



# Cabinet

<b>Date:</b>	<b>Thursday, 27 May 2010</b>
<b>Time:</b>	<b>6.15 pm</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

**Contact Officer:** Mark Delap  
**Tel:** 0151 691 8500  
**e-mail:** [markdelap@wirral.gov.uk](mailto:markdelap@wirral.gov.uk)  
**Website:** <http://www.wirral.gov.uk>

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## AGENDA

### 1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

The members of the Cabinet are invited to consider whether they have a personal or prejudicial interest in connection with any of the items on this agenda and, if so, to declare it and state the nature of such interest.

### 2. MINUTES (Pages 1 - 16)

The minutes of the meetings held on 15 and 30 April 2010 have been printed and published.

Minute 406 (15 April 2010 – Hoylake Lifeboat Station) is the subject of a call-in and, as such cannot be implemented until the call-in procedure has been completed. The matter will be referred to a meeting of the Council Excellence Overview and Scrutiny Committee and the date will be arranged with the Chair and party spokespersons after Annual Council on 24 May 2010, when appointments to committees will be made.

RECOMMENDATION – That, with the exception of minute 406, the minutes of the meetings held on 15 and 30 April 2010 be approved and adopted.

## CORPORATE RESOURCES

### 3. PRESENTATION - 2009/2010 END OF YEAR PERFORMANCE AND FINANCIAL REVIEW

Presentation by the Deputy Chief Executive/Director of Corporate Services

## **REGENERATION AND PLANNING STRATEGY**

4. **ECONOMIC RECOVERY PLAN: MAY 2010 UPDATE (Pages 17 - 68)**

## **HOUSING AND COMMUNITY SAFETY**

5. **PRIVATE SECTOR HOUSING AND REGENERATION ASSISTANCE POLICY (Pages 69 - 88)**
6. **WIRRAL'S HOUSING INVESTMENT PROGRAMME 2010-2011 (Pages 89 - 100)**
7. **DEVELOPMENT OF SUB-REGIONAL CHOICE BASED LETTINGS SCHEME (Pages 101 - 142)**

## **CHILDREN'S SERVICES AND LIFELONG LEARNING**

8. **OUTCOME OF PROPOSAL FOR THE CLOSURE OF OUR LADY OF LOURDES CATHOLIC AIDED PRIMARY SCHOOL AND THE ESTABLISHMENT OF A JOINT CHURCH AIDED PRIMARY SCHOOL (Pages 143 - 220)**
9. **REPLACEMENT PVI PRE-SCHOOL UNIT AT GREAT MEOLS PRIMARY SCHOOL - SCHEME AND ESTIMATE REPORT (Pages 221 - 226)**
10. **REVIEW OF SECONDARY SCHOOL PLACES: REPORT ON OUTCOME OF CONSULTATIONS ON PROPOSAL TO CLOSE ROCK FERRY HIGH SCHOOL AND PARK HIGH SCHOOL IN ORDER TO ESTABLISH AN ACADEMY (Pages 227 - 284)**

## **COMMUNITY AND CUSTOMER ENGAGEMENT**

11. **GAUTBY ROAD PLAY AND COMMUNITY CENTRE (Pages 285 - 290)**
12. **ANY OTHER BUSINESS (PART 1)**

To consider any other business that the Chair accepts as being urgent.

13. **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

The following items contain exempt information.

RECOMMENDATION: That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act.

## **FINANCE AND BEST VALUE**

- 14. TELECOMMUNICATIONS NETWORK (Pages 291 - 298)**
- 15. TRANMERE ROVERS FOOTBALL CLUB - SPONSORSHIP 2010 - 2011 (Pages 299 - 314)**

## **STREETSCENE AND TRANSPORT SERVICES**

- 16. M53 JUNCTION 3 MAJOR SAFETY SCHEME - ACCEPTANCE OF TENDER (Pages 315 - 316)**

## **REGENERATION AND PLANNING STRATEGY**

- 17. LAND AT EUROPA BOULEVARD, CONWAY PARK, BIRKENHEAD (Pages 317 - 324)**
- 18. DEMOLITION AND REMEDIATION OF FORMER MINISTRY OF DEFENCE SITE AT LONG PLANTATION ROAD, BROMBOROUGH: PROJECT CLOSURE REPORT (Pages 325 - 330)**
- 19. ANY OTHER BUSINESS (PART 2)**

To consider any other business that the Chair accepts as being urgent.

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## CABINET

Thursday, 15 April 2010

<u>Present:</u>	Councillor	S Foulkes (Chair)	Finance and Best Value
	Councillors	S Holbrook G Davies P Davies G Gardiner S Kelly M McLaughlin R Moon J Quinn J Stapleton	Corporate Resources Housing and Community Safety Children's Services & Lifelong Learning Environment Community and Customer Engagement Social Care and Inclusion Culture, Tourism and Leisure Streetscene and Transport Services Regeneration and Planning Strategy

### 379 MINUTES

#### RESOLVED:

**That the Minutes of the Cabinet meeting held on 18 March 2010 be confirmed as a correct record.**

### 380 DECLARATIONS OF INTEREST

Councillor George Davies declared a prejudicial interest in respect of Agenda Item No. 3, Birkenhead Academy (Minute No. 381 refers), by virtue of him being a Governor of Park High School. He left the meeting whilst this item of business was under discussion.

### 381 BIRKENHEAD ACADEMY

A report by the Director of Children's Services advised the Cabinet of the provisional outcomes of the consultation process which had taken place with regard to the closure of the predecessor schools; Park High and Rock Ferry, as agreed at the Cabinet meeting held on 14 January 2010 as part of the Phase 1 Secondary Review. The report described the responses, including additional suggestions put forward during the consultation process, and made recommendations with regard to statutory proposals in this area. It did not cover separate consultations by the lead sponsor, the University of Chester, regarding the opening of an academy. These consultations were due to end on 30 April 2010.

#### RESOLVED: That

- (1) **the Director of Children's Services be requested to bring a report to the Cabinet meeting scheduled for 27 May 2010, setting out the views of the lead sponsor following the end of the consultation period, and**
- (2) **consideration of the current report be deferred until that time.**

**Councillor George Davies returned to the meeting.**

**382 FAMILY GROUP CONFERENCING - EFFICIENCY INVESTMENT FUND**

A report by the Director of Children's Services recommended that the Efficiency Investment Fund be used to expand the Family Group Conferencing Team in Social Care at a cost of £138,000 per annum. The additional intervention work by the team would reduce costs by up to £500,000 and contribute to the key performance indicator to safely reduce the number of looked after children and secure more children permanently within their families.

**RESOLVED: That:**

- (1) the Family Group Conferencing Team be increased as described and the cost be funded from the Efficiency Investment Fund; and**
- (2) the anticipated budget saving of £70,000 in 2011 –12 and £130,000 in 2012-13, be noted.**

**383 FURTHER DEVELOPING FOSTER CARE PROVISION**

A report by the Director of Children's Services outlined a proposal to further develop the continuum of Fostering provision provided by the Council to better meet the placement needs of children/young people; specifically the development of a Foster Care Scheme that would enable young people who had successfully completed a Treatment Foster care programme with Fostering Futures to move to a long term family placement with designated support allowing a continuation of the treatment approach but in a less structured environment. The report identified potential funding for the development of the programme from the CAMH's Area Based Grant

**RESOLVED: That**

- (1) the proposal to develop a Move-On Scheme aligned to Fostering Futures funded from the CAMHs budget be agreed; and**
- (2) agreement be given to use the reserve from the 2009-10 CAMHs budget to cover set up costs in 2010-11.**

**384 PROPOSAL TO ESTABLISH A REVIEW GROUP ON SAFEGUARDING**

A joint report by the Director of Children's Services and the Director of Adult Social Services proposed the establishment of a Review Group on Safeguarding for the Authority as a working party of the Cabinet.

It was noted that the purpose of the Review Group on Safeguarding would be to assist the most senior community leaders of the Council, through its leading Members and Chief Executive Officer, to carry out their responsibilities of safeguarding children and adults in Wirral. The proposal was made in the light of changed statutory guidance in respect of safeguarding children, including specific requirements on the Leader of the Council and the Chief Executive Officer, and developing arrangements in respect of safeguarding vulnerable adults. The report set out the background to the issue and suggested membership and terms of reference for the new Review Group.

**RESOLVED: That**

- (1) a Reference Group on Safeguarding be established, as described in the report;**
- (2) serious case review summaries be reported to the Cabinet in future; and**
- (3) a further report be presented to the Cabinet, setting out proposals for the detailed Terms of Reference for the Group.**

**385 CHILDREN'S CENTRE SCHEME, GREASBY LIBRARY - REVISED SCHEME AND ESTIMATE REPORT**

The Director of Children's Services presented a report to update and advise Cabinet Members on the revised proposals to provide a satellite Children's Centre at Greasby library. The report advised of tenders received and sought approval of the lowest tender.

The Cabinet was recommended to accept the lowest tender.

**RESOLVED:**

**That the lowest tender in the sum of £276,843.51 (subject to arithmetic check), submitted by E.J. Horrocks Limited, be approved subject to the Contractor developing a satisfactory Health & Safety Plan and completion of contract documentation.**

**386 FINANCIAL AND SERVICE PLANNING AND PERFORMANCE MANAGEMENT**

A report by the Chief Executive set out the timing and content of the financial and performance management reports to be submitted to the Cabinet during 2010/11 and the proposed process and timetable for the production of financial and service plans for 2011/12.

**RESOLVED: That**

- (1) the dates for the planning and monitoring reports be agreed; and**
- (2) the process for financial and service planning and performance management be agreed.**

**387 CHANCELLOR OF THE EXCHEQUER'S BUDGET 2010**

Following the Budget presented by the Chancellor of the Exchequer on 24 March 2010, the Director of Finance presented a report that summarised the main issues from the Chancellor's speech, together with the key implications for local authorities.

**RESOLVED:**

**That continuing support be given to the Local Government Association in presenting the case that local authorities are the most efficient part of the public sector and are already contributing more than their fair share to savings.**

## 388 WIRRAL'S LOCAL AREA AGREEMENT REPORT

The Deputy Chief Executive/Director of Corporate Services presented a report which provided the Cabinet with the final position of the 2009/10 review and refresh of Wirral's 2008/11 local area agreement (LAA). The review and refresh had been managed by the Local Strategic Partnership Executive Board which reported to Cabinet, given that Wirral Council was the accountable body for the LAA.

The report also provided the Cabinet with Wirral's final performance reward grant allocation of **£7,933,232** for the previous LAA stretch targets. It was noted that this successful achievement was 80.76% of the total performance reward grant available for stretch targets during 2006-09.

The report requested that £120,765 of the Council's performance reward grant allocation be approved to continue funding the three temporary partnership posts to support the ongoing delivery of Wirral's LAA and development of Wirral's LSP.

### **RESOLVED: That**

- (1) the report and findings of Wirral's LAA review and Wirral's refreshed 2008/11 LAA be noted;**
- (2) the LSP Executive Board's recommendations for final allocations of performance reward grant as the accountable body for the LAA, as set out in section 5.2 of this report be approved; and**
- (3) funds achieved over and above the 2009/10 and 2010/11 £1.4 million revenue allocations previously agreed by Cabinet, be allocated to continue temporary posts within the Corporate Performance Team, thus allocating £120,765 to continue to fund partnership performance and support officer posts.**

## 389 ANNUAL GOVERNANCE STATEMENT

A report by the Director of Finance advised that the preparation and publication of an Annual Governance Statement was necessary to meet the statutory requirement set out in the Accounts and Audit Regulations 2006.

The report explained the requirement for the Authority to produce the Annual Governance Statement declaring the degree to which it met the Governance Framework.

The Annual Governance Statement for 2009/10 was attached as Appendix 1 to the report.

### **RESOLVED:**

**That the Annual Governance Statement for 2009/10 be agreed.**



390 **ANNUAL SCRUTINY REPORT 2008/09**

The Director of Law, HR and Asset Management presented the Annual Scrutiny Report 2008/2009. This report provided an overview of the work carried out and the achievements recorded by the ten Overview and Scrutiny Committees that were in place during the Municipal Year 2008/2009. The report covered the period from May 2008 until April 2009.

A revised forward by Councillor John Hale, Chair of the Culture, Tourism and Leisure Overview and Scrutiny Committee was circulated to replace that contained within the report on pages 102 – 103.

**RESOLVED:**

**That the Annual Scrutiny Report 2008/2009 be received.**

391 **GOVERNANCE REVIEW - IMPLEMENTATION OF NEW GOVERNANCE ARRANGEMENTS**

A report by the Director of Law, HR and Asset Management reminded Members that, at its meeting on 21 December 2009, the Council passed a resolution to formally adopt the 'new style Leader and Cabinet Executive (England)' model and approve the following proposals relating to that model:

- '(1) That Council, in pursuance of the Local Government and Public Involvement in Health Act 2007, adopts the Leader and Cabinet Executive (England) model of governance.
- (2) That Council approves and adopts the proposals relating to the Leader and Cabinet Executive (England) model of governance set out at Appendix 1 to the report of the Director of Law, HR and Asset Management.'

The report set out the changes required to the Council's Constitution to comply with the requirements of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'). The following changes were the most important features of the new governance arrangements:

- Provision for the Leader to be elected for a four year term of office (or until their earlier date of retirement as a Councillor) instead of being appointed every year.
- Provision for the removal of the Leader (within the four year term of office) by resolution of the full Council and for the election of a new Leader.
- Provision for the Leader (rather than full Council) to appoint (and remove) Members of the Cabinet.
- All executive power will be vested in the Leader (rather than the Cabinet collectively) and the Leader will then decide whether to delegate it to Cabinet, individual Cabinet Members or officers.

- Provision for the Leader to be able to appoint a Deputy Leader, who will hold office whilst the Leader remains in office.

The suggested drafting amendments to the Constitution to give effect to these new arrangements were set out in Appendix 1 to the report.

In addition to the changes required to comply with the 2007 Act, the amendments in Appendix 1 also included within the new Council Procedure Rule 5A, Annual Council Meeting, a mechanism for determining the date of that meeting. This would meet the requirements of the Local Government Act 1972. It would also mean that the 2010 Annual Council Meeting would commence on 17 May 2010.

**RESOLVED:**

**That the content of the report be noted and it be recommended to Council that,**

- (a) the changes to the Constitution set out in Appendix 1 to the report be approved, along with the following amendments:**

**Article 7 – The Cabinet**

**Delete: 7.6.iii and replace with**

**Where the Leader makes any change to the above arrangements for the exercise of executive functions, the Leader must give written notice to the Proper Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation and whether it entails the withdrawal of delegations from any person, body, committee or Cabinet as a whole. The Proper Officer will immediately notify all Chief Officers and Councillors of the changes and will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader. Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its Chair.**

**Rules of Procedure**

**Council Procedure Rules – Standing Orders**

**Section 1 – Relating to meetings of the Council**

**Paragraph 2 – Election of Mayor and Deputy Mayor**

**Add:**

**Should the Deputy Mayor subsequently be asked by the Leader to take up a position in his/her Cabinet and wishes to accept that invitation, then the Deputy Mayor shall relinquish the post of Deputy Mayor but may still be considered “Mayor Designate” for the following year. In these circumstances, a new election for Deputy Mayor will be held as soon as practicable to carry out all the activities associated with that post.**

- (b) **the Director of Law, HR and Asset Management (in consultation with the Leaders of all Political Groups) be given delegated authority to make any necessary consequential amendments to the Constitution consistent with the changes contained within Appendix 1 to the report.**

**392 GOVERNMENT IT STRATEGY**

A report by the Director of Finance informed Members of the recently-published Government ICT strategy for the public sector and how it might impact upon the provision of information technology services to the Council in future.

**RESOLVED:**

**That the ICT Strategy be reviewed to incorporate the proposals in the Government ICT Strategy.**

**393 TELL US ONCE PROGRAMME**

A report by the Director of Finance informed Members of the implementation of the 'Tell Us Once' Programme which sought to reduce the times a person contacted Government and local government bodies about the same issue. Wirral had been selected as an early adopter in advance of the national roll out.

**RESOLVED:**

**That Cabinet agree to the implementation of 'Tell Us Once'.**

**394 COMMITTEE REFERRAL - AUDIT AND RISK MANAGEMENT COMMITTEE - PETITIONS SCHEME**

The Director of Law, HR and Asset Management presented a report setting out the new statutory duty on local authorities to have a scheme for handling petitions and presented a draft for consideration by the Cabinet, the Chair of the Scrutiny Programme Board, the Chairs of the Overview and Scrutiny Committees and the Audit and Risk Management Committee, with a view to it being recommended to the Council on 19 April 2010 for immediate implementation.

The Director informed that people who lived, worked or studied in the borough could sign petitions.

The purpose of the report was to ensure that the Council's governance arrangements complied with the changing law.

The views expressed by the Audit and Risk Management Committee and the Chairs of the Overview and Scrutiny Committees were considered and taken into account

**RESOLVED: That**

- (1) **the recommendations of the Audit and Risk Management Committee held on 24 March 2010 (Minute No. 94 refers) be endorsed and the Council be requested to similarly endorse the proposals for the Petitions Scheme as amended by that recommendation;**

- (2) in the light of (i) above, the threshold will be 1,500 signatures on a petition to trigger a Council Debate and 750 signatures on a petition to trigger an Officer response to the appropriate Council Committee; and
- (3) Council be recommended to agree that the new Petition Scheme takes effect in Wirral from the statutory implementation date set out in the legislation.

395 **ANTI-FRAUD AND CORRUPTION POLICY**

The Director of Finance presented a report summarising a review of the Anti-Fraud and Corruption Policy. Having such policies documented, up to date and drawn to the attention of all stakeholders was a fundamental requirement of one of the six core principles of the CIPFA/SOLACE Delivering Good Governance in Local Government Framework.

**RESOLVED: That**

- (1) the Anti-Fraud and Corruption Policy be endorsed; and
- (2) the Anti-Fraud and Corruption Policy be made available to all Members, officers, and citizens by being included on the Council Internet site and awareness training be scheduled to promote compliance across the Council.

396 **MERSEYSIDE PENSION FUND - BANK SIGNATORIES**

A report by the Director of Finance sought approval to amend the personnel nominated on the Merseyside Pension Fund (MPF) bank mandates with Royal Bank of Scotland and State Street, the Global Custodian.

**RESOLVED:**

**That the Royal Bank of Scotland and State Street be authorised to accept cheques and other instructions on behalf of MPF signed in accordance with existing mandates by the following:-**

<b>Director of Finance</b>	<b>Ian E. Coleman</b>
<b>Deputy Director of Finance</b>	<b>David L. H. Taylor-Smith</b>
<b>Head of IT Services</b>	<b>John O. Carruthers</b>
<b>Head of Revenues, Benefits and Customer Services</b>	<b>Malcolm J. Flanagan</b>
<b>Head of Financial Services</b>	<b>Thomas W. Sault</b>
<b>Head of Support Services</b>	<b>Stephen J. Rowley</b>
<b>Head of Change</b>	<b>Jacqueline Roberts</b>
<b>Deputy Head of Pension Fund</b>	<b>Peter G. Mawdsley</b>
<b>Financial Controller</b>	<b>Gerard F. Moore</b>
<b>Benefits Manager</b>	<b>Kevin J. Greenough</b>
<b>Member Services Manager</b>	<b>Yvonne M Caddock</b>

397 **REACHING 'EXCELLENT' LEVEL OF THE EQUALITY FRAMEWORK FOR LOCAL GOVERNMENT**

The Deputy Chief Executive/Director of Corporate Services provided the Cabinet with an overview of the approach the Council would need to take in order to achieve 'excellent' level of the new Equality Framework for Local Government.

**RESOLVED:**

**That the approach outlined in working towards excellent status of the Equality Framework for Local Government be agreed.**

398 **AUTOMATIC METER READING SYSTEM -TENDER REPORT**

The Director of Technical Services provided details of the competitive tender process jointly managed by the Council's Corporate Procurement and the Sustainability Units using Buying Solutions AMR Framework Agreement RM679/L5 for "Automated Meter Reading (AMR) and Associated Services". The report also recommended that Members accept the lowest tender received from Stark Software International Limited in the sum of £945,398 for the five year contract.

**RESOLVED:**

**That, subject to satisfactory contractual formalities being completed, the lowest tender received from Stark Software International Limited in the sum of £945,398 for the five year contract, with the option to extend the contract for a further twelve months, be accepted.**

399 **COMMITTEE REFERRAL - SCRUTINY PROGRAMME BOARD - SCRUTINY OF THE CRIME AND DISORDER REDUCTION PARTNERSHIP**

A report by the Director of Law, HR and Asset Management advised that the Sustainable Communities Overview and Scrutiny Committee had new powers arising from The Police and Justice Act (2006), to:

- (a) review or scrutinise the decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; and
- (b) make reports or recommendations to the local authority with respect to the discharge of those functions.

Officers had prepared a draft protocol for the scrutiny of Wirral's Crime and Disorder Reduction Partnership (CDRP) Partnership and it had been presented for the Scrutiny Programme Board for consideration and had also been considered by the CDRP. The Protocol would be presented to the Council with a recommendation for adoption. If adopted, it would be adhered-to when the CDRP was under scrutiny.

**RESOLVED:**

**That the Council be recommended to adopt the Protocol.**

400 **PROPOSED EXTENSION TO LANDICAN CREMATORIUM - TENDER REPORT**

A report by the Director of Technical Services updated and advised Cabinet Members of progress to date and tenders received for the proposed extension to Landican Crematorium and sought approval of the most economically advantageous tender.

**RESOLVED:**

**That the most economically advantageous tender submitted by E J Horrocks Limited, in the sum of £2,928,355.00, be accepted subject to a full arithmetical check of the submitted Tender documents, and the Contractor developing a satisfactory Health and Safety Plan and completion of contract documents.**

401 **BIDSTON MOSS VIADUCT - FULL APPROVAL**

A report by the Director of Technical Services served to update Members on the latest position in relation to the Department for Transport's (DfT) consideration of the Major Scheme Business Case submitted in March 2010 and confirmed that the project had now been granted Full Approval to proceed.

**RESOLVED:**

**That the contents of the report be noted and that the Bidston Moss Viaduct strengthening project be granted Full Approval to proceed with associated RFA funding allocation by DfT at the terms indicated within the report.**

402 **COMMITTEE REFERRAL - REVIEW OF POLICY LEQ08 - LICENSING OF 'A' BOARDS, SHOP DISPLAYS AND PAVEMENT CAFES**

A report by the Director of Technical Services reviewed the current policy on the control of 'A' boards, shop displays located within the public highway.

The report recommended that the process of licensing items placed on the highway be retained with some amendments and requested a recommendation from members on the licence fee structure.

**RESOLVED: That**

- (1) the Director of Technical Services develops a 'standard rules licence' for A Boards, which would balance the desires of shops to promote their businesses with the need to maintain footways and verges clear of obstructions;**
- (2) application for a 'standard rules licence' will be free, but applicants will be required to adhere to all the conditions in the standard rules without exception; such standard rules to be published on the Council's website. The Council will grant the licence if it is satisfied that all license conditions will be met, otherwise the application would be refused;**

- (3) should an applicant wish to apply for an A Board licence with conditions other than those in the standard rules (i.e. a bespoke licence), a fee of £50 will be charged to cover the additional costs to the Council associated with assessment and administration of a bespoke license;
- (4) failure to comply with the conditions of the licence will result in the issuing of a formal notice requiring the breach to be rectified within a defined timescale. (The Council may remedy the breach and recover the costs in doing so if the notice is not complied with.);
- (5) the Director of Technical Services will additionally bring forward a policy on monitoring compliance with A Board licence conditions to Cabinet for approval; and
- (6) in the interim period there be no charge.

403 **CONSULTATION PAPER ON NEW PLANNING POLICY STATEMENT - PLANNING FOR A NATURAL AND HEALTHY ENVIRONMENT**

A report by the Deputy Chief Executive/Director of Corporate Services advised Members that the Government had issued a Consultation Paper on a new Planning Policy Statement: Planning for a Natural and Healthy Environment. Responses were requested by 1 June 2010. The report recommended that the comments attached to it at Appendix 1 form the basis of the Council's formal response to the Department of Communities and Local Government.

**RESOLVED:**

**That the comments attached as Appendix 1 to the report form the basis of the Council's response to the Department of Communities and Local Government.**

404 **URGENT BUSINESS - LAST ORDINARY CABINET MEETING**

Councillor Foulkes reminded Members that this was the last ordinary Cabinet meeting of the Municipal Year. He thanked officers for their support and informed that Councillor Jean Quinn was not standing for re-election. Councillor Foulkes, on behalf of the Cabinet, thanked Councillor Quinn for the fantastic contribution she had made to life on Wirral and wished her well for the future.

405 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:**

**That, under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.**

406 **HOYLAKE LIFEBOAT STATION, HOYLAKE**

A report by the Director of Law, HR and Asset Management advised Members of the offers received for the car park adjoining the original Lifeboat Station in Hoylake after the joint marketing of the site with Peel Holdings.

**RESOLVED:**

**That the offer from M Rice on the terms set out in the report be accepted and, in the event of the sale not proceeding, the offer from S Barnes be accepted.**

407 **PROUDMAN BUILDING, BIDSTON HILL**

A report by the Director of Law, HR and Asset Management sought authority for the Council's consent to the assignment of the lease of the Proudman Building to Doyle Properties Ltd.

