

Birmingham City Council

The Leader of the Council jointly with the Chief
Finance Officer and Director of Inclusive Growth

Date: 04 April 2019



Subject: DISPOSAL OF YARDLEY WOOD UNATTACHED
SCHOOL PLAYING FIELD TO SUPPORT THE DELIVERY
OF THE CHRIST CHURCH CE SECONDARY ACADEMY

Report of: Director of Education & Skills

Relevant Cabinet Member: Councillor Ian Ward – Leader
Councillor Jayne Francis – Education, Skills & Culture

Relevant O &S Chair(s): Councillor Sir Albert Bore - Resources
Councillor Tahir Ali - Economy & Skills
Councillor Mariam Khan – Learning Culture and
Physical Activity

Report author: Emma Bourne, Acting School Estates Manager
Telephone: 0121 675 5938
Email Address: emma.bourne@birmingham.gov.uk

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Billesley		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference: 00xxx/2018		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 This report seeks approval for the disposal of Yardley Wood Unattached School Playing Field (USPF), Billesley, as identified in Appendix 1 and the subsequent granting of a long leasehold interest to the Education and Skills Funding Agency (ESFA) to support the development of the Christ Church CE Secondary Academy, (a Free School) part of the Diocese of Birmingham Academy Trust.

- 1.2 In line with the Schools Capital Programme, approved by Cabinet on 18th September 2018, the transaction is required to enable sufficient secondary provision within the city as outlined in the annual Local Authority School Capacity Return (SCAP) 2018 submission. The Christ Church CE Secondary Academy will be a 6 Form Entry (FE) secondary school built and funded by the EFSA.

2 Recommendations

- 2.1 Approve the granting of a 125 year lease at a peppercorn rent to the ESFA for the permitted use of developing a school and an attached school playing field on a tenant full repairing and insuring basis for the land identified in Appendix 1 comprising the Yardley Wood USPF.
- 2.2 Approve the appropriation of a small strip of land at the north of the site (Daleview Road) which is currently in the Housing Revenue Account for housing purposes under the Housing Act 1985 (area hatched blue on Appendix 1) to the Education and Skills Directorate to enable appropriate access to the site which will be used for educational purposes under the Academies Act 2010.
- 2.3 Authorise the City Solicitor to negotiate, execute and complete all necessary documentation to give effect to the above recommendations.

3 Background

- 3.1 The Local Authority has a statutory duty to not only provide pupil places but also to promote diversity and increase parental choice in planning and securing the provision of school places (Section 14, Education Act 1996 and Education & Inspections Act 2006).
- 3.2 The proposed location of the Free School falls into the Selly Oak planning area. As advised in the Local Authority SCAP 2018 submission to the Department for Education, forthcoming Year 6 pupil populations in this area are increasing between 2019 and 2023. It is anticipated that there is a need for additional places for 2020 entry, with an overall 6FE (180 additional places per year group) required by 2023. This area also serves pupils in the Hall Green planning area which is another area of significant growth with an additional 12.5FE (375 places per year group) required there between now and 2023.
- 3.3 Yardley Wood USPF is one of 31 Unattached School Playing Fields across the city. A review of the arrangements on all of the fields was undertaken following the removal of the budget to maintain the sites. Yardley Wood USPF is partially used by an adjacent Football Club and a small amount of income is generated on the site. However the majority of the site is unused and yet there is still a minimum requirement in relation to maintenance of the site to ensure the statutory health and safety requirements are adhered to.
- 3.4 As part of the proposals for the Free School there will be an additional All Weather Pitch and also enhanced grass pitches available for the local Football Club to use

in the future under a seasonal licence arrangement in line with current arrangements.

- 3.5 The entrance to the site goes across a strip of land which is currently held in the Neighbourhoods Directorate (area hatched blue in Appendix1), this land is being appropriated to Education to ensure the site is fully accessible as outlined in 2.2 of this report.

4 Options considered and Recommended Proposal

- 4.1 The original application submitted by the Diocese of Birmingham was for the school to be built on the Diocesan land adjacent to the Yardley Wood USPF however following extensive feasibilities and intrusive condition surveys undertaken by the ESFA it was decided that the original site would not be suitable for the school and the USPF site would be more appropriate.

