 1.4 The City Council Business Plan 2015+ recognised that in order to accommodate resource losses and fund budget pressures, savings of £105.400m would be required from Directorates in 2015/16. In addition, there are savings from 2014/15 of £4.855m, where delivery still needs to be monitored, including where they were met on a one-off basis. Total savings to be met in 2015/16 are therefore £110.255m.
- 1.5 A review of the position on each of the savings initiatives is undertaken each month, and the position at Month 8 is summarised for the City Council in Table 2 overleaf (and detailed on a Directorate basis in Appendix 3). This shows that £100.393m (91.1%) of the required savings of £110.255m are on course to be delivered. Work continues to identify ways of achieving the delivery of the remaining £9.862m of the overall savings target.

## Section 1

**Table 1 - Summary forecast position of base budget and risks relating to savings programme**

Directorate	Current Budget £m	Net Base Budget Pressures as at				Savings Programme Actions Not Yet in Place as at				TOTAL as at			
		Month 8 £m	Month 7 £m	Month 6 £m	Movement £m	Month 8 £m	Month 7 £m	Month 6 £m	Movement £m	Month 8 £m	Month 7 £m	Month 6 £m	Movement £m
		People Directorate	542.150	(0.250)	1.064	2.032	(2.282)	5.960	7.150	7.187	(1.227)	5.710	8.214
Place Directorate	175.699	0.968	3.489	5.089	(4.121)	1.914	2.014	2.014	(0.100)	2.882	5.503	7.103	(4.221)
Economy Directorate	166.459	1.907	1.594	1.658	0.249	1.988	1.763	1.316	0.672	3.895	3.357	2.974	0.921
Policy Contingency	33.322	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Other Corporate Items	(43.089)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
City Council General Fund	874.541	2.625	6.147	8.779	(6.154)	9.862	10.927	10.517	(0.655)	12.487	17.074	19.296	(6.809)
Housing Revenue Account	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000

**Table 2 - Summary of Savings Programme delivery**

	Position as at Month 8 £m	Position as at Month 7 £m	Position as at Month 6 £m
Actions in place to fully achieve savings	81.344	80.029	78.592
Actions in place to achieve savings in year only	18.366	11.816	12.043
Actions in place but may be some risk to delivery	0.683	7.483	9.103
Actions not yet in place	9.862	10.927	10.517
<b>Total Savings Programme</b>	<b>110.255</b>	<b>110.255</b>	<b>110.255</b>

## **2. Detailed Revenue Commentaries by Directorate**

The following paragraphs comment on the major financial issues identified at this point in the year. Detailed figures for each Directorate are shown in Appendix 1.

### **2.1 People Directorate**

The Directorate is forecasting a variation of £5.710m, made up of an underspend of £0.250m (Month 6 pressure of £2.032m) on the base budget and £5.960m (Month 6 £7.187m) of risks relating to the Savings Programme. The movement from Month 6 relates mainly to reductions on Younger Adults.

#### **Base Budget**

A base budget underspend of £0.250m is forecast at Month 8 and relates to the following:

- £0.511m on Early Help and Children's Social Care. This has reduced from £1.807m in Month 6. The favourable movement mainly consists of a net reduction in the projected cost of internal foster care payments, reduced numbers of child protection assessments, a reduction in the estimated cost of external placements and additional grant income from the Home Office. This is partially offset by an increase in forecast legal costs including disbursements.
- £0.280m on Other Adult Services in respect of the Independent Living Fund as a result of 5% attrition rate applied by the Government
- £0.547m arising from increased care packages, agency and other costs in all areas above the available resources. This includes demographic pressure on Older Peoples care, higher cost packages in Younger Adults, and the impact of Care Act and joint working with Health
- £0.625m in relation to Deprivation of Liberty Safeguards

The above position has been reduced by:

- holding employee vacancies of £0.374m
- spreading Pension Fund Strain costs over three years rather than funding all of the cost in 2015/16, saving £0.380m
- mitigating the use of agency staff across the Directorate of £0.750m
- net use of reserves of £0.259m
- other minor variations of £0.450m

The Directorate will continue to work to identify other appropriate actions that can be taken.

## **Savings Programme**

The assessment of the Savings Programme is that £5.960m is at risk. The risks at Month 8 relate to the following:

- £5.692m for Younger Adults, particularly in Learning Disability. The position has improved by £1.227m since Month 6 and is mainly due to reductions in the projected cost of residential care packages for people with learning disabilities, physical disabilities and mental health issues. There has also been additional income from health for mental health cases. The Directorate continues to implement a range of actions including commissioning new services, improving programme management arrangements, learning from other Councils, securing wider public support to move people from residential care, reviewing in-house learning disability day care needs to be provided in future and increasing the scale of Direct Payments
- £0.268m for unattached School Playing Fields. The action plan for savings is progressing slowly due to complex legal issues. A revised project cost will be available once the timescales for the proposed leases and disposals have been clarified

The Directorate is developing other mitigations and management actions to address savings where actions are currently not in place to deliver savings, and these will be reported in future monitoring reports.

### **2.2 Place Directorate (excluding Housing Revenue Account)**

The Directorate is reporting a forecast variation of £2.882m, made up of pressures of £0.968m (Month 6 £5.089m) on the base budget and £1.914m (Month 6 £2.014m) of risks relating to the Savings Programme.

The improvement of £4.221m since Month 6 relates to the Wheeled Bin Programme £3.100m (mainly wheeled bins and new vehicles), contract indexation of £1.021m and other minor variations of £0.100m.

#### **Base Budget**

A base budget pressure of £0.968m is forecast at Month 8 relating to the following:

- The delay in the planned transfer of the Alexander Stadium as part of the new Sport and Physical Activity Transformation Programme will result in a base pressure of £0.800m (due to the on-going work to transfer the other community sports and leisure facilities to the new service provider and the complex nature of the Alexander Stadium framework contract)
- There is a projected net underspend of £0.100m on Fleet and Waste Management. Pressures on the Refuse Collection Service have been reported in detail in previous reports to Cabinet, as have the potential risks

from the abolition of the climate change levies that were announced by the Chancellor in his Statement on 8<sup>th</sup> July 2015 and the operational problems with the generator at the incinerator. The £3.800m pressure reported in Month 6 has been reduced by £3.900m to a net underspend of £0.100m at Month 8. £1.600m of this reduction is due to the completion of a review of the Wheeled Bin Programme. This review identified savings in the acquisition of wheeled bins (primarily lower volumes of green waste bins). A further £1.600m reduction has been achieved relating to expenditure on the acquisition of new vehicles offset by additional pressures of £0.100m on employees after taking into account the contribution for the Business Charter for Social Responsibility allocation. There has also been a further mitigation of £0.800m relating to Policy Contingency for contractual inflation indexation relating to the Waste Disposal contracts (see Section 2.5)

- A pressure on Regulatory Services of £0.480m has been identified (relating to under-recovery of income on Registrar Services and additional staffing costs on Coroner Services)
- The pressures will be further mitigated by £0.221m relating to Policy Contingency for grounds maintenance contractual inflation indexation (see Section 2.5)
- Other minor pressures of £0.009m

Additional work continues to be undertaken in the Directorate to identify further necessary management actions and mitigations needed to be implemented to improve the position.

### **Savings Programme**

The assessment of the Savings Programme is that £1.914m (Month 6 £2.014m) is at risk. This is as follows:

- £1.000m for Markets – The detailed review that has been undertaken of the service now indicates that the full savings target is at risk. Savings of £0.300m were planned by actively seeking short term lets in the Wholesale Market and reducing void units in the Indoor Market. However, Legal Services have advised against short term lets given the impending closure and relocation of the Wholesale Market. A process of establishing new leases between the City Council and Indoor Market Traders has commenced and Legal Services have similarly advised against accepting new tenants until a new lease has been established. Options to resolve the issues in the medium term continue to be developed and are expected to be delivered
- £0.700m for Fleet and Waste – the Service Review process proposed a 15% increase in Trade Waste fees in 2015/16, with the target of increasing income by £1.500m. However, an increase of 8% (£0.800m) was approved by Cabinet, as recommended by the Street Services Task and Finish Group

following its investigation into the viability of a 15% increase. The remaining savings requirement (£0.700m) was to be achieved by reductions in operational costs and discontinuing uneconomic services such as glass collection and cesspit emptying. Work is ongoing to look at ways that this can be delivered

- Slippage of £0.160m relating to the Birmingham Careers Service as a result of prior year pension strain costs
- Other savings at risk of £0.054m

## **2.3 Economy Directorate**

The Directorate is reporting a forecast variation of £3.895m, made up of pressures of £1.907m (Month 6 £1.658m) on the base budget and £1.988m (£1.316m at Month 6) of risks relating to the Savings Programme.

The adverse movement of £0.921m since Month 6 relates to HR savings not yet in place of £0.350m, £0.525m relating to pension costs for staff seconded to Service Birmingham, £0.200m relating to Shelforce and other minor variations of £0.141m, offset by use of carry forward balances of £0.295m.

### **Base Budget**

A base budget pressure of £1.907m is forecast at Month 8. This relates to the following:

#### Deferred Services - £0.259m overspend

The catering events service operates from Highbury Hall, a property held by the Council in trust. The costs of maintaining and operating the property are split between Acivico and the Council based on the split of activity. Parts of the building are in poor condition and the final detail on the split of charges for the maintenance of the property is not yet complete. At present, a pressure of £0.259m is reported. However, part of this is expected to be offset by income from the catering service.

#### Corporate Strategy - £0.815m overspend

There is a £0.404m pressure within the Corporate Strategy team as a result of challenging or residual income targets across some of its component teams, print brokerage, document room and European Team. Mitigations through reduced spending or new income for these pressures will be sought across the service where possible. There is also a pressure relating to the Cabinet Office of £0.411m.

#### Planning and Regeneration – £0.051m underspend

Local land charges expected income is £0.414m less than budgeted. Within the service, additional Planning Application income of £1.450m to date is being used to offset pressures of £0.288m as a result of delays in reducing the City Centre Management Team and additional costs associated with the management of festive

lighting plus additional costs arising from Master Planning of £0.477m and pension fund strain cost of £0.220m.

### Trading Income Target - £0.265m income shortfall

Acivico is contracted to make a commercial return to the Council. The company is achieving this and making a modest surplus in excess of that. However, the projected return from Acivico is currently unlikely to meet the Council's higher retained income budget which was based on a higher rate of turnover for the company from Council projects of £0.783m, and a pressure of £0.265m is expected.

### Service Birmingham Pension Costs - £0.525m pressure

There is a pressure of £0.525m relating to pension costs of employees seconded to Service Birmingham. This is as a result of the increase in pension costs above the level identified in the contract with Service Birmingham.

### Shelforce - £0.200m income shortfall

Shelforce, the Council's supported manufacturing business, is forecasting an income shortfall of £0.200m. They have experienced trading problems in the past and are very susceptible to any slippage or delays in capital works and orders coming forward. Consequently, Shelforce's pipeline will be closely monitored.

### Other - £0.189m overspend

There are other pressures of £0.189m within the Directorate.

### Use of carry forward balances - £0.295m reduction in expenditure

It is planned to utilise a further £0.295m of carry forward balances to partially mitigate the above pressures.

## **Savings Programme**

Economy is reporting £1.988m of savings at risk at Month 8. These relate to the following:

- £0.548m relating to Employment and Skills and Development Management Service (DMS) as identified in previous monitoring reports. Actions are being put in place to address the pressure in future years.
- £0.200m relates to the second year step up in energy savings for which a plan has yet to be produced
- £0.320m relating to Corporate Strategy review of the service is not expected to be delivered this year
- The delivery of £0.320m to Strategic Transport and £0.100m to Planning and Regeneration relating to savings of bringing teams together and reducing costs
- The delivery of £0.350m savings to HR due to timing issues relating to the restructure

- Other savings with actions not yet in place of £0.150m which relate to savings anticipated through implementation of the Joint Economic Unit

Work is ongoing to identify alternative ways of delivering the savings.

### **ICT Savings**

ICT savings are closely monitored and reported throughout the year to the ICT Programme Board chaired by the Deputy Leader. This monitors both the savings associated with the Service Birmingham renegotiated contract (an average of £20m per annum over the contract life) and the savings subsequently added from 2015/16 (£6.800m in 2015/16) to be identified in line with a reduction in the council's services and employee complement.

As in 2014/15, the Council will be using a combination of reserves and Policy Contingency in the first three years (£6.566m in 2015/16) to smooth the impact of the savings realisation.

A pressure of £6.589m has been identified on the savings subsequently added from 2015/16. This mainly comprises the £6.800m of savings target offset by an improvement in the council's profit share. The council's employee numbers did not reduce as rapidly as forecast when the budget saving for 2015/16 was set and consequently the services required and quantum of ICT/telephony across the council has not reduced as expected. Service Birmingham continue to work with the council to identify new savings proposals to mitigate this position and as the council changes in the future there will be reductions in the amount of ICT consumed.

It is proposed that this pressure be funded corporately in 2015/16 through use of available resources identified within Treasury Management.

In addition, there is specific Policy Contingency provision of £3.410m relating to costs of inflation associated with the Service Birmingham contract. It is recommended that this be transferred to the ICT and Customer Services budgets to meet this.

#### **2.4 Housing Revenue Account**

A balanced HRA Budget was approved for 2015/16 (expenditure of £290.0m funded by equivalent income). A balanced year-end position is projected. The current budgets and the forecast year-end financial position are summarised in the table overleaf:

Service	Current Budget £m	Year End Projection £m
Rent/Service Charges (net of Voids)	(290.0)	3.0
Repairs and Maintenance	67.3	(0.5)
Contributions for Capital Investment	53.6	-
Capital Financing Costs	65.2	7.1
Local Office/Estate Services/Equal Pay	103.9	(9.6)
<b>Net Position</b>	-	-

The rent income adverse variation of £3.000m is primarily a combination of:

- empty property rent loss (due to a small number of difficult to let properties and the moves by existing tenants to new Birmingham Municipal Housing Trust properties)
- provisions for current tenant arrears and housing benefit overpayments (due primarily to the new Welfare Reforms as part of the introduction of Universal Credit and direct payments to tenants)
- former tenant arrears (relating to early identification of abandoned properties as a result of the annual visits programme)

The forecast underspend on local office / estate services of £9.600m is mainly the re-phasing of equal pay and employee savings from vacancies.

These savings will be used for additional repayment of debt (as opposed to retaining the savings as reserves). This represents better value for money as it will generate in-year and future year debt interest savings.

The HRA Business Plan 2015+ is being updated and will be reported to City Council on the 1<sup>st</sup> March 2016 (this will take into account the implications from the new national rent policy of a reduction of 1% from 2016/17 to 2019/20).

## 2.5 Resource Allocations and Other Corporate Updates

The balance on the General Policy contingency is £2.854m.

### Specific Policy Contingency

*Business Charter for Social Responsibility*

The Fleet and Waste Management Service has continued to operate with a significant external temporary workforce during 2015/16, for which the usual agency rate would have been below the Living Wage. In line with the Council's commitment to extend the Living wage to agency providers from 1st April 2014, the rate charged by the agencies have, on average, increased by £1.77 per hour to allow for payment of the Living Wage to operatives and the consequential impact on other costs for annual leave and national insurance. The Business Plan 2015+ provided for £0.800m per annum to fund these additional costs (currently held within Policy Contingency), and approval is sought to allocate this to the service.

### *Contract Indexation for Ground Maintenance and Waste Disposal Contracts*

There is a provision of £1.021m in Policy Contingency for the contract indexation for inflation relating to the grounds maintenance (£0.221m) and waste disposal contracts (£0.800m). The favourable economic conditions and the low inflation rates will allow this contingency to be released as a windfall gain in 2015/16 to meet the overall pressures for the Place Directorate.

### *ICT Savings*

As identified in Section 2.3, Specific Policy Contingency provision of £6.566m for the Service Birmingham renegotiated contract and £3.410m relating to costs of inflation will be utilised in 2015/16.

### BCC Loan and Equity Funds

In 2009, the Council created a loan fund to provide working capital to companies as part of a response to the financial recession faced by the UK. This was later expanded to include equity investment funds for general and creative sector investments. Further details are set out in the Private Report.

**3. Irrecoverable Housing Benefit**

In circumstances where Housing Benefit overpayments are identified as not being recoverable, or where recovery is deemed uneconomic, the City Council's Financial Regulations and delegated powers allow for these overpayments and income to be written off. All possible avenues must be exhausted before such write offs are considered. Amounts already written off will still be pursued should those owing the Council money eventually be located or returned to the city.

The cost to the Council of writing off these irrecoverable sums will be charged to the City Council's provision set up for this purpose, which includes sums set aside in previous years to meet this need. There is no direct effect on the revenue account.

In 2015/16, from 1st October 2015 to 30th November 2015, further items falling under this description in relation to Benefit overpayments have been written off under delegated authority. The table below details the total approved gross value of these amounts written off of £0.372m, which Members are asked to note.

<b>Age analysis</b>	Up to 2009/10	2010/11 – 12/13	2013/14 -15/16	<b>Total</b>
	£m	£m	£m	£m
Benefit Overpayments	0.035	0.053	0.284	0.372
<b>Total</b>				<b>0.372</b>

Appendix 4 to this report gives a more detailed age analysis of overpayments and income written off.

**4. Irrecoverable Council Tax & Business Rates**

All Council Tax and Business Rates are due and payable. However, there are certain instances where the amount of the bill needs to be either written off or reduced (e.g. where people have absconded, have died, have become insolvent or it is uneconomical to recover the debt).

If an account case is subject to this, then consideration is given to write the debt off subject to the requirement for Service Birmingham Revenues to consider all options to recover the debt, prior to submitting for write off. However, once an account has been written off, if the debtor becomes known to the Revenues Service at a later date, then the previously written off amount will be reinstated and pursued.

In respect of Business Rates, where a liquidator is appointed, a significant period of time is taken to allow for the company's affairs to be finalised by and to subsequently determine if any monies are available to be paid to creditors. Once it is established this is not to happen, a final search of Companies House is undertaken to confirm the company has been dissolved.

In 2015/16, from 1st October 2015 to 30th November 2015, further items falling under this description in relation to Council Tax and Business Rates have been written off under delegated authority. The table below details the total approved gross value of these amounts written off of £4.327m, which Members are asked to note.

Age analysis	Up to 2009/10	2010/11 - 12/13	2013/14 -15/16	<b>Total</b>
	£m	£m	£m	<b>£m</b>
Council tax	1.420	0.403	0.332	<b>2.155</b>
Business rates	0.027	1.829	0.316	<b>2.172</b>
<b>TOTAL</b>	<b>1.447</b>	<b>2.232</b>	<b>0.648</b>	<b>4.327</b>

Appendix 4 to this report gives a more detailed age analysis of income written off.

## Financial position analysed by Directorate - budget pressures (including budget savings)

Division of Service Area	FULL YEAR BUDGET			YEAR TO DATE				YEAR END		
	Original Budget £'000	M'ments £'000	Revised Budget £'000	Profiled Budget £'000	Actuals £'000	Variation to Date: Adverse / (Favourable)		Base Budget Pressures / (Savings) £'000	Programme Actions not yet in place £'000	Total £'000
						%				
Adults with Mental Health Needs	15,176	68	15,244	9,963	11,984	2,021	20	684	0	684
Older Peoples Services	116,025	1,644	117,670	79,497	90,778	11,281	14	(1,415)	0	(1,415)
Persons with No Recourse to Public Funds	147	(4)	143	95	110	15	15	(3)	0	(3)
Homelessness	3,247	(30)	3,218	2,145	2,373	228	11	611	0	611
Adults with a Physical Disability	23,036	230	23,266	15,443	16,709	1,265	8	2,833	0	2,833
Service Strategy	9,513	(49)	9,463	5,091	1,347	(3,744)	(74)	(1,231)	0	(1,231)
Adults with a Learning Disability	94,718	(207)	94,511	62,942	65,762	2,820	4	(2,176)	5,692	3,516
Housing Strategy	1,936	18	1,953	1,312	1,015	(297)	(23)	(446)	0	(446)
Other Adult Services	4,496	30	4,526	2,864	3,701	837	29	1,525	0	1,525
Supporting People	27,991	18	28,009	18,490	15,905	(2,584)	(14)	(546)	0	(546)
Public Health	0	0	0	(23,118)	(30,751)	(7,633)	(33)	0	0	0
Education and Skills	67,993	(1,100)	66,893	48,634	58,709	10,075	21	8	268	276
Schools Budgets	(101,535)	(6,959)	(108,493)	(86,358)	(211,176)	(124,818)	(145)	44	0	44
Commissioning & Performance	17,453	(372)	17,082	10,391	11,159	768	7	251	0	251
Children With Complex Needs	107,311	(505)	106,805	70,839	41,739	(29,101)	(41)	(857)	0	(857)
Early Help&Childrens Soc Care	149,112	155	149,266	98,186	96,788	(1,398)	(1)	511	0	511
Business Support	18,944	143	19,087	15,522	16,264	742	5	(44)	0	(44)
Accounting Adjustment/MRP Component of Contract Payments	(6,491)	0	(6,491)	0	0	0	0	0	0	0
<b>People Directorate Total</b>	<b>549,071</b>	<b>(6,921)</b>	<b>542,150</b>	<b>331,938</b>	<b>192,415</b>	<b>(139,524)</b>	<b>(42)</b>	<b>(250)</b>	<b>5,960</b>	<b>5,710</b>
Highways	57,672	27,363	85,035	62,563	53,622	(8,941)	(14)	0	0	0
Community Sports & Events	12,771	1,401	14,172	10,004	13,283	3,279	33	800	0	800
Community Development & Play	(182)	0	(182)	(99)	104	203	206	0	19	19
Fleet and Waste Management	37,948	19,592	57,541	27,738	29,809	2,070	7	(100)	700	600
Parks and Nature Conservation	17,544	(2,076)	15,469	10,626	10,133	(493)	(5)	0	0	0
Bereavement Services	(3,107)	1,024	(2,084)	(1,288)	(1,375)	(87)	(7)	0	0	0
Markets	(1,932)	(6)	(1,938)	(1,866)	(932)	934	50	0	1,000	1,000
Business Support	2,655	(136)	2,519	2,256	1,947	(309)	(14)	0	0	0
Equalities, Cohesion & Safety	1,400	164	1,564	1,161	1,461	301	26	0	0	0
Emergency Planning	411	64	475	313	255	(59)	(19)	0	0	0
Regulatory Services	3,942	456	4,398	2,771	4,698	1,928	70	480	0	480
Voluntary Advice Agency Funding	313	200	513	254	93	(161)	(63)	0	0	0
Birmingham Careers Service	1,295	90	1,385	1,033	1,400	366	35	0	160	160
Private Sector Housing	2,047	(776)	1,271	1,096	1,326	230	21	0	0	0
Central Support Costs	16,710	15	16,725	8,026	6,676	(1,350)	(17)	0	0	0
Sport & Leisure	1,293	(1,293)	0	0	0	0	0	0	0	0
Neighbourhood Advice	1,571	(2)	1,569	1,694	2,751	1,057	62	0	37	37
Libraries	5,593	(35)	5,559	3,320	4,067	747	23	0	0	0
Community Chest	0	518	518	518	123	(396)	(76)	0	0	0
School Crossing Patrols	881	0	881	564	637	73	13	200	0	200
Car Parks	(1,184)	62	(1,122)	(780)	(506)	274	35	0	0	0
Business Support (Districts)	990	259	1,249	674	967	293	44	0	0	0
Former District Services - Other	49,417	(48,622)	795	264	637	373	141	(191)	(2)	(193)
Youth Service	3,003	250	3,253	2,211	1,695	(516)	(23)	0	0	0
Birmingham Adult Education	318	29	346	(880)	(1,636)	(757)	(86)	0	0	0
Use of Reserves & Balances	(1,893)	0	(1,893)	0	0	0	0	(221)	0	(221)
Accounting Adjustment/MRP Component of Contract Payments	(32,319)	0	(32,319)	0	0	0	0	0	0	0
<b>Place Directorate Total</b>	<b>177,158</b>	<b>(1,459)</b>	<b>175,699</b>	<b>132,173</b>	<b>131,231</b>	<b>(941)</b>	<b>(1)</b>	<b>968</b>	<b>1,914</b>	<b>2,882</b>

Division of Service Area	FULL YEAR BUDGET			YEAR TO DATE				YEAR END		
	Original Budget £'000	M'ments £'000	Revised Budget £'000	Profiled Budget £'000	Actuals £'000	Variation to Date: Adverse / Favourable £'000	%	Base Budget Pressures / (Savings) £'000	Programme Actions not yet in place £'000	Total £'000
Building Consultancy	1,165	0	1,165	777	783	7	1	0	0	0
Culture and Visitor Economy	42,461	937	43,399	29,622	28,738	(884)	(3)	0	0	0
Development Management Services	7,921	877	8,798	6,941	5,583	(1,358)	(20)	194	513	707
Planning & Regeneration	13,943	(9,062)	4,881	3,723	1,017	(2,706)	(73)	(51)	175	124
Transportation and Connectivity	51,570	785	52,356	34,577	35,757	1,180	3	0	395	395
Urban Design	(783)	0	(783)	(522)	1,166	1,688	323	265	0	265
Catering & Building Cleaning	12	(112)	(100)	0	182	182	0	259	0	259
Facilities Management	(680)	0	(680)	1,531	1,121	(410)	(27)	0	0	0
Shelforce	(75)	0	(75)	(50)	205	256	509	200	0	200
Employment Services	885	4,018	4,902	2,375	1,806	(569)	(24)	0	235	235
City Finance	5,762	872	6,634	5,038	4,653	(385)	(8)	0	0	0
Corporate Strategy	788	3,127	3,915	3,627	4,464	836	23	815	320	1,135
Procurement	1,410	463	1,872	38	(101)	(139)	(366)	(100)	0	(100)
Birmingham Audit	2,305	200	2,505	1,848	(180)	(2,028)	(110)	0	0	0
Human Resources	8,196	1,834	10,029	6,423	4,652	(1,771)	(28)	0	350	350
Elections Office	1,830	0	1,830	1,233	1,191	(42)	(3)	200	0	200
Birmingham Property Services	5,624	(91)	5,533	7,005	7,682	678	10	0	0	0
Legal & Democratic Services	5,503	(25)	5,478	457	2,405	1,948	426	(155)	0	(155)
Revenues & Benefits Division	2,137	(1,141)	996	667	(5,178)	(5,845)	(877)	0	0	0
Shared Services Centre	2,396	190	2,585	1,259	1,011	(247)	(20)	0	0	0
NEC/ICC/NIA	0	0	0	0	0	0	0	0	0	0
Staff Seconded to Service Birmingham	0	0	0	0	0	0	0	0	0	0
Core ICT	(4,093)	1,269	(2,823)	19,193	26,578	7,384	38	525	0	525
Transformation Management	45,037	(956)	44,081	40,330	27,137	(13,193)	(33)	0	0	0
Charities & Trusts - Support	50	74	124	0	5	5	0	0	0	0
Interim HB Subsidy	0	0	0	0	0	0	0	0	0	0
CSC Recharges	(49,568)	0	(49,568)	(49,568)	(49,568)	0	0	0	0	0
Pension Contributions	516	0	516	516	1,461	945	183	0	0	0
Other Non Distributed Costs	11,162	0	11,162	11,162	11,162	0	0	0	0	0
Insurance	1,484	0	1,484	3,413	8,218	4,805	141	0	0	0
Unallocated Savings	0	0	0	0	0	0	0	0	0	0
Customer Services	8,706	(90)	8,616	7,405	7,750	345	5	50	0	50
Corporate Resources Other Services	3,600	103	3,702	1,094	412	(682)	(62)	0	0	0
Use of Reserves & Balances	(162)	(2,529)	(2,691)	(2,691)	(2,691)	0	0	(295)	0	(295)
Accounting Adjustment/MRP Component of Contract Payments	(2,625)	0	(2,625)	0	0	0	0	0	0	0
Business Loans & Other Investments	(758)	0	(758)	(568)	(1,035)	(467)	(82)	0	0	0
<b>Economy Directorate Total</b>	<b>165,717</b>	<b>742</b>	<b>166,459</b>	<b>136,851</b>	<b>126,384</b>	<b>(10,467)</b>	<b>(8)</b>	<b>1,907</b>	<b>1,988</b>	<b>3,895</b>
<b>Total Directorate Spending</b>	<b>891,946</b>	<b>(7,637)</b>	<b>884,308</b>	<b>600,962</b>	<b>450,030</b>	<b>(150,932)</b>	<b>(25)</b>	<b>2,625</b>	<b>9,862</b>	<b>12,487</b>
Policy Contingency	39,657	(6,335)	33,323	1,891	1,445	(446)	(24)	0	0	0
Other Corporate Items	(76,395)	13,972	(43,089)	(185,921)	(108,756)	77,166	(480)	0	0	0
<b>Centrally Held Total</b>	<b>(36,738)</b>	<b>7,639</b>	<b>(9,767)</b>	<b>(184,030)</b>	<b>(107,311)</b>	<b>76,719</b>	<b>42</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net Budget Requirement</b>	<b>855,208</b>	<b>0</b>	<b>874,541</b>	<b>416,932</b>	<b>342,719</b>	<b>(74,213)</b>	<b>(18)</b>	<b>2,625</b>	<b>9,862</b>	<b>12,487</b>
Housing Revenue Account	0	0	0	(109,026)	(112,718)	(3,692)	(3)	0	0	0