**RESOLVED:**

**That the the assignment referred to in the report be agreed and the Director of Law, HR and Asset Management be authorised to proceed with the necessary documentation.**

408 **FELLOWSHIP HOUSE, TRINITY ROAD, HOYLAKE**

A report by the Director of Law, HR and Asset Management sought Member's approval to the disposal of Fellowship House to the Wirral Methodists Housing Association.

**RESOLVED: That**

- (1) Fellowship House, Hoylake be disposed of in accordance with the terms set out in the report; and**
- (2) in the event of Wirral Methodist Housing Association being unable to deliver the scheme within the timetable stipulated in the report, the Director of Law, HR and Asset Management be instructed to dispose of the property at auction.**

409 **TURNTABLE BUILDING, BIRKENHEAD**

A report by the Director of Law, HR and Asset Management sought Members' approval to lease the Turntable Building, Laird Street, Birkenhead to the Merseyside Model Railway Society (MMRS).

**RESOLVED: That**

- (1) the resolution to make the Turntable Building available for Community Asset Transfer be revoked; and**
- (2) the Turntable Building be leased to the Merseyside Model Railway Society in accordance with terms and conditions set out in the report.**



410 **LAND AT EUROPA BOULEVARD, BIRKENHEAD**

A report by the Director of Law, HR and Asset Management updated the Cabinet on the current situation regarding the proposed development at Europa Boulevard/Conway Street, Conway Park, Birkenhead.

**RESOLVED:**

**That a further extension of time be granted to the developer and a further report on progress be presented to the next ordinary Cabinet meeting.**

411 **OLIVER STREET/GRANGE ROAD DEVELOPMENT, BIRKENHEAD**

Further to Minute No. 371 of the Cabinet Meeting of 18 March 2010, the Head of Asset Management reported orally on progress relating to the Oliver Street/Grange Road Development in Birkenhead. He was now in receipt of further information which had become available earlier in the day and proposed to prepare a comprehensive report for the Cabinet's consideration.

**RESOLVED:**

**That a special meeting of the Cabinet be held at 5:15 pm on a date to be identified, and as soon as possible, to consider the single item of Oliver Street/Grange Road Development, Birkenhead.**

412 **WIRRAL PARTNERSHIP HOMES - SERVICE LEVEL AGREEMENT**

A report by the Director of Finance informed the Cabinet that Wirral Partnership Homes was ceasing the service level agreement with the Council for information technology services and requested agreement for virement to meet the loss of income to the Information Technology Services budget.

**RESOLVED: That**

- (1) the loss of income of £185,000 be noted; and;**
- (2) the resulting virement be agreed.**

413 **BUSINESS SUPPORT APPLICATION (1)**

A report by the Deputy Chief Executive/Director of Corporate Services sought approval to provide a grant from the Think Big Investment Fund to the company named in the report in the sum of £96,402 to assist towards its business diversification project which included investing in an additional 6,993 sq ft of industrial space in Bromborough.

**RESOLVED:**

**That a Think Big Investment Fund Grant of £96,402 be approved towards the business diversification project being undertaken by the company named in the report.**

414 **BUSINESS SUPPORT APPLICATION (2)**

A report by the Deputy Chief Executive/Director of Corporate Services sought approval to provide a grant from the Think Big Investment Fund to the company named in the report in the sum of £58,000 to assist towards its business development project.

**RESOLVED:**

**That a Think Big Investment Fund Grant of £58,000 be approved towards the business development project being undertaken by the company named in the report.**

# Public Document Pack

## CABINET

Friday, 30 April 2010

Present: Councillor S Foulkes (Chair) Finance and Best Value

Councillors S Holbrook Corporate Resources  
G Davies Housing and Community Safety  
P Davies Children's Services & Lifelong Learning  
G Gardiner Environment  
S Kelly Community and Customer Engagement  
M McLaughlin Social Care and Inclusion  
R Moon Culture, Tourism and Leisure  
J Stapleton Regeneration and Planning Strategy

In attendance: Councillor J E Green

Apologies Councillor J Quinn

### 415 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were invited to consider whether they had any personal or prejudicial interests relating to the item on the agenda and, if so, to declare it and state the nature of such interest. There were no such declarations made.

### 416 EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

#### RESOLVED:

**That, under section 100 (A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act. The public interest test has been applied and favours exclusion.**

### 417 OLIVER STREET/GRANGE ROAD DEVELOPMENT, BIRKENHEAD

A report by the Director of Law, HR and Asset Management provided Members with a further update on the proposed development at Oliver Street/Grange Road of principally a retail food store and sought approval of the way forward as set out in the report.

The Cabinet were aware that some town centre businesses were currently facing difficulties as a result of the economic downturn and sought assurances that the developer would carry out the work required with minimum disruption and in as sympathetic a way as possible.

#### RESOLVED: That

- (1) **the revised terms for the development at Oliver Street/Grange Road, Birkenhead, as reported to Cabinet on 18 March 2010 (Minute No. 371**

refers), subject to the further amendments detailed in the report, be approved; and

- (2) the Director of Law, HR and Asset Management be authorised to complete all necessary legal documents to progress the scheme upon the agreed revised/amended terms referred to in the report.

WIRRAL COUNCIL

CABINET – 27<sup>th</sup> May 2010

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES

## **Economic Recovery Plan: May 2010 Update**

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### **1. EXECUTIVE SUMMARY**

This report updates members on Wirral's Economic Recovery Plan. It includes feedback from partners on latest responses to the recession and the impact of a number of interventions.

Members are asked to

- (i) Note this latest report on Wirral's response to the current economic conditions and the progress of the Recovery Plan attached as Appendix 1; and
- (ii) Agree the continued approach of Wirral's Recovery Plan which emphasises the need to maintain a focus on the long-term economic vision whilst also planning short and medium term responses to the recession.

### **2. BACKGROUND**

- 2.1. Members will be aware that the Council has been working closely with partners over the past 18 months to ensure that we properly understand how the recession is impacting on the local economy. In response, we have developed a number of initiatives aimed at mitigating the impact of the recession on businesses and the local community.
- 2.2. Building on this approach, Cabinet agreed an Economic Recovery Plan for Wirral (February 2010), which emphasised the need to maintain a focus on the long-term economic vision whilst also planning short and medium term responses to the recession. Members also agreed that quarterly updates should be brought back to Cabinet so that we:
  - (a) continue to understand changing economic conditions;
  - (b) assess the impact of the proposed Recovery Plan interventions;
  - (c) continue to develop appropriate and effective responses in the short, medium and long term.
- 2.3. The Recovery Plan was subsequently agreed by partners at the LSP Executive Board in February 2010, with a commitment from partners to continue to feedback regularly on the impact of range of interventions.
- 2.4. LSP partners emphasised the need to consider the implications of the recession and imminent budgetary reductions for the Council and our partners as major organisations and employers in terms of

- Systematically assessing the contribution of council and partner services in addressing the impact of the recession, where appropriate working in partnership with other agencies;
- Making preparations now, with local partners, in view of expected tighter public expenditure settlements;

### **3. ECONOMIC UPDATE**

3.1. A summary of latest economic data to May 2010 is attached as Appendix 2. Key points to note include:

#### **3.2. Job Seekers Allowance (JSA)**

Latest data to April 2010 highlights some very positive trends in reducing Wirral's JSA rate:

- Wirral's JSA went down by 0.1% points; this is a reduction of 226 claimants between March and April.
- Wirral's rate is now 5.2%, compared to a NW rate of 4.5% and a GB rate of 4.1%. This represents 9,491 people in Wirral claiming JSA.
- April's reduction is the third consecutive monthly decrease for Wirral, and means that almost 900 people moved off JSA since January 2010.
- Wirral is outperforming Liverpool City Region, NW and National yearly averages in reducing JSA.
- Wirral has also reduced its numbers of 18-24 JSA claimants by 160 this month (0.6%); the second largest reduction in numbers in the Liverpool City Region (LCR).
- Wirral out-performed both North West and national averages in reducing 18-24 JSA this month.
- Wirral has seen a yearly reduction of 1.4% of 18-24 JSA rates - in line with LCR trends and out-performing National and North West averages.

#### **3.3. Employment Rate**

*(Note: It should be noted that this survey based measure has significant +/- variations in accuracy due to the relatively small sample measure base used)*

- Latest data to Sep 09 shows that Wirral's Employment Rate is 67.3%.
- This compares with the North West rate of 70.3% and the GB rate of 72.9%
- Although Wirral's Employment rate has gone down in the last 12 months (by 1% point), this is a slower rate than both the regional (1.8%) and national (1.6%) rates of decline.

#### **3.4. VAT Registrations and De-registrations**

- Latest data to 2007 demonstrates that the number of VAT registrations in Wirral was 720. This was an increase from the previous year's registrations of 590 in 2006 and the same number in 2005.

- The number of actual de-registrations to 2007 was 460, the same number as for 2006. Wirral's rate of de-registrations is 7.5%; this is the same as the North West rate, and just above the GB rate of 7.3%.
- VAT Business stock in 2007 was 6,140 businesses – an increase from 5,880 in 2006 and 5,755 in 2005.

### **3.5. Self Enterprise**

- Latest data on levels of self enterprise released from ONS in January 2010 show that Wirral's rate of self employment now stands at 7.2%. This represents 13,000 actuals. Wirral's rate has increased by 0.7% points since 2008.

## **4. ECONOMIC RECOVERY PLAN: LATEST PROGRESS**

- 4.1. The Council and its partners continue to meet regularly to agree the best ways to support Wirral residents and businesses in the current situation. The Recovery Plan summary attached at Appendix 1 updates Cabinet on some of the activity developed in response to economic conditions, as well as input from partners about their specific interventions. This indicates a range of activity that is having a positive impact on residents and businesses. A summary of key achievements includes:

### **Working Wirral**

- The Working Wirral programme continues to deliver a number of effective projects supporting Wirral businesses and residents. Latest performance data for 2009/10 (which includes the Reachout and Wirral Change numbers cited below) indicates that 855 people have gained a job and 138 have gained a qualification as a result of these interventions.

### **Future Jobs Fund**

- This initiative continues to make good progress in supporting unemployed people into new employment opportunities. In Wirral, there have been almost 200 new starts to date. Feedback from both participants and employers is very positive, with evidence that the Wirral model is offering a high quality experience - including training and effective 'wraparound' support.
- In terms of supporting businesses, Wirral is holding a Future Jobs Fund Employer Forum on 24<sup>th</sup> May. Both Invest Wirral and Business Link are attending in order to provide support to Wirral 3<sup>rd</sup> sector organisations.

### **Business Starts**

- The number of new business start-ups and number of businesses supported through the Council's Business Start Programme continues to exceed targets (by 20%) despite the economic conditions. Latest data from WirralBiz indicates that 300 new businesses have been created in 2009/10.

### **Reach Out**

- The Involve Northwest: Reach Out project is an innovative approach that engages workless households by taking the service to their home. Reach

Out guidance workers knock on doors, engage residents in the familiar surroundings of their own home and promote the value of being in work. The project has knocked on over 65,000 doors in Wirral's most deprived areas and helped over 1,000 residents secure employment. Over the twelve months to March 2010, 636 people obtained a job, 62 gained a qualification and 34 people moved into self employment.

### **Wirral Change**

- This Black & Racial Minority (BRM) Outreach Project provides outreach employment service for Wirral's BRM residents offering specialist guidance workers to tackle multiple barriers to employment. Latest data to year end March 2010 indicates that 118 people obtained a job and 42 gained a qualification. 6 people were supported into self employment.

### **Wirral Apprenticeship Programme**

- Wirral Council has committed funding for over 200 subsidised apprenticeship places with local businesses via its highly successful Apprenticeship Programme. There is a particular focus on supporting NEET and other vulnerable young people. The Wirral Apprentice Programme has been commended as a model of good practice nationally and regionally, and is increasingly being recognised as an exemplar of effective partnership working – see link <http://www.nweo.org.uk/Workforce/Good+Practice+Resource+Library/>
- The Programme has secured employment for young people in a diverse range of sectors such as construction, health and social care, engineering, accountancy and science and technology.

### **Business Engagement**

Invest Wirral continues to successfully support business and helped generate jobs and investment.

- Over the last twelve months Invest Wirral has engaged with 1000 businesses
- This has led to 98 investment projects being supported and 3 inward investment projects secured.
- 31 businesses have been supported through the Council's Business Investment Grant (BIG) and "Think BIG" schemes. The total grants distributed amounted to over £1.6M.

As a result of the activity above Invest Wirral has generated an investment value of more than £21.5M and has helped create 738 jobs and safeguarded a further 545.

### **Health**

- Life expectancy is improving across the borough and the number of people giving-up smoking is increasing. Wirral has seen a reduction in teenage conceptions in the borough.



## **Housing**

- Wirral Council has secured almost £1.5 million for new, affordable rented homes in three areas of the borough. The number of affordable homes delivered has improved considerably.
- Wirral was a fast track authority for the introduction of the national mortgage rescue scheme and after the first year, in December 2009 was in the top 20 performing authorities for rescues completed. Statutory homelessness fell by 74% in 2009-10 because of the effectiveness of the prevention services which are now in place.

## **Community Safety**

- Crime is falling more rapidly in Wirral than in other parts of the region and the borough has the lowest rate of recorded crime in Merseyside. The number of reported incidents of anti-social behaviour has fallen again this year.

### **4.2. Debt and Financial Inclusion**

Following discussion at the February LSP Executive Meeting, Officers have explored the opportunities to link the advice services offered by Wirral Citizens Advice Bureau (CAB) to the interventions and activities of the Working Wirral programme. The rationale behind this discussion was to ensure the debt advice offered by the CAB to Wirral residents who have been affected by the recession could be linked to employment support as debt is one of the main barriers that prevent individuals from returning to the workplace.

4.3. Wirral CAB is the second busiest in the Country, after Birmingham. This is indicative of the pressure felt by the organisation during the recession. The CAB is the Council's preferred partner for advice services and is funded to provide generalist advice services which in turn levers in additional resources from the Legal Services Commission for specialist advice. The main aim of these discussions was to ensure that CAB clients have the best possible chance of returning to work.

4.4. This has led to the development of a specific project aimed at targeting additional specialist debt advice alongside the other interventions of the Working Wirral programme. This project is additional to existing CAB housing initiatives which provide debt advice to households who may be threatened with repossession or homelessness because of debt. The Debt and Financial Inclusion project will also play an integral role in taking forward Wirral's emerging Financial Inclusion Strategy and Action Plan.

4.5. It is proposed that the project be funded from Working Wirral resources, and further detail will be brought to members in a future report.

### **5. Conclusion**

5.1. Despite prevailing economic conditions, Wirral Council continues to mitigate the effects of the recession acting on intelligence and strong partnership working resulting in informed investment decisions.

5.2. Feedback indicates that the activities designed for increasing enterprise and employment in Wirral have had some positive impact, and have helped

support the prospects for Wirral's economy. A twin track approach of providing support to individuals and businesses alongside continuing to deliver the Investment Strategy aims in order to prepare for recovery has positioned Wirral to continue generating economic growth.

## **6. Financial implications**

6.1. No implications arising directly from this report.

## **6. Staffing implications**

6.1. No implications arising directly from this report.

## **7. Equal Opportunities/Equality Impact Assessment (EIA)**

7.1. All of the activities outlined promote equal opportunities. An initial Equality Impact Assessment has already been completed for the Recovery Plan.

## **8. Community Safety implications**

8.1. There are no direct Community Safety implications arising from this report.

## **9. Local Agenda 21 implications**

9.1. None as a direct result of this report.

## **10. Planning implications**

10.1 There are no direct planning implications arising from this report.

## **11. Anti-poverty implications**

11.1 All of the activities outlined will help to reduce poverty and deprivation.

## **12. Human Rights implications**

12.1 There are no implications arising directly from this report.

## **13. Social Inclusion implications**

13.1 The approach outlined helps to promote social inclusion.

## **14. Local Member Support implications**

14.1. There are no implications arising directly from this report.

## **15. Background Papers**

- The Recovery Plan monitoring update is attached as Appendix 1.
- A summary of latest labour market data is attached as Appendix 2.

## **16. Recommendations**

Members are asked to:

- (i) Note this latest report on Wirral's response to the current economic conditions and the progress of the Recovery Plan attached as Appendix 1; and
- (ii) Agree the continued approach of Wirral's Recovery Plan which emphasises the need to maintain a focus on the long-term economic vision whilst also planning short and medium term responses to the recession.

### **J. WILKIE**

Deputy Chief Executive/Director of Corporate Services

This report has been prepared by Rose Boylan who can be contacted on 691 8037.

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# Wirral's Economic Recovery Plan

## Progress Update

May 2010

**Appendix 1**

**Actions and interventions agreed by Wirral partners**

The Council and its partners will continue to meet regularly to agree the best ways to support Wirral residents and businesses in the current situation. The interventions outlined below detail some of the planned activity, developed in response to our detailed understanding of the recession. These actions will also help to have a positive impact on Wirral’s short, medium and longer term corporate and LAA objectives that are set out within our Sustainable Community Strategy and partners’ strategic plans. A key overarching driver running right across the Recovery Plan will be to help narrow the gap in outcomes for Wirral residents and businesses.

**1. Supporting Wirral Businesses**

<b>The Issue</b>	<b>Response</b>	<b>Lead Partner(s)</b>	<b>Area of Impact</b>	<b>Progress May 2010</b>
<p><b><u>Advice and Information</u></b></p> <p>As many businesses will lack experience of operating during a recession it is important that these firms get access to advice early and adapt their business plans to changing market conditions.</p>	<p>Invest Wirral is working with Business Link North West (BLNW) to ensure that information is cascaded through and online business forums networks and Wirral Investment Network (WIN)</p> <p>We will continue to use the online local business network which further promotes key support services.</p> <p>We will circulate an up-to-date brochure with a breakdown of all of the support agencies that can help businesses.</p>	<p>Wirral Council, Business Link</p>	<p>Take up of Information events and e-business information.</p> <p>Jobs safeguarded/created</p>	<p>Through ERDF funding, three BLNW advisors now work within the Invest Wirral offices</p> <p>The business network now has 1,100 members</p> <p>The Council's Business Start Programme continues to exceed targets (by 20%)</p>

				<p>despite the economic conditions. Latest data from WirralBiz indicates that 300 new businesses have been created. In 2009/10.</p> <p>Wirral is holding a Future Jobs Fund Employer Forum on 24<sup>th</sup> May. Both Invest Wirral and Business Link are attending in order to provide support to Wirral 3<sup>rd</sup> sector organisations.</p>
<p><b><u>Access to and Management of finance</u></b></p> <p>Advice and financial assistance are critical to help businesses to manage cash flow and to access finance</p>	<p>Wirral will continue to work with partners to develop a structured package of support to businesses in a direct response to the recession.</p>	<p>Wirral Council</p>	<p>Number of business taking up grants for investment projects in current economic climate. (Number of Jobs Safeguarded /</p>	<p>Working relationship Further relationships developed with key partners to</p>

	Flexible package of financial support eg Think Big Grants ; BIG Support Grant/ Consultancy Support		Created)	provide support.  The Council has supported 31 projects which have applied and received funding support through the Council's BIG and Think Big schemes totalling £1.656m.
<b><u>Public sector procurement</u></b>				
Wirral Council will support local businesses and explore how local firms can access public sector contract opportunities	Continue commitment to pay Council invoices within 10 days for all creditors from local businesses that employ less than 250 people.  We have held bespoke workshops for local businesses to increase awareness of public sector procurement opportunities.	Wirral Council	Local Sustainability	
<b><u>Affordable premises and managed workspace</u></b>				
There is a growing recognition of the need to develop a portfolio-based approach to intervention, ensuring	Council Officers are investigating proposals to make additional bespoke units available to provide supported	Wirral Council	Additional workspace created	Wirral Council is in discussion with partners to



<p>that programmes provide not only early stage incubation and flexible managed workspace but also larger workspace units and grow-on space offered on more traditional terms</p> <p>Wirral Council will therefore prioritise the development of physical facilities to support businesses (workspace and one-stop shop business facilities)</p>	<p>accommodation for new and fledging businesses. Eg Employment Land Survey.</p>			<p>develop a number of proposals to support local businesses/ SMEs</p>
<p><b><u>Recruitment and training</u></b> Feedback from businesses and partners indicates the adverse impact that the recession was starting to have on the availability of apprenticeship places in the borough</p>	<p>Continue to develop the Wirral Apprenticeship Programme.</p>	<p>Wirral Council</p>	<p>Numbers and profiles of apprenticeships  Reduction in NEET</p>	<p>Wirral Council has committed funding for over 200 subsidised apprenticeship places. The Programme has secured employment for NEET and vulnerable young people in a diverse range of sectors such as construction, health and social care, engineering, accountancy and science and technology.</p>

## 2. Supporting Wirral Residents

The recession is having an impact on Wirral residents. This section sets out the services that will be provided to minimise unemployment and debt, to support those facing redundancy, and also to exploit opportunities that may arise during recession.

The Issue	Response	Lead Partner(s)	Area of Impact	Progress May 2010
<p><b><u>Employment Support:</u></b></p> <p>Wirral residents must have speedy and effective access to information, advice and guidance on employment and training services to help them back into work.</p>	<p>Key partners (Wirral Council, Jobcentre Plus, Connexions and the Skills Funding Agency (SFA) will continue to co-ordinate activity and additional provision to support those under threat or notice of redundancy and those recently unemployed.</p> <p>The Council will continue to ensure that additional activities commissioned through Working Wirral are used to complement mainstream provision, helping to improve local people's skills and employment prospects.</p>	<p>JCP, SFA, Connexions, Wirral Council.</p>	<p>Increased employment rates</p>	<p>Jobcentre Plus (JCP) continues to work very closely with the SFA and other key partners to deliver a bespoke support package for employers and employees facing redundancy. JCP continues to have a redundancy support team</p> <p>A raft of extra support and provision has been provided for all Jobseekers</p>

				<p>Allowance (JSA) customers from the first day of their claim; with support increasing the longer they are unemployed.</p> <p>The introduction of a new Jobseekers Regime &amp; Flexible New Deal (FND) from April 2010, will establish a new, unified approach for all jobseekers, whatever their age, skills or barriers to work. A staged programme of support will apply to all Jobseeker's Allowance customers from day one of their claim.</p>
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				Note: New Deal for Lone Parents and New Deal for Partners will continue.
<p><b><u>Wirral partners will work to minimise the impact of the recession on young people</u></b></p> <p>Feedback from Greater Merseyside Connexions <sup>1</sup> highlights that the recession is likely to impact on post-16 retention in education and training.</p> <p>Data indicates that young people are being particularly affected by the recession.</p>	<p>Mainstream partners will deliver an enhanced package of support for 18-24 year olds through the young persons guarantee</p> <p>We will continue the implementation and expansion of the Future Jobs Fund initiative to create many new opportunities for Wirral residents, particularly young people.</p> <p>Wirral partners will target activity to address the numbers of those aged 18-24 claiming Job Seekers Allowance (JSA)</p> <p>Continuation of the Activity Agreement Pilot through Connexions, aimed at 16 &amp; 17 year old NEET and NEET vulnerable groups, until March 2011</p>	<p>JCP, Connexions</p> <p>Wirral Council</p> <p>WEDS partners</p> <p>Connexions</p>	<p>Increased employment rates</p> <p>Numbers of FJF starts</p> <p>Reduction in JSA rates</p> <p>NEET Reduction</p>	<p>Additional support has been introduced under Young Persons Guarantee. This includes offering all young people on JSA additional support with jobsearch, Adviser support, the offer of a job, training or meaningful activity. This includes Future Jobs Fund (FJF)</p> <p>A new initiative 'Tranmere</p>

<sup>1</sup> 'The Impact of the Recession on the Employment Prospects of the Young People of Wirral' (April 2009) Carlyne Kershaw: Great Merseyside Connexions Service.

