

BIRMINGHAM CITY COUNCIL

EDGBASTON DISTRICT COMMITTEE WEDNESDAY 7 SEPTEMBER 2016
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**MINUTES OF A MEETING OF THE EDGBASTON
DISTRICT COMMITTEE HELD ON WEDNESDAY 7
SEPTEMBER 2016 AT 1900 HOURS IN COMMITTEE
ROOMS 3 & 4, THE COUNCIL HOUSE,
BIRMINGHAM**

PRESENT : - Councillor John Alden in the Chair;

Councillors Deirdre Alden, Matt Bennett, Kate Booth, Des Flood,
Matthew Gregson, Bruce Lines, John Lines and James McKay.

ALSO PRESENT :-

Councillor Brigid Jones – Cabinet Member for Children, Families and Schools
Jill Cosby - Acting Assistant Director for Special Needs
Andrea Haines – Acting Head of Bereavement Services
Simeon Whittingham – Bereavement Services
Karen Nicholls – Leasehold Services Manager
Mark Rodgers – Housing Manager
Jonathan Antill – Senior Housing Manager
Keith Dugmore – District Head (Edgbaston)
Sarah Stride – Committee Manager

There was one member of the public in attendance.

NOTICE OF RECORDING

306 The Chairman advised that the meeting will be webcast for live or subsequent broadcast via the Council's internet site (www.birminghamnewsroom.com) and that 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.

APOLOGIES

307 Apologies were submitted on behalf of Councillors John Clancy and Jayne Francis for their inability to attend the meeting.

MINUTES

308 **RESOLVED:-**

The Minutes of the last meeting held on 22 June 2016, having been previously circulated, were confirmed and signed by the Chairman.

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Members expressed concern that they had received their agenda papers late and requested that agenda papers be sent out on time in the future.

Councillor Matt Bennett made reference to the membership of the Committee and extended the Committee's thanks and gratitude to past District Councillors, namely, Vivienne Barton, Caroline Badley and Elaine Williams for all their hard work and achievements throughout the District.

The Chairman advised that Councillor Brigid Jones was currently attending another meeting and that he would defer agenda item 4 until her arrival.

UPDATE ON CLOSED CHURCH GRAVEYARDS

Andrea Haines and Simeon Whittingham, Bereavement Services attended the meeting and gave the following verbal report:

- Birmingham City Council's Bereavement Services has responsibility for 17 closed churchyards located throughout Birmingham. In the Edgbaston District these were St Peter's Harborne, St Michael's and All Angels Bartley Green and Christchurch Quinton which includes the Old Burial Ground Quinton. There were other closed churchyards across the city for which Parks and Nature Conservation have responsibility.
- A churchyard was designated as closed following the granting of an Order in Privy Council to discontinue burials with or without exceptions. Upon the granting of a closure order the church council may serve notice to pass maintenance responsibility onto the Local Authority. No funding was allocated to the Local Authority when the maintenance responsibility was transferred.
- Under the Local Government Act 1972 this responsibility covers "keeping the churchyard in decent order and its walls and fences in good repair". The exact meaning of this definition was open to interpretation, but in effect it means that we have a responsibility to keep closed churchyards safe and over the years the interpretation had extended to include memorials, paths, trees and drains.
- In the discharge of its maintenance responsibilities Bereavement Services carries out a range of actions as detailed below:
 - Annual site inspections by the City Council's Safety Services Section
 - Monthly site inspections by employees within Bereavement Services
 - Grounds Maintenance works in accordance with a schedule of works
 - Tree safety surveys within the City Council's 5 year inspection programme
 - Memorial safety inspections and remedial works in accordance with the Bereavement Services Memorial Safety policy.
- Any necessary remedial works which result from these inspections were actioned.

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- In addition Bereavement Services managers would attend meetings with the church representatives to discuss any particular concerns and agree on the course of action to be taken.

Expenditure

- The Service does not have a specific repairs and maintenance budget for closed churchyards and it responds to maintenance issues by using funding from the general cemeteries repair and maintenance budget which was set at £592K. The Service has 11 operational cemeteries to manage in addition to maintenance responsibilities for the closed churchyards. Priority was given to developing and maintaining the infrastructure for operational cemeteries together with responding to health and safety issues across all of the sites. During 2014/15 £80500 was spent on Grounds Maintenance and Repair and Maintenance within closed churchyards. Where a health and safety issue arises in a closed churchyard then the Service would look to provide the required funding as necessary.