Policy Contingency Month 8 Monitoring to 30th November 2015

	Original Budget 2015/16	Approvals / Adjustments in Voyager	Revised Budget 2015/16	Approvals / Allocations not yet in Voyager as at 30th November	Proposals awaiting approval at 30th November	Remaining Contingency if proposals approved
	£'000	£'000	£'000	£'000	£'000	£'000
Redundancy Costs	10,728	(3,097)	7,631			7,631
Car Park Closure Resources	350		350			350
Management Capacity for Change	1,000	(1,000)	0			0
Carbon Reduction	991		991			991
Superannuation- Pension Fund	250		250			250
Inflation Allowance	4,522		4,522		(3,410)	1,112
Highways Maintenance	500		500			500
Provision for unachievement of savings	10,000		10,000		(6,566)	3,434
Youth Strategy	1,000	(270)	730			730
Birmingham Jobs Fund	2,000	(2,000)	0			0
SEN Reform Grant	795	(795)	0			0
Business Charter for Social Responsibility	3,390		3,390		(800)	2,590
General Contingency	4,132	(618)	3,514	(80)	(580)	2,854
<b>Total Contingency</b>	<b>39,658</b>	<b>(7,780)</b>	<b>31,878</b>	<b>(80)</b>	<b>(11,356)</b>	<b>20,442</b>

## Savings Programme – Position at Month 8

Directorate	Description	Savings Target 2015/16 £000	Actions in place to fully achieve		Actions in place to Achieve savings in year only £000		Actions in place but may be some risk to delivery		Actions not yet in place - last place £000	
			£000	£000	£000	£000	£000	£000	£000	£000
People	Adults - Business Transformation	7,384	3,296	1,353	0	2,735	3,925			
	Further Reduction in Younger Adult Care Packages	2,966	2,966	0	0	0	0			
	School Trading	1,000	0	1,000	0	0	0			
	Expansion of Internal Services - Shared Lives	1,791	84	0	0	1,707	1,707			
	Joint Adults and Children's approach to transitions	1,000	0	0	0	1,000	1,000			
	Changes to Internal Services - Home Care Enablement	1,050	0	1,050	0	0	0			
	Step 2: Supporting People – Older People	2,800	2,800	0	0	0	0			
	Step 1: Public Health – Commissioning	1,250	1,250	0	0	0	0			
	Step 2: Public Health – Decommissioning	5,895	5,895	0	0	0	0			
	Previous Proposals to Reshape Services	1,663	1,663	0	0	0	0			
	Assessment and Support Planning	5,468	5,468	0	0	0	0			
	Specialist Care Service (internally delivered care services)	3,300	3,300	0	0	0	0			
	Education Capital Financing	12,010	12,010	0	0	0	0			
	Early Years	5,000	4,445	555	0	0	0			
	Public Health	1,000	0	1,000	0	0	0			
	Other initiatives each under £1m	4,164	2,872	774	0	518	518			
People Total		57,741	46,049	5,732	0	5,960	7,150			
Place	Highway Maintenance & Management Services (Private Finance Initiative)	1,500		1,500						
	Pest Control	1,300		1,300		100				
	Use of Reserves	2,000	2,000							
	Community Chest	1,390	1,390							
	Markets	1,000				1,000	1,000			
	Other initiatives each under £1m	14,010	10,868	1,945	283	914	914			
Place Total		21,200	14,258	4,745	283	1,914	2,014			
Economy	Library of Birmingham (including Mobile and Housebound Service)	1,350	1,350							
	Integrated Transport Authority Levy Review	2,868	2,868							
	Finance operating Model	2,000	1,785	215						
	HR Future Operating Model	1,800	1,450			350				
	Birmingham Property Services	2,380	2,380							
	Service Birmingham	6,800		6,800						
	Acceleration of Savings	1,500	1,500							
	Library of Birmingham/ Strategic Library Services	1,300	1,300	0	0	0				
	Other initiatives each under £1m	10,493	7,581	874	400	1,638	1,763			
Economy Total		30,491	20,214	7,889	400	1,988	1,763			
Corporate	Other initiatives each under £1m	823	823							
Corporate Total		823	823							
		110,255	81,344	18,366	683	9,862	10,927			

Month 6  
Month 7

110,255 78,592 12,043 9,103 10,517  
110,255 80,029 11,816 7,483 10,927

**Summary 01.10.2015 – 30.11.15**

**Housing Benefit Age Analysis of Overpayments and Debts Written-off Under delegated authority by Revenues and Benefits Division**

Detail	1996-2004/5	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/5	2015/6	Total	No of Debtors
Housing Benefit debts written off under delegated authority	£515	£696	£12,716	£2,107	£4,782	£13,965	£10,586	£20,116	£22,627	£56,757	£133,739	£93,513	£372,119	1178
<b>TOTAL</b>	<b>£515</b>	<b>£696</b>	<b>£12,716</b>	<b>£2,107</b>	<b>£4,782</b>	<b>£13,965</b>	<b>£10,586</b>	<b>£20,116</b>	<b>£22,627</b>	<b>£56,757</b>	<b>£133,739</b>	<b>£93,513</b>	<b>£372,119</b>	<b>1178</b>

**Housing Benefit Debt size analysis of overpayments and debts written off under delegated authority**

Debt Size	Small		Medium		Large	Total		
	Cases	>£1,000	Cases	£1,001-£5,000	Cases	£5,000-£25,000	Cases	
866	£121,119		196	£137,405	116	£113,595	1178	£372,119

**Council Tax and Business Rates Age Analysis of Overpayments and Debts written off under delegated authority by Revenues and Benefits Division**

Detail	1997-2005/6	2006/07	2007/08	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Total
Council tax written off under delegated authority	821,995	140,489	132,540	154,835	169,912	139,942	113,678	149,291	192,413	125,474	14,663	<b>2,155,232</b>
Business rates written off under delegated authority	10,793	487	829	6790	8,425	541,261	735,837	551,735	267,773	48,063	-	<b>2,171,993</b>
<b>TOTAL</b>	<b>832,788</b>	<b>140,976</b>	<b>133,369</b>	<b>161,625</b>	<b>178,337</b>	<b>681,203</b>	<b>849,515</b>	<b>701,026</b>	<b>460,186</b>	<b>173,537</b>	<b>14,663</b>	<b>4,327,225</b>

**Total number of council tax debts: 5,175**

**Total number of business rates debts: 1,224**

**Council Tax and Business Rates Debt Size Analysis of Overpayments and Debts written off under delegated authority**

Grouped by value	Small (<£1,000)		Medium (£1,000 - £5,000)		Large (>£5,000)		TOTAL	
	Value	Cases	Value	Cases	Value	Cases	Value	Cases
Council tax written off under delegated authority	987,258	2,368	1,104,690	693	63,284	9	<b>2,155,232</b>	<b>3,070</b>
Business rates written off under delegated authority	106,285	229	902,745	353	1,162,963	128	<b>2,171,993</b>	<b>710</b>
<b>TOTAL</b>	<b>1,093,543</b>	<b>2,597</b>	<b>2,007,435</b>	<b>1046</b>	<b>1,226,247</b>	<b>137</b>	<b>4,327,225</b>	<b>3,780</b>

<b>Report to:</b>	<b>CABINET</b>	
<b>Report of:</b>	<b>DIRECTOR OF PLANNING AND REGENERATION</b>	
<b>Date of Decision:</b>	<b>26 January 2016</b>	
<b>SUBJECT:</b>	<b>CLEARANCE OF PROPERTIES AT THE FORDROUGH / HOULEDY ROAD, NORTHFIELD</b>	
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 001116/2016</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	Chief Executive approved <input type="checkbox"/>	O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member(s) or Relevant Executive Member for Local Services:</b>	<b>Councillor Tahir Ali, Development, Transport and the Economy Councillor Stewart Stacey, Commissioning, Contracting and Improvement</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Victoria Quinn, Economy, Skills and Sustainability, Councillor Waseem Zafar, Corporate Resources.</b>	
<b>Wards affected:</b>	<b>Northfield.</b>	

### 1. Purpose of report:

1.1 To seek approval for the clearance of non-viable properties as part of an ongoing process of reviewing the sustainability of the Housing Revenue Account (HRA) stock, carrying out clearance where appropriate, and replacing stock through the Council's Birmingham Municipal Housing Trust (BMHT) programme.

### 2. Decision(s) recommended:

That Cabinet:

- 2.1 Approves the Full Business Case at Appendix 1
- 2.2 Approves the clearance of the properties at 1- 9 Houldey Road and 66- 92 The Fordrough
- 2.3 Approves in principle the making of a Compulsory Purchase Order (CPO) under section 17 Housing Act 1985 in respect of the land at The Fordrough and Houldey Road as shown edged black on the plan at Appendix 2.
- 2.4 Delegates approval of making the CPO to the Cabinet Member for Development, Transport and the Economy jointly with the Director of Planning and Regeneration once planning approval for the proposed scheme is in place.
- 2.5 Approves the relocation of the Sub Station currently located within the site shown in black in Appendix 2 to an alternative site on Housing Revenue Account (HRA) land and authorises the Director of Planning and Regeneration to make payments necessary to achieve the relocation and the Director of Property to negotiate a new lease between Birmingham City Council and Western Power.

- 2.6 Authorises the Director of Property to negotiate the acquisition of all interests and rights in land shown edged black on the plan attached at Appendix 2, either voluntarily or through the use of Compulsory Purchase if voluntary negotiations are unsuccessful;
- 2.7 Authorises the cessation of lettings, the rehousing of tenants and the serving of initial and final demolition notices for properties within the area edged black on the plan at Appendix 2, in accordance with Schedule 5A of the Housing Act 1985;
- 2.8 Authorises the Director of Planning and Regeneration to instruct Acivico to appoint contractors for the demolition of properties within the area edged black on the plan at Appendix 2 up to the value of £0.216m; in accordance with the Council's Procurement Governance Arrangements
- 2.9 Authorises the Director of Property to pay statutory and discretionary Home Loss payments and negotiate disturbance compensation to residents within the area edged black on the plan at Appendix 2 as well as to agree costs and/or compensation relating to the CPO payable as a result of giving effect to the above recommendations;
- 2.10 Authorises the City Solicitor to take all necessary steps to give effect to the above recommendations including (but not limited to) the making, confirmation and implementation of the Compulsory Purchase Order including the service of notices to give effect thereto including High Court Enforcement Officer's notices and (if granted power to do so by the Secretary of State) to confirm the Compulsory Purchase Order and to complete acquisitions of land within the area shown edged black on the Plan at Appendix 2.
- 2.11 Notes that a further report will be presented at a future date setting out the proposals for the redevelopment of the site (see 5.12).

<b>Lead Contact Officer(s):</b>	Clive Skidmore – Head of Housing Development
<b>Telephone No:</b>	0121 303 1667
<b>E-mail address:</b>	<a href="mailto:clive.skidmore@birmingham.gov.uk">clive.skidmore@birmingham.gov.uk</a>

<b>3. Consultation</b>	Consultation should include those that have an interest in the decisions recommended
3.1 <u>Internal</u>	<ul style="list-style-type: none"> <li>3.1.1 The Deputy Leader and the Cabinet Member for Neighbourhood Management and Homes have been consulted regarding the contents of this report and support the proposals coming forward for an Executive Decision.</li> <li>3.1.2 The Acting Strategic Director of Place has been consulted regarding the contents of this report and supports the recommendations.</li> <li>3.1.3 Officers in the Economy Directorate (Legal Services, City Finance, Birmingham Property Services and Housing and Regeneration) have been involved in the preparation of this report.</li> <li>3.1.4 Ward Members and the Executive Member for the District of Northfield have been consulted and support the proposed clearance of these properties.</li> </ul>

3.2 External

3.2.1 Residents at The Fordrough and Houldey Road have been consulted and support the proposed clearance of these properties.

**4. Compliance Issues:**

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

4.1.1 Yes, the demolition of this block will both remove an eyesore and help reduce the opportunity for criminal and antisocial behaviour that takes place on this site thus improving the local environment which is consistent with the Council's policies plans and strategies.

4.1.2 The removal of the poor quality and inefficient housing that currently exists on the site to enable the development of new homes for a growing city supports the achievement of a key objective in the Leader's Policy Statement 2015. The development of new affordable housing within the City is in accordance with the objectives of the Housing Revenue Account (HRA) Business Plan 2015+. The proposals also respond to the Leader's Policy Statement Implementation Priorities of:

**A fair city** - to tackle inequality and deprivation, promote social cohesion across all communities in Birmingham, and ensure dignity, in particular for our elderly and safeguarding for children – by providing new affordable homes, apprenticeships and bursary programme placements.

**A prosperous city** - to lay the foundations for a prosperous City, built on an inclusive economy – by stimulating the construction industry through the Council's housing building programme.

**A democratic city** - to involve local people and communities in the future of their local area and their Public Services – by consulting communities about proposals for new development and ensure that new homes meet local needs and localised targeting of training, education and employment initiatives to complement the house-building programme.

4.1.3 Birmingham Business Charter for Social Responsibility (BBC4SR)

Signing up to the BBC4SR will be a necessity for the successful demolition contractors. The preferred contractors will be required to confirm full compliance with the charter terms and will produce Action Plans that will be monitored as part of the contract management to be carried out during the delivery of their schemes.

## 4.2 Financial Implications

(Will decisions be carried out within existing finance and Resources?)

4.2.1 The estimated capital cost of the proposed clearance is £0.645m with associated minor revenue costs of £0.032m. These will be incurred between 2016/2017 and 2018/19 as set out in the table below and include land acquisition, compensation and demolition cost.

	2016/17	2017/18	2018/19	Total
	£000	£000	£000	£000
Capital Expenditure	365	168	112	645
Revenue Expenditure	21	9	2	32
<b>Total Expenditure</b>	<b>386</b>	<b>177</b>	<b>114</b>	<b>677</b>

4.2.2 The provision for future years' costs will be included in the HRA Business Plan 2016+ and future years' budgets.

4.2.3 The minor revenue costs which include site security and void council tax will be met from compensating savings within the overall HRA in each year they occur.

4.2.4 These proposals will result in a net loss of income over 30 years of £0.9m. This will be reflected in the HRA Business Plan 2016/17+.

## 4.3 Legal Implications

4.3.1 As the Housing Authority, the relevant legal powers relating to the discharge of the Council's statutory function to provide for its housing need are contained in Section 17 of the Housing Act 1985.

4.3.2 The dedicated legal powers under which a local authority may acquire land including by compulsory purchase for housing purposes are contained within Part II, Section 17 of the Housing Act 1985. Department for Communities and Local Government Guidance on Compulsory Purchase Process 2015 specifies that the acquisition of land under Section 17 of the Housing Act 1985 must achieve a qualitative or quantitative housing gain. The case for making the CPO is set out in more detail in section 5, Appendix 1 and Appendix 5. Human rights are considered in Appendix 4. An Equalities Analysis for the CPO has been provided at Appendix 3.

## 4.4 Public Sector Equality Duty

4.4.1 A Level 1 Equality Analysis is provided at Appendix 3. The reference number is EA000748 and there is no requirement for a Level 2.

4.4.2 There are no negative issues raised as a result of the proposed clearance.

## **5. Relevant background/chronology of key events:**

- 5.1 In order to maintain the asset value of the HRA stock, it is essential that the Council constantly reviews the financial viability of the properties within the HRA. The Council has developed an Asset Management Model which enables the viability of every property within the stock to be assessed over the next 30 years, and this is used to guide investment and clearance decisions.
- 5.2 The average age of the homes within the HRA is now over 60 years, and it is inevitable that over a period of time some properties within the stock are no longer viable to repair and retain (whether financially or technically), and should be considered for clearance and replacement.
- 5.3 Additionally, some of the 1960s stock was designed according to design principles or space standards which no longer meet the aspirations of residents in the 21<sup>st</sup> century, and this has resulted in high turnover and frequent voids periods.
- 5.4 However the Council does have a mechanism through the Birmingham Municipal Housing Trust (BMHT) to replace obsolete stock with new Council homes as an alternative to disposal of cleared sites. In December 2014, Cabinet agreed to a 5 year development programme for the Council's new build programme, which envisages the development of over 2,000 homes via the BMHT over the next five years.
- 5.5 This site consists of a three storey block comprising 10 shop units with 10 maisonettes above. Access to the maisonettes is via communal stairs located at either end of the block and a communal walkway at first floor level. Two large bin stores are also located by the staircases.
- 5.6 Although the maisonettes are occupied only 3 of the shop units are let and the 7 vacant shops have been empty for over 10 years. There are 7 other empty shop units at the nearby Fairfax Road shopping centre, also Council owned, half a mile away that have also remained unlet for several years indicating a substantial oversupply in the local area.
- 5.7 Two of the maisonettes were purchased under Right To Buy and all the remaining occupiers in the maisonettes are Council tenants.
- 5.8 The existing living accommodation is of poor design and quality with flat roofs and associated on-going maintenance issues. There are no gardens and residents view at the rear is of the large unsightly tarmac access area and communal bin stores. The maisonettes in the block do not represent the good quality family housing needed in the area due to the lack of garden and recreational space. With their flat roofs and solid walls they are also expensive to run. The block and empty shops also act as a focus for criminal and anti-social behaviour.
- 5.9 A detailed financial and quality of life option appraisal has been carried out. The financial evaluation is attached as a part of appendix 1. This shows that whilst all the available options result in a cost to the HRA, this can be minimised by clearance of the existing properties. These options are also more advantageous from a non-financial perspective as the demolition would remove a number of obsolete buildings.

5.10 The recommended clearance option for The Fordrough / Houldey Road will remove the blight of a boarded up shopping parade, address the issues of antisocial behaviour associated with it and provide a cleared site suitable for the development of family housing with gardens more appropriate for residents' needs.

5.11 The relocation of the substation, which supplies both the properties highlighted for clearance and the surrounding area, is required to allow the safe demolition of the adjoining shops and maisonettes to provide a cleared site for redevelopment.

5.12 It is proposed that ten new houses, including some 4+ bedroom homes, will be built on the site through the BMHT; this will be an addition to the BMHT Delivery Plan approved by Cabinet in 2014. The detail of the site redevelopment will be the subject of a subsequent report, anticipated during 2018.

5.13 The report seeks approval to rehouse and provide compensation to those Council tenants affected by the clearance, in accordance with existing Birmingham City Council policies and procedures.

5.14 The report also seeks approval to make a Compulsory Purchase Order enabling all property and land interests to be acquired. It is intended that the two leasehold interests at the site will be acquired through voluntary negotiations, however if a CPO is required this will be justified with detailed development proposals and planning permission which will be drawn up over the next six months. Approval in principle for a CPO is being sought now so as not to delay the clearance and subsequent development of the site.

5.15 The report seeks approval for the demolition of 20 units once vacant; contracts will be secured via Acivico using Find it in Birmingham and will be managed by the Senior Service Manager for Clearance, Land and Property.

5.16 The report also seeks approval for the relocation of the substation in conjunction with Weston Power, liaison and coordination for the work being via Birmingham Property Services and will be managed by the Senior Service Manager for Clearance, Land and Property.

5.17 The key milestones are as follows:

<b>Milestone:</b>	<b>Date:</b>
Start negotiations	April 2017
CPO for the Fordrough/Houldey Rd if necessary	July 2018
Vacant Possession The Fordrough/Houldey Rd	December 2018
Demolition The Fordrough/Houldey Rd	March 2019

## **6. Evaluation of alternative option(s):**

- 6.1 The option to do nothing is not considered appropriate as the Council has a legal duty to both ensure the viability of the HRA stock and seek to improve the quality of life of the citizens of the city.
- 6.2 The option to retain and invest in these properties has been considered as part of the detailed option appraisal. The option to refurbish the maisonettes and leave the 7 shops empty was considered but this option would not address the quality of life issues affecting residents or deal with the issues of antisocial behaviour, there are also significant structural issues with the block which would require costly major works to rectify.
- 6.3 The option to refurbish the maisonettes and convert the empty shops to flats at The Fordrough/Houldey Rd was also considered, but this is not a financially viable option and would not create the family housing which is most in demand in the area.
- 6.4 Disposal of the cleared site was considered and informal market testing indicates that at this time there is little appetite by developers for this redevelopment option. The proposed development option is through BMHT which would ensure that the site is built out promptly. If the site were to be sold on the open market the timing of redevelopment would be questionable, given that there are a number of existing sites across the city where land for housing is privately owned and has not been developed. Building through BMHT will also result in higher quality homes being delivered than those built privately or by Registered Social Landlords. Finally, due to the small size of the site there would be no requirement for a private developer to deliver affordable housing, whereas building through BMHT will provide 100% affordable housing, responding to the acute need within the area

## **7. Reasons for Decision(s):**

- 7.1 The recommended option will make a significant contribution to the regeneration of the neighbourhood and remove existing blight.

### **Signatures**

### **Date**

Councillor Tahir Ali,  
Cabinet Member for Development,  
Transport and the Economy.

Councillor Stewart Stacey,  
Cabinet Member for Commissioning,  
Contracting and Improvement.

Waheed Nazir – Director of Planning  
and Regeneration

**List of Background Documents used to compile this Report:**

The Fordrough/Houldey Rd Option Appraisal  
Report to Cabinet-December 2014 - 'Birmingham Municipal Housing Trust – Delivery  
Plan 2015-2020'

**List of Appendices accompanying this Report (if any):**

1. Full Business Case
2. Site plan
3. Equality analysis
4. Compulsory purchase – the Human Rights Acts 1998 and the European Convention on Human Rights
5. Justification for Compulsory Purchase Order – Fordrough/Houldey Road
6. Risk Register
7. Stakeholder Management

## Appendix 1

Full Business Case (FBC)				
1. General Information				
<b>Directorate</b>	Economy	<b>Portfolio/Committee</b>	Planning and Regeneration	
<b>Project Title</b>	<b>Clearance at The Fordrough/ Houldey Road</b>	<b>Project Code</b>	CA-02223-25	
<b>Project Description</b>	<p><b>1 – 9 Houldey Road and 66 – 92 The Fordrough.</b></p> <p>This three storey block comprises 10 shop units with 10 maisonettes above. Access to the maisonettes is via communal stairs located at either ends of the block and a communal walkway at first floor level. Two large bin stores are also located by the staircases.</p> <p>Although the maisonettes are occupied only 3 of the shop units are let and the 7 vacant shops have been empty for over 10 years. There are 7 other empty shop units at the nearby Fairfax Road shopping centre, also Council owned, half a mile away that have also remained unlet for several years indicating a substantial oversupply in the local area.</p> <p>The existing living accommodation is of poor design and quality with flat roofs and associated on-going maintenance issues. There are no gardens and residents view at the rear is of the large unsightly tarmac access area and communal bin stores. The maisonettes in the block do not represent good quality family housing needed in the area as there is no garden / recreational space. With their flat roofs and solid walls they are also expensive to run. The block and empty shops also act as a focus for criminal and anti-social behaviour.</p> <p>The recommended clearance option for The Fordrough/Houldey Rd site will remove the blight of a boarded up shopping parade, address the issues of antisocial behaviour associated with it and provide family housing with gardens more appropriate for residents' needs, and create an asset to support the HRA Business Plan.</p> <p>To achieve a cleared site will require the Council to acquire all outstanding interests, on a voluntary basis or with the support of CPO powers if voluntary acquisition is unsuccessful, carry out the rehousing of tenants and demolition of the effected properties.</p> <p>To maximise the redevelopment potential of the site it will be necessary to relocate the existing substation currently located between the rear access road and the stair access in Houldey Rd. The substation is leased by the Council to Western Power at a peppercorn rent. The substation would be relocated elsewhere on the site or other HRA land.</p>			
<b>Links to Corporate and Service Outcomes</b>	This project will make a direct contribution to both Corporate and Directorate outcomes, including the following:			

	<p>The development of new homes for a growing city is a key objective of the Leader's Policy statement 2015. The development of new affordable housing within the City is in accordance with the objectives of the Housing Revenue Account (HRA) Business Plan 2015+. The proposals also respond to the Leader's Policy Statement Implementation Priorities of:</p> <p><b>A fair city</b> - to tackle inequality and deprivation, promote social cohesion across all communities in Birmingham, and ensure dignity, in particular for our elderly and safeguarding for children – by providing new affordable homes, apprenticeships and bursary programme placements.</p> <p><b>A prosperous city</b> - to lay the foundations for a prosperous City, built on an inclusive economy – by stimulating the construction industry through the Council's housing building programme.</p> <p><b>A democratic city</b> - to involve local people and communities in the future of their local area and their Public Services – by consulting communities about proposals for new development and ensure that new homes meet local needs and localised targeting of training, education and employment initiatives to complement the house-building programme.</p>						
<b>Benefits Quantification- Impact on Outcomes</b>	<table border="1"> <thead> <tr> <th><b>Measure</b></th><th><b>Impact</b></th></tr> </thead> <tbody> <tr> <td>Clearance of existing poor quality properties</td><td>Removal of blight and improvement to neighbourhood, rehousing tenants into more appropriate housing</td></tr> <tr> <td>Clearance of existing underutilised shops</td><td>Stay Safe in Clean, Green City with removal of properties that act as a magnet for ASB and cause loss in rental income</td></tr> </tbody> </table>	<b>Measure</b>	<b>Impact</b>	Clearance of existing poor quality properties	Removal of blight and improvement to neighbourhood, rehousing tenants into more appropriate housing	Clearance of existing underutilised shops	Stay Safe in Clean, Green City with removal of properties that act as a magnet for ASB and cause loss in rental income
<b>Measure</b>	<b>Impact</b>						
Clearance of existing poor quality properties	Removal of blight and improvement to neighbourhood, rehousing tenants into more appropriate housing						
Clearance of existing underutilised shops	Stay Safe in Clean, Green City with removal of properties that act as a magnet for ASB and cause loss in rental income						
	<p>Cleared Sites delivered on time within budget</p> <p>Land available for development of modern family housing to meet local demand</p>						
<b>Project Deliverables</b>	Demolition of existing properties, leaving cleared sites available for future house building.						
<b>Scope</b>	<p>Birmingham City Council will be undertaking the following;</p> <ul style="list-style-type: none"> <li>• Rehousing and acquisition of 13 units including;           <ul style="list-style-type: none"> <li>3 retail units</li> <li>2 privately owned maisonettes</li> <li>8 BCC Tenanted properties</li> </ul> </li> <li>• Demolition of 20 properties</li> <li>• The use of Compulsory Purchase powers</li> <li>• Payment of home loss and disturbance allowance</li> <li>• Relocation of substation</li> </ul>						
<b>Scope exclusions</b>	This programme focusses on the clearance of the properties at this location. Proposals for the development of new homes on the site will be the subject of a further report anticipated in 2018.						
<b>Dependencies on other projects or activities</b>	<ul style="list-style-type: none"> <li>• There is an interdependency of all of the elements to deliver a comprehensive and strategic approach to this project</li> </ul>						