				<p><i>Rovers Return to Work</i> supported by JCP, will target from day 1 of unemployment.</p> <p>The 'Wirral Apprentice' programme has been given additional funding to target vulnerable groups including those leaving care.</p>
<p><b><u>Tackling Debt and Financial exclusion</u></b></p> <p>Feedback from voluntary sector organisations demonstrates a substantial increase in service users. Wirral Advice Network indicates significantly increased demand for debt advice over the last year.</p>	<p>Locally based advice services are vital for the most vulnerable sections of the community.</p> <p>Wirral Council will work with partners including Registered Social Landlords (RSLs), voluntary groups and community advice agencies to increase the capacity and availability of advice for residents that are struggling to cope with the recession.</p> <p>Introduction of Wirral Moneyline to assist with the availability of affordable</p>	<p>Wirral Council, Third Sector partners, Wirral Advice Network, CAB, RSLs.</p> <p>Riverside Housing Association</p>	<p>No of people seen at financial advice and health surgeries within One Stop Shops</p> <p>No who have taken up Fair Debt policy</p> <p>No of people on low income who have accessed loan.</p>	<p>Discussions are taking place with partners regarding enhanced debt and financial inclusion provision.</p> <p>Moneyline has provided 425 loans since October 2009, 153 of these</p>

	housing credit.		<p>Development of Council's Financial Inclusion Strategy which will set a list of measurable actions.</p> <p>Possibly: No of free home computers distributed through new central government scheme (C&amp;YPD)</p>	<p>were resulting from referrals made by Housing Associations. This has resulted in a reduction of loans from loan sharks due to lack of alternative.</p> <p>Financial Inclusion Action Plan being developed with partners.</p>
<p><b><u>Availability of business start up services</u></b></p> <p>For some, the recession will be an appropriate time to start a new</p>	<p>Wirral has had considerable success in supporting business start ups and sustaining new businesses.</p>	<p>Wirral Council, Wirral Biz</p>	<p>Numbers of new business starts and sustained</p>	<p>The number of new business start-ups and number of businesses</p>

<p>business. It is essential that Wirral residents (particularly those facing redundancy or newly unemployed) have access to appropriate advice and support.</p>	<p>Wirral partners will continue to provide tailored advice and support to new enterprises to exploit new markets and to successfully establish themselves in Wirral</p>			<p>supported through the Council's Business Start Programme continues to exceed targets (by 20%) despite the economic conditions. Latest data from WirralBiz indicates that 300 new businesses have been created. In 2009/10.</p>
<p><b><u>Securing local jobs</u></b></p> <p>Businesses will continue to recruit during the recession.</p> <p>There are also still a number of significant regeneration initiatives taking place.</p>	<p>It is important that new and emerging opportunities are made available to local residents. Wirral partners will ensure that local people are supported to benefit from such opportunities</p> <p>Local labour commitments such as the Construction Integrator will seek to maximise the engagement and recruitment of local workless residents in major capital projects, housing</p>	<p>Wirral Council Officers</p>	<p>Numbers of local residents taking up employment</p>	<p>Build Wirral project currently being implemented. An initial pilot is taking place as part of the New Brighton development.</p>

	refurbishments and related activities across Wirral through agreements that could be brokered with employers.			
<p><b><u>Mortgage Rescue Scheme</u></b></p> <p>The recession is having an adverse effect on housing and homelessness. Help is needed to support people who are facing the real possibility of losing their homes.</p>	<p>Wirral will continue to provide advice and support to prevent homelessness and continue to provide additional fast track referral advice to Mortgage Rescue eligible households.</p> <p>Wirral is monitoring the levels of repossession claims and orders and targeting resources appropriately</p> <p>Eg Wirral was one of the first local authorities to introduce an intervention in line with the national mortgage rescue scheme</p>	Wirral Council, Housing Partners, CAB	People requesting and receiving assistance NI 156	<p>Reduction in repossessions and homelessness due to repossessions</p> <p>Wirral was a fast track authority for the introduction of the national mortgage rescue scheme and after the first year, in December 2009 was in the top 20 performing authorities for rescues completed.</p>
<p><b><u>Supporting communities</u></b></p> <p>Although this recession is likely to be felt across all communities, it will inevitably exacerbate pressures faced by vulnerable groups.</p>	Wirral Council partners in housing support, children's services and social care will work in partnership to mitigate the worst impact as the	Wirral Council Adult Services, Children's Services	NI46-Adults with learning disabilities in paid employment.	Colleagues in DASS have been leading on an initiative to



<p>We will continue to engage with communities - eg through Citizen's panels, Area Forums and police and health consultative groups to gain feedback on how the recession is impacting upon individuals, groups and communities</p>	<p>financial strains on households begin to show</p> <p>The Council acknowledges the essential role of local communities and the Third Sector in growing the economy and tackling worklessness, and the increased potential for local social enterprise to contribute to this agenda. Through the 'Working Wirral' approach, Wirral has made good progress in building strong strategic and delivery partnerships with the Third sector and we look forward to building on these.</p>	<p>Third Sector partners, Working Wirral</p>	<p>NI150- Adults receiving secondary mental health services in employment</p> <p>The proportion of people of working age currently using Adult Social Services moving on to employment or voluntary activities.</p> <p>VCAW is placing itself in a position where they will gather evidence of trends and measure impact</p>	<p>increase employment opportunities.</p> <p>The council is leading on a good practice approach to this by permanently employing a group of people with Learning Disabilities.</p>
<p><b><u>Tackling Child Poverty</u></b></p> <p>Wirral has some significant concentrations of child poverty and tackling the causes and impacts are a key priority for Wirral partners.</p>	<p>Wirral partners will continue to build on local level analysis of child poverty, in line with the new duties on local authorities set out within the proposed Child Poverty Bill;</p> <p>We will collate local data and analysis to identify the extent of child poverty in</p>	<p>Wirral Council and LSP Partners</p>	<p>Reduction in levels of Child Poverty – Including in-work poverty and NI 116 Child Poverty which impacts on worklessness targets.</p>	<p>Officers have worked up proposals to reduce, and mitigate the effects of, child poverty. Preparing a local child poverty needs</p>

Wirral (including in-work poverty) and co-ordinate activity as the basis for our local child poverty needs assessments

We will continue to work with LCR partners to develop the Child Poverty Commission.

assessment and a joint child poverty strategy setting out measures to tackle child poverty in Wirral.

### 3. Investing in Skills

Skills are the key to sustainable employment and a strong and competitive economy. This is important during a recession, but also in the future as employers look to improve their competitiveness in preparation for when the economy starts to recover.

The Issue	Response	Lead Partner(s)	Area of Impact	Progress May 2010
<p><b><u>Employer Responsive Training</u></b></p> <p>The skills of employees are the most important assets for any company. Wirral partners will enable funding and training to firms that want to invest in their future competitiveness by improving the skills and qualifications of their staff.</p>	<p>Wirral Council is working with the Learning and Skills Council (LSC) and Job centre Plus (JCP) to deliver an Integrated Employment and Skills programme across Greater Merseyside.</p> <p>Partners will continue to develop appropriate pre-recruitment and in work training programmes eg Train to Gain to enable more individuals and employers to become eligible and benefit from training.</p>	<p>from April 2010, Skills Funding Agency</p>	<p>Employer Engagement framework</p> <p>Numbers of participants</p>	<p>The Council is currently carrying out consultation with local businesses to gather robust and reliable information from employers regarding skills requirements for their business.</p> <p>This will then be used locally as part of an evidence base to frame our future employment and skills plans.</p>

<p><b><u>Access to adult learning</u></b> Training schemes covering the skills demanded by employers will be available to Wirral residents</p>	<p>Wirral partners have developed a wide range of training opportunities to improve employability including improving basic skills, learning to use computers or re-training for a new career.</p>	<p>Wirral Council, FE Colleges,</p>	<p>Training participation rates; increase in skills and qualifications</p>	<p>See above</p>
<p><b><u>Apprenticeships and trainee places for young people</u></b> It is essential that young people are supported to get a good start in their chosen career</p>	<p><b>Apprenticeship Programme</b> We will continue to develop the Wirral Apprenticeship Programme.</p>	<p>Wirral Council, Connexions, NAS</p>	<p>Numbers and profiles of apprentices from vulnerable groups eg NEET</p>	<p>The Wirral Apprentice Programme has funded 167 new Apprenticeships to date with a further 34 planned. Of these, 72 were recruited from the NEET cohort, 31 would have been NEET if it were not for the programme and 16 were unemployed young adults who had previously been NEET.</p>

#### 4. Improving Health

It is anticipated that the recession will have a negative impact on the health of the population, particularly those adversely affected by redundancy and those experiencing economic and social problems

The Issue	Response	Lead Partner(s)	Area of Impact	Progress May 2010
<p><b><u>Improving the health of Wirral residents</u></b></p> <p>Health partners, both locally and regionally, are prioritising how the NHS can mitigate the impact of the recession through health inequalities prevention activities; service provision and corporate citizen role, e.g. recruitment and workforce and procurement.</p> <p>Wirral partners have a clear commitment to reducing health inequalities in Wirral and will work in partnership to tackle the socio-economic links between low income, unemployment and ill-health.</p>	<p>A diverse range of services including:</p> <p>Improving peoples' quality of life and how long they live by addressing the underlying socio-economic determinants of health;</p> <p>Improving access to services for people with poor health;</p> <p>A key priority is to reduce health inequalities.</p> <p>Joint projects to support people with a health condition into training and employment.</p> <p>The Primary Care Advice Liaison (PCAL) service offers a service to a wide number of people with more complex inter-related issues including debt, repossession and worsening mental health.</p>	<p>NHS Wirral, Wirral Council, Third Sector partners</p>	<p>Reducing levels of lifestyle risk factors strongly associated with poverty and ill health such as smoking</p> <p>Number of people from most deprived areas accessing prevention activities</p> <p>Number of people on benefits or at risk of losing employment as a result of poor health supported into education, training and employment</p> <p>Number of people with underlying health issues</p>	<p>NHS Wirral progress in 2009-2010 includes:</p> <p>NHS services helped 2,250 people to stop smoking, a further 1,500 people being motivated to quit and 1, 065 smokers who have pledged to quit.</p> <p>Alcohol treatment and prevention services have been strengthened and admissions to hospital from</p>

			<p>helped to access and sustain employment</p>	<p>alcohol related conditions are 15% below expected trajectory</p> <p>2,879 people have taken part in a new community programme of health promotion courses and activities in the most deprived areas of Wirral.</p> <p>A health trainer service has been established to support people in the most deprived areas to successfully make lifestyle changes. So far 1,205 have accessed the service to set out personal action plans and make lifestyle</p>
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				<p>changes'</p> <p>Actions within the Health Inequalities Action Plan continue to be progressed and the annual report is due to LSP Exec in June 2010.</p> <p>Wirral Working for Health continues to support people on long term sickness benefits back into work and has had 274 referrals to the programme.</p> <p>An event was held for managers on options such as Apprenticeships, Backing Young Britain,</p>
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				<p>Internships, Cadets etc. Each of the NHS Trusts are progressing the Wellbeing Agenda, and NHS Wirral has in place a Mindful Employer action plan, to ensure the health and wellbeing of existing staff is supported.</p>
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5. **Housing and Homelessness**

The Issue	Response	Lead Partner(s)	Area of Impact	Progress May 2010
<p><b><u>Preventing homelessness</u></b></p> <p>Until economic confidence improves, the housing market is likely to struggle. Housing partners will continue to develop services designed to prevent homelessness and stave off repossessions.</p>	<p>The recession has prompted a change in the targets for new-build housing as part of the HMRI programme, re-phasing of HMRI development programmes, changing tenure of new-build schemes.</p> <p>Wirral Council has allocated additional resources to address increasing Housing Benefit claims.</p> <p>Housing Officers are putting more resources into repossession prevention via third party specialist service such as debt advice and mediation.</p>	<p>Wirral Council, Strategic Housing Partners, CAB</p>	<p>Payment of benefits claims and actioning of changes in circumstances (NI's 180 /181)</p> <p>Note: NI 180 stopped wef 1/4/10 although we still measure actioning changes in circumstances.</p> <p>NI 156 (number of households in temporary accommodation)</p>	<p>HB Claims and associated changes are paid promptly and well within national standards, all claims being initially considered within 3 days of receipt. Fast tracking operates where appropriate.</p> <p>Statutory homelessness fell by 74% in 2009-10</p>
<p>The recession has caused a shift in strategic housing priorities towards creating opportunities to support and enable the occupation of new-build housing particularly by first-time</p>	<p>This has been in the form of developing options for shared equity, rent-to-buy and making the most of national initiatives such as HomeBuy Direct.</p>	<p>Wirral Council, Strategic Housing Partners</p>	<p>Increased access to housing opportunities</p>	

buyers.				
<p><u>Supporting Housing Growth</u></p> <p>The recession has had a significant impact on the delivery of housing and supply of affordable housing programmes, and increase in the number of stalled development sites</p>	<p>Wirral Council and its partners will continue to review tenure changes to schemes where appropriate to ensure housing supply is delivered.</p> <p>Wirral Council will work with partners to secure additional resources available to help support affordable housing and kickstart stalled housing developments.</p>	<p>Wirral Council Strategic Housing, Partners, Local Developers, Homes and Communities Agency (HCA)</p>	<p>Increase to targets set under NI155. Delivery of affordable homes</p>	<p>Local authority new build programme planning approvals gained works after tenders secured £3.28M through Kickstart and the local authority new build programme to deliver 130 new homes. 204 affordable new homes completed during 2009/10 and 32 so far during 2010/11.</p> <p>Two apprenticeships are expected to be appointed as part of the LA New Build contract.</p>

<p>Wirral Free Insulation Initiative</p>	<p>Wirral Council is responding to the need in Wirral to provide free loft and cavity wall insulation to all households where it is required, to meet the carbon emissions reduction targets in the local area and improve Wirral's housing stock. This will enable the household to be more energy efficiency, save money on energy bills and reduce fuel poverty.</p>	<p>Wirral Council, partner delivery agent</p>	<p>All homes across the borough will benefit from improvements where required. Reduction to Wirral's carbon footprint. Improvement to the housing stock. Lift people out of fuel poverty. Make householders more energy aware.</p>	<p>A 4 year programme has been agreed at Cabinet, with a target to spend £18M over four years under the government's Carbon Emissions Reduction Target (CERT). £1.049M has been committed for 2010/11. The is currently at the tender process, with a delivery agent expected to be appointed during summer 2010</p>
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6. **Community Safety, Fire and Rescue**

The Issue	Response	Lead Partner(s)	Area of Impact	Progress May 2010
<p><b><u>Partners will work to mitigate the impacts of the recession.</u></b></p> <p><b>Merseyside Fire and Rescue Service (MFRS):</b> Historically commercial fires increase as businesses fail, and there is often an increase in vehicle fires.</p> <p>Domestic fires are known to increase as statistically and anecdotally unemployed people become at more risk from fires in the home.</p> <p>Anti social behaviour fires can be tracked to SOA's experiencing higher levels of multiple deprivation.</p>	<p>Responses include the setting up of a new joint Police/Fire team with the remit of tackling arson related insurance fraud. This follows unprecedented rise in fire related insurance claims across the UK and is believed to be linked to the financial down-turn.</p> <p>MFRS continues with joint action with operational crew getting to know what is going on in their locality and being extra vigilant whilst about their communities, and linking with specialist advocates such as arson, and ASB advocates.</p> <p>MFRS continues to support campaigns run by the Fire Support Network and other partners and to work closely with Wirral community safety team.</p>	<p>MFRS</p> <p>Community Safety Teams</p>	<p>Reductions in incidents</p>	<p>The Arson Fraud Investigation Team have made significant progress in establishing a joint Police / Fire approach to tackling arson related fraud. The team is currently involved in enforcement action of serious arson related fraud with a strong prosecution case about to go forward to the courts. Additionally the team monitor police / fire data across Wirral in order to identify</p>

				<p>Arson Fraud Potential. Commercial Fires, Deliberate Property Fires and Domestic Fires have all shown reductions in incidents from 2008/09 to 2009/10, with commercial fires showing the greatest decrease of 26.8% (38 fires), followed by Deliberate Property Fires with a reduction of 5.2% (37 fires).</p> <p>However, although there are overall reductions in these incidents across the Wirral, some wards show no</p>
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				change and others have reported increases in ASB, Commercial, Deliberate Property and Domestic Fires. For example, Leasowe & Moreton East has seen a 64% increase (32 incidents) in ASB fires from 2008/09 to 2009/10
<p><b>Community Safety</b> Recent evidence suggests that there has been an increase in the number of burglaries committed in people's homes across Wirral, although it is uncertain whether this can be attributed to the recession.</p> <p>Longer term time-lag effects of the recession still need to be considered and trends will continue to be monitored.</p>	<p>Partners will continue to review crime figures to ascertain any correlation with the recession.</p> <p>Burglary levels are monitored on a daily basis.</p>	Community Safety Partners	<p>The aim is to reduce overall crime figures.</p> <p>The Wirral wide increase in burglary figures will be closely monitored.</p>	The Serious Acquisitive Crime meets on a monthly basis in coordination with the prolific and priority offender meetings. These are both multi agency meetings ensuring any trends in victims

				<p>targeted, offending patterns or geographic hotspots are identified and addressed at the earliest opportunity. Serious acquisitive crime is a national indicator (NI 16) for which Wirral is 30% below target.</p> <p>JCP are supporting the Stronger Communities Initiative in the Morpeth Dock Area of Wirral Working in partnership, JCP has developed an action plan and will continue to develop our activities in the area.</p>
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## 7. Growing Wirral's Economy: The Investment Strategy

This Recovery Plan is an important part of Wirral's overarching economic vision for Wirral. Wirral Council has, together with our partners, identified the need to prioritise the economic well being of the Borough through increasing investment and enterprise, and reducing economic inactivity. We have developed a comprehensive Investment Strategy and made good progress with partners through our Working Wirral Investment Framework and our LAA.

The Issue	Response	Lead Partner(s)	Area of Impact	Progress May 2010
<p>The Investment Strategy will help to focus the activity of public and private partners, accelerate development activity in key sites and maximise opportunities to create local jobs and new business.</p>	<p>This is illustrated in our use of Working Wirral. The areas of focus for Working Wirral funding are intended to address structural issues and to maximise the competitiveness and long-term growth of Wirral businesses in order to foster a step change in performance (through both demand and supply-side measures).</p> <p>However, these interventions also have an important role to play in increasing the resilience of local businesses to withstand the current difficult trading conditions and will serve to increase the longer term potential of the Wirral business base when economic growth returns.</p>	Wirral Council	Working Wirral outputs achieved to support Employment and Enterprise Investment Priorities.	Review of Investment Strategy, identifying key sites and infrastructure requirements to support inward investment and job creation in preparation
<p><b>Better ICT infrastructure.</b> Fast and reliable internet connectivity are important influences on business decisions on where to locate and</p>	Wirral has commissioned a digital infrastructure scoping study with the aim of that will provide Wirral with a world class ICT network to support	Wirral Council	Production of feasibility study to capture the likely scale and drivers of	Significant investment is being made into next generation broadband



<p>relocate</p>	<p>future development activity and increase investment into the area</p> <p>The introduction of a local fibre-optic broadband infrastructure could provide an important source of competitive advantage</p> <p>In addition, the roll-out of high-speed service would have a major impact on the delivery of local services in areas such as transport, housing, health and education and has the potential to generate significant social benefits.</p>		<p>demand (by business, sector and location) and identify key opportunities for increasing next-generation access availability</p> <p>Subsequent creation of new broadband infrastructure including backhaul facilities</p> <p>Upgrade of existing broadband infrastructure</p>	<p>access in Wirral to support business and investment.</p> <p>Next stage Action Plan currently being developed which includes procurement process..</p> <p>Initial feasibility study completed September 2009, further work on-going.</p>
<p><b><u>Marketing Wirral nationally and internationally</u></b></p> <p>The need for Wirral businesses to expand their markets from the competitive and limited parameters that they often operate in is clear.</p> <p>The composition of the Wirral economy suggests that a high proportion of businesses are not</p>	<p>We will work with local businesses and strategic contacts to position Wirral to attract business investment through the 'Think Big' marketing plan and materials.</p> <p>We will assist SMEs that have the potential to expand to export their product or service for the first time, along with assistance to those SMEs</p>	<p>Wirral Council</p>	<p>Progress towards Investment Marketing Objectives</p> <p>Progress towards Think Big project outcomes</p>	<p>International links survey send to Wirral Businesses to determine international links projects</p> <p>Links set up with other supporting</p>

<p>experienced in the development of new markets. This is a significant constraint on the growth potential of SMEs as international markets provide a significant opportunity for growth as the global economy emerges from recession.</p>	<p>that have been identified as having limited involvement in doing business overseas.</p> <p>We will seek to develop new markets in a proactive and strategic manner. Provision of a wide range of international trade support for SMEs in Wirral that are looking to enter or develop new international markets could help them to grow their business.</p> <p>We will continue to raise Wirral's international profile, and promote local businesses at significant international events such as the Shanghai Expo to be held in 2010; and Mipim.</p> <p>We will continue to market Wirral internationally and maximise Wirral's cultural and economic opportunities through our links with Suzhou.</p>		<p>Progress towards International Links Project outcomes</p>	<p>agencies like UKTI, NWDA, EEN</p> <p>Attended both Mipim and the Shanghai Expo to promote economic opportunities offered by Wirral.</p> <p>International Links Strategy currently under development</p> <p>Continued support for expansion projects together with partner support and guidance for increasing opportunities</p>
<p><b><u>Destination Marketing</u></b></p> <p>We have identified the need to market Wirral's tourism offer, more efficiently</p>	<p>We will effectively and efficiently market the Wirral Peninsula as a</p>	<p>Wirral Council, WTBN partners</p>	<p>Key Objectives of the Wirral</p>	<p>We have developed a</p>

and effectively, using existing visitor research.	quality investment and visitor destination, and create a sustainable environment that benefits both the local community and existing businesses alike.		Destination Marketing Implementation Plan	targeted marketing strategy and campaign (local, regional, national and international) to attract agreed and sustainable investment.
<p><b><u>Innovation, Technology and R&amp;D</u></b></p> <p>Wirral economy faces a clear productivity challenge, as evidenced by its low GVA per worker. Wirral has too many firms operating in low value added market segments</p>	<p>We will support Wirral firms to be more innovative in order to become more competitive and to create high-value jobs and attract high-skilled workers.</p> <p>Partners will drive up the level of university-business engagement and knowledge transfer and to build the business base's innovation capacity and commitment and extend the reach of R&amp;D to smaller companies.</p>	Wirral Council, Chester University, FE Colleges,	<p>Development of the University Challenge proposal.</p> <p>Support for implementation of business processes to improve innovation performance</p> <p>Support for the development of new products for market using new technologies</p>	
<p><b><u>Increase Inward Investment</u></b></p> <p>Wirral's inward investment performance has improved in recent</p>	Given the broad range of issues that Wirral faces, a variety of solutions will	Wirral Council	Increase in inward investors	Continue to respond to

<p>years and we will continue to build on this.</p> <p>We need to attract high value added job-creating inward investment as the global economy emerges from recession.</p>	<p>be required:</p> <p>to advise on investments that may help the business develop and strengthen;</p> <p>developing a strategic approach to firms marketing needs and helping them to access new markets;</p>			<p>inward investment proposals through Invest Wirral and Mersey Partnership links.</p> <p>Invest Wirral continues to successfully support business and helped generate jobs and investment.</p> <p>Over the last twelve months Invest Wirral has engaged with 1000 businesses</p> <p>This has led to 98 investment projects being supported and 3 inward investment projects</p>
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				<p>secured.</p> <p>31 businesses have been supported through the Council's "Big Business" investment grant and "Think Big" schemes.</p> <p>The total grants distributed amounted to over £1.6M.</p> <p>As a result of the activity above Invest Wirral has generated an investment value of more than £21.5M and has helped create 738 jobs and safeguarded a further 545.</p>

<p><b><u>Continuing to promote new development in Wirral</u></b></p> <p>We will continue to make good progress towards our economic vision for Wirral, despite the difficult economic conditions.</p>	<p>In the last year alone, we have helped 80 companies to create over 400 jobs, safeguarded over 500 local jobs and secured over £17million of private sector investment.</p> <p>Phase 2 of the New Brighton development will provide a new supermarket, cinema, budget hotel, outdoor lido, associated leisure and restaurant offer and public realm improvements (including major improvements to the seafront promenade) and will create over 700 new jobs within the local economy.</p>	<p>Wirral Council and strategic partners</p>	<p>Progress towards delivery of Investment Strategy</p>	<p>Phase 2 of the New Brighton project has been boosted by £3.9 million from Northwest Regional Development Agency and has already attracted six new major businesses to the area. It is hoped it will create 714 new jobs through a series of new retail and leisure facilities by 2012.</p>
	<p>In Wirral, Peel Holdings are promoting a mixed use development with a value of £4.5 billion, to regenerate Wirral's docklands.</p> <p>Wirral Council and Liverpool City Council are working with partners in a New Growth Point bid to provide new homes and an improved environment</p>	<p>Wirral Council, Peel Holdings, Strategic partners</p>	<p>Progress towards delivery of Investment Strategy</p> <p>New Growth Point resources to support HMRI housing market in recession and</p>	<p>Initial planning permission granted (subject to legal agreement) for 1,672 new dwellings, 6,037 sq m B1 office</p>

	in the most deprived areas of Wirral, within the Housing Market Renewal Area.		acquire key sites for housing redevelopment.	development. Large East Float scheme to be determined summer 2010 includes 422,757 sq m B1 office floorspace.
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**Conclusion**

The Council continues to lead partners in taking forward a co-ordinated and coherent response to the current economic situation. Despite prevailing economic conditions, the prospects for Wirral's economy remain good. A twin track approach of providing support to individuals and businesses to mitigate the effects of the recession, alongside continuing to deliver the Investment Strategy has positioned Wirral to prepare for recovery, to continue generating economic growth and deliver on the economic vision set out in its Investment Strategy.

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## **Appendix 2: Wirral Economic Update – May 2010**

The following summary provides an economic profile of Wirral using latest data at May 2010, based on several key labour market indicators. An up to date Wirral labour market profile is available on the NOMIS website using this link

<http://www.nomisweb.co.uk/reports/lmp/la/2038432069/report.aspx>

### **Resident Population**

**Table 1: Total Population 2008**

	<b>Wirral (numbers)</b>	<b>North West (numbers)</b>	<b>Great Britain (numbers)</b>
All people	309,500	6,875,700	59,608,200
Males	147,500	3,377,300	29,280,500
Females	162,000	3,498,400	30,327,700

Source: ONS mid-year population estimates

**Table 2: Working age population 2008**

*(Notes: % is a proportion of total population.*

*Working age includes males aged 16-64 and females aged 16-59)*

	<b>Wirral (numbers)</b>	<b>Wirral (%)</b>	<b>North West (%)</b>	<b>Great Britain (%)</b>
All people - working age	182,300	58.9	61.6	62.0
Males - working age	92,900	63.0	65.8	66.1
Females - working age	89,400	55.2	57.6	58.1

Source: ONS mid-year population estimates

### **Employment rate**

*(Note: It should be noted that this survey based measure has significant +/- variations in accuracy due to the relatively small sample measure base used)*

Table 3 below shows that Wirral's Employment Rate is 67.3%. This has decreased by 1% point in the previous 12 months. Although Wirral's rate has gone down, it did so at a slower rate than both the North West and GB rates.