5 Consultation

- 5.1 The Leader, Cabinet Member for Education, Skills & Culture and the Directors of Education & Skills, and Inclusive Growth are aware of the proposals and are supportive of the recommendations in the report being presented for executive decision. The Ward Councillors for Billesley have also been consulted in relation to the proposals and have raised objections and a response to these objections has been issued to the Councillors and shared with the decision makers. Officers from City Finance, Legal and Governance and Birmingham Property Services have been involved in the preparation of this report.
- 5.2 Public consultation events have been held in the local community where officers from the Diocese, ESFA, Local Authority and other partners were available to share proposals and discuss concerns in relation to the proposal with relevant stakeholders and the majority were supportive of a new school. Further consultations will be undertaken as part of the Planning Application requirements.

6 Risk Management

- 6.1 If the proposal does not go ahead then the Local Authority would fail to meet its statutory obligation to secure the provision of providing sufficient secondary school places within the relevant planning area.

7 Compliance Issues:

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

- 7.1.1 The disposal of the site will enable the Local Authority to meet its statutory duty to secure the provision of sufficient secondary school places in safe and compliant school buildings This will support the Local Authority's Priorities as set out in the Council Plan and Budget 2018+:

- A great city to grow up in and make the best use of our unique demography
- Create a safe and secure city for our children to learn and grow in', by ensuring the provision of school places in safe, suitable school buildings,
- Enable children to benefit from a great education offer.

7.2 Legal Implications

- 7.2.1 This report facilitates the discharge of the Local Authority's duty contained within Section 14 of the Education Act 1996, by which the Local Authority has a responsibility to secure that sufficient schools are available.
- 7.2.2 The Local Authority also has a duty to efficiently manage its assets and the city has power under Sections 120 – 123 of the Local Government Act 1972 to hold and dispose of land. Paragraph 20 of Schedule 1 to the Academies Act 2010 dis-applies the requirement in Section 123(2) of the Local Government Act 1972 not to dispose of land for less than the best consideration that can reasonably be obtained. The leasehold interest will therefore be granted at a peppercorn rent.
- 7.2.3 Under Section 122 of the said Act, the Council may appropriate land for any purpose for which the Council is authorised by legislation to use the land; and land which belongs to the Council and is no longer required for which it is held immediately before the appropriation.

7.3 Financial Implications

- 7.3.1 As outlined above there is limited usage of the Yardley Wood USPF and a small income relating to the seasonal licence of £2,534 is received. The ongoing costs associated with this site in respect of maintenance, rates etc. are approximately £13,000 per annum. All responsibilities for this site will transfer to the ESFA upon granting of the lease with the exception of £24 per annum as identified in 7.3.2.
- 7.3.2 As part of the appropriation identified in 2.2 of the report there will be a charge of £24 per annum against this site which will be covered through income generated from hiring arrangements in place across a number of USPFs.
- 7.3.3 The granting of the 125 year leasehold interest to the ESFA will be at a peppercorn rent on a tenant full repairing and insuring basis in accordance with the required DfE template documentation.

7.4 Procurement Implications (if required)

- 7.4.1 Not applicable

7.5 Human Resources Implications (if required)

- 7.5.1 Not applicable

7.6 Public Sector Equality Duty

7.6.1 A Full Equality Analysis (EA0001202) was carried out in May 2016 for the Schools' Capital Programme 2018–2019. The outcomes from the consultation demonstrate that proposed capital developments support positive outcomes for children, young people, their families and carers. No negative impact on people with Protected Characteristics was identified. It was concluded that sufficiency of educational places and opportunities for all children and young people contributes to providing positive life chances, and supports a positive approach to Safeguarding in Birmingham, actively reducing the number of children and young people out of school helps to mitigate risk to their safety and wellbeing.

8 Background Documents

8.1 Schools Capital Programme 2018-19 - Cabinet 18th September 2018

8.2 Local Authority SCAP 2018 submission.

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

Appendix 1 Redline plan of Yardley Wood USPF