	<ul style="list-style-type: none"> <li>• Identification of minor savings within the HRA to fund revenue consequences</li> <li>• Planning permission will be required for the demolition of 20 units</li> <li>• Procurement of demolition contractors</li> <li>• Acquisition of third party interests</li> <li>• Obtaining a CPO</li> </ul>		
<b>Achievability</b>	<ul style="list-style-type: none"> <li>• The Council has a proven track record of successful clearance programmes on large scale regeneration areas in Kings Norton and Newtown, as well as smaller sites for example at Cat Lane in Shard End.</li> </ul>		
<b>Project Manager</b>	Colette McCann – Senior Service Manager Tel 0121 303 3968 <a href="mailto:colette.mccann@birmingham.gov.uk">colette.mccann@birmingham.gov.uk</a>		
<b>Budget Holder</b>	Clive Skidmore / Head of Housing Regeneration and Development/ Tel 0121 303 1667/ <a href="mailto:clive.skidmore@birmingham.gov.uk">clive.skidmore@birmingham.gov.uk</a>		
<b>Sponsor</b>	Waheed Nazir / Director of Planning and Regeneration / 0121 464 7735/ <a href="mailto:waheed.nazir@birmingham.gov.uk">waheed.nazir@birmingham.gov.uk</a>		
<b>Project Accountant</b>	Guy Olivant / Head of City Finance (Housing ) / Tel 0121 303 5742 / <a href="mailto:guy.olivant@birmingham.gov.uk">guy.olivant@birmingham.gov.uk</a>		
<b>Project Board Members</b>	<ul style="list-style-type: none"> <li>• Waheed Nazir / Director of Planning and Regeneration</li> <li>• Clive Skidmore / Head of Housing Development</li> <li>• Sharon Freedman/ Assistant Director Regeneration</li> <li>• Guy Olivant / Head of City Finance (Housing )</li> </ul>		
<b>Head of City Finance (HoCF)</b>	Guy Olivant	<b>Date of HoCF Approval:</b>	4.01.16

## Appendix 1 contd.

HRA Extract	2016/17	2017/18	2018/19	Total
	Year 2	Year 3	Year 4	
	£000	£000	£000	
Security and other costs	20	0	0	20
Council tax	1	9	2	12
<b>HRA Deficit / (Surplus)</b>	<b>21</b>	<b>9</b>	<b>2</b>	<b>32</b>

Capital Account	2016/17	2017/18	2018/19	Total
	Year 2	Year 3	Year 4	
	£000	£000	£000	
Acquisitions	208	20	0	228
Home Loss	14	41	0	55
Removals	1	3	0	4
Demolition	0	104	112	216
Relocation of substation	87	0	0	87
CPO costs	55	0	0	55
Revenue Contribution (Part of existing approved budget)	(365)	(168)	(112)	(645)
<b>Capital Account (Surplus) / Deficit</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Property Analysis	2016/17	2017/18	2018/19	Total
	Year 2	Year 3	Year 4	
	£000	£000	£000	
Acquisition of Dwellings	2	0	0	2
HRA dwellings made vacant	2	6	0	8
HRA shops vacant / made vacant	7	3	0	10
Demolitions - Dwellings	0	0	10	10
Demolitions - Shops	0	0	10	10

## Appendix 1 contd.

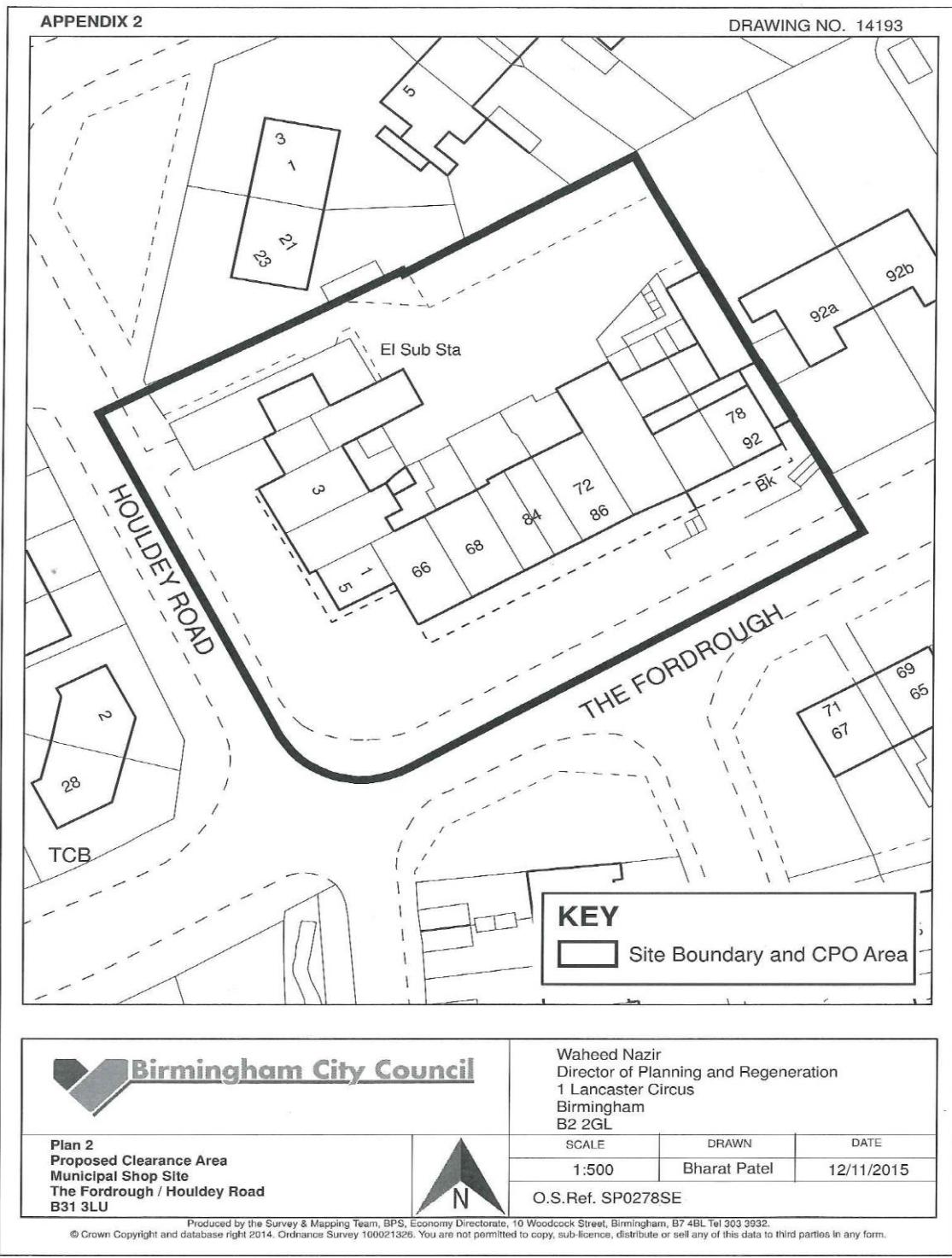
### Whole Lifecycle Analysis of The Fordrough/Houldey Rd over a 30 year period:

	Option 1 - Retain & Repair 30 Year Life	Option 2 - Retain & Repair 30 Year Life & Convert 7 units into maisonettes	Option 3 - Demolish and sell	Option 4 - Demolish and build 2x2bed, 6x3bed, 2x4bed
	NPV	NPV	NPV	NPV
	£000	£000	£000	£000
<b>Revenue</b>				
<b>Rent</b>	(1,191)	(1,249)	0	(908)
<b>Voids and Arrears</b>	385	26	0	67
<b>Repairs &amp; Maintenance</b>	163	298	0	120
<b>Management</b>	175	223	0	103
<b>Security costs</b>	0	0	19	19
<b>Net Revenue Cost / (Benefit)</b>	(468)	(702)	19	(599)
<b>Capital</b>				
<b>Sales receipt</b>	0	0	(290)	0
<b>Structual / Refurbishment costs</b>	1,688	2,296	0	0
<b>Ongoing Investment</b>	94	176	0	108
<b>Clearance/Demolition costs</b>	0	0	592	592
<b>New build cost</b>	0	0	0	1,091
<b>Net Capital Cost / (Benefit)</b>	1,782	2,472	302	1,791
<b>Net Total Cost / (Benefit)</b>	1,314	1,770	321	1,192

## Appendix 1 contd.

<b>3. Checklist of Documents Supporting the FBC</b>			
<b>Item</b>	<b>Mandatory attachment</b>	<b>Number attached</b>	
<b>Financial Case and Plan</b>			
• Detailed workings in support of the above Budget Summary (as necessary)	Mandatory	Refer to section 4.2.of report and within Full Business case (Appendix 1)	
• Statement of required resource (people, equipment, accommodation) – append a spreadsheet or other document	Mandatory	Within Full Business Case (Appendix 1)	
• Whole Lifecycle Costing analysis ( as necessary)	Mandatory	Within Full Business Case (Appendix 1)	
• Milestone Dates/ Project Critical Path	Mandatory	Refer to section 5.5 of report	
<b>Project Development products</b>			
• Populated Issues and Risks register	Mandatory	Refer to Appendix 6	
• Stakeholder Analysis	Mandatory	Refer to Appendix 7	

## Appendix 2



## Appendix 3

# Equality Analysis

## Birmingham City Council Analysis Report

**EA Name** CLEARANCE OF PROPERTIES AT THE FORDROUGH/HOULDEY ROAD

**Directorate** Economy

**Service Area** P&R Housing Development

**Type** New/Proposed Function

**EA Summary** This report makes recommendations for the clearance of non-viable properties as part of an ongoing process of reviewing the sustainability of the Housing Revenue Account stock, carrying out clearance where appropriate, and replacing stock through the Council's BMHT programme. This will involve the rehousing of tenants from existing properties and third party owners from existing properties, making use of CPO powers if necessary to secure the clearance of the properties within the site confines.

**Reference Number** EA000748

**Task Group Manager** [adrian.p.jones@birmingham.gov.uk](mailto:adrian.p.jones@birmingham.gov.uk)

**Date Approved** 2015-08-11 01:00:00 +0100

**Senior Officer** [andrew.hood@birmingham.gov.uk](mailto:andrew.hood@birmingham.gov.uk)

**Quality Control Officer** [Richard.Woodland@birmingham.gov.uk](mailto:Richard.Woodland@birmingham.gov.uk)

### Introduction

The report records the information that has been submitted for this equality analysis in the following format.

### Overall Purpose

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 New/Proposed Function.

## **2 Overall Purpose**

### **2.1 What the Activity is for**

What is the purpose of this Function and expected outcomes?

Demolishing old city properties and providing high standard city housing on the cleared site.

**For each strategy, please decide whether it is going to be significantly aided by the Function.**

1. Public Service Excellence - Yes
2. A Fair City - Yes
3. A Prosperous City - Yes
4. A Democratic City – Yes

### **2.2 Individuals affected by the policy**

**Will the policy have an impact on service users/stakeholders? - Yes**

#### **Comment**

The proposals will impact on:

1. The tenants that have to occupy the existing poor quality housing
2. The future city housing tenants who will have an opportunity to occupy the modern buildings built on the cleared site.
3. The owner occupiers who occupy the existing poor quality housing. They will be able to take up other rehousing options in more modern buildings in locations of their choosing releasing equity locked up in their current property.
4. The landlord who owns one of the properties. They will be able to acquire alternative property without the burden of the financial share in the cost of structural work affecting the block as a whole.
5. The private tenants that have to occupy the existing poor quality housing.
6. The shopkeepers who rent the lock up shops will have the opportunity to relocate to other parts of the city where there is potential for increased trade.
7. The existing tenants and owner occupiers will receive help and support from Council Officers in achieving rehousing solutions that are suitable for their individual needs.

**Will the policy have an impact on employees? - Yes**

#### **Comment**

Staff who are managing poor quality buildings owned by the city are continually having to deal with housing complaints and repair problems. However, the task of letting new-build, quality properties is far more rewarding and engenders increased staff pride in the city council service.

**Will the policy have an impact on wider community? Yes**

#### **Comment**

The older properties that are proposed for demolition have a poor environmental impact on the local community.

Any new development will improve the local environment and offer improved, affordable housing to people living across the city.

## **2.3 Analysis on Initial Assessment**

1. Options to retain and invest in these properties have been considered as part of the detailed Option Appraisals. In the case of the Fordrough and Houldey Road, the option to refurbish the maisonettes and leave the 7 shops empty was considered but this option would not address the quality of life issues affecting residents or deal with the issues of ASB. The option to refurbish the maisonettes and convert the empty shops to flats was also considered, but this is not a financially viable option and would not create the family housing which is most in demand in the area.
2. The recommended option will remove the blight of a boarded up shopping parade, address the issues of ASB associated with it and provide family housing with gardens more appropriate for resident's needs, and create an asset to support the HRA Business Plan.
3. The option to do nothing is not considered appropriate as the Council has both a legal and a moral duty to both ensure the viability of the HRA stock and seek to improve the quality of life of the citizens of the city.
4. When rehousing and relocating the people affected by these proposals they will be compensated for any loss and, following assessment, council tenants will be offered new accommodation suitable to their needs.
5. The Council would endeavour to reach a voluntary agreement of value of properties and as part of the Land Compensation Act 1976 The Council would meet the reasonable fees of agents and solicitors acting for the owner in relation to negotiation and sale.
6. In order to achieve the overall objective of a cleared site within a reasonable timeframe the use of CPO powers would be appropriate. The use of CPO powers would enable transfer of property ownership without removing the original owner's right to the full value of the asset. The making of a CPO also gives owners a statutory right of appeal to The Secretary of State for Communities and Local Government.
7. The resulting rehousing of people affected would be undertaken in accordance with BCC Housing Allocations Policy.
8. The three-storey block comprises 10 shop units with 10 maisonettes above. In the consultation there was a 79% response. 91% of respondents supported the clearance proposal with the private landlord the only objector.
9. The consultation results have been analysed and there were no issues or trends that highlighted any equality issues.

### **3 Concluding Statement on Full Assessment**

These clearance proposals would allow for the rehousing of tenants from unsuitable accommodation into properties more suitable for their need. Appropriate compensation will be paid in accordance with legislation to all occupiers who are affected.

The building demolition would remove empty properties and homes in poor repair, which are blighting the local environment and creating a focus for anti-social behaviour.

The new-build properties will seek to improve the quality of life for the citizens of the city.

The rehousing of people affected by these proposals would be undertaken in accordance with BCC Housing

Allocations Policy which protects people affected. Any rehousing will be based on the specific needs of each group.

The assessment is that none of the protected groups have any adverse impact as a result of the clearance proposals because all actions are in-line with BCC Housing Allocations Policy, which safeguards the relevant protected characteristics.

Therefore, no protected characteristic were identified as being relevant because persons who share a protected characteristic are already covered by the above policy.

#### **4 Review Date**

31/05/16

#### **5 Action Plan**

There are no relevant issues, so no action plans are currently required.

## Appendix 4

### **COMPULSORY PURCHASE - THE HUMAN RIGHTS ACTS 1998 AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND THE PUBLIC SECTOR EQUALITIES DUTY**

Section 6 Human Rights 1998 Act prohibits public authorities from acting in a way that is incompatible with the European Convention on Human Rights ("The Convention."). There are 2 main articles of The Convention, which are applicable to the recommendations in this report.

#### **ARTICLE 8**

1. "Everyone has the right to respect for private and family life, his home and his correspondence."
2. "There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

#### **ARTICLE 1 of the FIRST PROTOCOL**

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

#### **Guidance**

Article 8 applies where a local authority is considering disturbing residents' private and family lives and removing them from their homes. It may also be relevant where residents who, although not directly affected by removal or dispossession, suffer significant disruption to their lives as a consequence of the authority's actions.

Article 1 of the First Protocol applies where a local authority is considering the use of CPO powers to acquire private interests, and where it is proposing to dispossess residents of their homes.

The approach to be taken to give effect to rights under The Convention is also reflected in paragraph 12 of DCLG guidance on compulsory purchase process:-

*"A Compulsory Purchase Order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it the Compulsory Purchase Order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention".*

The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”, i.e. compulsory purchase must be proportionate. Both public and private interests are to be taken into account in the exercise of the Council’s powers. Similarly, any interference with Article 8 rights must be “necessary in a democratic society” i.e. the proposed interference must be necessary. In pursuing a CPO, the Council has to carefully consider the balance to be struck between individual rights and the wider public interest having regarded also the availability of compensation for compulsory purchase.

### **Consideration of Human Rights Issues**

Article 8(1) provides that everyone has the right to respect for his/her property but Article 8(2) allows the State to restrict the rights to respect for the property to the extent necessary in a democratic society and for certain listed public interest purposes e.g. public safety, economic well-being, protection of health and protection of the rights of others.

In considering Articles 8 and Article 1 of the First Protocol of The Convention in the context of dispossession and compulsory purchase, it is necessary to answer the following:

1. Does a right protected by these Articles apply?
2. Is the interference in accordance with law?
3. Does the interference pursue a legitimate aim?
4. Is the interference necessary in a democratic society?

### **Does a right protected by these Articles apply?**

#### **ARTICLE 1 of the FIRST PROTOCOL**

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions...”

Clearly the dispossession of an owner of their property through CPO and enforced rehousing will impinge on this right. Also, as a tenancy is a possession under this provision, the rights of tenants must be taken into consideration. The Council must therefore consider all the possible justifications for this interference as detailed in considerations (b), (c) and (d) set out below.

#### **ARTICLE 8**

Article 8.1 provides that everyone has the right to respect for his/her private and family life, home and correspondence. Article 8.2 allows the State to restrict these rights to respect to the extent necessary in a democratic society and for certain listed public interest purposes.

The essence of this right lies in the concept of respect for the home as a right to privacy, in the same context as private and family life and correspondence. Article 8.1 does not concern itself with the person’s right to the peaceful enjoyment of their home as a possession; this is dealt with under Article 1 of the First Protocol.

Clearly Article 8 does apply and therefore it is necessary for the Council to consider the possible justifications for the interference (Article 8(2)) as follows:

### **Is the interference in accordance with law?**

There is a clear legal basis for making the CPO under section 17 of the Housing Act 1985

### **Does the interference pursue a legitimate aim?**

The CPO is necessary to implement a redevelopment scheme to which there is no impediment to implementation.

### **Is the interference necessary in a democratic society?**

This requires a balanced judgement to be made between the public interest and the rights of individuals, and the rights and freedoms of others.

### **Human Rights Conclusion**

The Council has considered the effect of the above articles of The Convention and decided that, on balance, it is in the general public interest and of benefit to the community to make the CPO over and above the interest of the individuals affected.

Interference with Convention rights is considered by the Council to be justified. The Council in making this Order has had particular regard to meeting the alternative housing needs of the affected households, and the rights of individuals to compensation in accordance with the Land Compensation Act 1973 (as amended.) and the Land Compensation Act 1961 and Compulsory Purchase act 1965 is considered to be both necessary and proportionate in that the land to be acquired is the minimum to achieve this Scheme's objectives

## **Appendix 5 – Justification for Compulsory Purchase Order – Fordrough/Houldey Road**

The compulsory acquisition of any necessary interests in the Fordrough/Houldey Road meet the tests for justification as set out in government guidance (DCLG guidance October 2015 Compulsory Purchase Process) as follows:

- A compelling case in the public interest – The existing living accommodation is of poor design and quality with flat roofs and associated on-going maintenance issues. There are no gardens and residents view at the rear is of the large unsightly tarmac access area and communal bin stores. The maisonettes in the block do not represent good quality family housing needed in the area as there is no garden / recreational space. With their flat roofs and solid walls they are also expensive to run. Seven of the empty shops have been vacant for over 10 years and the block and empty shops also act as a focus for criminal and anti-social behaviour.
- Both financial and quality of life option appraisals have been carried out and the preferred option is clearance and redevelopment with new Council homes. The detail of the financial and quality of life assessments is set out at Appendix 1. It is anticipated that ten new Council houses, including some 4+ bedroom homes, could be built on the site.
- The sites will be included in the Council's BMHT Business Plan and developed by provision of new Council homes
- The Council should be sure that the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected. The Secretary of State confirming the order will take a balanced view between the intentions of the acquiring authority, the concerns of those with an interest in the land affected and the wider public interest. The Council considers that after considering and balancing these various interests, the use of compulsory purchase powers in this case is justified.
- CPO is a last resort – the Council will continue to try to acquire remaining interests in the CPO area voluntarily, and will only make/implement CPO if these negotiations are unsuccessful
- The Council must have clear proposals for the land – a BMHT residential scheme is proposed for the site once it has been cleared.
- Under the DCLG Guidance there is no requirement for planning permission to have been granted prior to making the CPO, although there should be no obvious reason why

planning permission might be withheld. The intention is for the Council's developer arm, BMHT, to submit a planning application for the development which the CPO underpins, and for BMHT to carry out the development in 2018/2019 within completion in 2019/20. Accordingly there are not considered to be any impediments.

- There are resources available to acquire the outstanding interests and to deliver the housing development (see Financial Implications section 4.2)
- The scheme will provide a qualitative housing gain

In addition authorities must also have regard to the Public Sector Equalities Duty in determining whether to use CPO powers, and in particular the differential impacts on groups with protected characteristics – this has been covered at Appendix 3.

## Appendix 6

### RISK REGISTER

Description of Risk	Impact	Probability	Score	Mitigation Measures	Adjusted Risk	Risk Owner
Unable to achieve vacant possession through negotiation.	4	3	12	Use of CPO powers at stage where identify lack of common ground in negotiation.	3	Clearance Land & Property, Senior Service Manager
Use of CPO powers before shops vacated creating additional costs to project.	3	2	6	Delay making CPO until end of shop leases.	2	Clearance Land & Property, Senior Service Manager
Project delayed due to special rehousing requirements.	3	1	3	Special needs cases to be dealt with first.	1	Clearance Land & Property, Senior Service Manager
Difficulty in appointing a demolition contractor	4	1	4	Highlighting early with Acivico, use well established process for securing	2	Clearance Land & Property, Senior Service Manager
Planning permission not gained for demolition	4	1	4	Close working with planning to comply with policies and procedures.	2	Clearance Team, Senior Service Manager
Cost of project not adequately controlled	3	2	6	Check cost elements against budgets throughout project	2	Clearance Land & Property, Senior Service Manager and Head of City Finance
Unable to relocate substation	3	1	3	Design of new site layout to work round the existing substation.	1	Clearance Land & Property, Senior Service Manager
<b>IMPACT</b>	<b>Probability</b>					

1 - Insignificant	1 - Unlikely		
2 - Minor	2 - Possible		
3 - Moderate	3 - Likely		
4 - Major	4 – Almost certain		

## Appendix 7

### STAKEHOLDER MANAGEMENT

Stakeholder	Stakeholder Interest	Influence Impact	Project Board's expectation from stakeholder	Perceived attitudes and / or risks	Stakeholder management strategy	Responsible
Northfield Councillors	Improvement to area and removal of focal point attracting ASB	High	Political support	Supportive	Consult on progress during term of The Fordrough project.	Regeneration Project Manager
MP for Northfield	Improvement to area and removal of focal point attracting ASB	High	Political support	Supportive	Consult on progress during term of The Fordrough project.	Regeneration Project Manager
Existing home owners and tenants within affected properties in The Fordrough.	Provision of new homes	High	Communication	Mostly supportive and have been consulted during project development phase	Provide development updates Operate within existing rehousing policy Voluntary acquisition of private properties, followed by use of Compulsory Purchase Powers	Rehousing team. Birmingham property Services – valuers. Regeneration Project Manager
Existing shop tenants affected by proposals in The Fordrough./ Houldey Rd	Business and employment	Medium	Communication	One of the three is supportive with two not responding one of whom is no longer trading.	Ensure that retailers are kept informed and statutory requirement for ending of tenancies is undertaken.	Birmingham Property Services – Management Surveyor Regeneration Project Manager

Western Power	Leaseholder of substation.	High	Liaison and cooperation in relocating substation.	Supportive	Liaison and entering agreement on relocating substation.	Birmingham Property Services – Management Surveyor
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## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>	<i>Exempt information paragraph number – if private report:</i>
<b>Report of:</b> <b>Date of Decision:</b>	<b>Peter Hay, Strategic Director for People</b> <b>26 January 2016</b>	
<b>SUBJECT:</b>	<b>LOCAL GOVERNMENT ASSOCIATION PEER REVIEW OF THE EDUCATION AND SCHOOLS STRATEGY AND IMPROVEMENT PLAN</b>	
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref:</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b> <input type="checkbox"/> <b>O&amp;S Chairman approved</b> <input type="checkbox"/>	
<b>Relevant Cabinet Member(s) or Relevant Executive Member for Local Services:</b>	<b>Councillor Brigid Jones, Cabinet Member for Children's Services</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Susan Barnett, Education and Vulnerable Children</b>	
<b>Wards affected:</b>	<b>All</b>	

**1. Purpose of report:**

1.1 This report details the findings of the Local Government Association peer review of the Birmingham Education and Schools Strategy and Improvement Plan. The review took place from 16-20 November 2015.

**2. Decision(s) recommended:**

2.1 That Cabinet notes the findings of the peer review and the important role of local government partners in peer-to-peer support for improvement.

2.2 That Cabinet notes that a refreshed improvement plan will be presented to Cabinet for approval, and be monitored by the Cabinet Member, Children's Services and the Education and Vulnerable Children Overview & Scrutiny Committee.

<b>Lead Contact Officer(s):</b>	Colin Diamond
<b>Telephone No:</b> <b>E-mail address:</b>	0121 675 8995 Colin.diamond@birmingham.gov.uk Interim Executive Director for Education

### **3. Consultation**

#### **3.1 Internal**

The findings of the peer review have been shared widely with Members and staff.

#### **3.2 External**

The findings of the peer review have been shared widely with schools, partner agencies and all those who participated in the review.

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

The Council Business Plan 2015+ makes explicit reference to improving support to schools, including ensuring good governance and ensuring Birmingham children are safe and well protected.

The Birmingham Education and Schools Strategy and Improvement Plan was agreed with the Education Commissioner, Sir Mike Tomlinson, and signed off by the Improvement Quartet in December 2014.

#### **4.2 Financial Implications**

(Will decisions be carried out within existing finance and Resources?)

There is budgeted funding to support ongoing implementation of the refreshed Education Improvement Plan in 2016/17.

#### **4.3 Legal Implications**

The Local Authority has statutory duties in relation to promoting high standards in schools and among other providers so that children and young people achieve well and fulfil their potential as defined by section 13A of the Education Act 1996. This includes support for schools causing concern as set out in Part 4 of the Education and Inspections Act 2006. The Education Act 2002 places duties on local authorities to make arrangements for safeguarding and promoting the welfare of children.

#### **4.4 Public Sector Equality Duty**

The review was commissioned as a contribution towards improving arrangements for leadership of education, relationships with schools, and governance in schools. This has clear relevance to safeguarding of children and young people in schools, including those who are most vulnerable.

**5. Relevant background/chronology of key events:**

5.1 The Birmingham Education and Schools Strategy and Improvement Plan was published in December 2014 following a series of reports that identified serious safeguarding and governance concerns in a number of Birmingham schools.

5.2 To help us secure improvements, and as part of sector-led improvement, the LGA were commissioned to undertake this review of the above-mentioned Plan. As part of the review, a team of eight peers with relevant experience and expertise, drawn together through the LGA, undertook a range of interviews and focus groups during the week of 16-20 November 2015.

5.3 The peer team was asked to challenge our progress in implementing five of the twelve workstreams in the Plan:

- Build confidence in BCC's ability to lead the overall system of education through a relentless focus on core duties.
- Ensure that there are robust and effective governance arrangements in place and working effectively in schools.
- Work with schools to ensure that all children and young people in Birmingham learn in an environment that is safe and promotes their overall wellbeing.
- Work with partners to deliver improvements in schools.
- Drive innovation and improvement through new district structures that promote collaborative leadership and enhance accountability.

In challenging these, we asked the peers to focus on progress, outcomes and impact of our actions.

5.4 The key messages from the review are set out below:

The Council has made good progress in progressing work across all of the five workstreams and there is confidence amongst Members, officers and partners that the basics are being put in place for a strong and effective city-wide system of school improvement. Stronger professional leadership of the service is making a significant impact and is seen by many as crucial. Governance is now high on the agenda and has a higher profile with schools and other stakeholders. The Council provides good training and support on safeguarding and practice in data management and audits has improved. The Birmingham Education Partnership (BEP) is widely regarded as the right vehicle for school improvement with good buy-in from schools. These are robust foundations for an education system that will transform the lives of children and young people.

5.5 In addition to these key messages, they recommended some corporate reflections for the Council to consider:

- Following the leadership election, Birmingham needs to demonstrate the political will and corporate capacity to ensure its resources are focused in shaping and delivering a shared vision which reflects its ambitions for the 'the youngest city in Europe'.
- The political and managerial leadership of the city need to rigorously pursue the delivery of a shared ambition and vision for Education.
- Organisational transparency needs to be developed so that members, managers and partners can see the implementation of decisions and support growing self-awareness.
- Birmingham needs to develop a relationship with its schools that reflects its ambitions for the city and which ensures the delivery of its core responsibilities.