Current condition of Edgbaston Churchyards

- The grounds in each of the churchyards are maintained in accordance with a schedule of works set under the Grounds Maintenance contract managed by Parks and Nature Conservation.
- Subsequent to the various inspections the following health and safety work had been carried out or arranged to take place during this current financial year:

At St Peter's:

- Remedial tree works had taken place following an April 2016 tree inspection.
- Memorial Safety inspections in the lower risk areas of the churchyard were to take place later this year. Memorials in higher risk areas having previously been inspected and remedial actions to remove any danger had taken place. This included those which edge the public rights of way and which were close in proximity to well visited areas.
- Following a meeting with a Bereavement Services manager and the church minister in August 2016 it had been agreed that we would work with the church and Parks with a view to targeting the new areas of the church. Self-setting trees and undergrowth would be removed from agreed areas and overgrowing areas near pathways would be cleared. In addition there were plans to reduce the tree canopy over the public highway and the path leading to the war memorial.
- A wall in the car park damaged by a motorist was being repaired under the motorist's insurance.

At St Michael's and All Angels:

- A damaged wooden gate was to be replaced.
- Damaged slabs were being replaced this week.
- A boundary wall was being monitored as there was evidence of tree root heave.

- Memorial inspections were to take place this financial year.

At Christchurch:

- The perimeter wall was being monitored and repairs undertaken as necessary, as there was recent damage to a section of the wall a request for its repair had been raised.
- A request for the removal of a rotten tree had been logged.

Members expressed deep concern that the oldest tree in Bartley Green closed graveyard had been felled without prior notification to interested parties and local Councillors.

Andrea Haines apologised that local Councillors were not notified but stated that the Friends of the Group of Graveyards were advised of the action taken and that local Councillors will be informed of any further action taken involving the removal of trees in graveyards in the future. She added that the tree's roots were damaging neighbouring properties and there was no other option available but to cut it down. The tree would be replaced with another outside the churchyard grounds.

The Chairman thanked both officers for a most informative and interesting verbal report and it was –

309

RESOLVED:-

That the verbal report on closed church graveyards in the Edgbaston District was noted.

At 1915 Councillor Brigid Jones attended the meeting.

The Chairman agreed to consider agenda item No. 4 at this juncture.

Councillor Bruce Lines declared a non-pecuniary interest as he was a serving Governor of one of the Schools involved in the Multi Academy Trust.

EXCLUSIONS AT NONSUCH PRIMARY SCHOOL

Bartley Green Ward Members asked a number of questions and Councillor Brigid Jones and Jill Cosby, Acting Assistant Director, Special Needs responded with the following comments:

- Jill Cosby, Acting Assistant Director for Special Needs - brief history of events:
 - Concern had been expressed at the number of exclusions in Nonsuch School. The concern was flagged up by Ward Councillors but was also a concern to officers in the Exclusions Department. Experienced high media profile and children with special needs being permanently excluded was reported.
 - The School was in the process of becoming an Academy during this period of time.

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- The School was now an Academy in a Multi Academy Trust with St Michael's in Bartley Green, Quinton Church of England and Nonsuch Schools. Local Authority (LA) Officers hold regular meetings with the Trust to identify and discuss Schools that were raising concern. If a number of concerns were raised then an officer from the Local Authority would visit the school and set up a plan to achieve the necessary improvements required. Although the School was not technically a Local Authority School at the time when concerns were reported in the press a LA officer did visit the School to address the concerns raised. High profile LA officers met with the Head teacher at that time together with the new Executive Head.
- Concerns were discussed, in particular two very high profile exclusions – one was revisited by the Governing Body and the decision was overturned. The child was reintegrated back into the School. The LA was very involved and ensured that the pupil received the correct support and guidance. The child had now transferred very successfully to Secondary School and was reported to be doing very well. In the other case it was revisited by the Governing Body and they upheld the decision to permanently exclude the pupil. The pupil concerned had now settled into an alternative Primary School in the area and was reported to be doing well.
- Since the introduction of the cross cutting arrangements, there had been no further permanent exclusions at Nonsuch School. A lot of children have since been identified as being 'at risk of exclusion' but work had been undertaken to support and guide them to ensure that this was not the case.
- The complaints to OFSTED have led to a complete re-inspection of Nonsuch School (inspection taken on 28 June 2016 and report published 7 September 2016) and the School went into special measures. There was now new leadership in place at the School – an Executive Head from the Multi Academy Trust had been appointed and was now in post. The School was now making every effort to improve its performance – multiple challenges ahead for the leadership – needed to recruit quality and expert teaching staff to achieve their goals. The LA was remaining to stay involved with the School and the cross cutting group was continuing with their regular support visits.
- The Academy requested that the organisation 'Send for Change' carried out the necessary investigations and carried out a full appraisal of SEN requirements in the School. Every possible support was being given to the Head teacher to avoid any further possible pupil exclusions. Pupil behaviour continued to be an issue in the School, the OFSTED report would reflect this, but a fine balancing act needed to be undertaken to ensure the safety and wellbeing of all the other pupils in the School as well as meet the needs of those children who had special needs.
- Review of Effective Leadership and Management – was carried out by the Academy itself, the School had ownership of the document.
- Nonsuch School had requested that the LEA remain in partnership with the School to address any future issues and concerns.

