

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

**Report to:** THE LEADER JOINTLY WITH THE CORPORATE DIRECTOR, ECONOMY  
**Report of:** Assistant Director Planning  
**Date of Decision:** 01/08/2018  
**SUBJECT:** Improvements to Lickey Hills Primary and Nursery School - Longbridge Infrastructure Tariff Payment to Worcestershire County Council  
**Key Decision:** No  
**If not in the Forward Plan:** Relevant Forward Plan Ref: n/a  
**(please "X" box)** Chief Executive approved ☐  
O&S Chairman approved ☐  
**Relevant Cabinet Member:** Cllr Ian Ward: Leader of the City Council  
**Relevant O&S Chairman:** Cllr Sir Albert Bore: Resources Overview and Scrutiny Committee  
**Wards affected:** Longbridge and West Heath, Northfield

### 1. Purpose of report:

- 1.1 To provide details of the requirement to transfer Longbridge Infrastructure Tariff (LIT) funds to Worcestershire County Council (WCC) that were received from Bromsgrove District Council (BDC) as a result of the re-development of the former East Works site for housing. The resources will be spent on improvements at Lickey Hills Primary and Nursery School.
- 1.2 To seek approval for the Assistant Director, Planning to make the payment to WCC.

### 2. Decision(s) recommended:

That the Leader jointly with the Corporate Director, Economy:-

- 2.1 Authorises the Assistant Director, Planning to make a payment of £505,034.48 Longbridge Infrastructure Tariff account monies to Worcestershire County Council for the provision of removing the current mobile classrooms at Lickey Hills Primary and Nursery School and replacing with permanent facilities in accordance with the Memorandum of Understanding described in 5.3 and 5.4 of this report.
- 2.2 Authorises the Acting City Solicitor to negotiate, execute and complete all necessary legal documents to give effect to the above recommendations.

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### **3. Consultation**

#### **3.1 Internal**

The proposal reflects a key request to support Education facilities originally made by Longbridge and Northfield Ward Members and the local community through the Longbridge Area Action Plan (LAAP) public consultation process. Officers from City Finance and Legal Services have been involved in the preparation of this report.

#### **3.2 External**

Worcestershire County Council (WCC) and Bromsgrove District Council (BDC) are both signatories of the 2010 Longbridge Memorandum of Understanding (MoU) along with the City Council and are supportive of the proposal. These parties meet regularly as the LIT Board to consider the use of LIT funding and its prioritisation.

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

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

The Longbridge Area Action Plan LAAP is a Development Plan Document (DPD) that forms part of the Local Development Frameworks for both Birmingham and Bromsgrove. This project is compliant with the LAAP and has been approved by the LIT Board.

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

4.2.1 The MoU enables the City Council to act as banker on behalf of BDC and WCC for the 'pooled' LIT funds and accounts for any receipts into and payments out of the tariff fund. The terms of the MoU ensure that the City Council is not financially exposed in any way as a result of undertaking the banking role.

4.2.2 On 22<sup>nd</sup> January 2015, BDC as Local Planning Authority received Longbridge Infrastructure Tariff funds from St. Modwen (the developer) and subsequently transferred the sum of £502,354.79 to Birmingham City Council as per the MoU. With interest added to 31<sup>st</sup> March 2016, this balance is now £505,034.48. This report seeks to transfer this sum to WCC for the provision of removing the current mobile classrooms at Lickey Hills Primary and Nursery School and replacing with permanent facilities. There are no financial implications to the City Council in relation to this transaction.

#### **4.3 Legal Implications**

The MoU was prepared pursuant to Section 2 of the Local Government Act 2000, which enables the City Council to enter into arrangements which will promote the economic, social and environmental well-being of the area. In exercising these powers the City Council is obliged to have regard to the Secretary of State Guidance as to the application of Section 2 and the Council's Community Strategy. The MoU formalised the current working partnership arrangements between the three Councils.

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

There are no Equalities issues for the City Council as the expenditure will be incurred by BDC and be subject to their monitoring.

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

- 5.1 The City Council in association with BDC and WCC prepared the LAAP to secure the comprehensive regeneration of the Longbridge area, following the closure of the MG Rover plant in 2005. The LAAP was adopted in April 2009 and is both a policy and implementation tool that sets out the aims and objectives for the Longbridge redevelopment; its proposals will guide the development and delivery of a sustainable and accessible new community
- 5.2 In May 2009, the City Council put in place a governance structure supported by specific working groups and delivery mechanisms to progress the LAAP aims and objectives.
- 5.3 The MoU was prepared and signed in October 2010 to ensure a consistent and joined up partnership working between the Councils. It outlines the cross-boundary arrangements and working structure between the three Councils, inclusive of the financial management of the LIT funds.
- 5.4 Although BDC and WCC will implement their own Town and Country Planning Act 1980 Section 106 agreement with the developer, which will include a provision for LIT contributions, the MoU outlines a structure for the Councils to 'pool' LIT developer payments in order to deliver the community infrastructure identified in the AAP. These banking arrangements for the LIT funds are fundamental to the MoU agreement.
- 5.5 In April 2016 an outline concept brief was submitted by Lickey Hills Primary and Nursery School to BDC and WCC for the provision of new permanent facilities as follows:
- Create a new library in the main building;
  - Redesign interior space in upper KS2 to provide group work / breakout space;
  - Redesign entrance to EYFS building to include new cloakroom area and wet room / changing space
  - Provision of additional toilets.
- 5.6 The school will be taking the lead on the project and a copy of the signed brief on behalf of WCC is attached Appendix 1. WCC will manage the project within its jurisdiction.

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

- 6.1 The City Council has to pay the TCPA S106 monies to BDC as part of the MoU signed with BDC and WCC. Failure to do so would breach the City Council's obligations under the MoU and potentially leaving the City Council open to litigation to recover the sum.

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

- 7.1 To enable the City Council to pay WCC in accordance with the MoU agreement and thereby delivering community infrastructure identified in the LAAP.

**Signatures****Date**

Leader of the City Council  
Cllr Ian Ward

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Corporate Director, Economy  
Waheed Nazir

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

1. Longbridge Area Action Plan
2. 2010 Memorandum of Understanding
3. Worcestershire County Council Concept Report (similar to the City Councils – Project Definition Reports)

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

1. Project Concept Brief – V1a CFC Approved

# PROTOCOL

## PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
  - (a) whether there is adverse impact upon persons within the protected categories
  - (b) what is the nature of this adverse impact
  - (c) whether the adverse impact can be avoided and at what cost – and if not –
  - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
  - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
  - the full equality impact assessment (as an appendix)
  - the equality duty – see page 9 (as an appendix).

## **Equality Act 2010**

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

- 1 The Council must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
  - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
  - (a) tackle prejudice, and
  - (b) promote understanding.
- 5 The relevant protected characteristics are:
  - (a) Marriage & civil partnership
  - (b) Age
  - (c) Disability
  - (d) Gender reassignment
  - (e) Pregnancy and maternity
  - (f) Race
  - (g) Religion or belief
  - (h) Sex
  - (i) Sexual orientation