5.6 More detailed findings covering the Council's leadership of education, strengthening school governance, safeguarding in schools, improving schools, local leadership and accountability are set out in the appended letter.

5.7 The findings recommend that the City Council considers the following actions.

- Develop a clear education vision and strategy that align BCC's ambition, resources and desired outcomes for the city's children with its wider objectives.
- Provide training and development for all Members involved in scrutinising education with clear line of sight from district level to the Council leadership.
- Develop a comprehensive risk assessment for Birmingham as a whole that incorporates all settings, including information relevant to the phase and sector, and this is a shared responsibility with partners.
- Develop the intelligent client role of BCC in relation to the BEP and ensure that resources and ambitions are aligned.
- Determine an effective accountability model for BEP.
- Using learning from the Ladywood pathfinder, further develop the partnership role of BEP to enable schools to better meet the needs of young people within the city.
- Ensure that the Education Improvement Group [a forum comprising senior representatives from the City Council, Ofsted, Department for Education, BEP and the Regional Schools Commissioner's office] provides effective and timely challenge where there is evidence of poor governance in schools.
- Ensure that the Education Improvement Group facilitates clarity about respective roles and responsibilities of partners to ensure that its positive impact is sustained.

- Encourage BEP to prioritise school improvement based on a single definitive process for identification of schools and their performance.
- Ensure that BCC staff undertaking visits to settings where there are concerns have the skills and authority to take necessary action.

5.8 The outcomes of the review are being taken into account in the future planning of children's services and a refreshed improvement plan for education. This will be embedded in the Future Council model and the education business plan for 2016/17.

## **6. Evaluation of alternative option(s):**

6.1 The action plan will include a proposal for the future operating model for education.

## **7. Reasons for Decision(s):**

7.1 The review findings are appended to this report as part of a commitment that it should be available in public. The findings provide some assurance of the work already done in putting in place systems for school improvement and safeguarding. They highlight positive recent developments and outline challenges and key issues and will be of importance in the future planning of the service.

### **Signatures**

### **Date**

Cabinet Member, Children's Services  
Councillor Brigid Jones

..... .....

Strategic Director for People  
Peter Hay

..... .....

## **List of Background Documents used to compile this Report:**

- LGA letter to the Chief Executive dated 7 December 2015.
- Education and School Strategy and Improvement Plan.
- Report of the Improvement Quartet to City Council 1 December on the Education and Schools Strategy and Improvement Plan.

## **List of Appendices accompanying this Report (if any):**

1. LGA letter to the Chief Executive dated 7 December 2015

<b>Report Version</b>	<b>6</b>	<b>Dated</b>	<b>8 January 2016</b>
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Mark Rogers  
Chief Executive and Director of Economy  
Council House  
Victoria Square  
Birmingham  
B1 1BB

7 December 2015

Dear Mark

### **Education and School Strategy and Improvement Plan peer challenge**

On behalf of the Peer Team, I would like to say what a pleasure it was to be invited into Birmingham City Council to deliver a peer challenge of your Education and School Strategy and Improvement Plan. The Team felt privileged to be allowed to conduct its work with the support of you and your colleagues and partners.

Peer challenges are delivered by experienced councillor and officer peers. The make-up of the peer team reflected your requirements and the focus of the peer challenge. Peers were selected on the basis of their relevant experience and expertise and were agreed with you. The peers who delivered the peer challenge at Birmingham City Council were:

- Phil Norrey, Chief Executive, Devon County Council
- Cllr. David Simmonds, Elected Member Peer, Local Government Association
- Sally Bates, Head Teacher, Nottinghamshire
- Steve Belk, Associate, ex Executive Director of Learning and Standards, Hackney Learning Trust
- Siddique Hussain, National Leader of Governance
- Ian Keating, Local Government Association Policy Lead for Education
- Robin Tuddenham, Director of Communities, Calderdale Council
- Anne Brinkhoff, Programme Manager, Local Government Association

### **Scope and focus of the peer challenge**

‘Education has the power to transform lives. Every child in Birmingham has the right to a fantastic childhood and the best preparation for adult life in the modern world’. Published in December 2014, your Education and Schools Strategy and

Improvement Plan builds on several pieces of work, including the Clarke and Kershaw reports triggered by Trojan Horse, along with transformation already under way in education services. The strategy is delivered via 12 work streams with an identified lead overseeing an action plan for each of these.

You asked the peer team to challenge progress with implementing five of the work streams:

1. Build confidence in BCC's ability to lead the overall system of education through a relentless focus on core duties
2. Ensure that there are robust and effective governance arrangements in place and working effectively in schools
3. Work with schools to ensure that all children and young people in Birmingham learn in an environment that is safe and promotes their overall wellbeing
4. Work with partners to deliver improvements in schools
5. Drive innovation and improvement through new district structures that promote collaborative leadership and enhance accountability

In challenging these you asked us to focus on progress, outcomes and, where possible, impact of actions.

It is important to stress that this was not an inspection. Peer challenges are improvement focused. As peers we used our experience and knowledge to reflect on the information presented to us by people we met, things we saw and material that we read.

This letter provides a summary of the peer team's findings. It builds on the feedback presentation delivered by the team at the end of their on-site visit. In presenting this feedback, the team acted as fellow local government and education officers and members, not professional consultants or inspectors. We hope this recognises the progress Birmingham City Council have made during the last year whilst stimulating debate and thinking about future challenges.

## **1. Key messages**

The Council has made good progress in progressing work across all of the five work streams and there is confidence amongst members, officers and partners that the basics are being put in place for a strong and effective city-wide system of school improvement. Stronger professional leadership of the service is making a significant impact and is seen by many as crucial. Governance is now high on

the agenda and has a higher profile with schools and other stakeholders. The Council provides good training and support on Safeguarding and practice in data management and audits has improved. The Birmingham Education Partnership (BEP) is widely regarded as the right vehicle for school improvement with good buy-in from schools. These are robust foundations for an education system that will transform lives of children and young people.

In addition to our feedback on each of the five work streams, there are some corporate reflections for you to consider:

- Following the leadership election, Birmingham needs to demonstrate the political will and corporate capacity to ensure its resources are focused in shaping and delivering a shared vision which reflects its ambitions for the 'the youngest city in Europe'.
- The political and managerial leadership of the City need to rigorously pursue the delivery of a shared ambition and vision for Education.
- Organisational transparency needs to be developed so that members, managers and partners can see the implementation of decisions and support growing self-awareness.
- Birmingham needs to develop a relationship with its schools that reflects its ambitions for the City and which ensures the delivery of its core responsibilities.

## **2. Birmingham City Council's Leadership of Education**

The Lead Member and Executive Director have brought clear and consistent leadership to Education within the City Council. This includes the main priority of delivering the Improvement Plan with focus on getting the basics right in relation to School Governance and Safeguarding. The Cabinet Member has a clear ambition for the City Council to work with all schools that educate Birmingham's children, regardless of governance and accountability arrangements. Headteachers welcome the strong professional leadership of the Executive Director of Education. He is successfully building links and relationships with all schools and is strengthening the network of school forums to provide an effective mechanism for system wide leadership.

There is a growing sense of confidence in Birmingham about the leadership of the education system. Birmingham is the largest single tier authority in Europe with 446 schools, and with a growing number of Academies (currently 29%) and Free Schools (currently 4%). The fragmentation of the education system brings challenges to system wide oversight and improvement. Although borne out of intervention, the Education Improvement Group has provided an important and

recognised forum for those accountable for school improvement and the regulator to come together to maintain oversight of school improvement in the City. Looking beyond intervention it will be beneficial to ensure that this structured oversight continues.

Relative to the majority of other education systems, the funding base for schools is strong. Birmingham has settled Equal Pay and Private Finance Initiative (PFI) issues with schools to the advantage of the education system, and schools enjoy an extremely favourable funding position compared to others, with the exception of London Boroughs. For some years, Standards Grant funding to the level of £15 million has been part of the Designated Schools Grant and has, with oversight through the Birmingham Schools Forum, been distributed to individual schools. While the peer team acknowledges significant cost pressures for many partners in the system, including the Council, we believe that the system is resourced to deliver school improvement and must prioritise existing funding to best effect.

There are sound foundations for an effective self-improving education system, including maintained and academy providers and consortia, with well-established and proven arrangements. We heard about strong formal and informal partnership arrangements between schools with established arrangements to support teaching and learning, drawing on a wealth of resources within the system such as the Teaching Schools and Leaders of Education. There are good arrangements for managing exclusions through groups of schools working together, although there was concern that too many exclusions still occur. The BEP, although still in its infancy, is bringing improved oversight, co-ordination and targeted support.

The Council's relationship with schools is improving and we heard evidence of more responsive and personalised services. Examples are School Governance, HR and Payroll, ICT as well as Safeguarding which were presented as services that are engaged and pro-active.

Communication with schools is vastly improved and valued. Starting from a low base, the Council has now developed a system that permits direct and pro-active communication with all schools across the City. The 'School Noticeboard', a weekly newsletter, provides purposeful information, resources and guidance and is valued by headteachers. A good example is the Council's response to the terrorist events in Paris on 13 November 2015, where a special edition provided strong messages of civic leadership in addition to resources for use in schools. Headteachers commented positively on the existence of more pro-active communication and direct engagement from BCC's senior team, including the Executive Director.

The Council now needs to set out its vision and ambition for the education system that will underpin the school improvement strategy post-intervention. The

peer team consider that at the heart of this lies a decision about the kind of relationship the Council wishes to have with its schools and what this means in practice. For example, what is the distinctive role and responsibility that only the Council can provide? What will this look like in practice? What services will the Council continue to provide and why? How will they be funded and sustained? Articulating clarity in its relationship with schools will enable the Council to move to setting the agenda as opposed to responding to crises.

Continuity in the professional leadership of the service is widely regarded as crucial. Given the Clarke and Kershaw reports as well as the below average performance of many schools in Birmingham there was a strong consensus that a period of stability and strong professional oversight is required for the Improvement Plan to be delivered with maximum impact.

The role of 'district' arrangements in scrutinising education is confused. Scrutiny arrangements in the 10 Districts are unclear, inconsistent and not well resourced. There is confusion about the respective roles and responsibilities of District Scrutiny arrangements and the work of the Education and Vulnerable Children Overview and Scrutiny Committee with regards to effective scrutiny of local education performance. While local scrutiny is powerful, the approach needs to be consistent and it is important to ensure a clear line of sight from District level to the Council leadership.

The Schools Forum needs to be further developed to undertake a more effective role in educational leadership. The Forum oversees over £1billion of Dedicated Schools Grant per annum which requires members to make significant strategic decisions. Members of the Forum acknowledge and welcome the change in officer leadership and the recent work to develop the Forum which has led to more trusting relationships. However, this needs to be supplemented by training to ensure that all members understand their brief and the complexity of school finance. There was a request for more effective administration of the Forum, including quality and timeliness of reports and for discussions to be commensurate to finances involved.

Partners including Ofsted, the Regional Schools Commissioner and the DfE need to be clear about their respective roles and responsibilities and how they work together. We heard different descriptions from partners about what their and others' responsibilities are. Given the complex schools landscape and an increase in Academies and Free Schools, it is crucial that partners are clear about their and partners' roles and responsibility so that they can work together to deliver their core purpose – the best education for children in Birmingham.

### **3. Strengthening School Governance**

Governance is now high on the agenda and has a high profile with schools and other stakeholders. Individuals we spoke with about governance reported that they had seen a significant improvement in the quality and quantity of advice and guidance given by governor services. There was clear evidence of an intensification of monitoring and risk rating governance in maintained schools. However, this is only just getting underway and it is difficult to assess its impact. The governor services team clearly relish the challenge of spearheading new initiatives such as the schools audit which will put a clear focus on the quality of governance as well as on financial issues.

Governor services are generally very well regarded, with a significant majority of all types of schools buying in and high levels of satisfaction expressed in the evidence presented. Governor services reported that some 85% of schools subscribe to their traded services and included a majority of academies, although take up in this sector was lower. Take up by maintained schools is close to 100%, while 58% of primary academies and 47% of secondary academies buy into the service. There was widespread agreement that the service is pro-active, easy to access and provides high quality advice and guidance on a range of matters, including regular briefing, general and specialist training, model policies, skills audits and legal matters. This reach and positive feedback is encouraging progress. It will help to ensure a sound foundation for Governing Bodies in Birmingham Schools to fulfil their strategic role of providing clarity of vision, ethos and strategic direction, holding the headteacher to account for educational performance of the school and ensuring that money is well spent.

Communication and support to Governing Bodies regarding safeguarding is extensive and timely. Conversations with headteachers, clerks, governors and the voluntary sector unanimously praised the communications and training on safeguarding provided by governor services through its commissioned provision Services for Education. Direct support on safeguarding to governors is also provided and well-received.

The selection of Birmingham City Council (BCC) nominated governors is much improved. We saw strong evidence that the process for nominating BCC governors is rigorous and more transparent. Applicants are required to complete a comprehensive application form and provide references. Due diligence checks are carried out and applications are reviewed at the School Governor Nomination Committee which includes councillors, headteachers and governors. However, vacancy rates are high at 25% of all LA Governors. While the Service is actively marketing governor positions, this needs to continue at pace in order to provide a sufficient pool of high calibre LA Governors.

Interim Executive Boards (IEBs) have moved their schools forward. We interviewed two chairs of IEBs of schools in very challenging circumstances and

who had been significantly underperforming schools and there was strong evidence of improvement in achievement, safeguarding and leadership. Governor services reported a much greater and more thoughtful use of IEBs in recent years to drive school improvement, together with appropriate and timely support. Appointments to these are carefully planned with involvement from governor services, the executive directors and academy sponsors. This shows a more strategic approach to using effective governance to challenge school leadership and drive school improvement.

While governor services measure the number and frequency of schools who are engaged and the feedback with individual services, there is as yet no evidence of the extent of the take up and penetration of the services or more importantly the impact their work is having across the cohort of schools. Given the scale and reach of governor services and the Birmingham Governors' Network (BGN), we consider that this is an area that should be developed, possibly in the form of a broader evaluation that would also inform the future direction of the Service. It may well be that national organisations such as the National Governance Association or one of the local universities could support this.

Working relationships between governor services and representative governor networks need to be further clarified and strengthened. Conversations with Birmingham Governor Services, Birmingham Governors Network (BGN), National Governors' Association (NGA), headteachers, clerks and leaders of the voluntary sector highlighted a disjointed approach and increasing reluctance among some groups to work together. For example, there is no agreed approach to sharing information and data about governing bodies who may need support, nor is there a coordinated approach to training and development. In the past this has led to situations where there is duplication of training or networking sessions in one part of the City or none at all in another part. Building on the recommendations in the recent review of the BGN by the NGA, the peer team consider the need to clarify roles and responsibilities of the BGN vis-à-vis Governor Services is a key task which needs to be articulated. Both organisations should work to their respective strengths and consider the needs of the system as a whole.

There is a gap in providing quality assurance of clerking services. We heard from governors, headteachers and clerks that this is a gap in the current market. Clerks in particular would value a mechanism for regular networking and training for clerks. Given the importance of professional clerking to enable professional governance this might be an area of future business development for governor services.

The BEP should take a higher profile in monitoring the quality and effectiveness of school governance across the City. It is the GB's role to tackle significant under performance in their schools through robust challenges over a long period of time. People we spoke with were committed to BEP and wanted to see it

strengthen and work for the benefit of the districts but felt their monitoring role in effective governance could be the 'central' oversight needed. Although the infrastructure of BEP is in place, the scope of BEP and resources available to it currently limit its effectiveness without the addition of extra responsibilities such as monitoring governing body effectiveness.

There is an inconsistent approach to the adoption of the school governor model code of conduct, including the recommendations on lengths of service and the number of schools a single governor can serve on. The nationally promoted Model Code of Conduct for school governance is extensively distributed and adopted but in many cases with a proviso that the requirement to limit 'long serving governors' be removed from the code. Governor Services and Birmingham Governors Network need to not only adopt the national position, endorsed and informed by NGA guidance, across the whole school population but put in place a robust system of measuring compliance and in turn help spread good practice in governance across to other schools.

#### **4. Safeguarding in Schools**

Safeguarding training and development for staff across the system is strong, embedded and of high quality. The Council differentiates between a universal, targeted and specialist offer drawing on Home Office training products and more local resources. Targeted responses follow identification either by schools, Ofsted or through s175 (Safeguarding) audits, and the Council has created a bespoke support where serious weaknesses have been identified, including case management, CSE, FGM and forced marriage. There are robust plans to develop the function with a proactive focus on engaging schools with the UNICEF Rights Respecting Schools Award, supporting schools to pro-actively weave the UN Convention of the Rights of the Child through the life of the school, and to adopt a train the trainer approach to ensure business continuity with 60 schools and multi-agency partners trained to deliver Prevent training.

Section 175 audits have moved from a low return and awareness to 97% completion using the newly launched on-line tool, and variations in quality are being addressed. Safeguarding audits are carefully reviewed and contribute to the overall assessment of schools through the Education Data Dashboard. Headteachers report that the format and process of the Safeguarding audit has much improved with a tailored 'Birmingham version' that was developed with input from school leadership. Schools report that the requirements are clear and they felt that guidance on safeguarding audit processes and policies from the Council was responsive and of good quality. They were positive about the engagement and support to Governors.

Schools report that the Multi-Agency Safeguarding Hub (MASH) delivery model 'Right Service Right Time' is widely understood and backed up by effective

training. It is supported across the system and MASH as the 'key in the lock' to appropriate and effective support to children and families is increasingly understood. Looking forward, care needs to be taken that shifting operational practices among individual agencies do not stymie effectiveness.

Headteachers we spoke with demonstrate high levels of awareness of what is required in Safeguarding and appreciate the guidance issued by the Council. There is a clear line of sight on audit and high levels of engagement. Over 70% of schools have accessed or booked Prevent training for the spring term in 2016. Designated Safeguarding Leads understand the complex and dynamic landscape of safeguarding practice, for example Prevent, FGM and CSE across all age groups and are resilient and inquisitive. They welcome the responsiveness of the Council and value the quality of advice and resources that are made available. There is good work across safeguarding and governor services to ensure that Safeguarding Governors understand their roles and responsibilities and have access to training and support.

Data collection and management is supporting safeguarding in schools. Information from the safeguarding audits will be used to ascertain any weaknesses in safeguarding policies or practice and will feed into the Education Data Dashboard to contribute to a systemic assessment of schools against a range of criteria. Data is balanced with qualitative knowledge and helps to identify schools that require targeted or specialist support.

Key officers are making a huge difference. The Resilience Advisor and the Safeguarding Advisor work together very effectively to bridge and broker support for schools and blend skills sets to ensure that bespoke support is available across universal, targeted and specialist responses. They are held in very high regard by everyone we spoke with.

The fragmentation of schools' ICT and data systems is creating a risk around information exchange and data security. There are now a range of data systems available for schools to purchase which are of variable quality. Our conversations identified concerns about some systems, while cheaper, offering a lesser quality in information exchange and data security which impacts on the ability to effectively share information across the system and highlight safeguarding concerns.

There are concerns within the system about the sustainability of the improvements, given that some roles are short-term and other personnel are changing. The temporary nature of the Resilience and Safeguarding Advisors were mentioned in particular, whose roles are seen as critical in the medium term to support schools. We understand that the Chair of the Safeguarding Board is coming to the end of her term. This is a high profile position and care needs to be taken to ensure a strong replacement in a timely fashion. The Board's recent

Annual Report demonstrates insight into the challenges Birmingham faces, and effective leadership of the Board will be a key part of the improvement journey.

There are significant concerns across the system about children missing from home or care, from education, or because they are unknown to the authorities. This was expressed by all of the stakeholder groups to the peer team. Linked to this is a concern about growth in the unregistered, unregulated and supplementary school providers exacerbating on-going risks, for example around Prevent, CSE and FGM. There is an expectation amongst partners that the Council will provide strong leadership in establishing a city wide risk assessment of all settings, but acknowledge that this must be a shared responsibility.

The 'fuzzy space' between Children's Social Care and Education was highlighted by internal and external stakeholders. This concerns the inevitable lack of clear demarcation between Education and Children's Services. Filling this space will require practitioners from both services to develop better knowledge of each other's policies and practice, and to develop a shared understanding. Managers have an important role to facilitate this process.

There is a gap in a systematic roll out of Council Safeguarding training and risk assessment across the Private, Voluntary and Independent (PVI) sector. This is an area of concern that needs to be addressed.

## **5. Improving Schools**

The BEP is widely recognised as the right vehicle for school improvement. BEP was established in November 2013 when headteachers from across Birmingham came together to create a collective voice for the city's schools. Since 1st September 2015, BEP has been commissioned by the Council to carry out school improvement. Central to its mission is to ensure that no school in Birmingham is isolated. Headteachers and other stakeholders we spoke with, including the Regional Schools Commissioner, are supportive of the BEP and subscription levels are high from across all schools in Birmingham. It is widely regarded as the right approach to developing a system-led and system wide approach to school improvement. There is a keenness for it to explicitly seek to grow its own leaders.

BEP has begun to establish District Networks, which are crucial in developing a comprehensive understanding of schools within its remit. At present there are eight District leads (serving headteachers) who are seconded three days a week to build knowledge of schools in each district, and to enable BEP to provide school improvement support. They are supported by district engagement coordinators who are working across the ten districts to strengthen existing connections and build infrastructure with partner organisations. These are good foundations to build an effective self-improving system for school improvement.

BEP is developing a comprehensive understanding of schools in its remit. It has established a School Improvement Commissioning Group, involving a core group of recently serving headteachers. The board meets regularly to gain a clear view of the city and help drive forward school improvement in Birmingham. Positively, we heard that BEP is using its knowledge to re-categorise schools in order to better target interventions and support.

We heard some evidence that BEP is providing effective and professional advice to schools. We heard of a number of schools which moved from 'requiring improvement' to 'good' following work with BEP and who felt that support had been based on robust understanding and knowledge of schools with timely and well written analysis and recommendations.

Schools benefit from the Birmingham Curriculum Statement that was issued for the start of the new academic year on 1<sup>st</sup> September 2015. It sets out that all children will experience a broad and balanced curriculum enabling them to grow and learn in an environment without prejudice or inequality. It further describes the shared values that underpin Birmingham's approach to community cohesion with clear reference to the Equality Act 2010 and a statement that adherence to these values is non-negotiable. This has provided schools with strong and explicit policy guidelines for all children in their care.

Senior education staff are maintaining a high degree of involvement in schools which is regarded as positive by many. Schools value the greater presence of the Executive Director and his team which includes visits to new headteachers, attendance at Forums and the establishment of a new group including the chairs of each of the Schools Forums. A range of formal and informal networks ensure good engagement of the Council across all schools.

The school audit team within the Council has started a comprehensive audit programme of its maintained schools. This focuses on effective governance, specific areas of safeguarding, including Section 175, attendance and RE & Collective Worship, and financial management. This will provide independent assurance to schools and the Council.

Consideration needs to be given to the robustness and the effectiveness of performance management information and the coherence of process for identifying schools at risk. The newly created Education Dashboard (EDD) to identify schools at risk has ensured information on schools is shared. However schools expressed a concern about the quantity and quality of the data and also how it was collected. The BEP also have a process for identifying schools causing concern using attainment data and we believe the duplicate systems are confusing. Whilst the 'Cross-cutting Group' is regarded by many as a useful internal forum to co-ordinate and manage an appropriate Education Service response to complex, cross-cutting challenges in schools, there is a

misconception amongst schools about its purpose and the quality of information it uses to make judgements. Looking forward the peer team considers that the BEP should prioritise school improvement based on a single definitive process for identification of schools and their performance.

BEP has limited resources to support the large number of schools requiring assistance. As of June 2015, 15% of all Birmingham schools are rated by Ofsted as 'requiring improvement' and 8% as 'inadequate'. Given the redistribution of school improvement funding to schools via the allocation of the Standards Grant to the DSG, it is appropriate for schools to contribute to the cost of BEP and the sector led improvement system more generally. At the moment, BEP receives £1.8m school improvement funding from the Council, and has a subscription system whereby schools pay a premium of £1 per pupil. Going forward, there is a need to consider the resources required to deliver a school improvement system that is fit for purpose and can meet the current and future needs in Birmingham appropriately within the context of financial pressures for the system as a whole, and how the system as a whole will finance it.

There is a gap around improvement support for Early Years. There are conflicting views about the role of BEP in providing support to pre-statutory age providers, including maintained nurseries and PVI settings. Birmingham has a strong and mixed economy Early Years sector. The Council is currently developing a quality improvement proposal as part of its Early Years Review. This will be a key part in a system wide discussion about the extent of the improvement offer, who provides it and how it will be financed.

Building on its strong start, there is considerable scope for BEP to further develop its system leadership. This includes engagement with, for example, Academy Sponsors, Teaching Schools, Local and National Leaders of Education, National Leaders of Governance to broker the right support for schools in order to manage resources well across the system and for the benefit of all children in Birmingham.

Schools perceive that some services provided by the Council are not properly performance managed or evaluated. The Council's Property Services is universally regarded as unresponsive and not providing good value for money. Partners are keen for the Early Years Review to progress at pace, and we heard concerns about the timeliness of the education, health and care plans, and the advice and support for dealing with exclusions.

## **6. Local Leadership and Accountability – the Ladywood Pathfinder**

The Council is commissioning the BEP to provide a local partnership service from January 2016 to be delivered via the District teams. This approach is currently

piloted in Ladywood District where the BEP is engaging the schools and other partners to better identify local priorities, co-design and agree local solutions with service providers on issues such as mental health and school nursing, commission services and work collaboratively with other schools to ensure greater value for money, and to support schools in understanding the full range of services and resources available to them in their District.

This local approach and focus shows potential for helping to influence some of the wider determinants of school success. Following a 'taster session' in March to enable early dialogue between schools, BEP and officers from the Council and the NHS, a programme of single topic workshops has been arranged to facilitate engagement with schools and service providers, as well as a third sector market place event in September. Feedback from schools, council services and providers has been positive, and there are some good examples of a more bespoke Ladywood offer, for example for 0-25 Mental Health; and an emerging offer for School Nursing.

The Director of Partnerships in the BEP has provided good leadership in brokering relationships between schools and other service providers. He is enthusiastically establishing links and networks and is successfully facilitating better contact between schools and service providers, establishing a system whereby schools can access the right support for children to learn well and for their organisations to flourish.

To date, a high proportion of schools in the pathfinder district have not yet actively engaged with the networking events and workshops. The first interim evaluation report shows that the work had extended to 28 of the 80 schools in the pathfinder District by June 2015. Providers saw the 'Third Sector Marketplace' event in September as an energising and exciting event and a good opportunity to promote services and generate referrals; however they felt that the reach needed to go beyond the 'usual suspects' and it was necessary to continue to use a range of methods to engage with all 80 schools in the pathfinder district.

The leadership roles of the Council and the BEP in particular in the pathfinder district need to be clarified. Strong leadership from the Council's commissioning team has been invaluable to bring about early dialogue between schools and service providers and the emerging Ladywood offer for 0-25 Mental Health but could lead to a perception that the pathfinder is commissioner driven as opposed to community led.

## **7. Recommendations**

Based on what we saw, heard and read we suggest the Council considers the following actions. These are things we think will build on your main strengths

and maximise your effectiveness and capacity to deliver future ambitions and plans for school improvement.

1. Develop a clear education vision and strategy that align BCC's ambition, resources and desired outcomes for the City's children with its wider objectives
2. Provide training and development for all members involved in scrutinising education with clear line of sight from district level to the Council leadership
3. Develop a comprehensive risk assessment for Birmingham as a whole that incorporates all settings, including information relevant to the phase and sector, and this is a shared responsibility with partners
4. Develop the intelligent client role of BCC in relation to the BEP and ensure that resources and ambitions are aligned
5. Determine an effective accountability model for BEP
6. Using learning from the Ladywood pathfinder, further develop the partnership role of BEP to enable schools to better meet the needs of young people within the City
7. Ensure that the Education Improvement Group provides effective and timely challenge where there is evidence of poor governance in schools
8. Ensure that the Education Improvement Group facilitates clarity about respective roles and responsibilities of partners to ensure that its positive impact is sustained
9. Encourage BEP to prioritise school improvement based on a single definitive process for identification of schools and their performance
10. Ensure that BCC staff undertaking visits to settings where there are concerns have the skills and authority to take necessary action

## **9. Next steps**

The Council will undoubtedly wish to reflect on these findings and suggestions before determining how the system wishes to take things forward. As part of the Peer Challenge process, there is an offer of continued activity to support this. I look forward to finalising the detail of that activity as soon as possible.