**Table 3: Employment Rate (latest data is to Sept 2009)**

Oct 08-Sept 09	Wirral numbers	Wirral %	North West %	Great Britain %
In employment (all people)	128,800	67.3	70.3	72.9
In employment (males)	65,300	68.6	72.7	76.3
In employment (females)	63,500	65.9	67.6	69.2
Oct 07-Sept 08	Wirral numbers	Wirral %	North West %	Great Britain %
In employment (all people)	131,300	68.3	72.1	74.5
In employment (males)	67,100	69.9	75.2	78.6
In employment (females)	64,200	66.6	68.7	70.1

Source: ONS NOMIS May 2010

### Job Seekers Allowance (JSA)

Latest data is to April 2010.

<u>Latest Data</u>			
<b>Current Claimant Count Rates: April 2010</b>			
Halton	5.9% (4,398)	<b>Liverpool City Region</b>	6.0%
Knowsley	6.3% (5,910)	<b>North West</b>	4.5%
Liverpool	7.2% (20,448)	<b>England</b>	4.1%
Sefton	5.2% (8,338)		
St Helens	5.0% (5,413)		
Wirral	5.2% (9,491)		
<b>Monthly Change</b> Rate down = Good Performance    Rate up = Bad Performance			
<b>Change in rate from March 2010:</b>			
Halton	Down 0.2 (182)	<b>Liverpool City Region</b>	Down 0.1
Knowsley	Down 0.3 (246)	<b>North West</b>	Down 0.2
Liverpool	Down 0.2 (580)	<b>England</b>	Down 0.1
Sefton	Down 0.1 (173)		
St Helens	Down 0.1 (170)		
Wirral	Down 0.1 (226)		
<b>Yearly Change</b> Rate down = Good Performance    Rate up = Bad Performance			
<b>Change in rate from April 2009:</b>			
Halton	Down 0.1	<b>Liverpool City Region</b>	No change
Knowsley	Down 0.4	<b>North West</b>	Down 0.1
Liverpool	Down 0.2	<b>England</b>	Down 0.1
Sefton	Up 0.3		
St Helens	Down 0.2		
Wirral	Down 0.2		
<b>Key Performance Headlines:</b>			

- Wirral now has joint 2<sup>nd</sup> best rate (5.2%) in the LCR with lowest rate since April 2009.
- Wirral has reduced its JSA claimants by 226 this month.
- Wirral in line with LCR and National trends and all areas have seen a reduction this month.
- Wirral is outperforming LCR, NW and National yearly averages. Sefton are the only authority to see and increase in yearly figures.

**JSA 18-24 Year olds rate** (Rate is the number of 18-24 JSA claimants against the area's 18-24 2008 population estimate)

<b>Halton</b>	11.1% (1,290)	<b>Liverpool City Region</b>	10.0%
<b>Knowsley</b>	10.7% (1,705)	<b>North West</b>	8.5%
<b>Liverpool</b>	9.6% (5,925)	<b>England</b>	7.4%
<b>Sefton</b>	9.6% (2,360)		
<b>St Helens</b>	10.4% (1,625)		
<b>Wirral</b>	10.0% (2,765)		

**JSA 18-24 – monthly change**

**Change in rate from March 2010:**

<b>Halton</b>	Down 0.9 (100)	<b>Liverpool City Region</b>	Down 0.6
<b>Knowsley</b>	Down 0.9 (145)	<b>North West</b>	Down 0.5
<b>Liverpool</b>	Down 0.6 (375)	<b>England</b>	Down 0.5
<b>Sefton</b>	Down 0.5 (135)		
<b>St Helens</b>	Down 0.6 (100)		
<b>Wirral</b>	Down 0.6 (160)		

**JSA 18-24 – yearly change**

**Change in rate from April 2009:**

<b>Halton</b>	Down 1.9%	<b>Liverpool City Region</b>	Down 1.4%
<b>Knowsley</b>	Down 2.8%	<b>North West</b>	Down 0.6%
<b>Liverpool</b>	Down 1.3%	<b>England</b>	Down 0.4%
<b>Sefton</b>	Down 0.8%		
<b>St Helens</b>	Down 1.0%		
<b>Wirral</b>	Down 1.4%		

**Key Performance Headlines**

- Wirral is now in line with the LCR average at 10.0%.
- Wirral has reduced its numbers of 18-24 JSA claimants by 160 this month (0.6%) the second largest reduction in numbers in the LCR.
- Wirral out-performed North West and national averages this month.
- Wirral has seen a yearly reduction of 1.4% in line with LCR trends and out-performing National and North West averages.

### VAT Registered Businesses

Latest data to 2007 demonstrates that the number of VAT registrations in Wirral was 720. This was an increase from the previous year's registrations of 590 in 2006 and the same number in 2005.

VAT Business stock in 2007 was 6,140 businesses which had increased from 5,880 in 2006 and 5,755 in 2005. Additionally, the 2007 survival rate of businesses operating for more than twelve months in Wirral is 96.9. This is higher than the Northwest (96.6) and National (96.5) rates.

**Table 5** VAT registered businesses (2007)

*(Note: % is a proportion of stock at end of year)*

	<b>Wirral (numbers)</b>	<b>Wirral (%)</b>	<b>North West (%)</b>	<b>Great Britain (%)</b>
Registrations	715	<b>11.6</b>	10.6	10.2
Deregistrations	460	<b>7.5</b>	7.5	7.3
Stock (at end of year)	6,140	-	-	-

Source: BERR - vat registrations/deregistrations by industry

### Job Density

Job density represents the ratio of total jobs to working age population. Table 6 below shows that Wirral has a job density rate of 0.61, which is lower than the North West rate of 0.80 and the GB rate of 0.83.

**Table 6** Job Density 2007

*(Note: Total jobs includes employees, self-employed, government-supported trainees and HM Forces)*

	<b>Wirral (jobs)</b>	<b>Wirral (density)</b>	<b>North West (density)</b>	<b>Great Britain (density)</b>
Jobs density	111,000	0.61	0.80	0.83

Source: ONS jobs density

### Levels of self employment

Latest data on levels of self enterprise released from ONS in January 2010 show that Wirral's rate of self employment now stands at 7.2%. This represents 13,000 actuals. Wirral's rate has increased by 0.7% points since 2008.

## Occupational Structure

The table below provides some information about occupational breakdown in Wirral, the North West and Great Britain.

**Table 7      Occupational structure (Sept 2009)**

Occupation	Wirral (numbers)	Wirral %	North West %	Great Britain %
1 Managers and senior officials	20,300	15.8	14.9	15.7
2 Professional occupations	19,800	15.4	12.2	13.4
3 Associate professional & technical	19,800	15.4	13.7	14.8
4 Administrative & secretarial	19,300	15.0	11.8	11.2
5 Skilled trades occupations	13,100	10.1	10.3	10.4
6 Personal service occupations	10,700	8.3	8.8	8.5
7 Sales and customer service occupations	6,000	4.6	8.5	7.5
8 Process plant & machine operatives	7,400	5.7	7.9	6.8
9 Elementary occupations	11,500	9.0	11.4	11.3

Source: ONS annual population survey

**Table 8      Employee Jobs (2008)**

(Note: †Tourism consists of industries that are also part of the services industry.

Employee jobs exclude self-employed, government-supported trainees and HM Forces.

% is a proportion of total employee jobs)

	Wirral (employee jobs)	Wirral (%)	North West (%)	Great Britain (%)
<b>Total employee jobs</b>	96,400	-	-	-
Full-time	60,700	63.0	69.1	68.8
Part-time	35,700	37.0	30.9	31.2
<b>Employee jobs by industry</b>				
Manufacturing	9,900	10.2	11.6	10.2
Construction	4,600	4.7	5.2	4.8
Services	81,100	84.2	82.1	83.5
• Distribution, hotels & restaurants	22,400	23.3	23.5	23.4
• Transport & communications	3,100	3.2	5.8	5.8
• Finance, IT, other business activities	15,400	16.0	19.7	22.0
• Public admin, education & health	35,000	36.3	28.2	27.0
• Other services	5,200	5.4	4.9	5.3
Tourism-related†	8,300	8.6	8.2	8.2

Source: ONS annual business inquiry employee analysis

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WIRRAL COUNCIL

CABINET – 27<sup>th</sup> May 2010

REPORT OF THE DEPUTY CHIEF EXECUTIVE/ DIRECTOR OF CORPORATE SERVICES

## **PRIVATE SECTOR HOUSING AND REGENERATION ASSISTANCE POLICY**

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### **1.0 EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to seek approval of the Council's revised Private Sector Housing and Regeneration Assistance Policy following consultation. Any revisions approved will be implemented with immediate effect.
- 1.2 This report also seeks to amend the Council's preferred builders protocol used in conjunction with the renovation assistance to allow applicants to seek contractors outside the preferred builders protocol list, should there be insufficient registered contractors to provide a quotation.
- 1.3 This report also advises members that in conjunction with our Housing Market Renewal partners, the contract with the Council's current loan administrator, ART Homes Ltd, has been extended for a further 12 months to 31<sup>st</sup> March 2011

### **2.0 BACKGROUND**

- 2.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (referred to as the RRO in this report) gave Local Authorities the power to provide assistance to improve living conditions in their area. This assistance can be provided in any form and can include such things as advice about property improvements and financial assistance in the form of grants and/or loans. This power cannot be used unless a policy for the provision of such assistance has been adopted. Once adopted, the policy should be monitored, reviewed and amended (if necessary) to take into account changes in local circumstances and government policy. In this way, the policy should evolve over time to meet the needs and aspirations of Wirral residents. Any significant changes should be subject to consultation prior to being adopted and the public should be notified about the revised policy. In addition to the RRO, Part 1 of the Local Government Act 2000 allows Local Authorities to give financial assistance to any person in order to promote the economic, social and environmental well being of an area. This power supports the use of products aimed at non-residential interests involved in regeneration activity connected with housing schemes. Related products involving non-housing interests are also included in Wirral's policy. Since 2002, annual reports have been presented to Cabinet for the adoption of updated assistance Policies.
- 2.2 On April 23, 2009, Cabinet agreed to adopt the current Private Sector Housing and Regeneration Assistance Policy ("the Assistance Policy") which details a range of assistance to support property owners. This assistance has been used to benefit residents and property owners throughout the borough and particularly those involved in the Housing Market Renewal Initiative.
- 2.3 The current policy introduced a number of new forms of local assistance, including a commitment to developing a Business Movers Support Service, Business Rent Relocation Support, and a 'fast track' arrangement with Wirral's Citizens Advice Bureau

to provide specialist housing and debt related advice. In addition, a number of amendments were made to existing assistance products. Finally, commitments were made to review the policy as a whole to incorporate measures to secure a more environmentally responsible assistance policy and to review the assistance available to private sector landlords.

- 2.4 On the 3<sup>rd</sup> September 2009, Cabinet agreed to the introduction of a new financial assistance product called a Home Purchase Assistance Loan, using powers under the Local Government Act 2000. This loan is intended to be introduced to assist people wishing to buy new build properties principally at the flagship HMRI Sevenoaks development in Rock Ferry and also properties sold by the Council in other parts of the Wirral through the HOUSED scheme. The equity based financial loan will provide up to 30% of the value of the house, subject to a maximum of £54,000, in recognition of the difficulty currently being experienced by potential home owners needing to provide larger deposits. The loan is subject to the applicant receiving advice from an Independent Financial Advisor, and providing at least a 5% deposit from their own resources in conjunction with a commercial mortgage which makes up the remaining balance. It is intended that the loan will be provided through the Council's existing loan administrator, ART Homes Ltd, in conjunction with our HMRI partners, Liverpool City Council and Sefton Council. This product is subject to further legal advice in connection with the use of Local Authority powers to introduce shared equity for new- build housing.
- 2.5 On 16<sup>th</sup> October 2008, Cabinet agreed to adopt a preferred builder protocol in connection with both Equity Renewal Loans and Home Repair Assistance. This protocol restricts the use of contractors to those registered with Council's Wirral Traders Scheme and was implemented on the 1st September 2009.
- 2.6 On the 4th February 2010 Cabinet agreed to undertake a consultation exercise in relation to proposed revisions to the Council's Private Sector Housing and Regeneration Assistance Policy. This report provides feedback on the completed consultation exercise and proposes that the revised policy be adopted.

### 3.0 **CONSULTATION**

- 3.1 The revised policy was subject to public consultation via the Council's website, local press and bespoke leaflets distributed largely via the Council's 'One Stop Shops'. Leaflets were also distributed at the Landlords Forum which was held on the 22<sup>nd</sup> March 2010. Council staff were also invited to comment on the proposed changes. No comments were received from members of the public about the proposed revisions, however, comments were received from Council staff on the use of the preferred builders protocol. This protocol is linked to the assistance provided for renovation.
- 3.2 It has been suggested that, in light of experience gained to date, an amendment be made to the preferred builders protocol to allow applicants seeking assistance to complete renovation works, to obtain quotations from suitable contractors not registered with the preferred builders protocol, only in circumstances where sufficient quotations cannot be obtained by using registered contractors. Any non registered contractors used for quotations will have to be prepared to work towards full membership of the Wirral Traders Scheme/preferred builders protocol and will be subject to a desk top evaluation by Wirral Trading Standards. It is envisaged that this option will rarely be used but will give both the Council and applicants some flexibility to ensure that works can be undertaken within a reasonable time period. Having considered this option further I would recommend that this amendment is made to the current protocol.

## 4.0 SUGGESTED AMENDMENTS TO THE EXISTING POLICY

4.1 The revised policy can be accessed using the link below to the Council's website.  
<http://www.wirral.gov.uk/pshrapolicy>

4.1.1 A summary of the proposed revisions to the policy is provided at Appendix 1 with the detail being given in the paragraphs below

## 4.2 EXISTING ASSISTANCE

4.2.1 Wirral's policy has 3 sections covering:

- Assistance for relocation (in connection with demolition schemes)
- Assistance for renovation
- Other (help for first time buyers, Handyperson Service, CAB advice etc)

## 4.3 ASSISTANCE FOR RELOCATION

### Equity Relocation Loans

4.3.1 The financial products include equity based relocation loans for owner-occupiers and businesses. Both loans offer up to £45,000 in gap funding to assist with the acquisition of alternative accommodation. The normal limit in the case of owner-occupiers is £35,000; however, this can be increased to a maximum of £45,000 with the permission of the NewHeartlands Discretionary Panel. During the last 12 months a number of HMRI schemes have moved from acquisition and demolition to the redevelopment phase resulting in new housing stock becoming available. For those residents wishing to buy these new properties it has been recognised that the gap funding needed, can often exceed the £45,000 upper limit. On the 3<sup>rd</sup> June 2009 the NewHeartlands Monitoring and Implementation Group decided to **increase the upper limit of the Relocation Loan to a maximum of £55,000 in cases of HMRI new build only**. All cases wishing to access this new limit will require the agreement of the Discretionary Panel.

### Business Movers Support

4.3.2 A comprehensive Business Movers Support service is now provided by Invest Wirral to guide all non-residential interests involved in demolition areas through the process of relocating. This service is regulated by a Service Level Agreement and funded by HMRI resources. To date the service has been well received, and has been particularly helpful in relation to the ongoing relocations from the Cavendish Enterprise Centre in Birkenhead and the remaining businesses involved in the Church Road Regeneration Initiative in Tranmere.

### Relocation Rent Support

4.3.3 This is time limited financial assistance designed to cushion any increase in rent payments resulting from the relocation of non-residential interests from a demolition scheme. It is proposed to **introduce a condition that prevents either the applicant or his/her immediate family from having an interest in the alternative property which is subject to the Relocation Rent Support assistance**.

## 5.0 ASSISTANCE FOR RENOVATION

### Assistance for Empty Properties

- 5.1 HOUSED (Home Ownership Using Sustainable Empty Dwellings) brings back into use long term empty properties through a program of acquisition, comprehensive refurbishment and discounted sale (10% off market value) for low income owner-occupiers. Since introducing HOUSED, a number of properties have been successfully brought back into use. In more recent times, the depressed housing market and stricter access to mortgage finance has resulted in some difficulty selling HOUSED properties once completed. In order to minimise the risk to the Council, Members have already agreed the new Home Purchase Assistance Loan to be made available in connection with the HOUSED scheme. For clarification, an applicant interested in HOUSED can either opt for the discounted sale (10% off market value) or the Home Purchase Assistance Loan. The discounted sale and Home purchase Assistance Loan cannot be used together.
- 5.2 In addition, it is proposed to ***amend the eligibility criteria for HOUSED to take into account annual income rather than just salary. Some degree of flexibility around the income thresholds is to be introduced to facilitate property sales where there is no interest from applicants meeting the criteria.*** Where applicants fall below the minimum income threshold (currently £13,000 and £18,000 for single and joint applicants respectively) the Empty Property Team will refer the applicant(s) to an Independent Financial Advisor (IFA) from the Newheartlands Panel. The IFA will advise whether or not the applicant is suitable to buy the HOUSED property.

### Empty Property Loans

- 5.3 Wirral currently offers an Empty Property Loan of up to £10,000 for long term empty properties where the owner is prepared to become an accredited Landlord and refurbish them to decent homes standard, ensure freedom from Category 1 Hazards and grant nomination rights for five years for homeless families or persons in housing need. Should the landlord pay back the loan in full within the first 5 years nomination rights will be surrendered by the Council. The loan is payable to the landlord once the property becomes occupied and will be recovered once the property is sold. The Empty Property Loan is also available for first time buyers and it is proposed to link access to this loan to the Preferred Builders Protocol, previously mentioned in 2.5. ***Private Landlords will be asked to use the Protocol*** but as many landlords are also developers they are often able to carry out the works themselves or procure it from established suppliers.
- 5.4 The loan product has been reviewed to ensure that it is effective in bringing empty properties back into use and a balance between value for money and attractiveness to landlords is being achieved. Although still a relatively new product and in a restricted financial climate, since April 2009 there have been 80 application requests (68 of these resulting from a marketing campaign in August 09). This demonstrates a reasonable level of interest in financial assistance to bring long term properties back into use. However, only a fraction of application forms have been returned, of these only 4 loans have been completed and a further three have been approved.
- 5.5 Feedback from the applicants who failed to progress the loan have cited difficulty in accessing funds to make stage payments or purchase materials up front as the main reason for not taking up the loan offer. Other reasons given from a minority of applicants include reluctance to agree nomination rights and the bureaucracy associated with the application process.

- 5.6 It is suggested that the nomination criteria should remain non negotiable. It has also been agreed to ***provide more assistance to landlords to guide them through the application process in future.***
- 5.7 In addition to the existing loan product it is also recommended that ***Wirral pilot a small Empty Property Grant of £2,000 payable once the property becomes occupied.*** This type of assistance has been successfully operating in Chester for several years where around 50 grants are approved each year. This grant would not be linked to nomination rights and would therefore be simpler to administer. It would still require works to be completed to the decent homes standard, ensure freedom from Category 1 Hazards and the owner must become an accredited landlord before the works are signed off.

#### Group Repair and Neighbourhood Facelift Scheme

- 5.8 Both provide financial assistance to repair the external fabric of a block or terrace of houses. Under the terms of both types of scheme, a 'test of resources' is applied that results in private sector landlords and some owner-occupiers contributing up to 25% of the cost of the works. Lower income owner-occupiers can be excluded from making a financial contribution. Where an applicant has committed to make a financial contribution this is currently made once the works have been completed. Experience has shown that the participant's circumstances can change in the period between originally committing to the scheme and the point (often some months later) when the payment is due. The Council does make every effort to collect an applicant's financial contribution, however, it is proposed to ***introduce the discretion to waive the payment of any unpaid contribution, where circumstances of hardship<sup>1</sup> are subsequently established.***

#### Equity Loans for Renewal

- 5.9 Equity Loans for Renewal provide up to £30,000 to enable low income owner-occupiers with sufficient free equity in their houses to fund repairs/improvements to their homes. As part of the application process all applicants have to be assessed by an Independent Financial Advisor from the Council's list. Should any loan proceed to approval then the professional fees incurred in setting up the loan, including the IFA fee, are incorporated into the loan. Should the loan not proceed for any reason, these abortive costs are currently borne by the Council. It is proposed that in ***any future application involving abortive costs, the applicant becomes liable for paying these except in cases of proven hardship<sup>1</sup>.*** The applicant will be made aware of this condition prior to any costs being incurred. This amendment will match a similar condition already in place with abortive costs associated with applications for Home Repair Assistance Loans. These loans are available in certain circumstances across Wirral but are targeted at the HMRI area.

#### Home Repair Assistance

- 5.10 Home Repair Assistance (HRA) provides an interest free loan up to £6000 to help with small scale emergency repair work. In practice not all requests for assistance are deemed eligible within the terms of the current policy, despite affecting the wellbeing of the applicant. In order to have the flexibility to consider such situations as eligible for assistance, ***officers are to be given the flexibility to consider each case using a risk assessment. The emphasis will remain on an immediate risk to health and safety.***

<sup>1</sup> Hardship will be proven by the applicant producing all of the relevant facts for consideration, such as loss of employment and a reduction in household income.

#### The preferred Builders Protocol

- 5.11 Applicants for HRA and Equity Loans for Renewal must currently seek quotations from contractors registered under the Councils preferred builders protocol. Where there are insufficient suitable contractors registered it is proposed to allow applicants to seek

quotations from contractors not registered, on the understanding that the contractor will work towards full registration and will be subject to a desk top assessment by Wirral trading Standards.

## 6.0 OTHER ASSISTANCE

### Home Purchase Assistance Loan

- 6.1 The Home Purchase Assistance Loan previously mentioned in 2.4 will be incorporated into the revised policy.

### Financial assistance to support specific carbon reduction initiatives

- 6.2 The Council is already actively supporting carbon reduction measures through its Private Sector Housing and Regeneration Assistance Policy. The national focus on existing residential properties is shifting towards the 'whole house' approach and harder to treat solid wall properties. The Council has the opportunity to bid for and secure funding to benefit Wirral residents in relation to solid wall insulation. Some of this funding will be reliant on partnership working and match funding being secured from other sources. In light of this, there is a need to be able to respond quickly and provide robust funding bids. The review of Wirral's assistance policy on an annual cycle does not sit neatly with this need to respond quickly. It is proposed to **make a provision within the revised policy for new carbon reduction specific financial products to be created at short notice** in consultation with the Cabinet member for Housing. Any such products will be created to secure or compliment resources for the benefit of Wirral residents and could be retrospectively reported to Cabinet. Also, products may be created to support pilot initiatives focussing on solid wall insulation and associated energy efficiency measures in line with the 'whole house' approach. The next annual review would consolidate any new products introduced during the previous year.

### Financial Assistance to support fire safety upgrades to high risk Houses in Multiple Occupation (HMOs)

- 6.3 The Housing Act 2004 introduced powers which required local authorities to license all higher risk houses in multiple occupation. Wirral's recent Private Sector House Condition Survey highlighted these properties as having three times more Category 1 hazards (severe hazards which could affect the health and safety of vulnerable occupants) as single dwellings. These properties are also 10 times more likely to experience a fire than a single family dwelling and consequently they are required to have comprehensive fire precaution measures to ensure adequate means of escape from fire. It is proposed that **discretionary interest free loans of up to £10,000 are made available for HMO fire safety works, where the landlord agrees to become a member of the Council's Landlord Accreditation Scheme and adheres to the code of practice for HMOs and mandatory Licensing Scheme, if applicable**. As with the Empty Property Loan, nomination rights can be attached to support Wirral's Homelessness Strategy. These new loans are to be known as HMO Fire Safety Loans.

### Cosy Homes

- 6.4 Cosy Homes provides financial assistance towards improving energy efficiency and heating for households in the Housing Market Renewal Area. This scheme has been well received and has helped many residents throughout the HMRI area. Following on from this success it is proposed to **extend the scheme to assist property owners and vulnerable residents in the Healthy Homes Pilot Area in New Brighton**. Private sector landlords will be given priority as research has established a high concentration of private rented properties, split into flats and bedsits, within the pilot area. This type of accommodation is more likely to be occupied by low income vulnerable households. However, all vulnerable residents, including owner-occupiers will be able to apply for this assistance.

## Loan Administrator Contract Extension

6.5 Wirral Council and its HMRI partners currently use ART Homes Ltd (“ART”) to provide a loan administration service in relation to all equity based loans. The contract with ART was originally for the period 2007 to 31<sup>st</sup> March 2010, with an option to extend this contract further. Following discussions with ART and the relevant legal officers from the 3 partner Councils it was agreed to extend the contract for a further 12 months to 31<sup>st</sup> March 2011. This extension has been actioned by the accountable body Liverpool City Council. Beyond 2011, various options are currently being considered, including the possibility of a new regional loan provider service which is due to be launched in April 2011. I intend to report back to members on this matter when further information is available.