Councillor Brigid Jones – Cabinet Member for Children, Families and Schools -

- Agreed that the number of exclusions across the City and nationally had been on the increase due to the new OFSTED regime and the new floor target regimes in Schools. The numbers in Birmingham had been high and it had been a challenge for LEA officers to reduce those numbers.
- She felt that the 'alternative provision' sector was heavily overloaded. Children attending a referral unit should not stay in that unit for long periods

of time. They should be able to go in and come out of the other side and enter a mainstream school with immediate effect. Mainstream schools were often reluctant to take the children back once they had been in alternative provision/pupil referral unit.

- The Inclusion Commission would commence this September 2016. It will have an independent Chairperson and the Commission would look at the whole system of pupil exclusions and SEND in mainstream schools. There was a need to assess the needs of an individual pupil once it had been identified that they had a special need and to continue that support into their adult life (up to the age of 25). At the moment a coherent system to achieve this was not available.
- I have been a Cabinet Member for four years. During that time my agenda had been dominated by investigations such as the *Trojan horse* and children's safeguarding. Children safeguarding had been the top of my agenda for the last four years. Both investigations had taken up a lot of my resources and time coupled with the service being hit with a budget crisis from Central Government.
- Councillor Jones confirmed that she was not satisfied with the progress made to date which was the reason she had asked for a cross party inclusion review to be carried out.
- Councillor Jones clarified that when she became aware of issues she had dealt with them to the best of her ability and had instructed officers to carry out reviews to ensure that best practice was always followed and adhered to at all times. She confirmed that she had made changes but was not going to discuss those changes in a public meeting. She offered all Members the chance to meet with her in a private setting to discuss any changes or issues that they may have with service provision.
- In response to a number of questions posed by a Bartley Green Ward Member Councillor Jones responded by stating that she would clarify his statement with fact – a erroneous statement had been put about that she had been informed of the exclusions prior to the School gaining Academy status. Councillor Jones stated that this statement was erroneous. She had repeatedly stated that it was not the case and had not to date received an apology for that erroneous statement. It had also been erroneous that thirty pupils had been excluded from the School. Councillor Jones stated that if the Member had evidence to the contrary she welcomed that that evidence should be shared amongst her-self and appropriate officers. Officers did not have that evidence. Despite Ward Members emailing her on this claim she had offered on several occasions to meet with Ward Councillors but the invitation had not been accepted or acknowledged. Councillor Jones vehemently denied that she had ignored Ward Members, she had offered on several occasions to meet and discuss the claims but all offers to meet had been declined.
- It was a statement of fact that Academies were a Conservative Government policy. It was a statement of fact that Academies were answerable to the Regional Schools Commissioner and whilst she did have responsibility for looking out for vulnerable children in Schools, she had limited capacity to act as she did not have the power to do so. She urged Members to contact the Regional Schools Commissioner who did have the power to act on the issues that had been highlighted.
- Councillor Jones concluded by stating that the community, local Ward Councillors and the City Council should now work together in conjunction with Nonsuch School to help the School get back on the road to recovery

by addressing all the needs of its pupils. She stated that she was more than willing to meet with Councillors on any individual concerns that they may have. In her opinion lines of accountability had been left unclear and shared measures had been put in place to address this. Concerned parents could contact the School or the City Council to address their child's individual needs.

- Measures had been put into place in the School. A specialist autistic teacher, a behavioural counsellor and a child psychologist had been integrated into the School to assist pupils and parents alike.

The Chairman thanked Councillor Jones and Ms Cosby for their attendance and reiterated to Members that Councillor Jones had indicated that she would be more than willing to meet with concerned local Councillors and parents on any issues that they may have concerning the future of Nonsuch School.

It was -

310

RESOLVED:-

That the verbal discussion on pupil exclusions at Nonsuch School be noted.

The Chairman announced that the District Lead officer had another appointment to attend this evening and he therefore proposed that agenda items 8, 9, 10 and 11 be discussed as the next agenda items.