We are keen to continue the relationship we have formed with you and colleagues through the peer challenge to date. Helen Murray, Principal Adviser for the West Midlands is the main contact between Birmingham City Council and the Local Government Association. Helen can be contacted at [Helen.Murray@local.gov.uk](mailto:Helen.Murray@local.gov.uk) and can provide access to our resources and any further support.

In the meantime, all of us connected with the peer challenge would like to wish you every success going forward. Once again, many thanks for inviting the peer challenge and to everyone involved for their participation.

Yours sincerely

Anne Brinkhoff  
Programme Manager – Local Government Support  
Local Government Association

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## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Strategic Director for People</b>
<b>Date of Decision:</b>	<b>26<sup>th</sup> January 2016</b>
<b>SUBJECT:</b>	<b>CHANGE TO IMPLEMENTATION DATE PROPOSAL TO ALTER THE UPPER AGE-RANGE OF TURVES GREEN BOYS' SCHOOL TO PROVIDE A SIXTH FORM</b>
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 001056/2016</b>
<b>If not in the Forward Plan: (please "tick" box)</b>	<b>Chief Executive approved</b> <input type="checkbox"/> <b>O&amp;S Chairman approved</b> <input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Councillor Brigid Jones, Cabinet Member, Children and Family Services</b>
<b>Relevant O&amp;S Chairman :</b>	<b>Councillor Susan Barnett, Education and Vulnerable Children</b>
<b>Wards affected:</b>	<b>Northfield</b>

**1. Purpose of report:**

To modify the implementation date of the formerly agreed proposal to alter the upper age limit of Turves Green Boys' School from 16 to 18 years adding 100 sixth form places to the school. The request is to modify the implementation date of the sixth form from 1<sup>st</sup> September 2016 to 1<sup>st</sup> September 2017 as a result of unforeseen delays to the construction programme. The original proposal was approved by Cabinet on 14<sup>th</sup> July 2014.

**2. Decision(s) recommended**

Cabinet is recommended to:-

2.1 Approve, having taken account of the statutory guidance, that the implementation date for the sixth form at Turves Green Boys' School be modified from 1<sup>st</sup> September 2016 to 1<sup>st</sup> September 2017.

<b>Lead Contact Officer(s):</b>	Mary Lowe, School Organisation Officer
<b>Telephone No:</b> <b>E-mail address:</b>	0121 303 8847 <a href="mailto:mary.lowe@birmingham.gov.uk">mary.lowe@birmingham.gov.uk</a>

### **3. Consultation**

#### **3.1 Internal**

Information about the original proposal was sent to all City Councillors including the Executive Member for Northfield, Richard Burden local MP and the Ward Councillors, together with relevant officers.

#### **3.2 External**

The original proposals were fully consulted upon in line with the requirements set out by the Department for Education (dated Jan 2014). Officers engaged with parents, staff and governors at the school and local schools were invited to comment on the proposed expansion. The proposals were discussed at meetings at the school with parents, staff and governors, ward councillors and district representatives, and a public notice was issued in the local paper and in the community to engage local residents. Representatives from the professional associations and other key stakeholders including surrounding Local Authorities were also consulted. Full information was provided on Birmingham webpage and respondents asked to reply through BeHeard.

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

This proposal for the addition of sixth form provision at Turves Green Boys was put forward in line with the national agenda 'Raising the Participation Age' whereby all pupils will be required to remain in education or training until the age of 18 from 2015, and still forms part of the current Education Development Plan published in February 2015.

#### **4.2 Financial Implications. (Will decisions be carried out within existing finances and Resources?)**

4.2.1 The expansion of the school is being funded by the Education Funding Agency (EFA) under the West Midlands Capital batch of the Priority School Building Programme (PSBP). 'Turves Green Boys' is a Local Authority maintained community school. The relevant construction work necessary to create the additional accommodation is being managed centrally by the EFA. All capital costs will be funded by the EFA, (with the exception of any works which may be required pursuant to S.278 of the Highways Act or S.106 of the Town and Country Planning Act, for example traffic calming measures which would be funded from the contingency allowance in the capital budget for PSBP. EFA will fund fixed furniture, fittings and equipment, together with the ICT network, and in this circumstance under PSBP will provide for loose furniture and equipment (including ICT) for the expansion only.

4.2.2 The revenue funding detailed in the original cabinet report still applies as follows; under the EFA's funding methodology, new school sixth forms receive a third of their total capacity in Year one and funding for subsequent years is based on lagged numbers. As a maintained school, the funding for the places will be added to the local authority's 16-19 School Sixth Form allocation from the EFA. Funding per pupil will be calculated based on the EFA 16-19 National Funding Formula. The local authority will not provide any additional funding for any shortfall which must be met from the school budget, including the two-thirds in the first year.

#### **4.3 Legal Implications**

Paragraph 21 of Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 allows for modification post-determination where the Local Authority have determined the proposals, the local authority may at the request of the governing body which made the proposals modify the proposals. The School Organisation Maintained School Guidance (January 2014) states that “if it proves impossible to implement a proposal as approved, the proposer can seek modifications (e.g. the implementation date) from 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 published”.

#### **4.4 Public Sector Equality Duty**

An updated Equality Assessment initial screening was carried out in December 2013 against the School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening in respect of these recommendations.

### **5. Relevant background/chronology of key events:**

- 5.1 The Local Authority has the following relevant statutory duties relating to Post 16 education:
  - i) Under Section 15ZA of the Education Act 1996 must secure that enough suitable education and training is provided to meet the reasonable needs of persons in their area who are over compulsory school age but under 19 and persons in their area who are aged 19 or over and for whom an EHC plan is maintained.
  - ii) Under Section 10 of the Education and Skills Act 2008, to promote the effective participation in education or training until a young person's 18<sup>th</sup> birthday (Raising the Participation Age).
- 5.2 Under the local authority's duty to secure suitable and sufficient places in Post 16 education and training and the Government's Raising the Participation Age (RPA) agenda, the new provision at Turves Green Boys' will complement the local offer and support increased participation.
- 5.3 The Education and Skills Infrastructure Team in conjunction with Turves Green Boys' School submitted a successful bid under the PSBP to the EFA. As part of the bid and in order to maximise on capital investment to support the diverse local offer, Turves Green Boys' School was identified to provide additional secondary and sixth form places in the future. This scheme is fully managed and delivered by the EFA and not the City Council.
- 5.4 Consultation on the original proposals for the sixth form was carried out in line with DfE guidance and the views of parents, staff and governors of the school were sought along with the views of other relevant stakeholders, including ward councillors and district representatives.
- 5.5 Local secondary head teachers were also consulted and views sought from the principals of local colleges. The admissions criteria for the sixth form will follow the criteria set out by the Local Authority, and the school is collaborating with other local providers to ensure a diverse and appropriate offer so as to complement the local offer and support the Birmingham skills agenda. The new sixth form seeks to improve the local post 16 offer providing a school-based sixth form experience for students.
- 5.6 A statutory notice for Turves Green Boys' School was published on 22<sup>nd</sup> May 2014 and a four week period followed where objections to or comments on the proposals could be submitted. No objections were received. The proposal to alter the upper age limit to provide

a sixth form at Turves Green Boys School from 1<sup>st</sup> September 2016 was taken as a report to Cabinet Committee on 14<sup>th</sup> July 2014 and received approval. A copy of the public notice and the original Cabinet report are included as Appendices 1 and 2 of this report.

- 5.7 The delay to the project is due to levels of asbestos that have been identified on site, the levels of which were in excess of what was anticipated in the initial asbestos survey. This will delay the project by approximately fourteen weeks and will mean that the handover of the new school and the sixth form will not be completed in time for 1<sup>st</sup> September 2016.
- 5.8 The school does not have the capacity for a sixth form in their existing building and would not be able to meet the sixth form offer to students without the appropriate accommodation in place. The school is currently decanting the 11 – 16 year old pupils in limited accommodation.
- 5.9 The proposed delay to the implementation date from 1<sup>st</sup> September 2016 to 1<sup>st</sup> September 2017 of this project would allow the school to start their sixth form in the new building with suitable purpose built accommodation and a full offer in place. There is currently sufficient sixth form capacity across the city to cope with the 2016 cohort.

## **6. Evaluation of alternative option(s):**

- 6.1 The recommendation of this report is for the implementation date to be amended from 1<sup>st</sup> September 2016 to 1<sup>st</sup> September 2017; alternatively, in line with guidance Cabinet may decide to let the original date stand for this.
- 6.2 Should the original implementation date be left to stand, Turves Green Boys School would need to find temporary accommodation for their sixth form from 1<sup>st</sup> September 2016. It would prove difficult to attract students to a sixth form with temporary accommodation that may not be provided on the site of the school. This would create financial problems for the school.

## **7. Reasons for Decision(s):**

- 7.1 To enable Turves Green Boys' School to offer sixth form provision from September 2017.

**Signatures****Date**

Cabinet Member, Children's Services

Cllr Brigid Jones: .....

Strategic Director for People

Peter Hay: .....

**List of Background Documents used to compile this Report:**

Education and Inspections Act 2006

School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

**List of Appendices accompanying this Report (if any):**

1. Copy of the public notice to alter the upper age limit to provide a sixth form at Turves Green Boys
2. Copy Cabinet report that was approved on 14<sup>th</sup> July 2014.
3. Relevant Extract from Statutory Guidance on 'School Organisation – Maintained Schools: Annex B: Guidance for Decision Makers' issued by the DfE in January 2014

<b>Report Version</b>	<b>6</b>	<b>Dated</b>	<b>6<sup>th</sup> January 2016</b>
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**BIRMINGHAM CITY COUNCIL****Alteration of the Upper Age Limit from 16 to 18 years to provide a Sixth Form  
Turves Green Boys' School**

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that Birmingham City Council proposes to make prescribed alterations to Turves Green Boys' School (a Community school), Turves Green, Northfield, Birmingham B31 4BS, namely alteration of the upper age limit from 16 to 18 years in order to add Sixth Form Provision with effect from 1<sup>st</sup> September 2016.

The proposed number of Sixth Form places is 100 across Years 12 and 13.

Turves Green Boys' School is being rebuilt and expanded following a successful bid to the Education Funding Agency under the Priority Schools Building Programme to renew its buildings. The rebuild is forecast for completion in Spring 2016. The Governing Body of the school will be expanding the school with effect from September 2016. The current net capacity of the school for years 7 – 11 is 625. The current number of pupils registered at the school is 522. The current admission number for Year 7 at the school is 125 and from 2016 will be 150. The proposed net capacity of the school is 850 including 100 places across Years 12 and 13.

This notice is an extract from the complete proposal. Copies of the complete proposal can be found at [www.Birmingham.gov.uk/schools/turvesgreenboys](http://www.Birmingham.gov.uk/schools/turvesgreenboys). If you require a hardcopy this can be obtained by writing to: School Organisation Team, Education and Skills Infrastructure, PO Box 15843, Birmingham B2 2RT, or by requesting at the school.

Within four weeks after the date of publication of this proposal, anyone who wishes to make representations about this proposal should either make comments through the web site or by writing to the School Organisation Team at the above postal address.

Signed: Peter Hay, Strategic Director, People Directorate

Dated: 22nd May 2014

**Explanatory Notes:**

1. Birmingham City Council is publishing this proposal following consultation with pupils, staff, governors and other stakeholders.
2. Birmingham City Council is proposing to alter the upper age limit of the school to 18 so as to provide a Sixth Form. Should this be approved, the proposal, once implemented, will result in the school eventually being able to accommodate up to 100 pupils across Years 12 and 13.

**BIRMINGHAM CITY COUNCIL****PUBLIC REPORT**

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Strategic Director, People</b>
<b>Date of Decision:</b>	<b>14<sup>th</sup> July 2014</b>
<b>SUBJECT:</b>	<b>PROPOSAL TO ALTER THE UPPER AGE-RANGE OF TURVES GREEN BOYS' SCHOOL TO PROVIDE A SIXTH FORM</b>
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 503442</b>
<b>If not in the Forward Plan: (please "tick" box)</b>	<b>Chief Executive approved</b> <input type="checkbox"/> <b>O&amp;S Chairman approved</b> <input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Councillor Brigid Jones, Cabinet Member, Children and Family Services</b>
<b>Relevant O&amp;S Chairman :</b>	<b>Councillor Anita Ward, Education and Vulnerable Children</b>
<b>Wards affected:</b>	<b>Northfield</b>

**1. Purpose of report:**

To seek determination of the statutory proposal to alter the upper age limit of Turves Green Boys' School from 16 to 18 years with effect from 1<sup>st</sup> September 2016. The proposal will add 100 sixth form places to the school, taking the capacity from 750 to 850 pupils.

**2. Decision(s) recommended**

Cabinet is recommended to:-

2.1 Approve, having taken account of the statutory guidance, the statutory proposal to add a sixth form to Turves Green Boys' School by altering the upper age limit of the school from 1<sup>st</sup> September 2016.

2.2 The additional sixth form places will be provided within the new school build as a result of a successful bid under the Priority School Building Programme and will be delivered by the Education Funding Agency. There is a separate Chief Officer report authorising the entering into the necessary legal documents for the rebuild e.g. Memorandum of Understanding with EFA.

<b>Lead Contact Officer(s):</b>	Lucy Dumbleton, School Organisation Manager
<b>Telephone No:</b>	0121 464 3423
<b>E-mail address:</b>	<a href="mailto:lucy.dumbleton@birmingham.gov.uk">lucy.dumbleton@birmingham.gov.uk</a>

### **3. Consultation**

#### **3.1 Internal**

Information about the proposal was sent to all City Councillors including the Executive Member for Northfield, Richard Burden local MP and the Ward Councillors, together with relevant officers, representatives from the professional associations and other key stakeholders including surrounding Local Authorities. Eight responses were received during the pre-statutory period, seven of which were in favour of the proposal or had no objections. The other one was from a neighbouring FE college raising some queries over the addition of a sixth form. A copy of the full consultation proposals can be found in Appendix 1.

#### **3.2 External**

These proposals have been fully consulted upon in line with the requirements set out by the Department for Education (dated Jan 2014). Officers have engaged with parents, staff and governors at the school and local schools have been invited to comment on the proposed expansion. The proposals were discussed at meetings at the school with parents, staff and governors, ward councillors and district representatives, and a public notice has been issued in the local paper and in the community to engage local residents. Full information has been provided on Birmingham webpage and respondents asked to reply through BeHeard. No responses or objections have been received during the representation period.

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

This proposal would result in additional post-16 provision being available to the local community and would contribute to the Council Business Plan and Budget 2014+ strategic priorities of a Prosperous City and a Fair City by aiming to ensure that every pupil in Birmingham has the opportunity to leave school with a recognisable qualification and with the skills they need to make a significant positive contribution to the economy and community. The addition of sixth form provision at Turves Green Boys falls in line with the national agenda 'Raising the Participation Age' whereby all pupils will be required to remain in education or training until the age of 18 from 2015, and forms part of the Education Development Plan currently in consultation.

#### **4.2 Financial Implications. (Will decisions be carried out within existing finances and Resources?)**

4.2.1 The expansion of the school will be funded by the Education Funding Agency (EFA) under the West Midlands Capital batch of the Priority School Building Programme (PSBP). Turves Green Boys' is a Local Authority maintained school. The relevant construction work necessary to create the additional accommodation required from September 2016 will be managed by the EFA under the PSBP i.e. this build project is not been delivered by the City Council and all related expenditure will not appear on the City Council General ledger. All capital costs will be funded by the EFA, with the exception of any works which may be required pursuant to S.278 of the Highways Act or S.106 of the Town and County Planning Act, for example traffic calming measures which would be funded from the contingency allowance in the capital budget for PSBP. EFA will fund fixed furniture, fittings and equipment, together with the ICT network, and in this circumstance under PSBP will provide for loose furniture and equipment (including ICT) for the expansion only.

4.2.2 In terms of revenue funding, Turves Green Boys' proposed post-16 provision will be factored in to the discussions with the EFA about funding for allocated places from September 2016 to ensure that this is a sustainable proposal. Under the EFA's funding methodology, new school sixth forms receive a third of their total capacity in Year one and funding for subsequent years is based on lagged numbers. As a maintained school, the funding for the places will be added to the local authority's 16-19 School Sixth Form allocation from the EFA. Funding per pupil will be calculated based on the EFA 16-19

National Funding Formula. The local authority will not provide any additional funding for any shortfall which must be met from the school budget, including the two-thirds in the first year.

#### **4.3 Legal Implications**

This report exercises powers contained within section 19 and 21 of the Education and Inspections Act 2006 and regulation 5 of and paragraph 2 of Schedule 2 and paragraph 3 of Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the “Prescribed Alterations Regulations”) by which the local authority has the power to make statutory proposals affecting schools in its area and to determine them.

#### **4.4 Public Sector Equality Duty**

An updated Equality Assessment initial screening was carried out in December 2013 against the School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening in respect of these recommendations.

### **5. Relevant background/chronology of key events:**

5.1 The Local Authority has the following relevant statutory duties relating to Post 16 education:  
i) Under Section 15ZA of the Education Act 1996 (as inserted by the Apprenticeships, Skills, Children and Learning Act 2009) to secure suitable and sufficient places in education and training for young people aged 16-19 and for those aged 20-24 with a Learning Difficulty Assessment in their area.

ii) Under Section 10 of the Education and Skills Act 2008, to promote the effective participation in education or training until a young person’s 18<sup>th</sup> birthday (Raising the Participation Age).

5.2 Under the local authority’s duty to secure suitable and sufficient places in Post 16 education and training and the Government’s Raising the Participation Age (RPA) agenda, the new provision at Turves Green Boys’ will complement the local offer and support increased participation.

5.3 The Education and Skills Infrastructure Team in conjunction with Turves Green Boys’ School submitted a successful bid under the PSBP to the EFA. As part of the bid and in order to maximise on capital investment to support the diverse local offer, Turves Green Boys’ School was identified to provide additional secondary and sixth form places in the future. This scheme is fully managed and delivered by the EFA and not the City Council.

5.4 After initial discussions with the Head Teacher and Chair of Governors, consultation on the proposals was carried out in line with DfE guidance and the views of parents, staff and governors of the school were sought along with the views of other relevant stakeholders, including ward councillors and district representatives. The response rate was low: 700 consultation documents were sent out and 8 responses were received.

5.5 Local secondary head teachers were also consulted and views sought from the principals of local colleges. The admissions criteria for the sixth form will follow the criteria set out by the Local Authority, and the school is collaborating with other local providers to ensure a diverse and appropriate offer so as to complement the local offer and support the Birmingham skills agenda. The new sixth form seeks to improve the local post 16 offer providing a school-based sixth form experience for students.

5.6 This proposal has previously been consulted on earlier in 2014. Due to some omissions in the previous proposal, including evidence of the demand of sixth form places and potential effect on other institutions, the Schools Adjudicator felt it appropriate for the LA to withdraw the original proposal and reissue with full information. The advice and guidance of the Schools Adjudicator has been fully complied with.

5.7 The original statutory notice for Turves Green Boys' School was published on 30<sup>th</sup> January 2014 and a four week period followed where objections to or comments on the proposals could be submitted. No objections were received. Following the advice of the Schools Adjudicator to withdraw and republish the original proposal, a second statutory notice for Turves Green Boys' School was published on 22<sup>nd</sup> May 2014. A further four week representation period followed during which no objections were received. A copy of the latest public notice can be found in Appendix 2.

5.8 Regulation 7 of the Prescribed Alterations Regulations provides that the local authority is required to have regard to guidance issued by the Secretary of State when taking a decision on such proposals. The relevant extract of the statutory guidance is attached at Appendix 3 (please refer to p3-12, with particular reference to p10). The statutory guidance, issued by the DfE, allows for the proposals to be approved, approved with modification, approved subject to meeting a specific condition, or rejected.

## **6. Evaluation of alternative option(s):**

6.1 The recommendation is for this proposal to be approved; alternatively, in line with the statutory guidance, the proposal may be approved with modification, approved subject to meeting a specific condition or rejected.

6.2 Failure to give approval to this statutory proposal will mean that Turves Green Boys' School will be unable to provide post-16 education for pupils in September 2016, and has the potential to cause delay to the procurement of the contractors associated with the rebuild of the school. In addition, it is unclear whether this will impact on the final offer provided by the EFA under the PSBP.

## **7. Reasons for Decision(s):**

7.1 To enable Turves Green Boys' School to offer sixth form provision from September 2016.

### **Signatures**

Cabinet Member, Children & Family Services

Cllr Brigid Jones: .....

Dated: .....

Strategic Director, People

Peter Hay: .....

Dated: .....

### **List of Background Documents used to compile this Report:**

Education and Inspections Act 2006

School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007

### **List of Appendices accompanying this Report (if any):**

1.	Copy of the full proposals including consultation document
2.	Copy of the latest public notice
3.	Relevant Extract from Statutory Guidance on 'School Organisation – Maintained Schools: Annex B: Guidance for Decision-makers' issued by the DfE

<b>Report Version</b>	<b>7</b>	<b>Dated</b>	<b>30<sup>th</sup> June 2014</b>
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Department  
for Education

# School Organisation

## Maintained Schools

### Annex B: Guidance for Decision-makers

January 2014

## Summary

### Key points

1. This Annex is for local authorities, the Schools Adjudicator and governing bodies in their roles as decision-makers. It is relevant to the 2013 School Organisation Regulations<sup>1</sup>. Decisions on proposals published before 28 January 2014 must be made with regard to the previous Decision-makers Guidance.
2. The table in [Annex A.5](#) sets out the decision-maker for each type of school organisation proposal. The department does not prescribe the exact process by which a decision-maker carries out their decision-making function; however, decision-makers must have regard<sup>2</sup> to this guidance when making a decision.
3. The decision-maker should consider the views of 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 numbers 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 of children at the affected school(s).

### Related proposals

4. Any proposal that is 'related' to another proposal must be considered together. A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Where proposals are 'related', the decisions should be compatible.
5. Where a proposal is 'related' to another proposal to be decided by the Secretary of State (e.g. for the establishment of a new academy) the decision-maker should defer taking a decision until the Secretary of State has taken a decision on the proposal, or where appropriate, grant a conditional approval for the proposal.

### Conditional approval

6. Decision-makers may give conditional approval for a proposal subject to certain prescribed events<sup>3</sup>. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

<sup>1</sup> In the case of the removal of a Foundation or Foundation majority this guidance is relevant to The School Organisation (Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations 2007.

<sup>2</sup> Under paragraphs 8(6) and 17 of Schedule 2 to the EIA 2006 and regulation 7 of the Prescribed Alterations Regulations.

<sup>3</sup> The prescribed events are those listed under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations (for prescribed alterations), regulation 16 of the Establishment and Discontinuance Regulations (for closures and new schools) and paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations (for foundation and trust proposals).

7. The proposer should inform the decision-maker (and the Secretary of State via [schoolorganisation.notifications@education.gsi.gov.uk](mailto:schoolorganisation.notifications@education.gsi.gov.uk) in the case of school closures) when a condition is modified or met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

## Publishing decisions

8. All determinations (rejected and approved – with or without modifications) must give reasons for such a decision being made. Within one week of making a determination the decision-maker must arrange (via the proposer as necessary) for the decision and the reasons behind it to be published on the website where the original proposal was published. The decision-maker must also arrange for the bodies below to be notified of the decision and reasons<sup>4</sup>:

- the LA (where the Schools Adjudicator or governing body is the decision-maker);
- the governing body/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- the parents of every registered pupil at the school – where the school is a special school;
- any other body that they think is appropriate; and
- the Secretary of State via [schoolorganisation.notifications@education.gsi.gov.uk](mailto:schoolorganisation.notifications@education.gsi.gov.uk) (in school opening and closure cases only).

## Factors to consider

9. Paragraphs [10](#) to [78](#) of this annex set out some the factors that decision-makers should consider when deciding a proposal. Paragraphs [10](#) to [29](#) are relevant to all types of proposals. Paragraphs [30](#) to [78](#) are more relevant to certain types of proposals (as specified). These factors are not exhaustive and the importance of each will vary depending on the type and circumstances of the proposal. All proposals must be considered on their individual merits.

<sup>4</sup> In the case of proposals to change category to foundation, acquire/remove a Trust and/or acquire/remove a Foundation majority the only bodies the decision-maker must notify are the LA and the governing body (where the Schools Adjudicator is the decision-maker).

## Factors relevant to all types of proposals

### Consideration of consultation and representation period

10. The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.

### Education standards and diversity of provision

11. Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps.

12. The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.

### Demand

13. In assessing the demand for new school places the decision-maker should consider 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).

14. The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

15. Reducing surplus places is not a priority (unless running at very high levels). 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.

### School size

16. 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.

### **Proposed admission arrangements (including post-16 provision)**

17. In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

18. Before approving a proposal that is likely to affect admissions to the school 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**

19. All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community<sup>5</sup>.

### **Equal opportunity issues**

20. The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations.

21. The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

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<sup>5</sup> Under sections 90, 91, 92 and 93 of the Education Act 2002.

### **Community cohesion**

22. 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. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

### **Travel and accessibility**

23. Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

24. The decision-maker should bear in mind that a proposal should not 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.

25. 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.

### **Capital**

26. The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

27. 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; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

### **School premises and playing fields**

28. Under the School Premises Regulations all 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.
29. [Guidelines](#) setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

## Factors relevant to certain types of proposals:

### Expansion

30. When deciding on a proposal for an expansion on an additional site (a 'satellite school'), decision-makers will need to consider whether the new provision is genuinely a change to an existing school or is in effect a new school (which would trigger the academy presumption in circumstances where there is a need for a new school in the area<sup>6</sup>). Decisions will need to be taken on a case-by-case basis, but decision-makers will need to consider the following non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and to ensure that it will serve the same community as the existing site:

- The reasons for the expansion
  - What is the rationale for this approach and this particular site?
- Admission and curriculum arrangements
  - How will the new site be used (e.g. which age groups/pupils will it serve)?
  - What will the admission arrangements be?
  - Will there be movement of pupils between sites?
- Governance and administration
  - How will whole school activities be managed?
  - Will staff be employed on contracts to work on both sites? How frequently will they do so?
  - What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same governing body and the same school leadership team)?
- Physical characteristics of the school
  - How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?
  - Is the new site in an area that is easily accessible to the community that the current school serves?

<sup>6</sup> Or require an proposal under section 11 of the EIA 2006 for a new maintained school.

## Addition of post-16 provision

33. In assessing a proposal to add post-16 provision, decision-makers should look for evidence that the proposal will improve, extend the range, and increase participation in high quality educational or training opportunities for post-16 pupils within the LA or local area.
34. The decision-maker should also look for evidence on how new places will fit within the 16-19 organisation in an area and that schools have collaborated with other local providers in drawing up a proposal.
35. The decision-maker may turn down a proposal to add post-16 provision if there is compelling and objective evidence that the expansion would undermine the viability, given the lagged funding arrangements, of an existing high quality post-16 provider.
36. Decision-makers should consider the viability of a proposal bearing in mind the formulaic approach to funding; that the school will have to bear any potential diseconomies of scale; and the impact of future demographic trends.
37. A proposal should take account of the timeline for agreeing 16-19 funding which will be available in the most recent guidance on the department's website. Decision-makers should note that post-16 funding runs on an August – July academic year cycle.

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<sup>7</sup> Except where a grammar school is replacing one of more existing grammar schools. See [paragraph 53](#) .

### **Changes to special educational need provision – the SEN improvement test**

39. In planning and commissioning SEN provision or considering a proposal for change, LAs should aim for a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is favourable to establishing broad categories of provision according to special educational need or disability.

Decision-makers should ensure that proposals:

- take account of parental preferences for particular styles of provision or education settings;
- take account of any relevant local offer for children and young people with SEN and disabilities and the views expressed on it;
- offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;
- take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe;
- support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- ensure appropriate provision for 14-19 year-olds; and
- ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs must be amended and all parental rights must be ensured. Other interested partners, such as the Health Authority

should be involved. Pupils should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need.

40. When considering any reorganisation of provision that the LA considers to be reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children. Decision-makers should make clear how they are satisfied that this SEN improvement test has been met, including how they have taken account of parental or independent representations which question the proposer's assessment.