## **7.0 ENVIRONMENTAL RESPONSIBILITY**

7.1 Since April 2009 the assistance policy has been reviewed to see if it can incorporate any further measures to secure a more environmentally responsible policy. This review has resulted in a number of changes being made to the standard ‘schedule of works’ used in connection with both the Equity Renewal Loan and the Home Repair Assistance Loan. These changes introduce the flexibility for service users to opt to use more environmentally friendly methods of renovation or materials when undertaking repairs or improvements. Contractors used in connection with loan products will be encouraged to use recycled materials and FSC sourced timber products. In relation to both Group Repair and Neighbourhood Facelift Schemes measures to reduce the carbon footprint of the houses involved will be increased over time and will start with the piloting of both internal and external solid wall insulation. Recent innovations successfully introduced in the Craven Street Facelift Scheme involves solar thermal water heating and rear yard gates and frames constructed out of recycled plastic. It is envisaged that future schemes will continue to evolve over time incorporating the latest thinking in terms of environmental sustainability.

## **8.0 FINANCIAL IMPLICATIONS**

8.1 The funding for the revised policy will be from HMRI and Housing Capital programme resources for 2010/11.

8.2 As mentioned in 6.2 the Council is seeking to further support the revised policy through external funding. At this stage there is no guarantee that additional funding will be secured

## **9.0 STAFFING IMPLICATIONS**

9.1 Existing staffing arrangements can deliver the revised policy.

## **10.0 EQUAL OPPORTUNITIES/EQUALITY IMPACT**

10.1 The revised policy recognises that there will be a proportion of vulnerable owners whom will not have sufficient resources to maintain their homes. In addition, in relation to clearance action some owners and residents might be unable to fund a move to an alternative property. The policy makes provision for such owners and residents.

10.2 The proposals contained within this report have now been subjected to a period of consultation. The existing HMRI Clearance & Improvement Programmes Equality Impact

Assessment has been reviewed in light of the proposed revisions and consultation feedback and no changes are considered necessary.

10.3 Service delivery of the revised policy will be routinely monitored in relation to equality and diversity.

#### **11.0 COMMUNITY SAFETY IMPLICATIONS**

11.1 The revised policy takes into account community safety implications, particularly in relation to renovation assistance.

#### **12.0 LOCAL AGENDA 21 IMPLICATIONS**

12.1 The revised policy includes measures to both support the improvement of existing housing stock where this is deemed to be sustainable and assist with the strategic clearance of obsolete housing stock and the provision of new, energy efficient houses for the future. The policy includes measures to reduce environmental impact.

#### **13.0 PLANNING IMPLICATIONS**

13.1 Assistance for private sector housing renewal supports the Urban Regeneration Strategy outlined in the Unitary Development Plan and Regional Spatial Strategy. In particular, it will help to promote carbon reduction measures and encourage the reuse of existing buildings that are worthy of retention. These proposals would also support the delivery of the emerging preferred options for the Core Strategy.

#### **14.0 ANTI-POVERTY IMPLICATIONS**

14.1 The revised assistance policy targets the majority of its assistance towards low income households. Those applicants deemed to have the ability to afford improvements or relocation by other means will be sign-posted accordingly.

#### **15.0 SOCIAL INCLUSION IMPLICATIONS**

15.1 The revised assistance policy helps those members of society least able to afford to undertake improvements or move to alternative accommodation. In addition, it assists private landlords to improve housing conditions for some of the most vulnerable members of society.

#### **16.0 LOCAL MEMBER SUPPORT IMPLICATIONS**

16.1 This report affects all wards

#### **17.0 BACKGROUND PAPERS**

17.1 Cabinet report 'Adoption of a Preferred Builder Protocol in connection with the Private Sector Housing and Regeneration Assistance Policy', 16<sup>th</sup> October 2008

17.2 Cabinet report 'Home Purchase Assistance Loan Scheme', 3<sup>rd</sup> September 2009

#### **18.0 RECOMMENDATIONS**

18.1 That Members agree the revised Private Sector Housing and Regeneration Assistance Policy as set out in this report and that this be implemented with immediate effect.



- 18.2 That Members agree to amend the Preferred Builders Protocol to allow applicants to seek quotations from suitable contractors not registered with the Protocol only when insufficient registered contractors are available to provide a quotation. This is subject to the conditions mentioned in paragraph 5.2 of this report.
- 18.3 That members note the 12 month extension until 31<sup>st</sup> March 2011, to the ART Homes Ltd loan administration contract, in conjunction with our HMRI Partners.

Jim Wilkie  
Deputy Chief Executive/Director of Corporate Services

This report was prepared by Joanna Seymour and Alan Lipscombe who can be contacted on 691 8126 and 691 8122, respectively

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**A summary of the proposed revisions to the Private Sector Housing and Regeneration Assistance policy**

<b>Existing Policy</b>	<b>Changes in Policy</b>	<b>Reasons for change</b>
<p><b><u>Equity Relocation Loans</u></b></p> <p>The normal maximum of loan is £35,000 however; the Newheartlands Discretionary Panel can in certain circumstances approve a loan up to £45,000.</p>	<p><b><u>Equity Relocation Loans</u></b></p> <p>To increase the upper limit of the Relocation Loan to a maximum of £55,000 in cases of HMRI new build only. All cases wishing to access this new limit will require the agreement of the Discretionary Panel.</p>	<p>On the 3<sup>rd</sup> June 2009 the Newheartlands Monitoring and Implementation Group decided to increase the upper limit.</p>
<p><b><u>Preferred Builders Protocol</u></b></p> <p>Quotations from suitable contractors registered with the preferred builders protocol/ full membership of the Wirral Traders Scheme run by Wirral Trading Standards.</p>	<p><b><u>Preferred Builders Protocol</u></b></p> <p>Allow applicants seeking assistance to complete renovation works, to obtain quotations from suitable contractors not registered with the preferred builders protocol, only in circumstances where sufficient quotations cannot be obtained by using registered contractors. Any non registered contractor used for quotations will have to be prepared to work towards full membership of the Wirral Traders Scheme/preferred builders protocol and will be subject to a desk top evaluation by Wirral Trading Standards.</p>	<p>To ensure the Council can respond to requests for assistance when insufficient specialist contractors are available via the Preferred Builders Protocol.</p>
<p><b><u>Relocation Rent Support</u></b></p> <p>This is time limited financial assistance designed to cushion any increase in rent payments resulting from the relocation of non-residential interests from a demolition scheme.</p>	<p><b><u>Relocation Rent Support</u></b></p> <p>It is proposed to introduce a condition that prevents either the applicant or his/her immediate family from having an interest in the alternative property which is subject to the Relocation Rent Support assistance.</p>	<p>Improvements to the policy.</p>
<p><b><u>HOUSED (Home Ownership Using Sustainable Empty Dwellings)</u></b></p> <p>Applicants for the HOUSED scheme must have an annual salary as</p>	<p><b><u>HOUSED (Home Ownership Using Sustainable Empty Dwellings)</u></b></p> <p>It is proposed to amend the eligibility criteria for HOUSED to take into account annual income rather than just salary.</p>	<p>To allow the inclusion of income such as welfare benefits in addition to income derived from a salary.</p>

<p>follows: Single applicants between £13,000 and £30,000 Joint applicants between £18,000 and £40,000</p>	<p>Some degree of flexibility around the income thresholds is to be introduced to facilitate property sales where there is no interest from applicants meeting the criteria.</p>	
<p><b><u>Empty Property Loans</u></b> Applications will be considered from the following who own a long term vacant property: (i) Property owners who are landlords accredited with the Wirral Landlord Accreditation Scheme (ii) Building contractors registered with the Wirral Traders Scheme (subject to becoming an accredited landlord) (iii) Developers registering an interest in renovating empty properties with The Council's Empty Property Team (subject to becoming an accredited landlord) (iv) Applications will also be considered from First Time Buyers, who, if successful, must reside in the premises for at least 3 years Applicants must renovate the property to at least the Decent Homes Standard, as assessed by the Council</p>	<p><b><u>Empty Property Loans</u></b> Private Landlords will be asked to use the Preferred Builders Protocol but as many landlords are also developers they are often able to carry out the works themselves or procure it from established suppliers. It is proposed to provide more assistance to landlords to guide them through the application process in future.</p>	<p>Improvements to the policy and to make the process easier to understand.</p>
<p><b><u>Empty Property Grant</u></b> A new product that will be piloted this year.</p>	<p><b><u>Empty Property Grant</u></b> Pilot a small Empty Property Grant of £2,000 payable once the property becomes occupied. This type of assistance has been successfully operating in Chester for several years where around 50 grants are approved each year. This grant would not be linked to nomination rights and would therefore be simpler to</p>	<p>To encourage empty properties to be brought back in to use.</p>

	administer. It would still require works to be completed to the decent homes standard, ensure freedom from Category 1 Hazards and the owner must become an accredited landlord before the works are signed off.	
<p><b><u>Group Repair and Neighbourhood Facelift Scheme</u></b></p> <p>The Council will pursue unpaid contributions where it deems it appropriate. Each case will be considered on its merits</p> <p>Any action for breach of conditions and recovery of costs will be dealt with by the Council.</p>	<p><b><u>Group Repair and Neighbourhood Facelift Scheme</u></b></p> <p>The Council does make every effort to collect an applicant's financial contribution, however, it is proposed to introduce the discretion to waive the payment of any unpaid contribution, where circumstances of hardship are subsequently established.</p>	<p>In recognition of the economic climate and the difficulty currently being experienced following a change in financial circumstances. The applicant would have to prove that he/she would suffer hardship if all or part of the assistance was repaid (this would need to be proven by producing all the relevant facts for consideration such as loss of employment and a reduction in household income)</p>
<p><b><u>Equity Loans for Renewal</u></b></p> <p>The amount of the loan includes the cost associated with setting up the loan and includes professional fees. (Should the loan not proceed then these costs will be paid for by the Council)</p>	<p><b><u>Equity Loans for Renewal</u></b></p> <p>It is proposed that in any future application involving abortive costs, the applicant becomes liable for paying these except in cases of proven hardship.</p>	<p>In order to reduce the Council's current liability to cover abortive costs.</p>
<p><b><u>Home Repair Assistance</u></b></p> <p>Discretionary home repair assistance is allocated mainly to dwellings affected by one or more of the following defects:</p> <ul style="list-style-type: none"> <li>• Risk of electric shock or fire as a result of a defective electrical installation.</li> <li>• Risk of carbon monoxide poisoning from a gas appliance. Any remedial</li> </ul>	<p><b><u>Home Repair Assistance</u></b></p> <p>Discretionary home repair assistance is allocated mainly to dwellings affected by one or more of the following defects: Same as in previous policy but with the following addition</p> <ul style="list-style-type: none"> <li>• Any other conditions determined by the Council to present an immediate risk to the health and safety of the occupant(s). Each case to be</li> </ul>	<p>Improvement to the policy.</p>

<p>works will be limited to the removal of the defective appliance, and the replacement of an equivalent specification.</p> <ul style="list-style-type: none"> <li>• Risk of imminent structural collapse of part of the building or structure.</li> <li>• Dampness considered so pervasive as to be prejudicial to the health of the occupant(s)</li> <li>• The repair or replacement of a domestic water heating appliance in accommodation occupied by elderly people or young children.</li> <li>• Properties with collapsed drains causing surcharge of effluent, where remedial works are not covered by property insurance.</li> <li>• Category 1 Health and Safety Rating System hazards under the criterion excess cold (In respect of elderly applicants eligibility will be limited to those who cannot expediently access a Warm Front grant from the government).</li> </ul>	<p>considered on its merits and subject to a risk assessment</p>	
<p><b><u>Financial assistance to support specific carbon reduction initiatives</u></b> New provisions to be introduced</p>	<p><b><u>Financial assistance to support specific carbon reduction initiatives</u></b> It is proposed to make a provision within the revised policy for new carbon reduction specific financial products to be created at short notice in consultation with the Cabinet member for Housing. In order to support future grant funding bids made by the Council this provision allows the Council to create carbon reduction specific financial products at short notice. The eligibility and</p>	<p>Improvements to the policy to ensure the Council can maximise any funding available to the authority, at short notice.</p>

	<p>conditions relevant to any such products will be reported to the Councils Cabinet and incorporated in the next policy revision.</p>	
<p><b><u>HMO Fire Safety Loans</u></b> A new product that will be targeted at Houses in Multiple Occupation in New Brighton (primarily in the Healthy Homes pilot area)</p>	<p><b><u>HMO Fire Safety Loans</u></b> Interest free loans of up to £10,000 will be made available towards HMO fire safety works only providing the landlord agrees to become a member of the Council's Landlord Accreditation Scheme and adheres to the code of practice for HMOs and mandatory Licensing Scheme, if applicable. As with the Empty Property Loan, nomination rights can be attached to support Wirral's Homelessness Strategy. Loans will be prioritised on a strategic basis by the Housing Standards Team with the highest priority area being the Healthy Homes area of New Brighton.  Applicants must also renovate the property to a standard which ensures the property is free from all Category 1 Hazards, as assessed by the Council.</p>	<p>A new product to be introduced to improve HMO safety.</p>
<p><b><u>Cosy Homes</u></b> All private sector property owners within the Housing Market Renewal Area are entitled to 100% funding for loft and cavity wall insulation. Assistance towards improving heating provision</p>	<p><b><u>Cosy Homes</u></b> Cosy Homes provides financial assistance towards improving energy efficiency and heating for households in the Housing Market Renewal Area and this is to be extended to include the Healthy Housing Pilot Area in New Brighton.</p>	<p>Extension of the availability of the existing product.</p>

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	2010 / 2011						Total	Number of Units
	A10 HMRI 10/11	A41 HIP 10/11	A41 HIP 09/10 c/f	A41 Growth Point	A41 Warm Front	Capital Receipts		
<b>Clearance</b>							<b>7,589,368</b>	
Birkenhead	2,275,000	-	825,368	600,000		534,000	<b>4,234,368</b>	30 B50a ( 2 RSL) 25 B50c acq 23 B40b 52 B40c dem
Rock Ferry	430,000	-					<b>430,000</b>	3 B50a private acq 77 B40b demolitions
Tranmere	1,900,000	-					<b>1,900,000</b>	14 B50a acq 9 B40b demolitions
Wallasey	100,000	275,000	650,000				<b>1,025,000</b>	1 B50a 4 B50c acq 6 B40b demolitions
<b>Improvements to Retained Stock</b>							<b>4,540,034</b>	
Group Repair Phase 4	-	-	-			589,000	589,000	43 properties inc. 42 B30a homes
Private Sector (Craven Street)	500,000	-	-				500,000	31 B30a private B30b RSL 9
Private Sector (Paterson Street)	650,000	250,000					900,000	20 B30a private 5 B30b private 15 B30b RSL
Private Sector (Trafalgar Road)	-	375,000					375,000	0
Equity Renewal Loans HMRI	-	230,000	-				230,000	8 B30b private
Equity Renewal Loans non HMRI	-	50,000	-				50,000	n/a
Energy Efficiency	165,000		-		500,000		665,000	93 B30a private 282 B30b private
Energy Efficiency Cosy Homes non HMRI		50,000			-		50,000	n/a
Energy Efficiency Cosy Loans non HMRI		100,000			-		100,000	n/a
HOUSED	-	-				250,000	250,000	n/a
Empty Property Loans		100,000					100,000	10 B30b private
Empty Property Grants		20,000					20,000	10 B30b private
First Homes	-	33,000					33,000	n/a
HMO Licensing		20,000					20,000	n/a
Healthy Homes		100,000					100,000	n/a
Disabled Facilities Grants HMRI			158,034				158,034	
Home Repair Assistance		400,000					400,000	
<b>Environmental Improvements C6907</b>	135,000						<b>135,000</b>	
<b>Living through Change</b>							<b>795,000</b>	
Landlord Accreditation	200,000						200,000	n/a
Neighbourhood Wardens	175,000						175,000	n/a
Handyperson Scheme	60,000						60,000	n/a
Environmental Wardens	200,000						200,000	n/a
Community Schemes	15,000						15,000	n/a
Respect agenda	60,000						60,000	n/a
Construct Wirral	85,000						85,000	n/a
<b>Resources</b>	1,700,000	232,000					<b>1,932,000</b>	n/a
<b>Other</b>								n/a
Homemovers Service	260,000						<b>260,000</b>	n/a
HMRI Relocation Loans	200,000						<b>200,000</b>	n/a
Business Relocation		120,000					<b>120,000</b>	n/a
Shared Equity Schemes				600,000			<b>600,000</b>	n/a
<b>Total</b>	<b>9,110,000</b>	<b>2,355,000</b>	<b>1,633,402</b>	<b>1,200,000</b>	<b>500,000</b>	<b>1,373,000</b>	<b>16,171,402</b>	

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<b>HCA CORE OUTPUTS</b>	
Reference	Description
B30	The total number of homes refurbished, repaired or otherwise improved by tenure
B30 A)	A) The Programme Target - financed by HMRI grant
B30 B)	B) The Scheme Target - direct result of HMRI activity but not funded

B40	The total number of homes demolished, by tenure, during the period.
B40 B)	B) The Programme Target - financed by HMRI grant
B40 C)	C) The Scheme Target - direct result of HMRI activity but not funded

B50	The total number of properties acquired, by tenure
B50 A+B)	A + B) Properties (including homes and other properties) financed by HMRI Grant - The Programme Target
B50 C)	C) Properties (including homes and other properties) without HMRI grant - the Scheme Target

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WIRRAL COUNCIL

CABINET –27 MAY 2010

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES

## WIRRAL'S HOUSING INVESTMENT PROGRAMME 2010-11

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### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to seek Cabinet's approval to:

- i. Wirral's Housing Investment Programme for 2010-11, subject to the completion of a Deed of Variation between Newheartlands and the Homes and Communities Agency (HCA) to secure Housing Market Renewal funding for 2010 -11.
- ii. Delegate authority for programme management and delivery and completion of the Deed of Variation to the Deputy Chief Executive/Director of Corporate Services and the Director of Law, HR and Asset Management.
- iii. Underwrite from HMRI funds, if required, Keepmoat Homes' reasonable costs up to a maximum of £150,000 to enable the momentum of Housing Market Renewal new build in Birkenhead to continue in advance of securing legal agreement between the Council and Keepmoat Homes.

### 2.0 BACKGROUND

2.1 From 1st December 2008, the Homes and Communities Agency (HCA) became responsible for administering the Housing Market Renewal Initiative (HMRI) and its funds from the Department of Communities and Local Government.

2.2 Newheartlands (the Merseyside Housing Market Renewal Pathfinder) was allocated financial resources for 2008-11. These are shown in the following table alongside Wirral's allocation.

	2008-09	2009-10	2010-11
HMRI Allocation to Newheartlands	£53.96 m	£50.956 m	£47 m
Allocation to Wirral	£10.51 m	£9.91 m	£9.11 m

2.3 The Newheartlands Business Plan for the 2008-11 programme was approved by Cabinet on 4th October 2007. This set out the vision for Wirral's HMRI Strategy, specific housing market renewal objectives, priorities for investment and a range of programme scenarios. The overall HMRI Programme for 2008-11 was agreed by Cabinet on 9th July 2008.

2.4 Regional Housing Pot funding allocated over the same period of time was:

	2008-09	2009-10	2010-11
Allocation to Wirral	£5.121 m	£5.241 m	£2.355 m

2.5 The majority of this funding has been used as match funding to Housing Market Renewal funding. The remainder being used mainly to fulfil statutory responsibilities within and

outside the HMRI area. Cabinet should note the significant reduction in Wirral's allocation for 2010-11 compared to 2009-10. This is in line with other Local Authorities and results from a reduced Regional Housing Pot.

- 2.6 The basis of the Council's approach to delivery of the housing market renewal clearance programme is through negotiation and agreement underpinned by Compulsory Purchase as a last resort. In a market of falling prices, it has proved difficult to keep up with demand from property owners to sell to the Council within priority areas, hence progress is good. However, the Council may have to use compulsory purchase powers in 2010-11 to complete longstanding acquisition projects for key sites.
- 2.7 Funding for 2010-11 will allow Wirral to continue its successful Housing Investment Programme.

Principally this will achieve:

- completion of further new homes on the Sevenoaks Scheme in Rock Ferry
- commencement of new retail development in Church Road, Tranmere
- completion of new homes at Whitford Road, Tranmere
- completion of new homes at Holt Hill, Tranmere
- completion of new homes at Woodhall/Royston Avenues, Wallasey
- completion of Extra Care housing scheme at Gorsey Lane, Wallasey
- completion of large scale refurbishment projects in Birkenhead.
- progression of large scale clearance projects in Birkenhead including assembly of sites for new build and development of major new build proposals.
- a Living Through Change Programme supporting communities through services such as the Live Wirral Wardens.

- 2.8 The housing market in 2010-11 faces a number of challenges and this Housing Investment Programme will use innovative schemes to address this including new build gap funding based on using land values from overall development packages, shared equity to support home ownership, improved services to support businesses and help the local economy. The programme for 2010-11 is aligned to the New Growth Point project and wider government housing stimuli, such as Kickstart funding for stalled new build developments, support for homeowners at risk of losing their homes, funds available through the National Affordable Housing Programme, government funding for new affordable housing and an energy saving programme investing in social housing with the aim of reducing carbon emissions.

- 2.9 Cabinet is advised that Newheartlands has agreed the Deed of Variation for 2010-11 with the Homes and Communities Agency (HCA), subject to approval of Liverpool, Sefton and Wirral Councils. The Deed of Variation entitles Newheartlands to claim funds from the national pathfinder programme. Therefore, Cabinet is asked to agree this programme subject to the completion of the Deed of Variation and is asked to delegate authority to the Deputy Chief Executive/Director of Corporate Services and the Director of Law, HR and Asset Management to effect this.

### 3.0 **THE HOUSING INVESTMENT PROGRAMME 2010-11**

- 3.1 The Housing Investment Programme 2010-11 which builds upon priorities and initiatives in previous reports, consists of the following initiatives, for which Cabinet's approval is sought:

- Birkenhead Clearance
- Rock Ferry (Fiveways) Clearance
- Tranmere (Church Road) Clearance
- Tranmere (Borough Road) Clearance
- Wallasey (Royston/Woodhall Avenues) Clearance
- Strategic site assembly
- Group Repair/Facelift Improvements
- Private Sector Home Improvements
- Private Rented Sector Home Improvements
- Living Through Change
- New Build

3.2 Appendix 1 contains a spreadsheet showing the Housing Investment Programme for Wirral for 2010-11, including the funding sources and the outputs which will be achieved.

3.3 The following sections of the report set out the detail of each of the above initiatives

#### 4.0 **BIRKENHEAD CLEARANCE**

4.1 This project will complete two clearance projects in the North Birkenhead area at Milner/Carrington Streets and in the Bray/Brassey/Laird Street area. HMRI funds of £2,275,000, Regional Housing Pot Funds of £825,368, Growth Point funding of £600,000 and recycled capital receipts of £534,000 will allow for acquisitions and demolition in these and other strategic areas.

#### 5.0 **ROCK FERRY (FIVEWAYS) CLEARANCE**

5.1 The implementation of the land assembly component of the Fiveways scheme is almost complete with only 3 residential units to be acquired as part of the 2010-11 programme. HMRI funding of £430,000 will complete a programme of acquisition and clearance of 300 properties spanning five years. 24 homes for rent and 10 for shared ownership being developed for Riverside Housing Association, in Phase 1, had been completed by the end of 2009/10. The remaining 21 units for rent and 5 for shared ownership will be completed by June 2010. 7 units for outright sale were completed by end of March 2010. A further 47 open market units will be built in Phase 1 but the rate of completion is dependent on market conditions. The completion of the clearance scheme as part of the 2010-11 programme makes land available for a further 169 units to be developed.

#### 6.0 **TRANMERE (CHURCH ROAD) CLEARANCE.**

6.1 It is planned to spend HMRI funding of £1,600,000, in 2010-11 to complete the acquisition and clearance of retail, commercial and residential units in Tranmere, in line with the Church Road Masterplan. The Programme for 2010-11 will enable the acquisition of 1 residential and 7 commercial properties identified for clearance and will facilitate the commencement of new build development. Until now, all property acquisitions have been achieved through negotiation but it may be necessary to use compulsory purchase powers in 2010-11 to acquire some of the remaining properties, in order to proceed with planned new build development phases.

## **7.0 TRANMERE (BOROUGH ROAD) CLEARANCE**

7.1 It is planned to spend HMRI funding of £300,000 to acquire the remaining 4 properties and demolish the block 305-329 Borough Road, Tranmere. An after use for the site is still to be determined.

## **8.0 WALLASEY (ROYSTON/WOODHALL) CLEARANCE**

8.1 HMRI funding of £100,000 will allow acquisition of the remaining property in the Royston/Woodhall Avenue (Wallasey) Statutory Clearance Area to enable final demolition to take place and allow Phase 2 of the redevelopment of the site to take place. New Build development began on the first phase site in March 2009.

## **9.0 STRATEGIC SITE ASSEMBLY**

9.1 The sum of £925,000 of Regional Housing Pot funding remains allocated for the years 2010-11 for strategic acquisitions, in the Wallasey neighbourhood. This funding will be used to acquire land or properties to create sites suitable for housing development. A number of sites have been identified and negotiations are underway.

## **10.0 GROUP REPAIR IMPROVEMENTS**

10.1 It is intended to complete Phase 4 of the Triangles Group Repair Scheme, in Birkenhead. Client contributions of almost £589,000, from earlier phases, will be used to meet the overall costs of the scheme and provide excellent value for money to the Council. Phase 4 of the scheme will complete the Triangles Group Repair Scheme and encompasses retail units on Laird Street and Mallaby Street. Phases 1, 2 and 3 have been very successful with take up of 95% from eligible applicants and have resulted in a major uplift in the local housing market.