THE PROPOSED LOCAL INNOVATION FUND

Keith Dugmore, District Lead officer gave a verbal update and made the following particular points:

- A report was due to go to Cabinet Committee on the Local Innovation Fund on 20 September 2016. The aim of the fund was to allocate support funding for Wards and residents, community groups etc. within the local community.
- Funding schemes had to include innovative ideas including 'Every Place Matters' and 'Better Deals for the Neighbourhood'. In addition to this there were four other key priorities:
 - Supporting citizens independence and wellbeing
 - New approaches to investment such as time banking
 - Supporting citizenship and cleaner streets, and
 - Adding value to the over-riding City wide priorities of children, jobs and skills, housing and health.
- At this moment in time he was unable to clarify how much the allocation would be per Ward for either Ward or District priorities.

It was -

311

RESOLVED:-

That the verbal report on the proposed Local Innovation Fund be noted.

EDGBASTON DISTRICT COMMUNITY PLAN

DISTRICT CHAMPIONS UPDATE

Keith Dugmore, District Lead officer stated that he would combine agenda item No's 9 and 11.

The Edgbaston District Community Plan had to include all identified District priorities over the current year. The Community Plan was broken down into eight key themes:

- Community safety and crime
- Culture and heritage
- Jobs and skills
- Environmental and green issues
- Children and young people
- Health and well-being partnerships
- Transportation and parking, and
- Corporate parenting.

A draft Community District Plan had been drawn up and would be forwarded to District Members within the next two weeks for comment and it was envisaged that the final draft document would be approved to go live at the end of September 2016. Partnership meetings would be organised and arranged in October 2016.

He drew Members attention to the roles and responsibilities required by all District Champions.

He responded appropriately to Members comments and it was -

312

RESOLVED:-

That the verbal reports on the Edgbaston District Community Plan and District Champions be noted.

WARD MEETINGS AND NEW 'ACTION TRACKER' DATABASE

The following information briefing was submitted:-

(See Document No. 2)

Keith Dugmore, District Lead officer introduced the item and responded appropriately to questions raised by Members.

He detailed the benefits of using an access database for action tracking at Ward Forums:

- Access would help manage citizens issues and concerns raised at Ward Forum meetings efficiently, economically and effectively.
- Access produces performance management reports in a few simple steps.
- Access stores data that could be viewed and compared at varying levels – Birmingham City Council, District, Ward and thematic.
- Access reporting could be used for future planning.

It was -

313

RESOLVED:-

That the information briefing note on Ward meetings and the new action tracker database be noted.

LEASEHOLD AND RIGHT TO BUY, HOMELESS SERVICE ALLOCATIONS TARGET AND ANTI-SOCIAL BEHAVIOUR

The following overview report was submitted:-

(See Document No. 3)

Karen Nicholls, Leasehold Services Manager introduced the report and responded appropriately to Members comments.

Members expressed concern that in some cases family members in exercising the right to buy of a deceased relative then sell the house to a landlord who then converts the house to sub-let to students. Large family homes with gardens were being converted into bedsits and student accommodation. Members asked how 'not' cost effective the right to buy policy really was.

The officer advised that she did not hold that information but would investigate and let all Members of the District know of her findings in due course.

It was -

314

RESOLVED:-

That the verbal report on leasehold and right to buy be noted.

HOUSING TRANSFORMATION BOARD PERFORMANCE REPORT

The Chairman expressed concern that the report was not attached in the agenda and he agreed to defer this item to the next meeting of the Edgbaston District Committee.

He apologised to the Housing officers who had attended to present the report.

Members requested that voids and empty properties be discussed at the next meeting and that the issue be addressed in the report to be submitted.

315

RESOLVED:-

That the performance report on the Housing Transformation Board be deferred to the next meeting of the Edgbaston District Committee in November 2016.

WARD UPDATES – FUTURE AGENDA ITEMS

- 316 Councillor Kate Booth requested further information on the proposed NHS Trust Queen Elizabeth Hospital merger with Heartlands Hospital.

Councillor Matt Bennett stated that he had arranged a meeting with the Chair of the Trust and welcomed support from District Members to accompany him to that meeting.

Members also requested that Nonsuch School be included as an agenda item at the next Committee as it was felt that the issue had not been satisfactorily resolved.

A request to address the decline and neglect of Senneleys Park in Bartley Green Ward was suggested as a future agenda item and also a report from the resilience team to address the issue of flooding.

DATE OF NEXT EDGBASTON DISTRICT COMMITTEE

- 317 After a brief discussion it was agreed that the next date of the Edgbaston District Committee be held on Thursday 17 November at 1900 hours in Committee Rooms 3 and 4, The Council House, Birmingham.

OTHER URGENT BUSINESS

- 318 No items of other urgent business were raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

- 319 **RESOLVED:-**

In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee.

The meeting ended at 2055 hours.

CHAIRMAN