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b> <b>Date of Decision:</b>	<b>Strategic Director for People</b> <b>26<sup>th</sup> January 2016</b>
<b>SUBJECT:</b>	<b>PROPOSAL TO DISCONTINUE COLMERS FARM JUNIOR SCHOOL AND TO ALTER THE UPPER AGE RANGE OF COLMERS FARM INFANT SCHOOL.</b>
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 001057/2016</b>
<b>If not in the Forward Plan: (please "tick" box)</b>	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Councillor Brigid Jones, Cabinet Member, Children's Services</b>
<b>Relevant O&amp;S Chairman :</b>	<b>Councillor Susan Barnett, Education and Vulnerable Children</b>
<b>Wards affected:</b>	<b>Longbridge , Northfield</b>

**1. Purpose of report:**

1.1 To seek determination of two statutory proposals

- Discontinue Colmers Farm Junior School
- Increase the age range of Colmers Farm Infant School.

1.2 These proposals are related. The alteration of the age range of the infant school will enable the pupils from the junior school to be accommodated thus amalgamating the two existing schools with effect from 1<sup>st</sup> April 2016.

**2. Decision(s) recommended**

Cabinet is recommended to:-

2.1 Approve, having taken account of the statutory guidance, the statutory proposals to amalgamate Colmers Farm Infant School and Colmers Farm Junior School through the discontinuation of the junior school and alteration to the upper age range of the infant school, thereby enabling Colmers Farm Infant School to accommodate the pupils from Colmers Farm Junior and create an all through primary school.

<b>Lead Contact Officer(s):</b>	Mary Lowe, School Organisation Officer
<b>Telephone No:</b> <b>E-mail address:</b>	0121 303 8847 <a href="mailto:mary.lowe@birmingham.gov.uk">mary.lowe@birmingham.gov.uk</a>

### **3. Consultation**

#### **3.1 Internal**

The school organisation proposals were sent to all relevant City Councillors, including the Executive Members for Northfield respective MPs and the Ward Councillors, together with relevant officers across Birmingham City Council. A copy of the full proposals that were issued can be found in Appendix 1. The consultation was carried out in conjunction with external consultation. The outcomes of the proposals can be found in Appendix 3 and summarised below in 3.2.

#### **3.2 External**

These proposals have been fully consulted upon in line with the requirements set out in statutory guidance “School Organisation Maintained Schools-Guidance for proposers and decision makers” published by the Department for Education (DfE) in January 2014. A copy of the consultation document can be found in Appendix 2. Meetings were held with both Governing Bodies of Colmers Farm Infant and Junior Schools and members of staff prior to the statutory consultation. The proposals were shared with parents, staff and governors, representatives from the professional associations and other key stakeholders this included a number of consultation meetings with parents, staff, and representatives from the professional associations. Proposals were also shared with neighbouring Local Authorities and The Archdiocesan, The Anglican Diocese of Birmingham and local schools. The consultation document was provided on Birmingham.gov.uk webpages and respondents asked to respond to the Local Authority. At the end of the six week consultation period Local Authority Officers shared all responses with both Governing Bodies in a joint meeting. There were 15 responses, of which 12 were in favour, 1 was against (from a local resident who didn't feel he had enough information) and two were neither in favour or opposed. A public notice was published on 12<sup>th</sup> November 2015 in the local paper, on the Birmingham.gov.uk website and at the school entrances. Full information has been provided on Birmingham.gov.uk webpages as specified in the public notice and respondents asked to reply through the BeHeard online consultation system. One response has been received during the representation period. The response was in favour of the proposal. A summary and copies of the responses can be found in Appendix 3.

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

These proposals are consistent with the Council's current Amalgamations Policy (modified on 25<sup>th</sup> October 2004) which states in Section 2 that the only triggers for the “amalgamation” of separate infant and junior schools, is through

- i) falling rolls
- ii) a request from the governing bodies of a pair of schools.

Statutory consultation for the amalgamation of separate infant and junior schools is to be undertaken only when the proposal is supported by both governing bodies, parents and staff.

#### 4.2 Financial Implications. (Will decisions be carried out within existing finances and Resources?)

There is no building work or capital expenditure involved in these proposals. Under the fair funding formula schools receive lump sums of £150,000 per annum as part of their overall delegated budget to help fund management costs and fixed overheads. In the first full year of amalgamation the new school will still (based on current DfE operational guidance) receive 85% of the combined lump sum i.e. £255k before reducing to £150k in the second year. The schools have already set their budgets for 2015/16 and 2016/17 based on reducing the management structure to one headteacher. The Governing Bodies have been made fully aware of these budget implications.

#### 4.3 Legal Implications

This report exercises powers contained within sections 15 and 19 of and Schedule 2 to the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the “Prescribed Alterations Regulations”) and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013 (the “Establishment and Discontinuance Regulations”) by which the Local Authority has the power to make statutory proposals affecting schools in its area and to determine them.

#### 4.4 Public Sector Equality Duty

An updated Equality Assessment initial screening was carried out in December 2013 against the School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening in respect of these recommendations.

### **5. Relevant background/chronology of key events:**

- 5.1 The Junior School was placed in Special Measures following their OFSTED inspection in March 2015. The Infant school is currently rated as “good.” The Governing Bodies of both schools had previously consulted on proposals to federate but stronger links are considered necessary in order to support the junior school on their school improvement journey.
- 5.2 Due to the departure of the Colmers Farm Junior School Head Teacher, Colmers Farm Infant School Head Teacher is currently carrying out the acting role of Head teacher over both schools.
- 5.3 Both Governing Bodies met with Local Authority officers and staff in September 2015 and agreed to consult stakeholders on the proposal to increase the age range of Colmers Farm Infant School and the discontinuation of Colmers Farm Junior School. This would create an all through primary school. The infant school’s OFSTED rating of “good” would remain and the stronger links would enable a secure pathway for children throughout the primary phase
- 5.4 Local Authority Officers met with both Governing bodies and staff in September 2015 and a decision was made by both Governing Bodies to consult on the proposal to increase the age range of Colmers Farm Infant School and discontinue Colmers Farm Junior School.
- 5.5 During the six week consultation period Local Authority Officers held meetings with parents, pupils, staff, governors and teaching associations. A consultation document was distributed and also published on [www.birmingham.gov.uk](http://www.birmingham.gov.uk) with a link to the BeHeard consultation site. Local Councillors, MP’s and neighbouring authorities were also consulted.

5.6 Following the six week consultation, Local Authority officers met with both Governing Bodies to share the results of the consultation. Fifteen responses were received. Of the fifteen responses, twelve were in favour, one was opposed and two were none specified. The comment opposed to the proposal was from a local resident who felt unable to make a decision on the information provided. Both Governing Bodies, after full consideration of all comments, voted to move to the formal representation stage of the proposals and requested to implement the proposals, if approved, with effect from 1<sup>st</sup> April 2016.

5.7 A public notice was published by Local Authority on 12th November 2015; the notice was displayed at the main entrance to both schools, in the Birmingham Post and on [www.birmingham.gov.uk](http://www.birmingham.gov.uk) with a link to BeHeard for any comments.

5.8 The closing date for the statutory consultation was 10th December 2015. One response was received during the representation period which was via BeHeard and was in favour of the proposals.

5.9 The Education and Inspections Act 2006 and regulation 7 of the Prescribed Alterations Regulations provides that the Local Authority is required to have regard to guidance issued by the Secretary of State when taking a decision on such proposals. The relevant extract of the statutory guidance is attached at Appendix 4. The 2006 Act, the Prescribed Alterations Regulations and the Establishment and Discontinuance Regulations, allow for the proposals to be approved, approved with modification, approved subject to meeting a prescribed condition, or rejected.

5.10 If the proposals are approved the Infant School will change its name to reflect the amalgamation of the two existing schools.

## **6. Evaluation of alternative option(s):**

6.1 The recommendation of this report is for the proposal to alter the upper age limit of Colmers Farm Infant School and the proposal to discontinue Colmers Farm Junior School be approved. This will result in an all through primary school. It will allow the infant school's OFSTED rating of good to remain and the stronger links would enable a secure pathway for children throughout the primary phase. Alternatively, in line with the statutory guidance, the proposals may be approved with modification, approved subject to meeting a prescribed condition or rejected.

6.2 Should the proposals not be approved then the existing Infant and Junior schools will continue. The Infant School will remain as it is now. The Junior School is likely to become an academy in line with the Secretary of States expectations for schools in special measures.

## **7. Reasons for Decision(s):**

7.1 To create an all through primary school which will allow stronger links between the Infant and junior departments enabling all children to benefit from a great education.

<b>Signatures</b>	<b><u>Date</u></b>
Cabinet Member, Children's Services	
Cllr Brigid Jones:.....	.....
Strategic Director for People	
Peter Hay:.....	.....

**List of Background Documents used to compile this Report:**

Education and Inspections Act 2006  
 School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013  
 School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2013  
 Education Development Plan (Jan 2015)  
 Cabinet Report for Amalgamation Policy 2004

**List of Appendices accompanying this Report (if any):**

1. Copy of the full proposals
2. Copy of the consultation documents and public notice
3. Copy of consultation responses
4. Relevant Extract from Statutory Guidance on 'School Organisation – Maintained Schools':

<b>Report Version</b>	<b>4</b>	<b>Dated</b>	<b>05/01/2016</b>
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## SCHOOL ORGANISATION PROPOSALS

### Prescribed Alterations to a Community Infant School

### Colmers Farm Infant School

#### **IMPORTANT**

THIS PROPOSAL IS RELATED TO THE PROPOSAL TO  
DISCONTINUE COLMERS FARM JUNIOR SCHOOL AND HAS  
BEEN PUBLISHED IN CONJUNCTION WITH THIS.

## PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS: Information to be included in a complete proposal.

### Section 19(1) of the Education and Inspections Act 2006

#### In respect of a Governing Body Proposal: School and governing body's details

- 1. The name, address and category of the school for which the governing body are publishing the proposals.*

Not applicable

#### In respect of an LEA Proposal: School and local authority details

- 1. The name, address and category of the school.*

Birmingham City Council, Education & Skills Infrastructure, PO BOX 15843, Birmingham B2 2RT.

Colmers Farm Infant School, Leybrook Road, Rubery, Birmingham B45 9PB  
Community School

#### Implementation and any proposed stages for implementation

- 2. The date on which the proposals are planned to be implemented, and if they are to be implemented in stages, a description of what is planned for each stage, and the number of stages intended and the dates of each stage.*

1<sup>st</sup> April 2016

#### Objections and comments

- 3. A statement explaining the procedure for making representations, including —*

- (a) the date prescribed in accordance with Schedule 3 of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 20013, by which objections or comments should be sent to the local authority; and*
- (b) the address of the authority to which objections or comments should be sent.*

Within four weeks from the date of publication of these proposals, any person may object to or make comments on any or all of the proposals by visiting

[www.birmingham.gov.uk/schools/colmersfarm](http://www.birmingham.gov.uk/schools/colmersfarm)

or, by writing to School Organisation Team, Education and Skills Infrastructure, PO Box 15843, Birmingham B2 2RT. The last date for comments is 10<sup>th</sup> December 2015. Full details on the proposals, including copies of the public notice and consultation document can be found on these webpages.

**Alteration description**

**4. A description of the proposed alteration and in the case of special school proposals, a description of the current special needs provision.**

- To alter the upper age range and expand Colmers Farm Infant School to accommodate pupils of junior school age and thus amalgamate Colmers Farm Infant School & Colmers Farm Junior School with effect from 1st April 2016.
- Under these proposals Colmers Farm Infant School will cater for children aged 4-11. The net capacity of the expanded school will be 420. This is the combined net capacity of the current Colmers Farm Infant and Junior Schools.
- The admission number for the amalgamated school will remain at 60, which is the same as it is currently for Colmers Farm Junior and Infant schools separately.
- **This proposal is related to the proposal to discontinue Colmers Farm Junior School with effect from 1st April 2016 – See separate full proposals.**
- The children currently attending Colmers Farm Junior School will automatically transfer to Colmers Farm Infant School. There will be no Year 3 application round going forward.
- Colmers Farm Infant School will also be proposing to change its name to reflect the change in age range and amalgamation should the proposals be approved.

**School capacity**

**5.—(1) Where the alteration is an alteration falling within Schedule 2 alterations other than alterations proposed in foundation proposals which may be published by a governing body or local authority as specified in Regulations 4 and 5 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, the proposals include –**

**(a) details of the current capacity of the school and, where the proposals will alter the capacity of the school, the proposed capacity of the school after the alteration;**

The current capacity of Colmers Farm Infant School is 180.

The proposed capacity of Colmers Farm Infant School will be 420

**(b) details of the current number of pupils admitted to the school in each relevant age group, and where this number is to change, the proposed number of pupils to be admitted in each relevant age group in the first school year in which the proposals will have been implemented;**

The current number of pupils admitted in each year group, currently Reception, year 1 and year 2 is 60 per year.

The proposed number of pupils per year group will remain at 60 and will be in years Reception – Year 6 following the alteration of the upper age limit and the transferral of the pupils from the junior school.

**(c) where it is intended that proposals should be implemented in stages, the number of pupils to be admitted to the school in the first school year in which each stage will have been implemented;**

Not applicable.

**(d) where the number of pupils in any relevant age group is lower than the indicated admission number for that relevant age group a statement to this effect and details of the indicated admission number in question.**

Where the number of pupils on roll in any relevant year group is lower than the admission number, this is as a result of movement during the year. Birmingham currently has a high level of net cohort growth meaning that the level of places available can change greatly over the year in different areas of the city as families arrive requiring school provision.

**(2) Where the alteration is an alteration falling within Schedule 2 alterations other than alterations proposed in foundation proposals which may be published by a governing body or local authority as specified in Regulations 4 and 5 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 a statement of the number of pupils at the school at the time of the publication of the proposals.**

At the time of publication, the total number of students on roll is:

179

#### Implementation

**6. Where the proposals relate to a foundation or voluntary controlled school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and, if the proposals are to be implemented by both, a statement as to the extent to which they are to be implemented by each body.**

Not applicable

#### Additional Site

**7.—(1) A statement as to whether any new or additional site will be required if proposals are implemented and if so the location of the site if the school is to occupy a split site.**

The proposal is related to the closure proposal for Colmers Farm Junior School.

If the proposals are implemented all pupils from the junior school will transfer onto the roll on the infant school.

Colmers Farm Infant and Colmers Farm Junior School currently occupy the same site, the junior aged children will continue to occupy the current junior site which will be incorporated into the amalgamated school if the proposals are implemented.

**(2) Where proposals relate to a foundation or voluntary school a statement as to who will provide any additional site required, together with details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease.**

Not applicable

#### Changes in boarding arrangements

**8. —(1) Where the proposals are for the introduction or removal of boarding provision, or the alteration of existing boarding provision such as is mentioned Schedule 2 alterations other than alterations proposed in foundation proposals which may be published by a governing body or local authority as specified in Regulations 4 and 5 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 —**

**(a) the number of pupils for whom it is intended that boarding provision will be made if the proposals are approved;**

Not applicable

***(b) the arrangements for safeguarding the welfare of children at the school;***

Not applicable

***(c) the current number of pupils for whom boarding provision can be made and a description of the boarding provision; and***

Not applicable

***(d) except where the proposals are to introduce boarding provision, a description of the existing boarding provision.***

Not applicable

***(2) Where the proposals are for the removal of boarding provisions or an alteration to reduce boarding provision such as is mentioned in Schedule 2 alterations other than alterations proposed in foundation proposals which may be published by a governing body or local authority as specified in Regulations 4 and 5 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (as amended) —***

***(a) the number of pupils for whom boarding provision will be removed if the proposals are approved; and***

Not applicable

***(b) a statement as to the use to which the former boarding accommodation will be put if the proposals are approved.***

Not applicable

**Transfer to new site**

***9. Where the proposals are to transfer a school to a new site the following information—***

***(a) the location of the proposed site (including details of whether the school is to occupy a single or split site), and including where appropriate the postal address;***

Not applicable

***(b) the distance between the proposed and current site;***

Not applicable

***(c) the reason for the choice of proposed site;***

Not applicable

***(d) the accessibility of the proposed site or sites;***

Not applicable

***(e) the proposed arrangements for transport of pupils to the school on its new site; and***

Not applicable

***(f) a statement about other sustainable transport alternatives where pupils are not using transport provided, and how car use in the school area will be discouraged.***

Not applicable

**Objectives**

***10. The objectives of the proposals.***

To alter the upper age range and expand Colmers Farm Infant School to accommodate pupils of junior school age and thus amalgamate Colmers Farm Infant School & Colmers Farm Junior School with effect from 1st April 2016.

Under these proposals Colmers Farm Infant School will cater for children aged 4-11. The net capacity of the expanded school will be 420. This is the combined net capacity of the current Colmers Farm Infant and Junior Schools.

The admission number for the amalgamated school will remain at 60, which is the same as it is currently for Colmers Farm Junior and Infant schools separately.

This proposal is related to the proposal to discontinue Colmers Farm Junior School with effect from 1st April 2016. The children currently attending Colmers Farm Junior School will automatically transfer to Colmers Farm Infant School. There will be no Year 3 application round going forward.

Colmers Farm infant School will also be proposing to change its name to reflect the change in age range and the amalgamation.

### Consultation

***11. Evidence of the consultation before the proposals were published including—***

***a list of persons who were consulted;***

***minutes of all public consultation meetings;***

***the views of the persons consulted;***

***a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with; and***

***copies of all consultation documents and a statement on how these documents were made available.***

All statutory requirements in relation to the proposals to consult were complied with.

Due regard and careful consideration was given to the guidance contained within 'School Organisation - Maintained Schools, Guidance for Proposers and Decision-Makers' document, Jan 2014. All individuals or bodies suggested in the guidance have been consulted.

On 7.9.15 and prior to the pre statutory consultation officers met with Chair of Governor ( currently chair of both schools) and representatives of the Governing Body to discuss the proposal. Officers then held a meeting with staff members.

The pre- statutory consultation commenced on 14<sup>th</sup> September 2015 and ran for 6 weeks until 23<sup>rd</sup> October 2015.

As part of an initial pre-statutory consultation, all pupils, parents, Governors, teaching and non-teaching staff were sent a consultation document pack (Appendix 1) week commencing 14th September 2015.

All teaching associations and trade unions, The Archdiocesan and The Anglican Diocese of Birmingham, Executive Members for Northfield District and Longbridge ward councillors, and all neighbouring authorities were advised of the consultation by email on 15<sup>th</sup> September and advised how to obtain consultation packs. An online response BeHeard survey was in place for consultees to respond during the consultation period.

Further meeting were held as follows;

24<sup>th</sup> September 2015 – Meeting for proposers, LA officers and Professional Associations/

Trade Unions

On 5<sup>th</sup> October 2015 two separate meeting were held as follows

- Meeting for proposers and LA officers
- Meeting for proposers, LA officers and staff members and professional associations.

On 14<sup>th</sup> October 2015 - Meeting for proposers, LA officers, staff members and parents

On 4<sup>th</sup> November 2015 a joint Governing Body meeting was held. Careful consideration was made by both governing bodies of all the comments received during the consultation period. Both Governing Bodies agreed to move to the next stage of the process for amalgamation.

**Project costs**

***12. A statement of the estimated total capital cost of the proposals and the breakdown of the costs that are to be met by the governing body, the local authority, and any other party.***

There will be no capital costs for this proposal.

***13. A copy of confirmation from the Secretary of State, local authority and the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).***

Not applicable.

**Age range**

***14. Where the proposals relate to a change in age range, the current age range for the school.***

Current age range is 4 – 7

The proposal will alter the upper age limit to 11 years – this proposal is in relation to the proposal to discontinue Colmers Farm Junior School. Pupils from the junior school will transfer to the infant school thus amalgamating the schools. To form an all through infant and junior school.

**Early year's provision**

***15. Where the proposals are to alter the lower age limit of a mainstream school so that it provides for pupils aged between 2 and 5—***

***(a) details of the early years provision, including the number of full-time and part-time pupils, the number and length of sessions in each week, and the services for disabled children that will be offered;***

Not applicable

***(b) how the school will integrate the early year's provision with childcare services and how the proposals are consistent with the integration of early year's provision for childcare;***

Not applicable

***(evidence of c) parental demand for additional provision of early year's provision;***

Not applicable

***(d) assessment of capacity, quality and sustainability of provision in schools and in establishments other than schools who deliver the Early Years Foundation Stage within 3 miles of the school; and***

Not applicable

**(e) reasons why such schools and establishments who have spare capacity cannot make provision for any forecast increase in the number of such provision.**

Not applicable

**Changes to sixth form provision**

**16. (a) Where the proposals are to alter the upper age limit of the school so that the school provides sixth form education or additional sixth form education, a statement of how the proposals will—**

- (i) improve the educational or training achievements;**
- (ii) increase participation in education or training; and**
- (iii) expand the range of educational or training opportunities**

**for 16-19 year olds in the area;**

Not applicable

**(b) A statement as to how the new places will fit within the 16-19 organisation in an area;**

Not applicable

**(c) Evidence —**

- (i) of the local collaboration in drawing up the proposals; and**
- (ii) that the proposals are likely to lead to higher standards and better progression at the school;**

Not applicable

**(d) The proposed number of sixth form places to be provided.**

Not applicable

**17. Where the proposals are to alter the upper age limit of the school so that the school ceases to provide sixth form education, a statement of the effect on the supply of 16-19 places in the area.**

Not applicable

**Special educational needs**

**18. Where the proposals are to establish or change provision for special educational needs—**

**(a) a description of the proposed types of learning difficulties in respect of which education will be provided and, where provision for special educational needs already exists, the current type of provision;**

Not applicable

**(b) any additional specialist features will be provided;**

Not applicable

**(c) the proposed numbers of pupils for which the provision is to be made;**

Not applicable

**(d) details of how the provision will be funded;**

Not applicable

**(e) a statement as to whether the education will be provided for children with special educational needs who are not registered pupils at the school to which the proposals relate;**

Not applicable

**(f) a statement as to whether the expenses of the provision will be met from the school's delegated budget;**

Not applicable

**(g) the location of the provision if it is not to be established on the existing site of the school;**

Not applicable

**(h) where the provision will replace existing educational provision for children with special educational needs, a statement as to how the local authority believes that the new provision is likely to lead to improvement in the standard, quality and range of the educational provision for such children; and**

Not applicable

**(i) the number of places reserved for children with special educational needs, and where this number is to change, the proposed number of such places.**

Not applicable

**19. Where the proposals are to discontinue provision for special educational needs—**

**(a) details of alternative provision for pupils for whom the provision is currently made;**

Not applicable

**(b) details of the number of pupils for whom provision is made that is recognised by the local education authority as reserved for children with special educational needs during each of the 4 school years preceding the current school year;**

Not applicable

**c) details of provision made outside the area of the local education authority for pupils whose needs will not be able to be met in the area of the authority as a result of the discontinuance of the provision; and**

Not applicable

**d) a statement as to how the proposer believes that the proposals are likely to lead to improvement in the standard, quality and range of the educational provision for such children.**

Not applicable

**20. Where the proposals will lead to alternative provision for children with special educational needs, as a result of the establishment, alteration or discontinuance of existing provision, the specific educational benefits that will flow from the proposals in terms of—**

**(a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local authority's Accessibility Strategy;**

**(b) improved access to specialist staff, both educational and other professionals, including any external support and outreach services;**

*(c) improved access to suitable accommodation; and*

*(d) improved supply of suitable places.*

Not applicable

**Sex of pupils**

**21. Where the proposals are to make an alteration to provide that a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes—**

*(a) details of the likely effect which the alteration will have on the balance of the provision of single sex-education in the area;*

Not applicable

*(b) evidence of local demand for single-sex education; and*

Not applicable

*(c) details of any transitional period which the body making the proposals wishes specified in a transitional exemption order (within the meaning of paragraph 3 of Schedule 11 of the Equality Act 2010).*

Not applicable

**22. Where the proposals are to make an alteration to a school to provide that a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only—**

*(a) details of the likely effect which the alteration will have on the balance of the provision of single-sex education in the area; and*

Not applicable

*(b) evidence of local demand for single-sex education.*

Not applicable

**Extended services**

**23. If the proposed alterations affect the provision of the school's extended services, details of the current extended services the school is offering and details of any proposed change as a result of the alterations.**

Not applicable

**Need or demand for additional places**

**24. If the proposals involve adding places—**

*(a) a statement and supporting evidence of the need or demand for the particular places in the area;*

Not applicable –the newly amalgamated school will offer the same amount of places as the two separate infant and junior school currently do.

*(b) where the school has a religious character, a statement and supporting evidence of the demand in the area for education in accordance with the tenets of the religion or religious denomination;*

Not applicable

*(c) where the school adheres to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question and any associated change to the admission arrangements for the school.*

Not applicable

25. If the proposals involve removing places—

*(a) a statement and supporting evidence of the reasons for the removal, including an assessment of the impact on parental choice; and*

Not applicable

*(b) a statement on the local capacity to accommodate displaced pupils.*

Not applicable

#### **Appendix 1 –Consultation document & public notice**

These resources can be accessed by visiting

[www.birmingham.gov.uk/schools/colmersfarm](http://www.birmingham.gov.uk/schools/colmersfarm)



## **SCHOOL ORGANISATION PROPOSALS**

**Discontinuation of a Community Infant School**

**Colmers Farm Junior School**

**IMPORTANT**

**THIS PROPOSAL IS RELATED TO THE PROPOSAL TO ALTER  
THE UPPER AGE LIMIT OF COLMERS FARM INFANT SCHOOL  
AND HAS BEEN PUBLISHED IN CONJUNCTION WITH THIS.**

Information to be included in section 15 proposals to discontinue a school

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**Contact details**

***1. The name and contact address of the local authority or governing body publishing the proposals and the name, address and category of the school it is proposed that should be discontinued.***

Birmingham City Council, Education & Skills Infrastructure, PO BOX 15843, Birmingham B2 2RT.  
Colmers Farm Junior School, Leybrook Road, Rubery, Birmingham B45 9PB  
Community School

**Implementation**

***2. 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.***

1st April 2016

(This proposal is related to the proposal under Section 19(1) of the Education and Inspections Act 2006 to make a prescribed alteration to Colmers Farm Infant School, namely to;  
Alter the upper age range and expand Colmers Farm Infant School to accommodate pupils of junior school age and thus amalgamate Colmers Farm Infant School & Colmers Farm Junior School with effect from 1st April 2016.)

**Objections and comments**

***3. A statement explaining the procedure for making representations, including —***  
***(a) the date, by which objections or comments should be sent to the local authority; and***  
***(b) the address of the authority to which objections or comments should be sent.***

Within four weeks from the date of publication of these proposals, any person may object to or make comments on any or all of the proposals by visiting  
[www.birmingham.gov.uk/schools/colmersfarm](http://www.birmingham.gov.uk/schools/colmersfarm)  
or, by writing to School Organisation Team, Education and Skills Infrastructure, PO Box 15843, Birmingham B2 2RT. The last date for comments is 10<sup>th</sup> December 2015. Full details on the proposals, including copies of the public notice and consultation document can be found on these webpages.

**Reason for closure**

***4. A statement explaining the reason why closure of the school is considered necessary.***

This proposal is related to the proposal under Section 19(1) of the Education and Inspections Act 2006 to make a prescribed alteration to Colmers Farm Infant School, namely to; Alter the upper age range and expand Colmers Farm Infant School to accommodate pupils of junior school age and thus amalgamate Colmers Farm Infant School & Colmers Farm Junior School with effect from 1st April 2016.

The amalgamation of the school is at the request of both Governing Bodies.

The OFSTED judgement in March 2015 placed the junior school in special measures. It is proposed that the two schools will join to make one primary school ages 4 – 11 years enabling a secure pathway for children throughout the primary phase. The infant school is currently rated "good" by OFSTED, it is felt these stronger links are considered necessary in order to support the junior school through their improvement journey.

**Pupil numbers and admissions**

***6. 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.***

Colmers Farm Junior School caters for up to 240 pupils aged between 7 – 11 years

The school caters for boys and girls

Their current admission number is 60 per year group

Their current capacity is 240

The school is a mainstream school

There is no boarding provision at the school

**Displaced pupils**

***7. A statement and supporting evidence about the need for places in the area including whether there is sufficient capacity to accommodate displaced pupils.***

The number of places in the area ( Longbridge ward) will remain the same. As detailed in question 3 the closure of the junior school is to enable the junior and infant school to amalgamate. All pupils currently on roll at the junior school will automatically transfer to the roll of the newly amalgamated school and there will be no displacement of pupils. However, should any pupil not wish to take up the place offered at the amalgamated school they will have the opportunity to apply for a place at others schools where places are available as they would now.