## **11.0 PRIVATE SECTOR HOME IMPROVEMENTS**

11.1 It is intended to allocate a total of £3,201,034 of HMRI and Regional Housing Pot funding, in 2010-11, to enable improvements to sustainable private sector housing stock.

11.2 The Craven/Paterson Streets, Neighbourhood Facelift Scheme, Birkenhead involves renovation of the external fabric of the houses over two phases. Works include, where necessary, re-roofing, strengthening of roof timbers, repairs to chimney stacks and flashings, new windows, doors, fascias, gutters and pebbledash, re-covering of bay windows, new non slip tile frontage, rear boundary walls made good and rear yard gates. Work may also include the installation of solar water heating panels, where appropriate. Other works will be undertaken to improve the general environment and street scene. The scheme offers a 75% grant with a means tested household contribution of up to 25%, supported by a reducing 3 year financial charge on the property. Phase 1 of the scheme is almost complete and in 2010/11, HMRI funding of £1,150,000 and £250,000 Regional Housing Pot funding has been allocated to the scheme. Maritime Housing Association (part of the Regenda Group) is renovating properties in its ownership, within the scheme boundary, at a cost of £600,000 and is also project managing the entire scheme. The first phase of the scheme started on site in May 2009. Phase 2 will start in July 2010. 8 Empty properties have been acquired and will be renovated and sold for owner occupation, under the HOUSED scheme (see 11.5).

11.3 Equity Renewal Loans will continue to enable low income homeowners, with sufficient equity in their property, to fund improvements/repairs which otherwise may not be possible due to financial constraints. The cost of works will be calculated as a



percentage of the overall estimated value of the property, and this will be registered as a charge against the property. There are no repayments on the loan, until the client or executor sells the property, or until the client decides to repay a lump sum.

11.3 Applicants can have the following works undertaken:

- Works to the Decent Homes Standard (up to £30,000 subject to there being a minimum of 20% free equity in the property)
- Environmental sustainability works subject to the house meeting the Decent Homes Standard on completion.

11.4 £280,000 of Regional Housing Pot Funding will be used for Equity Renewal Loans across Wirral but targeted primarily in the HMRI area.

11.5 The terrace 11-41 Trafalgar Road, in Wallasey, is currently the subject of an options appraisal to determine the best course of action for dealing with the major disrepair and dereliction in the block. One option being considered in detail involves the full renovation of the houses already owned by the Council and the external renovation of the remaining properties in private ownership. The implementation of the outcome of the appraisal will be in 2010-12 and in anticipation of the outcome involving renovation, an indicative allocation of £375,000 will be made, in 2010-11, using Regional Housing Pot Funding.

11.6 The HOUSED (Home Ownership Using Sustainable Empty Dwellings) Scheme purchases long term empty properties, improves them and sells them to support owner occupation. The properties are refurbished to Secured by Design standards and a 10% discount is offered to help first time buyers. Priority is given to those living in clearance areas or people in urgent housing need. £250,000 of recycled capital receipts from HOUSED sales will be used to fund HOUSED in the HMRI area.

11.7 Empty Property Loans of up to £10,000 will be made available to bring back into use long term empty properties. Applicants who are not first time buyers must agree to accept tenant nominations from the Council and make the property available for letting for a minimum period of 5 years. £100,000 Regional Housing Pot Funding will be used for this scheme.

11.8 Empty Property Grants of up to £2,000 will be piloted in 2010-11. These will be available to support the renovation of strategically located long term vacant properties. Assistance is conditional upon the property being brought back into use. £20,000 Regional Housing Pot Funding will be used for this scheme.

11.9 The Empty Property Team continues to work in partnership with the Homemovers Service, on the First Homes scheme.

11.10 First Homes encourages and supports primarily first time buyers (subject to eligibility criteria) into home ownership in the Housing Market Renewal area. The scheme provides support and guidance, a financial incentive up to £2,000 towards purchasing and moving costs, and referral to an Independent Financial Adviser for mortgage advice and access to other support services. In 2010-11, the scheme will use £33,000 of Regional Housing Pot funding.

11.11 The Energy Efficiency Scheme will receive HMRI funding of £165,000, Regional Housing Pot funding of £150,000 and Warm Front funding of £500,000 to provide for private sector properties:

- Central heating and heating improvements to vulnerable households so they reach the thermal comfort criterion of Decent Homes Standard
- Free loft and cavity wall insulation
- Solid wall insulation to properties being renovated by the Empty Property Team
- Interest free loans for replacement boilers, solar water heating and for facilitating the installation of loft and cavity wall insulation

11.12 Members should note the Energy Efficiency Scheme targeted at properties in HMRI is separate to the Wirral Free Insulation Initiative. Members approved the use of £1.049 million Council resources in 2010/11 to deliver the first year of a four year programme of loft and cavity wall insulation to private sector homes in the Borough. This is due to be launched in July 2010.

11.13 Regional Housing Pot funding of £400,000 has been allocated for Home Repair Assistance. This is discretionary assistance in the form of a loan designed to provide help with small scale emergency works of repair.

## 12.0 PRIVATE RENTED SECTOR IMPROVEMENTS

12.1 Healthy Homes is a new project focusing on improvements in the private rented sector and initially targeting a small area in New Brighton which has the highest concentration of HMOs (Houses in Multiple Occupation) in the Borough. These properties are over three times more likely to have a serious building related hazard and typically have the most vulnerable households. A targeted approach to improvements and enforcement is proposed to reduced hazards and improve the health and wellbeing of residents in the area.

12.2 The project has been developed through a multi-agency steering group involving the Primary Care Trust, Merseyside Fire and Rescue Service and a number of Community and Voluntary Sector Agencies such as Citizens Advice Bureau, Age UK and Reach Out.

12.3 The project will work pro-actively with landlords encouraging up-take of Wirral's Property Accreditation Scheme, offering training and loans to landlords to remove hazards such as excess cold and inadequate fire precautions. Regional Housing Pot funding of £100,000 will be used for Fire Safety Loans up to the value of £10,000 each and works in default as required.

12.4 Regional Housing Pot funding of £20,000 has been allocated to HMO Licensing to support licensing and enforcement activity.

## 13.0 LIVING THROUGH CHANGE

13.1 The Living Through Change Programme will cover a number of non-physical interventions aimed at maintaining environmental standards, community safety and community cohesion throughout the Housing Market Renewal areas. In addition, the programme will support the Clearance, New Build and Improvement programmes and reduce the potential negative impact on residents, in the Housing Market Renewal areas. It is planned to use a total of £1,190,000 for the initiatives that make up the programme, allocated as follows:

- Live Wirral Wardens £375,000
- HMR Anti-Social Behaviour £60,000
- Handyperson Scheme £60,000
- Landlord Accreditation £200,000
- Community Schemes £15,000
- Build Wirral Employment Project £85,000
- Homemovers Service £260,000
- Environmental Improvements £135,000

13.2 The programme of initiatives is a continuation of the successful schemes implemented in 2004-10.

13.3 The award winning Live Wirral Wardens will continue their work with the community keeping them informed, organising activities and events and keeping the HMRI areas clean and tidy.

13.4 HMR Anti-Social Behaviour funding will pay for an officer and two part time youth workers to address issues in the HMRI areas. They will specialise in community engagement and tackle the causes and effects of anti-social behaviour.

13.5 The very successful Homemovers Service will continue with the current level of staffing. This has been recognised as a model of good practice nationally and retained the Government's Charter Mark for Customer Service excellence, in March this year.

13.6 The Handyperson Scheme will continue to undertake small maintenance and repair jobs and some security improvements to homes in the HMRI area.

13.7 The Landlord Accreditation Scheme will further the accreditation of private landlords, in order to improve property conditions and management standards in this sector of the housing market.

13.8 Environmental Improvement funding will be used for small scale improvement works to complement the Clearance, Improvement and New Build programmes.

13.9 Community Schemes, including a Wirral Youth Voice Conference and schools work are planned to enhance community engagement.

13.10 The Construct Wirral objective is to ensure the involvement of local individuals and companies in the redevelopment and regeneration schemes taking place in Wirral. The intention is to increase the number of people, within Wirral's priority neighbourhoods, with the necessary recognised construction industry skills and qualifications, to meet the needs of employers, whilst also supporting economic growth of local businesses involved in the construction sector. A number of interventions are planned working in conjunction with Private Sector Developer Partners, Public Sector Partners, supporting and promoting Wirral Traders Scheme, Invest Wirral and other key stakeholders. This project will link with the Construction Employment Integrator Project.

#### 14.0 **RELOCATION SUPPORT**

14.1 Relocation loans and support (subject to eligibility criteria) will be made available to both householders and businesses. £200,000 of HMRI funding and £120,000 of Regional Housing Pot funding will be used for this purpose.

## 15.0 **NEW BUILD**

15.1 The new build programme is most advanced in Sevenoaks, Rock Ferry where 41 homes have been completed in Phase 1. The retail development in Church Road, Tranmere is now on site. Work started on the site in Whitford Road, Tranmere in January, following a successful bid under the Government's Kickstart programme. 56 homes will be completed by end of March 2011. The remaining residential new build for Sevenoaks and Church Road will be brought forward when the housing market recovers. Elsewhere new build schemes are on site at:

- Royston/Woodhall, Wallasey
- Gorsey Lane (Extra Care), Wallasey
- Holt Hill, Tranmere
- Falkland Road, Wallasey
- Fox Street, Birkenhead

15.2 Discussions are continuing with Keepmoat Homes, the Council's private sector developer partner for Birkenhead, and local residents about plans for the future redevelopment of the declared clearance areas. These plans require considerable developer and architectural input and in order to keep Keepmoat Homes active involvement, it is recommended that the Council underwrites, if required, Keepmoat Homes' reasonable costs to continue project development alongside the legal negotiation. The Council is only liable to pay Keepmoat Homes' abortive costs should legal agreement not be reached. In 2007, the Council agreed to underwrite Lovell's costs and this enabled schemes in Rock Ferry and Tranmere to progress.

15.3 The Housing Strategy Team is looking to procure a Registered Social Landlord to work alongside the Council and Keepmoat Homes on the redevelopment of cleared sites in Birkenhead. Work is underway on the proposed structure for engagement of a Registered Social Landlord partner and will be the subject of a further report for Members' consideration

15.4 Future new build will be determined by site availability, market conditions and access to funds to increase the attractiveness of new build homes. These will be reported to Cabinet as required.

## 16.0 **HOUSING POLICY WORK**

16.1 An independent evaluation of the impact and operation of the Wirral HMR programme to date will be commissioned this year, following a similar study in Liverpool and advice from the Audit Commission. The evaluation will review achievements, consider how changes to the housing market have affected delivery; explore challenges for future strategy and delivery of the programme in the current economic climate. This will enable assessment of the operation and impact of the programme in order to maximize benefits. It will be used to advise residents and communities affected by the programme on progress of outcomes, outputs and future direction. The findings will inform development of future interventions, support continued momentum and assist engagement with communities, stakeholders and strategic partners in the vision of creating sustainable neighbourhoods.

16.2 Work is underway on a basic Design Guide to inform and encourage quality innovative and responsive design within all developments in HMR areas. It will be used also as a basis for the preparation of more formal guidance in the future as part of Wirral's Local Development Framework. It will advise future site specific guidance, including

development briefs, setting out design principles for how an area will function and the location of necessary transport and community facilities.

- 16.3 Research is underway to develop an approach to place making in HMRI areas based on an assessment of the impact of investment dating back to 1998 in Tranmere and Rock Ferry. The strategy will examine what makes a good place to live and how the neighbourhoods of Tranmere and Rock Ferry measure up to this. It will be informed by a series of consultations with residents from the areas, particularly those affected directly by regeneration activity. This information will then be used to devise a strategy to tackle what remains to be done in Tranmere and Rock Ferry to make it a more attractive area to live and work.

## **17.0 FINANCIAL IMPLICATIONS**

- 17.1 Homes and Communities Agency funding, RSL investment and private sector funding will contribute over £20 million into the overall programme for regenerating the housing market of Wirral. This is in addition to HMRI, Regional Housing Pot, Growth Point funding and Capital Receipts shown in the programme budget.

## **18.0 STAFFING IMPLICATIONS**

- 18.1 The programme will be delivered using the existing staffing structure which has been reduced recently through early voluntary retirement.

## **19.0 EQUAL OPPORTUNITIES/EQUALITY IMPACT IMPLICATIONS**

- 19.1 Equality Impact assessments have been completed and reviewed for the Housing Market Renewal Programme, the Private Sector Housing and Regeneration Assistance Policy, the Housing Strategy Statement, Private Sector Housing Strategy and Affordable Warmth Strategy. The issues and actions within these are addressed in the initiatives and projects within the Housing Investment Programme. The programme will have a positive impact on some of the most socially and economically deprived areas of Wirral. Improvement and Living Through Change projects will improve quality of housing and access to help and support for all residents. Redevelopment of sites for new build housing will help promote greater choice, increase quality and choice of housing for all local people.

## **20.0 COMMUNITY SAFETY IMPLICATIONS**

- 20.1 HMRI will result in some clearance of poorly designed, unsafe or obsolescent areas and the creation of safer, more secure living environments.

## **21.0 LOCAL AGENDA 21 IMPLICATIONS**

- 21.1 Housing Market Renewal will improve the quality of living environments and environmental standards throughout many parts of Wirral. New high quality, decent homes with enhanced energy efficiency standards and better use of renewable building materials will contribute towards Local Agenda 21 priorities.

## **22.0 PLANNING IMPLICATIONS**

- 22.1 HMRI aims to bring about a fundamental change in the character of some of the most deprived areas of the Borough. Proposals for new development will be brought forward with the assistance of the preferred private developer and Registered Social Landlords and will be integrated with the Council's Local Development Framework, as either

Supplementary Planning Documents or Development Plan Documents. Residential redevelopment is in conformity with Policy HS4 of the Unitary Development Plan, while mixed use development incorporating retail use will be considered against retail policy including Policy SH4 of the Unitary Development Plan. Other uses will be considered against UDP Policy HS15.

### 23.0 ANTI-POVERTY IMPLICATIONS

23.1 Build Wirral is seeking to help disadvantaged groups access training and employment opportunities.

### 24.0 SOCIAL INCLUSION IMPLICATIONS

24.1 Build Wirral is seeking to help disadvantaged groups access training and employment opportunities.

### 25.0 LOCAL MEMBER SUPPORT IMPLICATIONS

25.1 The HMRI areas are within the following Wards: Bidston and St James, Birkenhead and Tranmere, Rock Ferry, Seacombe, Liscard, Claughton, Oxtan and Bromborough. Regional Housing Pot funding which is not matched funding for the HMRI programme can be used in all Wards.

### 26.0 BACKGROUND PAPERS

26.1 North Birkenhead Framework for Regeneration, Tranmere (Church Road) Masterplan, Rock Ferry (Fiveways) Masterplan, Strategy for Inner Wirral 2004-14, Wirral's Strategic Integrated Investment Framework for HMRI (2006-08).

### 27.0 RECOMMENDATIONS

27.1 That:

- (1) Subject to the DCLG/Newheartlands Deed of Variation being completed under delegated authority by the Director of Law, HR and Asset Management, the Housing Investment Programme 2010-11 for Wirral, which is summarised in the table below and in Appendix 1, be agreed.

<u>Funding to be allocated</u>	<u>£,000</u>
Birkenhead Clearance	4,234
Rock Ferry Clearance	430
Tranmere Clearance	1,900
Wallasey Clearance	1,025
Private Sector Home Improvements	4,540
Living Through Change	1,190
Staffing and Resources	1,932
Relocation Loans	320
New Build Schemes	600

- (2) Cabinet delegates authority for programme management and delivery and completion of the Deed of Variation to the Deputy Chief Executive/Director of Corporate Services and the Director of Law, HR and Asset Management with future progress reports being presented to Cabinet.

- (3) Cabinet agrees to underwrite from HMRI funds, if required, Keepmoat Homes' reasonable costs up to a maximum of £150,000 to enable the momentum of Housing Market Renewal new build in Birkenhead to continue in advance of securing legal agreement between the Council and Keepmoat Homes.

Jim Wilkie  
Deputy Chief Executive/Director of Corporate Services

This report was prepared by Lynn Ireland, HMRI Policy and Performance Manager who can be contacted on 691 8102.

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WIRRAL COUNCIL

CABINET – 27 MAY 2010

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES

## **DEVELOPMENT OF SUB-REGIONAL CHOICE BASED LETTINGS SCHEME**

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### **1.0 EXECUTIVE SUMMARY**

1.1 This report outlines the progress made in establishing a Merseyside sub-regional choice based lettings (CBL) scheme in line with Government policy. It recommends that Cabinet approves

- (i) the continued development of the scheme with the sub-regional partners
- (ii) a draft common allocations policy for consultation according to statutory guidance
- (iii) the proposed governance arrangements including that the Director of Law, HR and Asset Management be authorised to enter into an agreement with the other local authorities (Halton, Knowsley, Liverpool and Sefton, or at least 3 of them) to govern the implementation of the Abris contract referred to at (iv) below
- (iv) that the Director of Regeneration enters into a contract with Abris as the preferred IT supplier
- (v) the estimated one-off set-up and annual running costs of the scheme together with a preferred cost sharing model.

### **2.0 BACKGROUND**

2.1 Since the previous report to Members (virtual Cabinet report September 2009), officers have continued to work with Merseyside partners on the proposals to develop a sub-regional CBL scheme. This was following the award of £100,000 in 2008 by Department of Communities and Local Government (DCLG) from the Regional Choice Fund for the development of such a scheme by Liverpool, Knowsley and Wirral Councils. (Central Government is requiring that all local authorities operate a CBL scheme by 2010 and is further encouraging local housing authorities to work with neighbouring authorities to establish sub-regional schemes, recognising that housing markets do not always follow local authority boundaries.) In December 2009, DCLG awarded a further £67,000 to enable Halton and Sefton to join the Merseyside scheme.

2.2 A project manager was appointed by Knowsley Council, the lead Local Authority for the Merseyside sub-regional choice based lettings project, in September 2008 initially on an 18 month contract funded from the Regional Choice Fund. The Project Manager has worked to a steering group of the local authority partners. The key elements of this work have included:

- A common allocations policy
- A framework for operation and governance of any sub-regional scheme
- Identification of IT systems and procurement methods
- A model for the allocation of the costs of setting up and operating a CBL scheme

2.3 Halton, Knowsley, Liverpool and Wirral have been the most active Local Authorities involved in the development of the scheme. Sefton initially adopted a watching brief but has now indicated an intention to join in the scheme.

2.4 The proposed scheme, whilst running on one shared computer system and a common allocations policy, will allow each local authority to operate sub-regional CBL in a way which suits each local authority's mode of operation and needs. Progress on developing the sub-regional scheme has taken some time to develop because the partners have historically all operated lettings in different ways:

- 'Wirralhomes' is a CBL scheme run by the Council for 13 Registered Social Landlord (RSL) partners and covers most of the social housing stock in Wirral;
- Liverpool has a CBL scheme, 'Property Pool', largely operated by their partner RSLs;
- Knowsley and Halton do not currently have CBL schemes and are looking to their stock transfer landlords, Halton Housing Trust and Knowsley Housing Trust, which currently manage their housing waiting lists, to manage their CBL schemes;
- Sefton operates a CBL scheme through its stock transfer landlord One Vision, which provides the service for a number of RSLs.

2.5 It can be argued that Wirral's is the ideal model, as it allows Councils to fulfil their statutory requirements to meet housing need through centrally managing its nominations for all the available social housing. Ultimately, it may be possible to move towards one centrally run scheme which operates the same way in each local authority area, but this is some way off because of the complexity of the operation. Any developments in this direction will be reported back to a future Cabinet for agreement before being implemented.

### 3.0 **DRAFT ALLOCATIONS POLICY**

3.1 Most CBL schemes adopt a banding system whereby applicants are allocated to a priority band according to their circumstances and housing need. In framing a policy, authorities must have regard to the reasonable preference categories set out in the Housing Act 1996, amended by the Homelessness Act 2002 and the legislative framework. Recent further statutory guidance "Fair and Flexible" re-affirmed Government commitment to giving priority to those in greatest housing need through CBL whilst reinforcing councils' ability to meet local housing needs and priorities through their allocation policies at the same time as promoting regional and national mobility.

3.2 The Sub Regional CBL (SRCBL) Steering Group has drafted a policy for the five local authority areas involved in the Merseyside sub-regional scheme which, subject to approval by each local authority, is now ready for wider stakeholder consultation as required by statutory guidance (see Appendix 1). Agreement has been reached on the priority bandings and the categories of housing need that fall into these bands. There is some flexibility within the scheme to reflect specific issues within the different local authority areas. The percentage of property available for each priority group will be decided in each local authority area.

3.3 Wirralhomes to date has only 3 priority bandings: Double Urgent Need, Urgent Need and Non-Urgent Need. Within the Urgent Need band falls Medical and Disability, Welfare, Regeneration, Disrepair, Overcrowding, Under occupation and Violence or Harassment. It is acknowledged that these 3 groups are limited in their ability to distinguish between different levels of housing need. Homelessness is dealt with outside Wirral's CBL scheme via direct nominations to RSLs. The 2007 independent Wirral Homeless Review and the 2008 Wirralhomes Review by Heriot Watt University both recommended that Homelessness is brought within the CBL system, for equality reasons and to give more choice to homeless applicants about where they live thereby leading to greater tenancy sustainability.

3.4 The Merseyside SRCBL draft allocations policy proposed for consultation covers a wide range of topics in detail including the aims and principles of the scheme, eligibility for registering, the criteria for prioritising applications, assistance for vulnerable applicants, suspensions, property advertising methods, the bidding and selection process, cross boundary movement and appeals. The proposal is for four priority bands with a number of reasons for housing need within each band as follows;

**Table 1: Merseyside Allocations Policy Proposed Priority Bandings**

<b>Band</b>	<b>Reason for housing need</b>
BAND A URGENT PRIORITY	Health/Welfare (Severe) Unintentionally Homeless Priority Need Regeneration Overcrowded (2 Beds)
BAND B HIGH PRIORITY	Health/Welfare (High) Under occupation Overcrowded (1 Bed) High Level of disrepair
BAND C MEDIUM PRIORITY	Health/Welfare (Medium) Unintentionally Homeless Non Priority Need Living with Family and Friends
BAND D	General Needs

3.5 Severe Health and Welfare Priority will be awarded for reasons including:

- Applicants with an exceptional medical need due to physical or mental health issues who are unable to occupy their current accommodation;
- Applicants with an exceptional welfare need where continued occupation of their current dwelling could place lives at risk;
- Applicants ready to be discharged from hospital or residential care where it has been determined they have no suitable home;
- Applicants living in the private rented sector where Environmental Health have confirmed that the property is a severe danger to health and safety;
- Applicants who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she or a member of their household has sustained as a result of service in the Armed Forces.

3.6 High Health and Welfare Priority will include:

- Harassment;
- Domestic Violence;
- Victims of Hate Crime;
- People with severe health conditions whose housing is unsuitable because they are unable to use the facilities without excessive pain and/or difficulty or they are unable to easily access facilities inside and within the boundary of the property or whose housing has a detrimental effect on mental health issues;
- Young people leaving the care of the Local Authority;
- Applicants who have been assessed as ready to move on from Hostel/Supported schemes, and where their continued support needs have been assessed and, if required, are in place;
- Members of the Armed Forces who will be discharged within 3 months and have no medical needs;

- Formal referrals from Adult/Children Social Services where it is confirmed the applicants have an urgent need to move, such as Children Act referrals;
- Applicants who are tenants of social housing owned by the Scheme Landlord who are under occupying their present home and where the property is designated by the Scheme Council as being in demand by other priority cases. This will include tenants of adapted properties owned by the Scheme Landlords where the adaptations are no longer required and where the property is designated by the Scheme Council as being in demand by other priority cases.

3.7 Medium Health and Welfare Priority will include:

- Applicants who have a medium medical condition that is caused or made worse by their living conditions and a move will improve their quality of life. This will include applicants where there is an identified issue of mobility within the property or whose housing has a detrimental effect on mental health;
- Those living in a property where there is a health and safety hazard to the applicant which cannot be remedied by repair or adaptation to the property;
- People whose relationship has permanently broken down and who have to leave a shared home and have been assessed as unable to resolve their own housing situation;
- People who need to move to a particular locality to give or receive care or support.

3.8 In accordance with the legislative framework, applicants will not accrue more than one priority, but their priority banding will be according to their highest housing need.

3.9 Unless an applicant needs to move to another area for safety reasons, priority due to Statutory Homelessness and Regeneration will be awarded for the applicant's current Local Authority Area only. With the exception of priority due to Homelessness and Regeneration, applicants will be awarded the appropriate priority for Local Authority Areas for which they can demonstrate a local connection.

3.10 Those applicants who live outside of the combined Scheme Area may be considered for a priority Band but only if they can demonstrate a local connection with one of the Local Authority areas and the priority will apply only to vacancies in that Local Authority Area.

3.11 Scheme Partners have agreed that a maximum of 5% of all properties advertised through the Scheme will be let to applicants living in another partner Local Authority Area. Wirralhomes currently operates an open register which anyone can join, Priority is normally only awarded to applicants who can demonstrate a local connection and need to move to Wirral for family support. In the year 2009-10 a total of 3.9% of lettings were to households from outside the Wirral area. Only 1.6% of lettings were to people from other parts of Merseyside.

3.12 A consultation plan is being produced to ensure that a co-ordinated approach is adopted across the SRCBL scheme area in terms of the groups consulted with and the consultation material produced. All elected members will be included in the consultation when comments will be invited on all aspects of the detailed policy.

#### 4.0 OPERATION AND GOVERNANCE OF THE SUB REGIONAL CBL SCHEME

4.1 The operation of the scheme in each local authority will be a matter for local agreement between the Council and the RSLs operating in that area. RSLs which operate across local authority boundaries, whilst wishing to reduce the number of schemes in which they

are involved and simplify operations, recognise the reasons for the different ways of operating to suit the local situation.

- 4.2 A partnership agreement is being drafted for the local authority partners. This covers a joint statement of objectives, the management arrangements that will be put in place, the financial commitments, information sharing and dispute resolution. This is being co-ordinated by Knowsley MBC's legal team with the legal representatives of the other local authorities.
- 4.3 A service level agreement between the local authorities and the participating RSLs is also to be drafted between each Local Authority and the RSLs operating in their area. The detail within this agreement will be different depending on how each authority operates the scheme.

## **5.0 IT SYSTEMS AND PROCUREMENT**

- 5.1 As previously outlined to Members, the sub-regional partners have agreed that they wish to proceed with Abrisas as the IT supplier for a sub-regional scheme through the Northern Housing Consortium (NHC). The NHC selected Abrisas, via an OJEU compliant competitive procurement process, as the preferred partner for the provision of CBL IT services for its members. Purchasing a system through the Consortium, which is in accordance with Wirral's Financial and Procurement Rules, removes the need for multiple tenders, saving time and money on purchasing and on licences through discounts available to NHC members.
- 5.2 The Abrisas system is web-based and would be hosted, managed and maintained by the supplier thus removing the need for one of the local authority partners to take on this responsibility and the additional charges which this would incur from Abrisas. However one local authority will need to take responsibility for initial running of operational tests and sign off of the system.
- 5.3 The Abrisas system is compliant with the requirements specified for Wirralhomes in the Wirralhomes Review. It gives greater access to customers through modern communication methods including on-line registration and bidding and automatic telephone and text bidding. It will also give instant feedback to applicants about their place on the list when bidding for a particular property, enabling them to make more a more informed choice about how to use their bids. It will also provide information on a wide range of housing options including shared ownership and renting in the private sector.

## **6.0 FINANCING THE PROPOSED SYSTEM**

- 6.1 Replacement of the current Wirralhomes IT system, which is now managed by Wirral Partnership Homes, is needed to bring about efficiency savings and to meet the requirements of new legislative and Central Government requirements. Participation in a 'shared service' sub-regional scheme including the provision of a single IT system would bring considerable savings to Wirral on the initial purchase cost.
- 6.2 The financial arrangements relating to the establishment of a sub-regional CBL scheme are complicated and reaching agreement among the local authority and RSL partners has proved difficult.
- 6.3 The main issues to be considered include:

- The total purchase and set up costs and how these are to be apportioned between the local authorities and partner RSLs
- The total annual operating costs and how these are to be apportioned between the local authority and partner RSLs
- The basis on which participating RSLs will be charged e.g. per property or per letting

#### 6.4 Purchase and Set up Costs

The main elements included in the set up costs are:

- IT purchase and interface costs
- Consultation
- Uploading of current housing registers
- Re-assessment of existing applicants
- Training

6.5 The independent market assessment carried out as part of the Wirralhomes Review resulted in a wide range of estimates to replace the existing system from as low as £50,000 for a 'no frills' hosted service to the most expensive being approximately £180,000. The estimate provided by Abris for Wirral, was between the two at £103,000.

6.6 Taking a Sub-Regional approach, the costs to the individual constituent authorities will vary depending on the number of local authorities that ultimately commit to joining the Merseyside scheme. However it is probable that at least four Merseyside authorities will join. The initial set-up cost estimates for Wirral, based on all the local authorities sharing the total costs equally are shown below, which also assumes that the local RSLs will input approximately £39,000 of staff resources to help with the implementation:

**Table 2: Purchase, consultation and set-up costs Wirral**

	<b>5 partner LAs</b>	<b>4 partner LAs</b>
IT purchase and set up incl contingency	36,500	45,500
PC upgrades and information services support	10,000	10,000
<b>IT set up subtotal</b>	<b>46,500</b>	<b>55,500</b>
Policy consultation including events, printing and mailing	12,500	12,500
Re-registration printing and mailing costs	30,500	30,500
Training material costs	1,000	1,000
<b>Consultation and re-registration subtotal</b>	<b>44,000</b>	<b>44,000</b>
<b>Grand Total</b>	<b>90,500</b>	<b>99,500</b>

6.7 Identified budget savings likely to be achieved in 2010/11 from the Wirralhomes budget will assist in funding the consultation and re-registration costs detailed above leaving the cost of the IT purchase and set up to be funded by Wirral to be £51,100 if 5 local authorities take part and £60,100 if only 4 local authorities take part

6.8 It is proposed that the Councils are jointly responsible for making the IT purchase and each entering into contract with Abris but contracts between Abris and each local authority, and the partnership agreement between the local authority partners, will need

to be entered into simultaneously to facilitate this. There are a number of contractual issues outstanding including the preliminary specification to be attached to the contract with Abritas. Variations between the preliminary specification and the final specification will have a set-up cost impact and a contingency sum has been included for this.

#### 6.9 Annual Running Costs

The total annual Wirralhomes budget for the new system is estimated to be in the order of £330,900 compared with £387,000 for the current system (a 14.5% saving) based on 4 local authorities joining the scheme (see Table 3 below). There will be a slightly greater saving (15.3%) if 5 authorities join. The new system will also bring a reduced reliance on face to face interactions and thus One Stop Shops (OSSs) will save on registrations and taking bids enabling them to redirect resources to other service areas, Graphics will not need to type set the advert on a weekly basis, RSLs will have decreased void turn around time and other potential staff efficiencies, and WPH will cease managing the Northgate system. In addition to these yet to be quantified savings, the new system will give enhanced customer access and service, a wider range of housing options and make better use of technology (automatic bidding, telephone bidding, internet registrations etc).

**Table 3 Wirralhomes Budget (based on 4 authorities)**

	<b>Existing Budget</b>	<b>Proposed Budget</b>	<b>Saving</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Employees	272,200	220,000	52,200
IT costs	3,500	16,900	(13,400)
Supplies and Services	29,000	29,000	0
Support Costs	82,300	65,000	17,300
	<b>387,000</b>	<b>330,900</b>	<b>56,100</b>

6.10 It is therefore clear that year on year savings can be achieved by a sub-regional approach.

#### 6.11 Potential One Stop Shop (OSS) Savings

Further to the annual saving identified in paragraph 6.10, the new system will have the potential to make considerable savings in staff time through reduced reliance on face to face transactions. The new system progresses the Council's customer access strategy, and as internet penetration increases, OSS savings will increase.

6.12 At present, in addition to the Wirralhomes operational budget, Wirralhomes contributes around £270,000 to the OSSs who register applications, take bids and respond to enquiries about Wirralhomes. In 2008-09, the OSS carried out 32,000 transactions for Wirralhomes taking an average of 16 minutes each. It is expected that in future, the use the OSS will reduce as customers begin to access the service via the internet and the 24 hour automated telephone and text bidding services.

6.13 Currently, approximately 85% of Wirralhomes registrations are carried out face to face at OSSs and around 38% of Wirralhomes bids are made face to face at OSSs. In a survey in 2006, 47% of 5,500 Wirralhomes applicants said they would register via the internet if this were possible and 53% said that they would use internet bidding if it were available. Wirralhomes is a member of the North West CBL Benchmarking Forum which has over 20 members including Leeds, Bolton, Gateshead and Sheffield where on-line CBL services are well established. Annual benchmarking shows that where on-line bidding is available, the percentage of bids placed in this way ranges from 40% to 78%, while the percentage of bids taken face-to-face is typically 10% or fewer.

#### 6.14 Apportionment of annual running costs

The costs of operating Wirralhomes have always been shared between the Council and the RSL partners and in recent years the levy per property to the partner RSLs was increased from £13.32 in 06-07 to £15.48 in 08-09 and then reduced in 09-10 to £14.70 after newspaper advertising was stopped. Updated CBL systems in other authorities have become cheaper to operate than Wirralhomes and Wirral RSLs have begun to raise concerns about the value for money offered by the system. At present Wirral Council contributes around £90,000 per annum plus an £270,000 annual contribution to the OSSs. The RSLs contribute a total of £297,000 with Wirral Partnership Homes contributing the largest share of £184,000. The Council needs to operate a housing register in order to meet housing need and the Council contribution is already considered to be good value for money, but the RSL share is more than paid for modern efficient systems elsewhere. If the Council contracted out the task of operating a housing register and making nominations, the cost would be higher than the cost of running Wirralhomes, based on benchmarking with other organisations.

6.15 A model has been developed, to identify all the costs of operating the proposed CBL scheme and assess any activity or cost according to whether it is related to operating a housing register, or to advertising and letting RSL property. This has been built up on the individual elements of the running costs including:

- Registration and verification of applications
- Queries from applicants
- Assessment of applicants for priority banding
- Renewals of applications
- Expressions of interest (bids)
- Assistance to vulnerable applicants/housebound applicants
- Appeals
- Advertising properties
- Queries from elected members, MPs etc
- Quality, Performance and System development
- Management
- IT license and management
- Supplies and services

6.16 A number of cost sharing options have been considered and sharing the total costs of operating a housing register equally between the Council and the RSLs and assigning all the costs associated with letting properties to the RSLs, has resulted in a division of the overall costs as 74% for the RSLs and 26% to the Council.

## 7.0 **FINANCIAL IMPLICATIONS**

7.1 The proposed system will require a contribution for IT acquisition and set-up costs from the Council of £51,100 if 5 local authorities take part and £60,100 if 4 local authorities take part in the sub-regional scheme. This can be met from an existing provision set aside for this purpose and is significantly less than would be required if the Council proceeded independently outside the sub-regional framework.

7.2 The system will bring a small saving in annual running costs to the Council, reducing the Council contribution from £90,000 per annum to approximately £86,000. The saving to the RSLs will be greater and bring their annual charges in line with modern, efficient systems elsewhere.



- 7.3 In addition the new web based system is expected to bring savings to the OSS through greater use of technology. These savings are expected to grow as internet penetration and user knowledge of the system increase.
- 8.0 STAFFING IMPLICATIONS**
- 8.1 The proposed system once implemented, will bring staffing savings of 2 posts from the existing team of 9.5 full time equivalent staff. This would be dealt with through existing Council procedures.
- 9.0 EQUAL OPPORTUNITIES IMPLICATIONS/ EQUALITY IMPACT**
- 9.1 Wirralhomes provides a service for all members of the community regardless of age, gender, disability, ethnic background, faith or sexual orientation and monitors clients in these groups. A new IT system is needed for Wirralhomes is to improve customer access to the service for all members of the community. An initial Equality Impact Assessment on the draft policy has been undertaken and is to be considered by the Merseyside Equality Forum. The draft policy will be sent to a wide range of organisations representing minority and ethnic groups for their comments, during the consultation period, and these will be taken into account as part of a second stage impact assessment.
- 10.0 COMMUNITY SAFETY IMPLICATIONS**
- 10.1 CBL has been shown to contribute to sustainable communities through reducing turnover and increasing tenants' commitment to their property through their exercise of choice, when compared with a traditional officer led "allocation" process.
- 11.0 LOCAL AGENDA 21 IMPLICATIONS**
- 11.1 Reducing the number of face to face transactions and increased use of the internet and telephone bidding has a positive contribution to Agenda 21 by reducing the need to travel.
- 12.0 PLANNING IMPLICATIONS**
- 12.1 This report has no Planning implications.
- 13.0 ANTI-POVERTY IMPLICATIONS**
- 13.1 The Wirralhomes lettings policy aims to let affordable social housing primarily to those in need and secondly to those with an aspiration to move. The new draft policy for Merseyside aims to do the same.
- 14.0 SOCIAL INCLUSION IMPLICATIONS**
- 14.1 The proposed new CBL system in Wirral will increase customer access options.
- 15.0 LOCAL MEMBER SUPPORT IMPLICATIONS**
- 15.1 This report will be of interest to all Members of the Council.
- 16.0 BACKGROUND PAPERS**
- 16.1 Review of Wirralhomes by Heriot Watt University

16.2 Report to Cabinet DEVELOPMENT OF SUB-REGIONAL CHOICE BASED LETTINGS SCHEME September 2009

<http://wir06metrognome.admin.ad.wirral.gov.uk/ecSDDisplay.aspx?NAME=SD342&ID=342&sch=doc>

17.0 **RECOMMENDATIONS**

17.1 That Cabinet approves:

- (i) the draft common allocations policy for consultation according to statutory guidance
- (ii) the proposed governance arrangements
- (iii) the selection of the IT supplier, Abrisas
- (iv) the estimated set-up and annual running costs of the scheme together with a preferred cost sharing model

17.2 The report recommends that Cabinet approves:

- the elements of the scheme listed above
- that the Director of Regeneration be authorised to enter into an agreement with the other local authorities (Halton, Knowsley, Liverpool and Sefton, or at least 3 of them) to govern the implementation of the Abrisas contract referred to below
- the Director of Regeneration to enter into a contract with Abrisas for the provision of the IT
- the one-off set-up costs to be paid from existing provision and
- continued development of the scheme with the sub-regional partners.

Jim Wilkie

Deputy Chief Executive / Director of Corporate Services

This report was prepared by Catherine Green who can be contacted on 691 8462

Final Draft for Consultation 10.12.09

**MERSEYSIDE**  
**CHOICE BASED LETTING**  
**ALLOCATIONS POLICY**

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## CHAPTER 1

### 1.1 Introduction

1.1.1 This document contains the allocation scheme (as required by the Housing Act 1996 as amended by the Homelessness Act 2002) for the following Scheme Councils:

Halton Borough Council  
Knowsley Metropolitan Borough Council  
Liverpool City Council  
Sefton Metropolitan Borough Council  
Wirral Metropolitan Borough Council

1.1.2 The Scheme Councils no longer own or manage any housing stock and have transferred all their properties to Registered Social Landlords. Although they have no stock Local Authorities are required by S167 of the Housing Act 1996 to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating social housing accommodation in their areas.

1.1.3 The Scheme Councils and their Partner Registered Social Landlords (RSLs) have agreed to introduce a shared Choice Based Lettings (CBL) Scheme known as XXX. This will feature a common application form, a common housing register, a common allocations policy and a shared IT system. It is envisaged that this approach will offer a simpler, more accessible service for customers as well as creating efficiencies for partner organisations.

1.1.4 A number of RSLs, listed below, have agreed to work in partnership with the councils, allocating their housing through XXX. *full list to be included*

Arena Housing Association  
Beechwood and Ballantyne Community Housing Association  
Cobalt Housing  
Cosmopolitan Housing  
Contour Housing  
Halton Housing Trust  
Knowsley Housing Trust  
Leasowe Community Homes  
Liverpool Mutual Homes  
Liverpool Housing Trust  
One Vision Housing  
Pierhead Housing Association  
Plus Dane Group  
RegendaFirst  
Riverside Housing  
South Liverpool Housing  
Venture Housing Association  
Villages Housing  
Wirral Methodist Housing Association  
Wirral Partnership Homes

1.1.5 The Scheme Councils and Scheme Partner RSLs are collectively known as the Scheme Partners who operate in the Scheme Area.

## **1.2 Aims and principles of the Sub Regional Scheme**

1.2.1 The overall aim of this policy is to ensure that all social housing in the Scheme Area is allocated fairly and objectively to those most in need, having regard to any legislative requirements and or Codes of Guidance issued by Government; guidance from any regulatory bodies and having regard to good practise.

1.2.2 This aims of the xxxx Scheme are:

- Contribute to the development of balanced communities and sustainable regeneration;
- Stimulate new markets and interest in social housing in the Scheme Area;
- Provide an opportunity to meet the strategic objectives as outlined in Local Authorities' Housing and Regeneration strategies;
- To improve the quality of service to customers and to ensure that applicants have ready access to information on their prospects of housing;
- To increase customer choice and broaden housing options by facilitating cross boundary movement within the constraints of the availability of accommodation throughout the Scheme Area;
- To work sub-regionally in accordance with the North West Regional Housing Strategy, working in partnership to achieve efficiencies of scale and extend opportunities to meet people's housing demands, needs and aspirations across the sub-region.

1.2.3 The principles of the Allocations Policy are:

- To operate a lettings policy based on housing need, which is simple, easy to understand, transparent, open and fair reflecting local priorities;
- To ensure that every application is dealt with fairly and consistently in accordance with Equal Opportunities;
- To give adequate priority to people who fall within the Government's 'Reasonable Preference' categories;
- To prevent homelessness and give adequate priority to homeless people to reduce the use of temporary accommodation, whilst maintaining a balance between the needs of the homeless and other applicants ;
- To empower applicants by giving them more opportunity to express choice and preferences about where they want to live whilst having regard to the availability of housing resources and the high demand for housing;
- To make best use of housing stock by minimising Re-let times and the marketing of 'Difficult to let' properties;
- To reduce Under-occupation of social housing which will assist in the re-housing of overcrowded applicants;
- To ensure that supported housing goes to those who are suitable for this type of housing and in the greatest need of the support.

## **1.3 Statement on choice**

1.3.1 The Scheme Councils and Scheme Landlords are fully committed to enabling applicants to play an active role in choosing where and in what property type and tenure they want

to live, whilst continuing to house those people in the greatest need, making the best use of the available housing stock and complying with all relevant legislation.

- 1.3.2 It is important to realise that the demand for accommodation is higher for some types of property and for some areas than others. In making a decision about the choices available, applicants need to consider their housing need priority against the availability of properties in any given area.
- 1.3.3 Applicants can determine whether they are likely to be successful before placing a bid as they will be informed of their relative position on the shortlist for that vacancy at the time of making the bid. This enables an applicant to make an informed choice when deciding which property to apply for and whether social housing is a realistic option in their circumstances.

## **1.4 The Legal Framework**

- 1.4.1 The Housing Act 1996 and the Homelessness Act 2002 state that local authority allocation policies must afford reasonable preference to certain categories of person. These include:
- people who are homeless (within the meaning of Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002)
  - people owed a duty by any local housing authority under section 190(2), 193(2), or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3). These sections relate to people who are homeless or threatened with homelessness
  - people occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
  - people who need to move on medical or welfare grounds (including grounds relating to disability)
  - people who need to move to a particular locality in the district of the authority where failure to meet that need would cause hardship (to themselves or to others)
- 1.4.2 This policy has been framed to address these requirements, and with due regard to the requirements of the 'Allocation of Accommodation Code of Guidance for Local Authorities' November 2002, and supplementary guidance 'Allocation of Accommodation: Choice Based Letting' August 2008.
- 1.4.3 Every application for housing received will be considered according to the facts unique to that application, as every applicant's individual circumstances will vary, but all lettings will be made in accordance with this policy.

## **1.5 Equality and Diversity**

- 1.5.1 The Scheme Partners are committed to promoting equality of opportunity within the housing allocation process and eliminating unfair and unlawful discrimination in its



policies, procedures and practices. The Equality Impact Assessment for this policy is attached at Appendix XXX.

- 1.5.2 The aim is to deliver a quality service without prejudice and discrimination to all its customers, regardless of age, ethnicity, disability, gender, marital status, religious or political persuasion, sexual orientation or culture and lifestyle choice.
- 1.5.3 The Scheme Partners will continue to improve their service to all customers including addressing the needs of disadvantaged and under-represented groups. This will be achieved by effective monitoring of the scheme register, routine analysis of letting outcomes and regular consultative meetings with stakeholders to ensure that the operation of the scheme meets the needs of all customers.
- 1.5.4 All Scheme Partners have in place corporate policies and action plans aimed at eliminating racial discrimination and valuing cultural diversity.

## **1.6 Information Sharing, Confidentiality and Data Protection**

- 1.6.1 The Scheme Partners will share information in accordance with their existing protocols which will be further developed across the sub region to ensure consistency in sharing information with other statutory and voluntary organisations.
- 1.6.2 The information which an applicant provides relating to their housing application will be treated as confidential in accordance with the guidelines on handling personal data. These guidelines are included in the Data Protection Act 1998 that covers both electronic and manual records and governs what can be done with the data, including collecting, storing, using and disposing of it.

## **CHAPTER 2**

### **2.1 Allocations and nominations**

2.1.1 This policy constitutes the nominations agreement between the Scheme Partners and the Scheme Landlords who will be required to put forward at least 50% of lettings to the scheme. However, the Scheme Landlords will be encouraged to exceed this proportion in agreement with their Scheme Council.

2.1.2 All properties owned by Scheme Landlords that become vacant will be recorded on the XXX scheme. Those properties that the Scheme Landlord wishes to allocate as Direct Lets (see Section 2.3) will not be advertised through the Scheme. However, information concerning these properties will be made available through the Choice Based Letting feedback mechanism.

### **2.2 Local Letting Plans**

2.2.1 There may be occasions when partners within the scheme will want to adopt local letting plans for a limited period of time to address issues in particular neighbourhoods such as severe anti-social behaviour. This may involve the temporary use of revised Lettings Plans for the affected area, such plans to be developed and agreed with relevant Scheme Council. Properties affected by such plans will be clearly identified when they are advertised.

### **2.3 RSL Direct Lets**

2.3.1 In certain circumstances the Scheme Landlord will allocate properties directly to applicants outside of the Choice Based Letting Scheme. Illustrative examples of Direct Lets are as follows:

2.3.2 Where an allocation is required to ensure protection of the public for example following a decision made by a multi agency public protection panel meeting;

- Where a customer has been referred as part of the Witness Protection Scheme;
- Where a sensitive let is required for a particular property because of issues such as drug dealing, violence, public protection or anti-social behaviour;
- Where an RSL tenant's home is being repaired and they need to be moved from the property on a temporary or permanent basis;
- Applicants from outside the Scheme Area who need to move due to extenuating circumstances e.g. where life is at risk, may be considered for a direct let even when there is no local connection with the area;
- Where accommodation is required following emergencies, such as fire, flood, serious harassment or other major incidents;
- Where a targeted offer is made to an applicant who is statutory homeless;
- Where a targeted offer is made to an applicant living in a Scheme Council clearance area.
- Any other reason as supported by the RSL's policies and procedures.

## **2.4 Sheltered Accommodation**

2.4.1 Sheltered housing is designed for older applicants as a way of providing independent living with added security and support. Scheme Landlords may have differing eligibility criteria for this type of accommodation and this will be made clear in the labelling of properties when advertised.

2.4.2 Sheltered accommodation will be included in the XXX scheme with the exception of the Liverpool City Council area where there are separate arrangements using ACCESS Liverpool. Applicants are advised to contact ACCESS direct for more information.

## **2.5 Extra Care Housing**

2.5.1 Extra Care Housing offers accommodation for older applicants who need 24 hour care services. These properties are not included in the XXX scheme and applicants are advised to contact their Local Authority for more information.

## **2.6 Adapted Properties**

2.6.1 Some properties are adapted, for example there may be a stair lift or level access shower. To meet the needs of disabled applicants, preference for adapted vacancies will be given to those applicants who will make best use of the particular adaptations.

2.6.2 Adapted accommodation will be included in the XXX scheme with the exception of the Liverpool City Council area where there are separate arrangements using ACCESS Liverpool. Applicants are advised to contact ACCESS direct for more information.

## **2.7 Target Setting and Quotas**

2.7.1 It is important that priority for accommodation goes to those in greatest housing need. However, this does not mean that, in operating a choice based lettings scheme, every property which is advertised will be open to bids from households in all Bands. An allocation scheme may include other objectives, such as:

- ensuring a balance between meeting the housing needs of existing tenants and new applicants;
- promoting more sustainable and balanced communities;
- the need to meet a Scheme Council's legal responsibilities to homeless and vulnerable applicants; people living in overcrowded and insanitary conditions; people with an urgent need to move such as harassment; domestic violence etc;
- the need to meet strategic responsibilities, particularly those being displaced through the clearance proposals.

- 2.7.2 To achieve these objectives, Scheme Councils may choose to agree an overall percentage target for each of the Bands or reason for housing need which will be subject to annual review.
- 2.7.3 Targets will be published annually on the XXX website and at Scheme Partners' offices so that applicants may see what proportion of properties will be allocated to their Band, helping them to identify how long they might expect to wait for an offer.

## **CHAPTER 3**

### **3.1 Registration on the XXX scheme**

3.1.1 The xxx Scheme is a way of presenting housing options to applicants within the Scheme Area. Scheme Partners will normally no longer use the traditional method of 'matching' applicants to properties. Instead applicants will be encouraged to choose the property and area in which they wish to live.

### **3.2 Assistance for Vulnerable Applicants**

3.2.1 Applicants indicating the need for support to take part in the XXX Scheme will be offered help and assistance. This may include applicants with a physical disability, learning disability, illness, those for whom English is not a first language or for any other reason that may make it harder for someone to participate in the scheme.