***8. 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;***

Please see question 5 above. All pupils currently on the junior roll will transfer to the roll of the amalgamated school.

***(b) the provision that is to be made for those pupils who receive educational provision recognised by the local authority as reserved for children with special educational needs;***

There will be no change to the existing special educational needs policy that exists at both schools, the amalgamated school will continue to admit children with special needs by the normal procedure.

*and*

***(c) in the case of special schools, the alternative provision made by local authorities other than the local authority which maintains the school.***

Not applicable

***9. Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.***

Not applicable – see answer in question 5

**Impact on the community**

***10. 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.***

There will be no effect on the local community. The newly amalgamated school will continue to serve the local community as the separate infant and junior school currently do. The admission oversubscription criteria for Birmingham community and voluntary controlled schools will remain as now:

1. Looked after or previously looked after children.
2. Siblings (brother or sister who will be in attendance when sibling starts school)
3. Denominational claim (in case of voluntary controlled Church of England primary schools.)
4. Distance (children who live nearest to the school measured in straight line.)

**Rural primary schools**

***11. 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 local authority or the governing body (as the case may be) considered section 15(4).***

Not applicable.

**Balance of denominational provision**

***12. 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.***

Not applicable – the school does not have a religious character

**Maintained nursery schools**

***13. Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out-***

***(a) the local authority'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.***

Not applicable

**Sixth form provision**

**14. 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**
- (c) the range of educational or training opportunities available to them.**

Not applicable

**Special educational needs provision**

**15. 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) believes the proposals are likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.**

Not applicable

**Travel**

**16. Details of length and journeys to alternative provision.**

Not applicable. See answers to question 3 &5. All pupils currently on roll I the junior school will automatically transfer to the roll of the newly amalgamated school there will be no displacement of pupils. The infant and junior schools occupy the same site and therefore there will be no effect on their journeys or travel time. Pupils who do not wish to take up their place at the amalgamated school can apply for a place at another school where places exist if they so wish as they can do now.

**17. The proposed arrangements for travel of displaced pupils to other schools including how the proposed arrangements will work against increased car use.**

See answer to Q4. There will be no requirement to displace pupils

# Consultation Document

*Proposal to Discontinue Colmers Farm Junior School  
Proposal to make a Prescribed Alteration to Colmers Farm Infant School by Alteration to the Upper Age limit*

*These proposals will enable the amalgamation of Colmers Farm Infant and Junior schools to become one all-through primary school*

**Colmers Farm Infant School and Colmers Farm Junior School**

## Introduction

At the request of both the Infant and the Junior school governing bodies, Birmingham City Council, as the Local Authority for Birmingham, is consulting on a proposal to amalgamate Colmers Farm Infant and Colmers Farm Junior School to create one all through primary school with effect from 1<sup>st</sup> February 2016.

In order to do this it is necessary to

- Discontinue Colmers Farm Junior School
- Alter the Upper Age range of Colmers Farm Infant School

These changes are explained in the sections below.

## School Information

- Colmers Farm Infant and Colmers Farm Junior are community schools located in the Longbridge ward of the city. The two schools are paired and pupils almost always transfer from the infant to junior school at age seven. Colmers Farm Infant and Junior schools share the same site and the same building.
- Colmers Farm Infant School has the capacity to accommodate 180 pupils and in May 2015, there were 179 pupils on roll. Colmers Farm Junior School has the capacity to accommodate 240 pupils and in May 2015 there were 232 pupils on roll.

## What changes are proposed?

The amalgamation of Colmers Farm Infant and Colmers Farm Junior schools to become one all-through Primary school. In order to do this it is necessary to issue the following proposals:

- A. Discontinuation of Colmers Farm Junior School
- B. Alteration to the upper age limit of Colmers Farm Infant School from 4 – 7 years to 4 – 11 years to accommodate pupils of junior school age.

This will result in the amalgamation of both schools to form an all-through primary school. All pupils and staff from the junior school would have the right to transfer to the primary school unless they wanted to seek other arrangements.

Colmers Farm Infant School will be proposing to change its name to reflect the change to the age range and the amalgamation.

## Why do we want to do this?

Birmingham City Council's current policy on amalgamation of separate infant and junior schools (approved October 2004) states that the only triggers for amalgamation are;

- (i) Falling rolls
- (ii) A request from both governing bodies of a pair of schools

A statutory consultation can only be undertaken when the proposal is supported by the governing body, parents and staff at both schools. At the request of the governing bodies the Local Authority is now consulting on the proposal to amalgamate the two schools.

**Context:**

- Following discussion during the summer term of 2014/15, the governing bodies of Colmers Farm Infant and Colmers Farm Junior schools have agreed to consult on the proposed amalgamation of the school.
- Currently the Headteacher of the Infant School is also carrying out the role of Acting Headteacher over the Junior School due to the departure of their Headteacher.
- The recent Ofsted judgement of the Junior School was Special Measures (March 2015).
- The two schools will join to make one school of primary phase ages 4 to 11, enabling a secure pathway for children throughout their primary phase.
- The Infant School is currently rated Good, June 2014. If the proposals are approved the DFE number and Ofsted judgement relating to the Infant School will be carried forward.
- The governing bodies of both schools have recently consulted on a proposal to federate but stronger links are considered necessary in order to support the Junior School with its improvement journey.
- There will no longer be a Year 3 admissions round with the pupils on roll in Year 2 having automatic right of entry into Year 3.
- LA officers are supportive of the proposal to enable an improved school outcome.

**What are the benefits of an all through primary school?**

There are a number of benefits to an all-through primary school compared to separate infant and junior schools. Firstly, with separate schools, there is a certain amount of duplication: the most obvious example of this is the Headteacher. Separate infant and junior schools must each have a Headteacher, whereas a combined primary school only needs one: the savings made on the additional salary can be used on other areas of the school.

A combined primary school provides greater consistency for pupils with one set of policies and procedures. The National Curriculum seeks to structure the seamless development of pupils' knowledge, skills and understanding across all subjects from Key Stage 1 to Key Stage 2. This is more difficult when a child has to change schools at the end of Key Stage 1 and a combined primary school is in a better position to provide continuity because of the structure and management it can put in place. It is also easier for a primary school that teaches children from age 4 until age 11 to monitor pupil attainment and ensure this progresses through the Key Stages.

Having a greater continuity across Key Stage 1 and 2 could also benefit the members of staff at each school. Staff would have greater opportunities for professional development and would be able to work in or gain greater understanding of the full range of the primary school year groups.

There are also benefits in terms of the children's personal and social development, which can be supported throughout the primary school years without a change of school at age seven. In a combined primary school, older pupils can provide models of work and behaviour e.g. peer tutoring, paired and shared reading and many opportunities exist for older pupils to take social responsibility for younger pupils in a variety of social and learning contexts. In addition, there is a greater likelihood of siblings being educated at the same school creating good opportunities to support sibling relationships and engender sibling responsibility.

### **How will this affect pupils at the school?**

It is unlikely the pupils will notice much change. All junior school pupils will have the right to automatically transfer to the primary school when it opens. The school will remain in the existing building and the members of staff they come into contact with are likely to be the same as before. Parents will still have the right to move their children to another school if they wish to.

### **How will this affect staff?**

The current Junior school would close but staff would be guaranteed to continue in their job as the school becomes an all-through primary school. The proposed changes may present opportunities for staff who wish to teach across Key Stage and this will be for the school to decide upon. The Local Authority will still be the employer and the change to become one primary school will not constitute a break in service or affect staff terms and conditions in any way.

### **Will this definitely happen?**

No. There is a statutory process we must follow to make these sorts of changes to schools. At the moment we are entering the six week consultation stage during which we want to hear your views on the proposal. If, after considering your views, the schools and the Local Authority still think it is a good idea, we will publish full proposals and allow four weeks for people to formally comment on them. Within two months of the end of the representation period a cabinet report will be produced with all of the information and this will be passed to Cabinet for a decision to be made. Should Cabinet members not come to a unanimous decision the proposal will be passed to the Office of the Schools Adjudicator for a final decision. It is only at that point that we will be able to say with certainty that the two schools will be amalgamated.

### **What will happen if this proposal is rejected?**

If a decision is taken that the two schools should not be amalgamated, then the existing Infant and Junior schools will continue. The Infant school would remain as it is now. The Junior school is likely to become an academy in line with the Secretary of State expectations for schools in special measures. Such future academisation would need to be implemented in conjunction with the Infant school to ensure that the

good practice of transition across the phases and joint working can be maintained across both schools.

### How can I make my views known?

This first consultation period will run for six weeks. During this consultation period, you have the opportunity to let us know what you think about the proposed amalgamation of Colmers Farm Infant School and Colmers Farm Junior School. The consultation process is managed by the Local Authority and you can make your views known by visiting [www.birmingham.gov.uk/schools/colmersfarm](http://www.birmingham.gov.uk/schools/colmersfarm) (live from 14th September 2015) or by completing the form at the end of this document and sending to:

School Organisation Team  
Education and Skills Infrastructure  
PO Box 15843  
Birmingham  
B2 2RT

Email: [lucy.dumbleton@birmingham.gov.uk](mailto:lucy.dumbleton@birmingham.gov.uk)  
[mary.lowe@birmingham.gov.uk](mailto:mary.lowe@birmingham.gov.uk)

Tel: 0121 303 8847

Please note the closing date for comments is **Friday 23<sup>rd</sup> October 2015**. All comments raised during this six week consultation period will be considered by the two governing bodies and the Local Authority before any decision is taken to move on to the next stage of publishing the notice. Publishing the notice will initiate the formal representation period before a final decision is made by Birmingham City Council Cabinet in January 2016. How to make comments during the representation period will be advised nearer the time.

### What happens next?

The following timescale for the proposal to be implemented is for guidance only. At any point during the process, the proposal might be withdrawn or rejected by the City Council. The dates set out below meet the government requirements for us to consult fully with the people affected by the proposal and every effort will be made to keep to them.

#### Possible Timeline for Discontinuation of Colmers Farm Junior School and Alteration to the Age Range of Colmers Farm Infant School

Action	Date
Governing body and staff meeting – information sharing	7 <sup>th</sup> September 2015
6 week Consultation begins – consultation document shared	14 <sup>th</sup> September 2015
Professional Associations (PA) and Trade Unions (TU) meeting	w/c 21 <sup>st</sup> Sept 2015
PATU and staff meeting	5 <sup>th</sup> October 2015
Parents meeting	14 <sup>th</sup> October 2015
End of 6 week consultation period	23 <sup>rd</sup> October 2015

Action	Date
Consideration of consultation feedback by Governing Body and Local Authority	w/c 2 <sup>nd</sup> November
Governing Body meeting to discuss whether to proceed	5 <sup>th</sup> November 2015
Statutory notice published	12 <sup>th</sup> November 2015
Beginning of 4 week Representation period	12 <sup>th</sup> November 2015
End of 4 week representation period	10 <sup>th</sup> December 2015
Final decision made (Cabinet)	25 <sup>th</sup> January 2016
Proposal implemented, effective from	1 <sup>st</sup> February 2016

## Consultation Feedback

To enable the amalgamation of Colmers Farm Infant School and Colmers Farm Junior School we are consulting on the following proposals with effect from 1<sup>st</sup> February 2016:

1. **Proposal to discontinue Colmers Farm Junior School**
2. **Proposal to make a Prescribed Alteration to Colmers Farm Infant School by Alteration to the Upper Age limit**

Please visit [www.birmingham.gov.uk/schools/colmersfarm](http://www.birmingham.gov.uk/schools/colmersfarm) to send us your thoughts by **Friday 23<sup>rd</sup> October 2015** or alternatively complete and return the form below. Thank you for taking the time to send us your thoughts on these proposals.

## Consultation Response Form

Please help us analyse these responses by indicating your interest in the proposals:

Parent / carer of a pupil

Governor

Member of staff

Other

If other, please specify interest

.....

Please provide any comments or suggestions you might have on the proposals.

Please return this form by **Friday 23<sup>rd</sup> October 2015** to the following address: School Organisation Team, Education and Skills Infrastructure, PO Box 15843, Birmingham, B2 2RT.

Additional comments:

Proposal of Birmingham City Council  
Colmers Farm Infant School

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that Birmingham City Council intends to make a prescribed alteration to Colmers Farm Infant School, (Community school) Leybrook Road, Rubery, Birmingham B45 9PB namely;

- To alter the upper age range and expand Colmers Farm Infant School to accommodate pupils of junior school age and thus amalgamate Colmers Farm Infant School & Colmers Farm Junior School with effect from 1<sup>st</sup> April 2016.
- Under these proposals Colmers Farm Infant School will cater for children aged 4-11. The net capacity of the expanded school will be 420. This is the combined net capacity of the current Colmers Farm Infant and Junior Schools.
- The admission number for the amalgamated school will remain at 60, which is the same as it is currently for Colmers Farm Junior and Infant schools separately.
- This proposal is related to the proposal to discontinue Colmers Farm Junior School with effect from 1<sup>st</sup> April 2016. The children currently attending Colmers Farm Junior School will automatically transfer to Colmers Farm Infant School. There will be no Year 3 application round going forward.
- Colmers Farm Infant School will also be proposing to change its name to reflect the change in age range and the amalgamation.

This notice is an extract from the complete proposal document.

Copies of the complete proposal can be found at;

[www.birmingham.gov.uk/schools/colmersfarm](http://www.birmingham.gov.uk/schools/colmersfarm)

If you require a hardcopy this can be obtained by writing to:

School Organisation Team, Education and Skills Infrastructure, PO Box 15843, Birmingham B2 2RT, or by requesting at either school.

Within four weeks from the date of publication of this proposal, any person may object to or comment on the proposals. Anyone who wishes to make representations about this proposal should do so through the web site or by writing to the School Organisation Team at the above postal address. The date by which objections or comments must be received by is 10th December 2015.

Signed; Peter Hay, Strategic Director for People

Publication Date: 12th November 2015

Proposal of Birmingham City Council  
Discontinuation of Colmers Farm Junior School  
Notice is given in accordance with section 15(1) of the Education and Inspections Act 2006 that Birmingham City Council intends to discontinue Colmers Farm Junior School, (Community school) Leybrook Road, Birmingham, B45 9PB with effect from 1<sup>st</sup> April 2016.

This proposal is related to the proposal for Colmers Farm Infant School to expand the age range of Colmers Farm Infant School to accommodate pupils of Junior school age and thus amalgamate Colmers Farm Infant School & Colmers Farm Junior school.

Colmers Farm Infant School will cater for children aged 4-11. The net capacity of the expanded school will be 420. The admission number will be 60. This is the combined number of children that currently attend Colmers Farm Infant and Junior Schools. The children currently attending Colmers Farm Junior School will automatically transfer to Colmers Farm Infant School.

Colmers Farm Infant School will also be proposing to change its name to reflect the change in age range and the amalgamation.

This notice is an extract from the complete proposal document. Copies of the complete proposal can be found at;  
[www.birmingham.gov.uk/schools/colmersfarm](http://www.birmingham.gov.uk/schools/colmersfarm)  
If you require a hardcopy this can be obtained by writing to:  
School Organisation Team, Education and Skills Infrastructure, PO Box 15843, Birmingham B2 2RT, or by requesting at either school.  
Within four weeks from the date of publication of this proposal, any person may object to or comment on the proposals. Anyone who wishes to make representations about this proposal should do so through the web site or by writing to the School Organisation Team at the above postal address. The date by which objections or comments must be received by is 10th December 2015.  
Signed; Peter Hay, Strategic Director for People  
Publication Date: 12th November 2015

**Mary Lowe**

EMAIL 1.  
CONSULTATION PERIOD.  
1 of 15

From: Mary Lowe  
Sent: 14 October 2015 16:02  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Notification of Consultation on the Amalgamation of Colmers Farm Infant and Colmers Farm Junior Schools

Dear [REDACTED]

Thank you for your comments which have been duly noted.

Kind regards,

Mary

Mary Lowe | School Organisation Officer | Education & Skills Infrastructure | Education and Commissioning

Click: [edsi.enquiries@birmingham.gov.uk](mailto:edsi.enquiries@birmingham.gov.uk)

Call: 0121 303 8847

Visit : Education and Skills Infrastructure | 1 Lancaster Circus | Queensway | Birmingham B4 7DJ  
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<http://www.birminghambeheard.org.uk>

From: [REDACTED]  
Sent: Tuesday, September 15, 2015 9:48 PM  
To: Mary Lowe; burden@parliament.uk; Councillor Brett O'Reilly; Richard Davies; Jackie Mould; Councillor Andy Cartwright; Councillor Jess Phillips; Tracey Radford; John Blakemore

**CC:** SchoolsHR; Russell M. Earles; Samantha Hulson; Thomas Hurlestone; Tracey Britton; Tracey Brookes; Peter Hay; Shazma Begum; Ian Burgess; Anil Nayyar; Martyn Scott; Gerardine Lotarew; Helen Yee; Sarah Wager; Sue Beer; Julie Newbold; Jason Sheargold; Jason Sherriff; Glenn Smith; Andy Dimmock; Dave Yardley; 'admissions@staffordshire.gov.uk'; 'Andrew Wade'; 'Dawn Shepherd'; 'Kate mann'; 'Lynne Stodart'; 'paul Hayward'; 'Robin Finney'; 'Sarah Smith'; Richard.Sadlier@dudley.gov.uk; juiaith.applegarth@coventry.gov.uk; peterspeers@warwickshire.gov.uk; timcorkery@thereredepartment.com'; Toni Guest; annpears@solihull.gov.uk; tonks@bdsc.org.uk; 'p.french@birmingham.anglican.org'; 'jonathan.veasey@nhs.net'; swbccg.time2talk@nhs.net; infobsc@nhs.net; bhamcrosscity@nhs.uk; schoolorganisation.notifications@education.gsi.gov.uk; highimportance@colmersfarm.junior.sch.uk  
**Subject:** RE: Notification of Consultation on the Amalgamation of Colmers Farm Infant and Colmers Farm Junior Schools  
**Importance:** High

Dear Mary

Thank you for the email and for the briefing. I personally have no issues with the amalgamation

Kind regards

## Mary Lowe

EMAIL 2  
CONSULTATION PERIOD  
2 OF 15

**From:** Toni Guest <t.guest@bdsc.org.uk>  
**Sent:** 02 October 2015 10:31  
**To:** Mary Lowe  
**Subject:** RE: Notification of Consultation on the Amalgamation of Colmers Farm Infant and Colmers Farm Junior Schools

Thank you for your email Mary.

I can confirm that the Archdiocese of Birmingham would have no objection to the proposals.  
Kind Regards, Toni

---

**From:** Mary Lowe [mailto:[Mary.Lowe@birmingham.gov.uk](mailto:Mary.Lowe@birmingham.gov.uk)]  
**Sent:** 15 September 2015 19:03

**To:** [burdenr@parliament.uk](mailto:burdenr@parliament.uk); Councillor Brett O'Reilly; Richard Davies; Jackie Mould; Councillor Andy Cartwright; Councillor Jess Phillips; Councillor Ian Cruise; Tracey Radford; John Blakemore  
**Cc:** SchoolsHR; Russell M. Earles; Samantha Hulson; Thomas Hulstone; Tracey Britton; Tracey Brookes; Peter Hay; Shazma Begum; Ian Burgess; Anil Nayyar; Martyn Scott; David Willey; Gerardine Lotarew; Helen Yee; Sarah Wager; Sue Beer; Julie Newbold; Jason Sheargold; Matthew A Partlett; David Bridgman; Marie Reece; Richard Goulborn; Karl Randall; Glenn Smith; Andy Dimmock; Dave Yardley; 'admissions@staffordshire.gov.uk'; 'admissions@warwickshire.gov.uk'; 'Andrew Wade'; 'Dawn Shepherd'; 'Kate mann'; 'Lynne Stodart'; 'paul Hayward'; 'Robin Finney'; 'Sarah Smith'; Richard.Sadlier@dudley.gov.uk; judith.applegarth@coventry.gov.uk; [peterspeers@warwickshire.gov.uk](mailto:peterspeers@warwickshire.gov.uk); [timcorke@warwickshire.gov.uk](mailto:timcorke@warwickshire.gov.uk); [annpearson@solihull.gov.uk](mailto:annpearson@solihull.gov.uk); [Rebecca.Tonks@birmingham.anglican.org](mailto:Rebecca.Tonks@birmingham.anglican.org); [jonathan.yeasey@theredepartment.com](mailto:jonathan.yeasey@theredepartment.com); Toni Guest; [schoolorganisation.notifications@education.qsi.gov.uk](mailto:schoolorganisation.notifications@education.qsi.gov.uk); [bhamcrosscity@nhs.net](mailto:bhamcrosscity@nhs.net); [infobsc@nhs.net](mailto:infobsc@nhs.net); [swbccg.time2talk@nhs.net](mailto:swbccg.time2talk@nhs.net); Helen Miles; David Bridgman  
**Subject:** Notification of Consultation on the Amalgamation of Colmers Farm Infant and Colmers Farm Junior Schools

Dear Mr Burden, Councillors and Colleagues,

I am writing to advise you that we have entered into a 6 week statutory consultation on the amalgamation of Colmers Farm Infant and Colmers Farm Junior Schools.

This will involve the closure of Colmers Farm Junior School and a prescribed alteration, namely altering the upper age range of Colmers Farm Infant School.

A link to the consultation website can be accessed via;

[www.birmingham.gov.uk/schools/colmersfarm](http://www.birmingham.gov.uk/schools/colmersfarm)

The consultation is for 6 weeks and ends on Friday 23<sup>rd</sup> October 2015. Details of how to make comments are detailed on the website.

**Mary Lowe**

EMAIL 3  
CONSULTATION PERIOD  
3 of 15

**From:** Mary Lowe  
**Sent:** 14 October 2015 16:13  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Notification of Consultation on the Amalgamation of Colmers Farm Infant and Colmers Farm Junior Schools

Dear [REDACTED]

The Governing Body are going to discuss the consultation findings when it closes next week and make a decision on whether to move to the next stage.  
I will keep you fully informed.

With kind regards,

Mary

NB. I do apologise for my delay in responding I have been on leave .

**Mary Lowe | School Organisation Officer | Education & Skills Infrastructure | Education and Commissioning**

**Click: [edsi.enquiries@birmingham.gov.uk](mailto:edsi.enquiries@birmingham.gov.uk)**

**Call: 0121 303 8847**

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<http://www.birminghambeheard.org.uk>**

From:

**Sent:** Wednesday, September 16, 2015 9:22 AM

**To:** Mary Lowe; 'BURDENR@parliament.uk'; Richard Davies; Jackie Mould; Councillor Jess Phillips; Councillor Peter Griffiths  
**Cc:** SchoolsHR; Russell M. Earles; Samantha Hulson; Thomas Hurstone; Tracey Brookes; Peter Hay; Shazma Begum; Ian Burgess; Anil Nayyar; Martyn Scott; David Willey; 'Gerardine.Lotarew@birmingham.gov.uk'; Helen Yee; Sarah Wager; Sue Beer; Julie Newbold; Jason Sheargold; Matthew A Partlett; David Bridgman; Marie Reece; Richard Goulborn; Karl Randal; Glenn Smith; Dave Yardley; 'admissions@staffordshire.gov.uk'; ?admissions@stafordshire.gov.uk'; 'andrew\_wade@sandwell.gov.uk'; 'Dawn.Shepherd@wolverhampton.gov.uk'; 'mannkate@walsall.gov.uk'; 'Lynne.Stodart@wolverhampton.gov.uk'  
**Subject:** Re: Notification of Consultation on the Amalgamation of Colmers Farm Infant and Colmers Farm Junior Schools

Dear Mary

Thank you I support the changes but would welcome once the consultation is finished the findings to be shared

I have also included

Kind regards

From: Mary | owe

Dear Mr Burden Councillors and Colleagues

**Mary Lowe**

**From:** Mary Lowe  
**Sent:** 14 October 2015 16:03  
**To:** [REDACTED]  
**Cc:** Lucy Darmoreton  
**Subject:** RE: Notification of Consultation on the Amalgamation of Colmers Farm Infant and Colmers Farm Junior Schools

Dear [REDACTED]

Thank you for your comments, these have been duly noted.

Kind regards,

Mary

Mary Lowe | School Organisation Officer | Education & Skills Infrastructure | Education and Commissioning

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<http://www.birminghambeheard.org.uk>

From [REDACTED]

Sent: Tuesday, September 15, 2015 10:34 PM

To: Mary Lowe; 'BURDENR@parliament.uk'; Councillor Brett O'Reilly; Richard Davies; Jackie Mould; Councillor Jess Phillips; Councillor Ian Cruise; Tracey Radford; John Blakemore

**Cc:** SchoolsHR; Russell M. Earles; Samantha Hulson; Thomas Hulson; Tracey Britton; Peter Hay; Shazma Begum; Ian Burgess; Anil Nayyar; Martyn Scott; David Willey; 'Gerardine.Lotarew@birmingham.gov.uk'; Helen Yee; Sarah Wager; Sue Beer; Julie Newbold; Jason Sheargold; Matthew A Partlett; David Bridgman; Marie Reece; Richard Goulbourn; Karl Randall; Glenn Smith; Andy Dimmock; Dave Yardley; 'admissions@staffordshire.gov.uk'; 'admissions@warwickshire.gov.uk'; 'andrew\_wade@sandwell.gov.uk'; 'Dawn.Shepherd@wolverhampton.gov.uk'; 'mannkate@walsall.gov.uk'; 'Lynne.Stodart@wolverhampton.gov.uk';

**Subject:** Re: Notification of Consultation on the Amalgamation of Colmers Farm Infant and Colmers Farm Junior Schools

I have no issues with the amalgamation of the schools.  
Thank you



**From:** Mary Lowe

**Sent:** Tuesday, September 15, 2015 07:03 PM GMT Standard Time

**To:** burdenr@parliament.uk <burdenr@parliament.uk>; Councillor Brett O'Reilly; Richard Davies; Jackie Mould; Councillor Andy Cartwright; Councillor Jess Phillips; Councillor Ian Cruise; Tracey Radford; John Blakemore  
**Cc:** SchoolsHR; Russell M. Earles; Samantha Hulson; Thomas Hulson; Tracey Britton; Peter Hay; Shazma Begum; Ian Burgess; Anil Nayyar; Martyn Scott; David Willey; Gerardine.Lotarew <Gerardine.Lotarew@birmingham.gov.uk>; Helen Yee; Sarah Wager; Sue Beer; Julie Newbold; Jason Sheargold; Matthew A Partlett; David Bridgman; Marie Reece; Richard Goulbourn; Karl Randall; Glenn Smith; Andy Dimmock; Dave Yardley; 'admissions@staffordshire.gov.uk' <'admissions@warwickshire.gov.uk'>; 'Dawn.Shepherd' <Dawn.Shepherd@wolverhampton.gov.uk>; 'admissions@walsall.gov.uk' <admissions@walsall.gov.uk>; 'Andrew Wade' <andrew.wade@sandwell.gov.uk>; 'Andrew Wade' <andrew.wade@sandwell.gov.uk>; 'Lynne Stodart' <Lynne.Stodart@wolverhampton.gov.uk>; 'paul Hayward' <Paul\_Hayward@sandwell.gov.uk>; 'Kate mann' <mannkate@walsall.gov.uk>; 'Sarah Smith' <SESSmith@worcestershire.gov.uk>; 'Richard.Sadlier@dudley.gov.uk' <Richard.Sadlier@dudley.gov.uk>; 'judith.applegarth@coventry.gov.uk' <judith.applegarth@coventry.gov.uk>; 'peterspeers@warwickshire.gov.uk' <peterspeers@warwickshire.gov.uk>; 'timcorkery@warwickshire.gov.uk' <timcorkery@warwickshire.gov.uk>; 'p.french@birmingham.anglican.org' <p.french@birmingham.anglican.org>; 'jonathan.veasey@thereredepartment.com' <jonathan.veasey@thereredepartment.com>; Toni Guest <t.quest@bdsc.org.uk>; 'schoolorganisation.notifications@education.qsi.gov.uk' <schoolorganisation.notifications@education.qsi.gov.uk>; 'swbccg.time2talk@nhs.net' <swbccg.time2talk@nhs.net>; 'Helen Miles' <helen.miles@nhs.net>; 'David Bridgman' <David.Bridgman@nhs.net>; 'infobsc@nhs.net' <infobsc@nhs.net>; 'bhamcrosscity@nhs.net' <bhamcrosscity@nhs.net>; 'infobsc@nhs.net' <infobsc@nhs.net>;

**Subject:** Notification of Consultation on the Amalgamation of Colmers Farm Infant and Colmers Farm Junior Schools

Dear Mr Burden, Councillors and Colleagues,

I am writing to advise you that we have entered into a 6 week statutory consultation on the amalgamation of Colmers Farm Infant and Colmers Farm Junior Schools.

This will involve the closure of Colmers Farm Junior School and a prescribed alteration, namely altering the upper age range of Colmers Farm Infant School.

A link to the consultation website can be accessed via;

[www.birmingham.gov.uk/schools/colmersfarm](http://www.birmingham.gov.uk/schools/colmersfarm)



### Consultation Feedback

To enable the amalgamation of Colmers Farm Infant School and Colmers Farm Junior School we are consulting on the following proposals with effect from 1<sup>st</sup> February 2016:

1. **Proposal to discontinue Colmers Farm Junior School**
2. **Proposal to make a Prescribed Alteration to Colmers Farm Infant School by Alteration to the Upper Age limit**

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### Consultation Response Form

Please help us analyse these responses by indicating your interest in the proposals:

Parent / carer of a pupil

Governor

Member of staff

Other

If other, please specify interest

Please provide any comments or suggestions you might have on the proposals.

It makes sense for the two schools to be amalgamated, as the head teacher is already working in the two schools, less duplication of roles and paperwork and it is the same building. Siblings of the infant & Junior school can have the same days off school, for instance, on inset days and heavy snow days where one school deems it necessary to close, while the other remains open. Teachers can work across all key stages - great for teacher prospects and morale.

Please return this form by **Friday 23<sup>rd</sup> October 2015** to the following address: School Organisation Team, Education and Skills Infrastructure, PO Box 15843, Birmingham, B2 2RT.



Additional comments:

~~It would be good for~~ The Uniform

It would be nice for the junior school to have the same uniform as the infants too - with the nice bright red colour, instead of just <sup>the</sup> sombre navy - variety is nice for children, and the older children could pass down their old uniform to their younger siblings (possibly), if they are in good condition.

Sharing resources

The sharing of resources would occur too with amalgamation, such as the sharing of P.E equipment and I.T equipment, thereby saving money. I'm sure one large budget spent across all the key stages is better than two budgets that are smaller for the two schools, in the sense that more sharing would occur, whether between staff or resources.

Ofsted report

The Ofsted report for the Junior school was rated unsatisfactory, therefore if the principles and regulations of the infants school (which was rated good) was employed onto the Junior school, it would raise the standards (hopefully).



### Consultation Feedback

To enable the amalgamation of Colmers Farm Infant School and Colmers Farm Junior School we are consulting on the following proposals with effect from 1<sup>st</sup> February 2016:

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2. **Proposal to make a Prescribed Alteration to Colmers Farm Infant School by Alteration to the Upper Age limit**

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Parent / carer of a pupil

Governor

Member of staff

Other

If other, please specify interest

.....

Please provide any comments or suggestions you might have on the proposals.

.....

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### Consultation Response Form

Please help us analyse these responses by indicating your interest in the proposals:

Parent / carer of a pupil

**R E C E I V E D**  
15 OCT 2015

Governor

Member of staff

Other

If other, please specify interest

Please provide any comments or suggestions you might have on the proposals.

I think this is best for the School  
and I am in favor of this proposal.

Please return this form by Friday 23<sup>rd</sup> October 2015 to the following address: School Organisation Team, Education and Skills Infrastructure, PO Box 15843, Birmingham, B2 2RT.



### Consultation Feedback

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### Consultation Response Form

Please help us analyse these responses by indicating your interest in the proposals:

Parent / carer of a pupil

RECEIVED  
08 OCT 2015

Governor

Member of staff

Other

If other, please specify interest

Please provide any comments or suggestions you might have on the proposals.

I think this will be really good for both schools to join together. Specially when parents have to fill in a admission form, children will automatically go straight into colmers Juniors, plus there will be a lot of money saved which will

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Additional comments:

help towards the both  
School's



### Consultation Feedback

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Parent / carer of a pupil

Governor

Member of staff

Other

If other, please specify interest

Please provide any comments or suggestions you might have on the proposals.

I think the proposal to discontinue the junior school and expand the age range of the infant school is an excellent idea. This will only add to the childrens learning experience, it will give them continuity and it should improve educational outcomes as interests can be continued when the children reach KS2. It will also give them and parents stability after years of uncertainty and change in the Juniors.

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### Consultation Response Form

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Parent / carer of a pupil

Governor

Member of staff

Other

If other, please specify interest

.....

Please provide any comments or suggestions you might have on the proposals.

I think it would be a good idea to bring both the schools together, as will help parents who have to reapply for their children to go from the Infants to the Juniors.

Please return this form by Friday 23<sup>rd</sup> October 2015 to the following address: School Organisation Team, Education and Skills Infrastructure, PO Box 15843, Birmingham, B2 2RT.

BE HEARD RESPONSES  
CONSULTATION PERIOD.  
11 - 15 of 15.

What is your interest in the proposal?	Are you in favour of the proposal?	Are you in favour of the proposal? - Please give details
Local Resident	No	I have to say no as more information is needed, will this result in staff cuts or staff having to downgrade?
Local Councillor	Yes	The merger of the 2 schools will give a continuous, uninterrupted educational path through the primary years. The merger will also cut down back office costs re procurement. Governance will become more effective with a merged school.
Parent	Yes	Although I am not keen on the idea of amalgamation as I specifically chose Colmers Farm for my daughter because it was a separate infants school, it is a far better prospect than forced academisation which sounds like the alternative option. I have very negative experiences of Academies and far prefer Local Authority schools

There are a number of questions that governors need to ask in order to be completely satisfied that this is the right choice at this moment in time.

1. How likely is it that the proposal will improve outcomes for the children currently in nursery, EYFS and Y1 during the period February 2016 and July 2017?

In my opinion this is unlikely due to the resources that will need to be directed away from KS1 and towards KS2. Three members of the infant SLT have already had a very significant proportion of their time re-allocated to the Junior School which is impacting on the Infant School. This is reflected in GB meetings in terms of the balance between junior and infant school agenda items. Infant Schools are special places where all resources are devoted solely towards EYFS and KS1 pupils.

2. How likely is it that the proposal will improve outcomes for the children currently in Y2,3,4,5 and 6 between Feb 2015 and July 2017?

In my opinion likely, assuming that the junior school continues its current rate of improvement.  
At risk if the school struggles to recruit a suitably experienced head to lead the school.

3. How likely is it that the proposal will improve outcomes for future years and future generations of children?

Likely if the primary school is successful in recruiting high caliber staff.

Unlikely if the school struggles to recruit good staff. Currently the infant school has few problems recruiting, whilst the junior school struggles. An all though Primary School could change this position. The pupils who stand to gain from the proposal in the short term are current Y2-Y6. The pupils who stand to lose out from the proposal in the short term are current nursery-Y1. In the long term, assuming points mentioned above are met, all future pupils should benefit.

We have already seen some benefits of working more closely together, particularly in terms of safeguarding, continuity for parents, pupils and staff, linking of policies and effective use of resources.

It's important for governors to understand that they are voting for the structure in general and not the leadership team currently in place. It's also important to understand that a structure in itself changes nothing without strong leadership and good staff.

Leading Colmers Farm Primary School will always be able to be skin to steering a very large, and often unsteady ship, through choppy waters. Governors will need to be confident that the budget will be healthy enough to resource the school appropriately in terms of staffing. The budget forecast is suggesting that current levels of staffing won't be able to be maintained during the next academic year, and if this is the case, the school could struggle to meet the needs of the children.

Although I am in favour of the proposal in terms of the long-term future of the school, I think that the next two years will be very much make or break years and the real question here is whether to take a calculated risk.

If the threat of academisation wasn't an issue, I would be suggesting that we wait two years before amalgamating. With the situation as it currently is though, that isn't an option and I think the risk is worth taking. The GB will need to be acutely aware of the possible pitfalls and put robust measures in place to minimise the chance of failure.

Having weighed everything up in the current context, I am generally in favour of the proposal, assuming that sufficient measures are put in place to mitigate the potential issues.

Having 'lived' the 'Primary School' for just under 2 terms I am able to reflect in a different way than before. Up until this point I have considered the 'amalgamation' of the 2 schools to be the right decision in every way. Unfortunately the vast differences between the 2 schools have proven difficult obstacles to overcome. My main concern is that current infant staff who have attempted to support the Acting Headteacher in the junior school have felt unwelcomed and judged. There seems to be little commitment to the greater good (the children) and more of an ethos of watching people fail.

Many of the new systems in place such as 1:1 DS1 & EVC are incredibly beneficial. The Acting Headteacher has a focus and a vision that the junior school could benefit from enormously. As a staff member the opportunity for CPD is fantastic.

I believe this needs to be strongly considered with a robust plan in place to encourage a move up to good for the junior school as opposed to the opposite.

Staff Member

Yes

Staff Member

Submitted to School Organisation Colmers Farm Infant and Junior Schools Amalgamation

Submitted on 2015-11-12 20:23:14

## Introduction

### 1 What is your name?

Name:

[REDACTED]

### 2 What is your e mail address?

e mail:

[REDACTED]

### 3 What is your interest in the proposal?

Local Councillor

other, please specify:

### 4 Are you in favour of the proposal?

Yes

**Please give details:**

I believe the amalgamation creates a smooth transitional pathway for pupils from year 1 - 6. The amalgamation also allows the school to pool resources, reduce non-teaching cost centres and allow more resources to be directed toward education



Department  
for Education

# **School Organisation Maintained Schools**

**Guidance for proposers and decision-  
makers**

**January 2014**

## **'Amalgamations/mergers'**

66. There are two ways to 'merge' or 'amalgamate' two or more existing maintained schools<sup>27</sup>:

- 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) depending on category, can publish a proposal to open a new school or academy (see chapter 4 - Establishment of new provision). This results 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 a 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.



Department  
for Education

# School Organisation

## Maintained Schools

### Annex B: Guidance for Decision-makers

January 2014

## Summary

### Key points

1. This Annex is for local authorities, the Schools Adjudicator and governing bodies in their roles as decision-makers. It is relevant to the 2013 School Organisation Regulations<sup>1</sup>. Decisions on proposals published before 28 January 2014 must be made with regard to the previous Decision-makers Guidance.
2. The table in [Annex A.5](#) sets out the decision-maker for each type of school organisation proposal. The department does not prescribe the exact process by which a decision-maker carries out their decision-making function; however, decision-makers must have regard<sup>2</sup> to this guidance when making a decision.
3. The decision-maker should consider the views of 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 numbers 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 of children at the affected school(s).

### Related proposals

4. Any proposal that is 'related' to another proposal must be considered together. A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Where proposals are 'related', the decisions should be compatible.
5. Where a proposal is 'related' to another proposal to be decided by the Secretary of State (e.g. for the establishment of a new academy) the decision-maker should defer taking a decision until the Secretary of State has taken a decision on the proposal, or where appropriate, grant a conditional approval for the proposal.

### Conditional approval

6. Decision-makers may give conditional approval for a proposal subject to certain prescribed events<sup>3</sup>. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

<sup>1</sup> In the case of the removal of a Foundation or Foundation majority this guidance is relevant to The School Organisation (Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations 2007.

<sup>2</sup> Under paragraphs 8(6) and 17 of Schedule 2 to the EIA 2006 and regulation 7 of the Prescribed Alterations Regulations.

<sup>3</sup> The prescribed events are those listed under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations (for prescribed alterations), regulation 16 of the Establishment and Discontinuance Regulations (for closures and new schools) and paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations (for foundation and trust proposals).

7. The proposer should inform the decision-maker (and the Secretary of State via [schoolorganisation.notifications@education.gsi.gov.uk](mailto:schoolorganisation.notifications@education.gsi.gov.uk) in the case of school closures) when a condition is modified or met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

## Publishing decisions

8. All determinations (rejected and approved – with or without modifications) must give reasons for such a decision being made. Within one week of making a determination the decision-maker must arrange (via the proposer as necessary) for the decision and the reasons behind it to be published on the website where the original proposal was published. The decision-maker must also arrange for the bodies below to be notified of the decision and reasons<sup>4</sup>:

- the LA (where the Schools Adjudicator or governing body is the decision-maker);
- the governing body/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- the parents of every registered pupil at the school – where the school is a special school;
- any other body that they think is appropriate; and
- the Secretary of State via [schoolorganisation.notifications@education.gsi.gov.uk](mailto:schoolorganisation.notifications@education.gsi.gov.uk) (in school opening and closure cases only).

## Factors to consider

9. Paragraphs [10](#) to [78](#) of this annex set out some the factors that decision-makers should consider when deciding a proposal. Paragraphs [10](#) to [29](#) are relevant to all types of proposals. Paragraphs [30](#) to [78](#) are more relevant to certain types of proposals (as specified). These factors are not exhaustive and the importance of each will vary depending on the type and circumstances of the proposal. All proposals must be considered on their individual merits.

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<sup>4</sup> In the case of proposals to change category to foundation, acquire/remove a Trust and/or acquire/remove a Foundation majority the only bodies the decision-maker must notify are the LA and the governing body (where the Schools Adjudicator is the decision-maker).

## Factors relevant to all types of proposals

### Consideration of consultation and representation period

10. The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.

### Education standards and diversity of provision

11. Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps.

12. The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.

### Demand

13. In assessing the demand for new school places the decision-maker should consider 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).

14. The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

15. Reducing surplus places is not a priority (unless running at very high levels). 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.

### School size

16. 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.

### **Proposed admission arrangements (including post-16 provision)**

17. In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

18. Before approving a proposal that is likely to affect admissions to the school 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**

19. All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community<sup>5</sup>.

### **Equal opportunity issues**

20. The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations.

21. The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

---

<sup>5</sup> Under sections 90, 91, 92 and 93 of the Education Act 2002.

### **Community cohesion**

22. 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. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

### **Travel and accessibility**

23. Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

24. The decision-maker should bear in mind that a proposal should not 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.

25. 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.

### **Capital**

26. The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

27. 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; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

### **School premises and playing fields**

28. Under the School Premises Regulations all 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.
29. [Guidelines](#) setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

## Factors relevant to certain types of proposals:

### Expansion

30. When deciding on a proposal for an expansion on an additional site (a 'satellite school'), decision-makers will need to consider whether the new provision is genuinely a change to an existing school or is in effect a new school (which would trigger the academy presumption in circumstances where there is a need for a new school in the area<sup>6</sup>). Decisions will need to be taken on a case-by-case basis, but decision-makers will need to consider the following non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and to ensure that it will serve the same community as the existing site:

- The reasons for the expansion
  - What is the rationale for this approach and this particular site?
- Admission and curriculum arrangements
  - How will the new site be used (e.g. which age groups/pupils will it serve)?
  - What will the admission arrangements be?
  - Will there be movement of pupils between sites?
- Governance and administration
  - How will whole school activities be managed?
  - Will staff be employed on contracts to work on both sites? How frequently will they do so?
  - What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same governing body and the same school leadership team)?
- Physical characteristics of the school
  - How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?
  - Is the new site in an area that is easily accessible to the community that the current school serves?

<sup>6</sup> Or require an proposal under section 11 of the EIA 2006 for a new maintained school.

### **Changes to special educational need provision – the SEN improvement test**

39. In planning and commissioning SEN provision or considering a proposal for change, LAs should aim for a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is favourable to establishing broad categories of provision according to special educational need or disability.

Decision-makers should ensure that proposals:

- take account of parental preferences for particular styles of provision or education settings;
- take account of any relevant local offer for children and young people with SEN and disabilities and the views expressed on it;
- offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;
- take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe;
- support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- ensure appropriate provision for 14-19 year-olds; and
- ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs must be amended and all parental rights must be ensured. Other interested partners, such as the Health Authority

should be involved. Pupils should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need.

40. When considering any reorganisation of provision that the LA considers to be reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children. Decision-makers should make clear how they are satisfied that this SEN improvement test has been met, including how they have taken account of parental or independent representations which question the proposer's assessment.

## **Additional factors relevant to closure proposals**

### **Closure proposals (under s15 EIA 2006)**

54. The decision-maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall quality of provision, the likely supply and future demand for places. The decision-maker should consider the popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for those schools.

### **Schools to be replaced by provision in a more successful/popular school**

55. Such proposals should normally be approved, subject to evidence provided.

### **Schools causing concern**

56. For all closure proposals involving schools causing concern, copies of the Ofsted monitoring letters for the relevant schools should be made available. Decision-makers should have regard to the length of time the school has been in special measures, requiring improvement or otherwise causing concern. The decision-maker should also have regard to the progress the school has made, the prognosis for improvement, and the availability of places at other existing or proposed schools within a reasonable travelling distance. There is a presumption that these proposals should be approved, subject to checking that there are sufficient accessible places of an acceptable standard available to accommodate displaced pupils and to meet foreseeable future demand for places in the area.

### **Rural schools**

57. There is 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 the proposal clearly in the best interests of educational provision in the area<sup>9</sup>. Those proposing closure should provide evidence to show that they have carefully considered the following:

- alternatives to closure including the potential for federation with another local school or conversion to academy status and joining a multi-academy trust or umbrella trust to increase the school's viability;

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<sup>9</sup> Not applicable where a rural infant and junior school on the same site are closing to establish a new primary school on the same site(s).

- 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.;
- the transport implications; and
- the overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility.

58. When deciding a proposal for the closure of a rural primary school the decision-maker must refer to the [Designation of Rural Primary Schools Order](#) to confirm that the school is a rural school.

59. For *secondary schools*, the decision-maker must decide whether a school is to be regarded as rural for the purpose of considering a proposal. In doing so the decision-maker should have regard to the department's register of schools – EduBase<sup>10</sup> which includes a rural/urban indicator for each school in England. Where a school is not recorded as rural on Edubase, the decision-maker can consider evidence provided by interested parties, that a particular school should be regarded as rural.

## Early years provision

60. In considering a proposal to close a school which currently includes early years provision, the decision-maker should consider whether the alternative provision will integrate pre-school education with childcare services and/or with other services for young children and their families; and should have particular regard to the views of the Early Years Development and Childcare Partnership.

61. The decision-maker should also consider whether the new, alternative/extended early years provision will maintain or enhance the standard of educational provision for early years and flexibility of access for parents. Alternative provision could be with providers in the private, voluntary or independent sector.

## Nursery school closures

62. There is a presumption against the closure of 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 provision clearly demonstrate that it will be at least as equal in terms of the quantity as 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.

<sup>10</sup> Any school classed as urban will have a rural/urban indicator of either 'Urban>10K – less sparse' or 'Urban>10K – sparse' – all other descriptions refer to rural schools.

## **Balance of denominational provision**

63. In deciding a proposal to close a school with religious character, decision-makers should consider the effect that this will have on the balance of denominational provision in the area.

64. The decision-maker should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of relevant denominational places in the area. However, this guidance does not apply in cases where the school concerned is severely under-subscribed, standards have been consistently low or where an infant and junior school (at least one of which has a religious character) are to be replaced by a new all-through primary school with the same religious character on the site of one or both of the predecessor schools.

## **Community Services**

65. Some schools may be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social consequences. In considering proposals for the closure of such schools, the effect on families and the community should be considered. 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.

<b>Report to:</b>	<b>CABINET</b>	
<b>Report of:</b>	<b>ASSISTANT DIRECTOR PROCUREMENT</b>	
<b>Date of Decision:</b>	<b>26<sup>TH</sup> JANUARY 2016</b>	
<b>SUBJECT:</b>	<b>PLANNED PROCUREMENT ACTIVITIES (MARCH 2016 – MAY 2016)</b>	
<b>Key Decision:</b> No	<b>Relevant Forward Plan Ref:</b>	n/a
<b>If not in the Forward Plan:</b> (please "tick" box)	Chief Executive approved	<input type="checkbox"/>
	O&S Chairman approved	<input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Cllr Stewart Stacey, Commissioning, Contracting &amp; Improvement</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Waseem Zaffar, Corporate Resources</b>	
<b>Wards affected:</b>	<b>All</b>	

**1. Purpose of report:**

1.1 This report provides details of the planned procurement activity for the period March 2016 – May 2016. Planned procurement activities reported previously are not repeated in this report.

**2. Decision(s) recommended:**

That Cabinet

2.1 Notes the planned procurement activities under officer delegations set out in the Constitution for the period March 2016 - May 2016 as detailed in Appendix 1.

**Lead Contact Officer (s):**

<b>Telephone No:</b> <b>E-mail address:</b>	Nigel Kletz Corporate Procurement Services Economy Directorate 0121 303 6610 <a href="mailto:nigel.kletz@birmingham.gov.uk">nigel.kletz@birmingham.gov.uk</a>
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### **3. Consultation**

#### **3.1 Internal**

This report to Cabinet is copied to Cabinet Support Officers and to Corporate Resources Overview & Scrutiny Committee and is the process for consulting with and taking soundings from relevant cabinet and scrutiny members. At the point of submitting this report Cabinet Members/ Corporate 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.

#### **3.2 External**

None

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies**

Details of how the contracts listed in Appendix 1 support relevant Council policies, plans or strategies, will be set out in the individual reports.

#### **4.2 Financial Implications**

Details of how decisions will be carried out within existing finances and resources will be set out in the individual reports.

#### **4.3 Legal Implications**

Details of all relevant implications will be included in individual reports.

#### **4.4 Public Sector Equality Duty**

Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports.

## **5. Relevant background/chronology of key events:**

- 5.1 At the 19 July 2011 meeting of Council Business Management Committee changes to procurement governance were agreed which gives Chief Officers the delegated authority to approve procurement contracts up to the value of £2.5m 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.
- 5.2 In line with the Procurement Governance Arrangements that form part of the Council's Constitution, this report acts as the process to consult with and take soundings from Cabinet Members and the Corporate Resources Overview & Scrutiny Committee.
- 5.3 This report sets out the planned procurement activity over the next few months where the contract value is between the EU threshold (£164,176) and £2.5m. This will give members visibility of all procurement activity and the opportunity to identify whether any procurement reports should be brought to Cabinet for approval even though they are below the delegation threshold.
- 5.4 Individual contracts can be referred to Cabinet for an executive decision at the request of Cabinet, a Cabinet Member or the Chair of Corporate Resources Overview & Scrutiny Committee where there are sensitivities or requirements that necessitate a decision being made by Cabinet.
- 5.5 Procurements below £2.5m 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 £2.5m contract value will still require an individual report to Cabinet in order for the award decision to be delegated to Chief Officers if appropriate.

## **6. Evaluation of alternative option(s):**

- 6.1 The report approved by Council Business Management Committee on 19 July 2011 set out the case for introducing this process. The alternative option is that individual procurements are referred to Cabinet for decision.

## **7. Reasons for Decision(s):**

- 7.1 To enable 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 £2.5m, unless TUPE applies to current Council staff.

**Signatures:****Date:**

.....  
Nigel Kletz – Assistant Director (Procurement)

.....

.....  
Councillor Stewart Stacey, Commissioning, Contracting & Improvement

**List of Background Documents used to compile this Report:****List of Appendices accompanying this Report (if any):**

Appendix 1 - Planned Procurement Activity March 2016 – May 2016

<b>Report Version</b>	1	<b>Dated</b>	12/01/2016
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**APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (MARCH 2016 - MAY 2016)**

Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Commissioning, Contracting & Improvement Plus	Finance Officer	Contact Name	Planned CO Decision Date	Comments - including any request from Cabinet Members for more details	Living Wage apply Y / N
Strategy / Award	Merchant Acquirer Service	P231	A merchant acquirer service is required by the Council to offer citizens the facility to make payments by debit or credit card. This could be by chip and pin (face to face), over the telephone or online.	2 years plus 2 years option to extend	Economy	Deputy Leader	Jayne Bench	Lisa Haycock	04/03/2016		Y

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Director of Legal &amp; Democratic Services</b>
<b>Date of Decision:</b>	<b>26 January 2016</b>
<b>SUBJECT:</b>	<b>APPOINTMENTS TO OUTSIDE BODIES</b>
<b>Key Decision:</b> No	<b>Relevant Forward Plan Ref:</b>
<b>If not in the Forward Plan:</b> (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Cllr John Clancy</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Waseem Zaffar, Corporate Resources O &amp; S Committee</b>
<b>Wards affected:</b>	<b>City Wide</b>

**1. Purpose of report:**

The report seeks the approval of the Cabinet to the appointment of representatives to serve on outside bodies detailed in the appendix to this report.

**2. Decision(s) recommended:**

That representatives be appointed to serve on the Outside Bodies detailed in the appendix to this report.

<b>Lead Contact Officer(s):</b>	Celia Janney
<b>Telephone No:</b> <b>E-mail address:</b>	Committee Services Tel: 0121 303 7034 e-mail: celia.janney@birmingham.gov.uk

### **3. Consultation**

#### **3.1 Internal**

Councillor John Clancy, Leader of the Council.

For appropriate items, the Secretaries to the Political Groups represented on the Council.

#### **3.2 External**

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

The appointments are consistent with the legal and constitutional requirements of the City Council.

#### **4.2 Financial Implications**

(Will decisions be carried out within existing finances and Resources?)

There are no additional resource implications.

#### **4.3 Legal Implications**

See paragraph 4.1.

#### **4.4 Public Sector Equality Duty**

The main risk of not making appointments might lead to the City Council not being represented at meetings of the bodies concerned. It is always important in making appointments to have regard to the City Council's equal opportunities policies.

**5. Relevant background/chronology of key events:**

At the Annual General Meeting on 22 May, 2012, the City Council approved changes to the Constitution and Article 11 sets out those appointments that are reserved to the full City Council to determine. All other appointments of Members and officers to outside bodies shall be within the remit of Cabinet to determine and the proportionality rules will not automatically apply.

**6. Evaluation of alternative option(s):**

Not applicable, as these appointments are a matter for the Cabinet to determine.

**7. Reasons for Decision(s):**

To approve the appointment of representatives to serve on Outside Bodies

**Signatures****Date**

Cabinet Member .....

Chief Officer .....

**List of Background Documents used to compile this Report:**

1. Report of the Council Business Management Committee to City Council on 24 May 2005 “Annual Review of the City Council’s Constitution”; along with relevant e-mails/file(s)/correspondence on such appointments.

**List of Appendices accompanying this Report (if any):**

1. Appendix to Report to Cabinet 26 January 2016 – Appointments to Outside Bodies

**APPENDIX TO REPORT TO CABINET 26 January 2016**  
**APPOINTMENTS TO OUTSIDE BODIES**

**1. Summary of Decisions**

With reference to those bodies included in this report where the terms of office of City Council representatives expire, the Cabinet is asked to note that, where appropriate, the representatives have been contacted and in accordance with the practice agreed by Resolution No. 2769, of the former General Purposes Committee unless indicated, are not willing to be re-appointed. Accordingly, unless indicated in this report, such representatives are not willing to be re-appointed.

**2. Kings Norton United Charities**

Three vacancies for Representative Governor expire on the 30 January 2016. They are all for a period of 3 years, i.e. 31 January 2016 until 30 January 2019. It is a requirement that the Representative Governor lives in Kings Norton.

Councillor Simon Jevon has expressed a willingness to serve.

There are 2 other vacancies remaining.

**RECOMMENDED:-**

That Councillor Simon Jevon (Con) be appointed to serve on Kings Norton United Charities for a period of 3 years until 30 January 2019.

**3. Yardley Educational Foundation**

Three vacancies for Governor expire on the 30 January 2016. They are all for a period of 3 years, i.e. 31 January 2016 until 30 January 2019.

Nominees may be, but need not be, Members of the Council.

Councillor Paul Tilsley (Lib Dem) has expressed a willingness to continue to serve and Ms Luisella Oshea (Lab) has expressed a willingness to continue to serve.

**RECOMMENDED:-**

That Councillor Paul Tilsley (Lib Dem) be re-appointed and Ms Luisella Oshea (Lab) be re-appointed on Yardley Educational Foundation for a period of 3 years until 30 January 2019.

**4. West Midlands Ambulance Service NHS Foundation Trust**

Councillor Brown has stated he wishes to step down and hence there is now a vacancy on the above organisation. Governors must be a Member of the appointing local authority. The appointment is for a 3-year period, but reviewed annually in line with established practice.

Cllr Mike Sharpe (Lab) has expressed a willingness to serve.

**RECOMMENDED:-**

That Councillor Mike Sharpe (Lab) be appointed to serve on West Midlands Ambulance Service NHS Foundation Trust for a period of 3 years until 30 January 2019, subject to annual review.