### **3.3 Who can apply for accommodation?**

3.3.1 Applicants who wish to apply for social housing owned by the Scheme Landlords must register on the XXX register which is open to anyone over the age of 16 years, unless they are specifically ineligible as outlined below.

### **3.4 Eligibility**

3.4.1 Under the Housing Act (1996), Local Authorities must consider whether applicants are eligible for housing assistance. An applicant may be ineligible due to their nationality and immigration status or on the basis of unacceptable behaviour.

3.4.2 Persons from abroad who are subject to immigration control under the Asylum and Immigration Act 1996 are not eligible for housing assistance unless they have;

- Refugee status;
- Exceptional leave to remain provided there is no condition that they shall not be a charge on public funds;
- Indefinite leave to remain under certain conditions;
- Are Nationals of a country that has ratified the European Convention on Social and Medical Assistance or the European Social Charter, providing they are habitually resident in the Common Travel Area;
- Persons from abroad who are not subject to immigration control but who are not habitually resident in the Common Travel area (the UK, Channel Islands, Isle of Man, Republic of Ireland).

3.4.3 In addition a Local Authority can decide that an applicant is to be treated as ineligible for an allocation of housing by them (Section 160 (7) Housing Act 1996) if they are satisfied that;

- the applicant, or a member of their household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant and
- at the time his application is considered, the applicant or a member of his household is unsuitable to be a tenant by reason of that behaviour.

3.4.4 The only behaviour which may be regarded by the authority as unacceptable for the purposes are:

- behaviour of the person concerned which would, if he were a secure tenant of the authority at the time, entitle the authority to a possession order under section 84 of the Housing Act 1985 in relation to any of the grounds in Part 1 of Schedule 2 (other than Ground 8). The authority must be satisfied that a court would decide that it was reasonable to grant a possession order and that the possession order would not be suspended.
- behaviour of a member of his household which would (if he were a person residing with a secure tenant of the authority) entitle the authority to such as possession order.

3.4.5 The Scheme Partners reserve the right to seek independent advice and assistance to resolve the issue of eligibility.

### **3.5 16/17 year olds**

3.5.1 Applicants aged 16 or 17 years will be accepted onto the XXX register and will also be referred to the Housing Options Service for further advice. If a tenancy is offered to an applicant who is under 18 years, an equitable tenancy will be offered and a rent guarantor may be required until they reach the age of 18 years. A person under 16 years of age is not eligible to join the housing register.

### **3.6 Councillors, board members, employees and close relatives**

3.6.1 People who are Councillors, Board Members, employees and their close relatives (this would include partner / spouse, parent, brother, sister or child) of the Scheme Partners may register on the XXX Scheme but this must be declared at the point of registration. Failure to do so may be considered as withholding information and may affect any future tenancy.

### **3.7 The XXX Register**

3.7.1 There are several ways that an applicant may register on the XXX Register (see Appendix for a full list of access points);

- on line by visiting the XXX website;
- by telephone to request an application form;
- in person by visiting a Scheme Partner office or Council One Stop Shop.

3.7.2 The Scheme Partner with whom the applicant is registered is known as the Administering Scheme Partner for that application. The Administering Scheme Partner will be the point of contact responsible for registering, amending, renewing and assessing the application, and dealing with any requests for review of a decision.

3.7.3 Applicants will be asked to provide current information to confirm the circumstances of all household members before the application can be checked and assessed. Applicants should be aware that it is a criminal offence to provide false information or deliberately withhold information upon which their application will be assessed.

3.7.4 The information that an applicant has provided will be verified before an applicant can apply for vacancies. Following verification, some applicants may be found to be ineligible due to their nationality and immigration status or on the basis of unacceptable behaviour, or may be suspended due to unacceptable behaviour as outlined in Chapter 4.

### **3.8 Assessment of an application**

3.8.1 Applications will be assessed to ensure that people with the greatest housing need are given the greatest opportunity to move to more suitable accommodation. The assessment will be based on the household's current circumstances and the type of home they currently live in. Assessments of need will be carried out initially at registration but also if there is a later change in circumstances. Applicants may be required to provide supporting evidence from appropriate agencies e.g. medical profession, social services, Police, Probation.

3.8.2 Applicants will be placed in a Band according to their housing need (See Chapter 5). Applicants who have more than one housing need, for example medical need and overcrowding, will be placed in the Band which best represents their highest need.

### **3.9 Change in Circumstances**

3.9.1 If an applicant's circumstances change it is the responsibility of the applicant to inform the Administering Scheme Partner promptly in order that their application can be reassessed. Examples of changes of circumstances could include;

- change of address or name;
- increase in household size due to the birth of a child or addition of household member;
- decrease of household size due to bereavement or person leaving the household;
- relationship breakdown;
- the serious deterioration of, or improvement in, a medical condition
- threat of homelessness;
- significant improvement in household income or assets which could improve the household's ability to resolve their housing situation.

3.9.2 Applicants will not have their date of application affected if they move address providing they have not been rehoused to a social housing tenancy. However, their housing need priority may be affected.

### **3.10 Renewal of applications**

3.10.1 So that we can ensure that accommodation is allocated fairly, and to take account of any change in circumstances affecting an applicant's eligibility or current or future housing need, applicants are required to renew their application every 12 months. Anyone who fails to renew will be removed from the Register.

### **3.11 Cancelling Applications**

3.11.1 Applications will be cancelled in the following circumstances:-

- the applicant has been rehoused to social housing;
- the applicant has successfully moved under a mutual exchange scheme;
- a request to cancel an application has been received from an applicant (or their Advocate) in writing;
- there is no reply to renewal letters;
- notification has been received that the applicant is deceased;
- information is received which indicates that the applicant is no longer eligible for housing assistance.



## **CHAPTER 4**

### **4.1 Suspensions from the housing register due to unacceptable behaviour**

4.1.1 Applications may be suspended from the register as a result of unacceptable behaviour by either the applicant or a member of their household if it is considered proportionate and reasonable to do so.

4.1.2 “Unacceptable behaviour” can include tenancy related debt or other breach of tenancy and is defined as;

- behaviour, which would, if the person was either a Secure/Assured tenant or a member of a Secure/Assured tenant’s household, entitle a landlord to an outright possession order under Section 84 of the Housing Act 1985 on any ground mentioned in Part 1 of schedule 2 to that Act (other than ground 8)

4.1.3 When making the decision to suspend an application, the following factors will be taken into consideration;

- when the unacceptable behaviour took place;
- the length of time that has elapsed;
- whether there has been any change in circumstances including health, dependents and the individual circumstances of the applicant.

4.1.2 Applicants, as a result of Anti Social Behaviour not deemed serious enough to be excluded, may be suspended following the initial registration checks or at a later stage if tenancy breaches are identified. The period of suspension can be for an initial period of up to two years and the details of suspensions can be found in Appendix 2 Suspension Policy.

### **4.2 Notifying applicants who are suspended due to unacceptable behaviour**

4.2.1 All applicants who are suspended due to unacceptable behaviour, will be informed of this decision in writing and advised how they can demonstrate that the circumstances or behaviour that made them unsuitable to be a tenant have changed.

4.2.2 Applicants who have been suspended due to unacceptable behaviour have a right to ask for a review of the decision (see Chapter 8 Review of decisions).

4.2.3 If an applicant, who has previously been suspended from the housing register because of unacceptable behaviour, considers that their unacceptable behaviour should no longer be held against them, they can request that their application be reinstated. This request must be in writing to their Administering Scheme Partner.

## CHAPTER 5

### 5.1 Assessment of housing need

5.1.1 The following is a summary of the Bands which is the method of awarding priority and additional priority. There are four Bands and within each Band there are a number of reasons for housing need as follows;

Band	Reason for housing need
BAND A URGENT PRIORITY	Health/Welfare (Severe) Statutory Homeless (Not intentionally) Regeneration Overcrowded (2 Beds)
BAND B HIGH PRIORITY	Health / Welfare (High) / Under occupation) Overcrowded (1 Bed) High Level of disrepair
BAND C MEDIUM PRIORITY	Health/welfare (Medium) Homeless non priority unintentionally Living with family and Friends
BAND D	General Needs

### 5.2 Prioritising applications within bands

5.2.1 Applicants in Band A are prioritised in order of the reasons for housing need as listed in the table above although preference may be given to a particular reason for housing need.

5.2.2 There are some important differences in the way applications in Bands B and C are prioritised for accommodation in different Council areas.

5.2.3 For Halton, Knowsley, Sefton and Wirral applications in Bands B and C are prioritised within each Band by date of entry into the Band and there is no distinction between the different priority need reasons.

5.2.4 For Liverpool, applicants in Bands B and C are prioritised in the order set out in the table above and by date of entry within each Band. For example, applicants in Band B Health and Welfare (High) will receive priority over those in Band B Overcrowded (1 Bed) even though an applicant in Overcrowded (1 Bed) may have an earlier date of entry into the Band. However preference may be given to a particular reason for housing need to meet local priorities.

### 5.3 Date of entry into Band

5.3.1 The date of entry into a Band is the date that the reason for the priority has been fully assessed and confirmed, which is not necessarily the same date as the application was submitted.

5.3.2 If an applicant is subsequently reassessed and is placed in a higher Band, the date of entry is the date that the reason for the priority has been fully assessed and confirmed for that higher Band.

- 5.3.3 If an applicant is subsequently reassessed and is placed in a lower Band, the date of entry into that Band remains the same as the date of entry for the higher Band.
- 5.3.4 If an applicant loses a priority due to a change in circumstances, but is later reassessed for a further priority, the date of entry into the Band is the date that the reason for the most recent priority is fully assessed and confirmed.
- 5.3.5 For applicants in Band D (General Needs), the date of entry is taken as the date of registration on the scheme.

#### **5.4 Band A – Urgent Priority**

##### **5.4.1 Health and Welfare (Severe)**

5.4.1.1 This has been specifically created to demonstrate that ‘additional’ priority for certain applicants needs to be more apparent within the Allocation Scheme. It will provide a facility to move people when their needs are so urgent that unless a quick offer is made, their life could be at significant risk and re-housing is needed to remove them from immediate danger. Responsibility for carrying out assessments, banding and inclusion into this band should be approved by the Scheme Council or a Senior Manager from the Administering Scheme Partner and monitored by the Scheme Council.

5.4.1.2 These will include;

- Applicants with an exceptional medical need due to physical or mental health issues who are unable to occupy their current accommodation;
- Applicants with an exceptional welfare need where continued occupation of their current dwelling could place lives at risk;
- Applicants ready to be discharged from hospital or residential care where it has been determined they have no suitable home;
- Applicants living in the private rented sector where Environmental Health have confirmed that the property is a severe danger to health and safety;
- Applicants who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she or a member of their household has sustained as a result of service in the Armed Forces.

5.4.1.3 Applicants need to move urgently and therefore they will be expected to be actively bidding for vacancies. Help and assistance in the bidding process will be available including the placing of proxy bids if required. Applications will be reviewed regularly to ensure that applicants are actively bidding for suitable vacancies and are being realistic in their choice.

5.4.1.4 Applicants who are not actively bidding will be given one reasonable offer of accommodation, refusal of which will result in a reassessment of the application which may result in the applicant being placed in a lower band. Responsibility for this will be the Scheme Council or a Senior Manager within the Administering Scheme Partner. When considering the "reasonableness" of an offer, it should be recognised it may not be possible to provide an offer in the applicant's specific area of choice, but every effort will be made to meet this request.

#### 5.4.2 Statutory Homeless

5.4.2.1 This will include applicants who are accepted by the Homeless Service as being owed a full housing duty under Part VII of the Housing Act 1996. The legislation requires Councils to extend choice to homeless applicants.

5.4.2.2 Applicants need to move urgently and therefore they will be expected to be actively bidding for vacancies. Help and assistance in the bidding process will be available including the placing of proxy bids if required. Applications will be reviewed regularly to ensure that applicants are actively bidding for suitable vacancies and are being realistic in their choice.

5.4.2.3 Applicants who are not actively bidding will be given one reasonable offer of accommodation, refusal of which will result in a reassessment of the application which may result in the applicant being placed in a lower band. Responsibility for this will be with the Scheme Council's Housing Options Service. When considering the "reasonableness" of an offer, it should be recognised that it may not be possible to provide an offer in the applicant's specific area of choice, but every effort will be made to meet this request.

#### 5.4.3 Regeneration

5.4.3.1 This will include residents being displaced as a result of their home being included in a Regeneration Area for clearance or redevelopment by the Scheme Council or by a Scheme Landlord in partnership with the Scheme Council. Only those schemes approved by the Scheme Council will be included in this Sub-Band.

5.4.3.2 This Band is urgent priority and delivery in accordance with the Local Authority's regeneration scheme is essential to ensure regeneration programmes proceed. Applicants are prioritised in accordance with the identified priority order for the Scheme Council Clearance area.

5.4.3.3 Because of the need to re-house residents in a programmed manner, some may receive targeted offers outside the arrangements for the scheme. For example, but not exclusively, when;

- the land/properties are urgently needed for redevelopment, or the remaining residents are at risk, or existing funding is at risk; and
- it can be demonstrated the needs of the resident are more urgent than those other applicants who are currently placed in this Band.

#### 5.4.4 Overcrowded by two bedrooms

5.4.4.1 This will include applicants who by the application for the bedroom standard outlined in Section 5.10 are overcrowded in their current tenancy and require a minimum of two additional bedrooms.

## **5.5 Band B – High Priority**

### **5.5.1 Health/Welfare (High) / Under occupation**

5.5.1.1 This will include:

- Harassment;
- Domestic Violence;
- Victims of Hate Crime;
- People with severe health conditions whose housing is unsuitable because they are unable to use the facilities without excessive pain and/or difficulty or they are unable to easily access facilities inside and within the boundary of the property or whose housing has a detrimental effect on mental health issues;
- Young people leaving the care of the Local Authority;
- Applicants who have been assessed as ready to move on from Hostel/Supported schemes, and where their continued support needs have been assessed and, if required, are in place;
- Members of the Armed Forces who will be discharged within 3 months and have no medical needs;
- Formal referrals from Adult/Children Social Services where it is confirmed the applicants have an urgent need to move such as Children Act referrals;
- Applicants who are tenants of social housing owned by the Scheme Landlord who are under occupying their present home and where the property is designated by the Scheme Council as being in demand by other priority cases. This will include tenants of adapted properties owned by the Scheme Landlords where the adaptations are no longer required and where the property is designated by the Scheme Council as being in demand by other priority cases.

### **5.5.2 High Level of disrepair**

5.5.2.1 This will include applicants living in the private rented sector where the property has been declared a danger to health and safety by Environmental Health and the problems cannot be satisfactorily resolved within a reasonable timescale by Local Authority enforcement action.

### **5.5.3 Overcrowded by one bedroom**

5.5.3.1 This will include applicants who by the application for the bedroom standard outlined in Section 5.10 are overcrowded in their current tenancy and require one additional bedroom.

## **5.6 Band C – Medium priority**

### **5.6.1 Health/Welfare (Medium)**

5.6.1.1 This will include;

- Applicants who have a medium medical condition that is caused or made worse by their living conditions and a move will improve their quality of life. This will include applicants where there is an identified issue of mobility within the property or whose housing has a detrimental effect on mental health;
- Those living in a property where there is a health and safety hazard to the applicant which cannot be remedied by repair or adaptation to the property;
- people whose relationship has permanently broken down and who have to leave a shared home and have been assessed as unable to resolve their own housing situation;
- people who need to move to a particular locality to give or receive care or support.

#### 5.6.2 Homeless not in Priority Need and unintentionally

5.6.2.1 This will include applicants who are accepted by the Homeless Service as being eligible for assistance, homeless, not in priority need and not intentionally homeless in accordance with the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002).

#### 5.6.3 Living with Family and Friends

5.6.3.1 This band includes applicants who do not have a tenancy of their own, who are living with family/friends, are not overcrowded but want to secure a home of their own. This will include applications from people who live in separate addresses but are looking to secure joint re-housing. The date of application will be the date they were assessed as having this need and applicants must provide supporting documentation of their situation to ensure they are not creating a priority need.

### 5.7 **Band D – General Needs**

5.7.1 This band has been created for applicants with no recognised priority housing need or those who do not satisfy the criteria to be included in one of the other bands.

### 5.8 **Local Connection**

5.8.1 In order to give reasonable preference to local residents, priority for rehousing within each Local Authority Area will take into consideration any local connection within that area.

5.8.2 To demonstrate a local connection with a Local Authority Area, an applicant must satisfy at least one of the following criteria;

- Have lived in the Local Authority Area for 6 out of the last 12 months or 3 years out of the last 5 years;
- Have a permanent job in the Local Authority Area;
- Have a close family association (parent, adult child or adult brother/sister) who are currently living in the Local Authority Area and has done so for more than 5 years;
- Have a need to be in a specific Local Authority Area to be near to a particular health facility for long term treatment;
- Have a need to be in a specific Local Authority Area to give or receive support;

5.8.3 Unless an applicant needs to move to another area for safety reasons, priority due to Statutory Homelessness and Regeneration will be awarded for the applicant's current Local Authority Area only.

5.8.4 With the exception of priority due to Homelessness and Regeneration, applicants will be awarded the appropriate priority for Local Authority Areas for which they can demonstrate a local connection.

5.8.5 Those applicants who live outside of the combined Scheme Area may be considered for a priority Band but only if they can demonstrate a local connection with one of the Local Authority areas and the priority will apply only to vacancies in that Local Authority Area.

5.8.6 Those applicants who do not have a local connection with any Local Authority in the Scheme Area will be placed in Band D. An exception to this would be a need to move to another area for safety reasons.

## **5.9 Cross Boundary Mobility**

5.9.1 Scheme Partners have agreed that a maximum of 5% of all properties advertised through the Scheme will be let to applicants living in another partner Local Authority Area providing that they can demonstrate local connection with the accepting Local Authority Area as outlined in Section 5.8.2.

## **5.10 Bedroom Standard**

5.10.1 The standard to be applied is as follows;

5.10.2 One bedroom is required for the applicant and his/her partner. An extra bedroom is then added for the following people living with the applicant:

- pair of children aged 7 years or under regardless of sex;
- pair of adolescents aged 8-20 years of the same sex;
- any single adult aged 21 years or more;
- a carer/group of carers;

5.10.3 Due to the shortage of larger properties, applicants who are eligible for four bedroom properties may also be considered for larger three bedroom properties, for example a

three bedroom property with two separate living rooms where one can be considered to be used as a bedroom.

5.10.4 Households with an expectant mother are treated as though the child has been born once the Pregnancy Maternity Certificate (MATB1) has been provided.

## **5.11 Staying contact with children**

5.11.1 Where an applicant has staying contact with children, the children will only be considered as part of that housing application if the applicant can provide proof they live with the customer for the majority of the time (over 50%).

5.11.2 Where access has been shared equally between 2 partners, it is unlikely that accommodation of the same size will be made available to both parents. Usually, a parent with staying contact for children for less than 50% of the time may be allocated an additional bedroom for those children, for example may be eligible for a two bedroomed property.



## **CHAPTER 6**

### **6.1 Advertising vacant properties**

#### **6.1.1 The advert**

6.1.1.1 Properties will be advertised on a weekly cycle in the form of an advert or Newsletter which can be viewed at;

- the XXX website
- at Council One Stop Shops
- at offices of the Scheme Landlords
- at a variety of community facilities (see list in appendix)
- by mail to housebound applicants

6.1.1.2 The adverts will include a detailed description of the property, rental charge, property size and any disabled adaptations. The advert will also specify who may bid for that vacancy e.g. if there is a restriction on age group or family size.

6.1.1.3 Properties will be advertised displaying any specific criteria or restrictions on who may bid for such properties and will be offered to applicants who meet the property criteria in Band and date order of entry into that Band.

6.1.1.4 When it has not been possible to allocate a property after the first advert, the landlord may re advertise the property to include households who were previously excluded from applying.

6.1.1.5 Due to the shortage of larger properties, applicants who are eligible for four bedroom properties may also be considered for larger three bedroom properties, for example, a three bedroom property with two separate living areas.

### **6.2 Bidding for vacancies**

6.2.1 Applicants are required to bid for a property if they want to be considered for it and may bid for a maximum of 3 properties each week. Applicants who do not meet the letting criteria for a property will not be able to bid for the vacancy.

6.2.2 Applicants may bid for vacancies in a variety of ways;

- on line by visiting the XXX website
- by automated telephone service
- by automated text message
- in person by visiting Scheme Partner office or Council One Stop Shop.

6.2.3 The XXX Scheme has the facility to allow applicants to view their position on the shortlist, at that point in time, before making a bid for a property. This will enable applicants to make an informed choice when placing a bid.

### **6.3 Shortlisting of applications**

- 6.3.1 As the advertising cycle proceeds, applicants who have bid for an advertised property will be shortlisted according to the Banding criteria outlined in Chapter 5 and any qualifying letting criteria or property criteria specified on the property advert.
- 6.3.2 Applicants who have been successful in their bid will be contacted by the Scheme Landlord who owns the property. Each landlord will have a different offer process that they follow.
- 6.3.3 Before an offer is confirmed, all Scheme Landlords reserve the right to carry out pre-tenancy checks which may include;
- confirmation that application details are correct
  - confirmation of tenancy history including rent arrears and anti social behaviour issues
  - take up of references if required.

#### **6.4 Reasons why an applicant may be bypassed**

- 6.4.1 In some situations a property will not be offered to the highest applicant who has expressed a preference for it. Shortlisted applicants may be bypassed for a number of reasons and these are set out below;
- If an applicant bids for a property and their household details do not match any household criteria set out in the advert.
  - If an applicant bids for a property that does not meet their specified medical needs. For example if an applicant has been given medical priority, or a specific medical recommendation has been made for level access accommodation without stairs and an applicant bids for a house with stairs.
  - If there is evidence, which had not been identified at initial verification, that an applicant owes money to any Registered Social Landlord or Local Authority due to rent arrears, damage, costs through abandonment or any other identified housing related costs. Arrangements should be made with the applicant to repay this debt in accordance with the Registered Social Landlord's Policy.
  - If there is evidence that an applicant or a member of their household has committed serious anti social behaviour for which there are statutory grounds for possession. In this case, the application will be reviewed and may be suspended.
  - If the applicant is a Council or Housing Association tenant and their current property is considered to be in a state of significant disrepair or neglect and there is evidence that disrepair/neglect/damage to the property has been directly caused by the applicant or a member of the household.
  - If the applicant has already successfully bid for another property and this has been offered to them.
  - If the property is adapted and the applicant does not need those specific adaptations.

- No response has been received when contacted by telephone or letter, despite reasonable efforts, and the Applicant has not updated their contact details with the administering scheme landlord.

6.4.3 This is not an exhaustive list and is a general guidance as each case will be assessed individually and personal circumstances of each applicant will be taken into account at the time the applicant is shortlisted. Any shortlisted applicant who is bypassed will be informed of the reason in writing and applicants can request a review of the decision, using the Review procedure in Chapter 8 of this Policy.

## **6.5 Number of offers**

6.5.1 To ensure applicants only bid for properties they are genuinely interested in, and in order to be as fair as possible to all applicants, the number of offers an applicant can refuse is limited before triggering a review of their application and priority.

6.5.2 When an offer is refused, an assessment will be made as to whether this was a reasonable offer. With the exception of homeless applicants (where the decision about the 'reasonableness' of a refusal will be made by the Housing Options Service), the Scheme Landlord making the offer will be responsible for deciding whether or not the reason for refusing an offer is considered to be reasonable. As a guide, the following factors may be taken into account;

- the property is in the immediate location of someone who could present a danger to the applicant;
- the property has stairs which the applicant is unable to manage and this is confirmed by the health assessment;
- the applicant needs an adapted property or the current adaptations do not satisfy the applicant's needs and this is confirmed by an Occupational Therapist.

6.5.3 This list is not exhaustive and each case will be assessed individually.

6.5.4 If it is considered that the offers made were reasonable, then the following will apply.

Band A - Health /Welfare (Severe)	One reasonable offer then priority reviewed. This could result in an application being reassessed into lower band.
Band A – Statutory Homeless	One offer only
Band A – Regeneration - Overcrowded (2 bed)	No limit.
Band B - High Priority	Two reasonable offers then priority reviewed. If circumstances remain the same, applicant will remain in same Band but entry date will be altered to date of second refusal.
Band C – Medium Priority	Two reasonable offers then priority reviewed. If circumstances remain the same, applicant will remain in same band but entry date will be altered to date of second refusal.
Band D – Low priority	No limit.

## 6.6 Introductory tenancies

- 6.6.1 All offers of Housing Association accommodation will be for an introductory tenancy for the first twelve months, except where the applicant is already a secure tenant with a Local Authority or an assured tenant with a Registered Social Landlord.
- 6.6.2 Introductory tenants are eligible to go back on the housing register to seek a transfer to another property. They are not eligible to carry out a Mutual Exchange as a way of finding alternative accommodation.

## 6.7 Feedback on Lettings

- 6.7.1 The xxx Scheme will publish feedback on who has recently been allocated properties. Accompanying each advert will be a feedback section giving details of the properties allocated.

6.7.2 Feedback will include:

- Property size and type
- Property location
- Number of applicants who applied for each property
- Band of successful applicant
- Application date of successful applicant.

6.7.3 This will allow applicants to see where properties are more likely to become available and where they may have the best chances of making a successful 'bid'.

## **CHAPTER 7**

### **7.1 Information and advice**

- 7.1.1 Information and advice on the common allocations policy will be provided free of charge when people ask for it.
- 7.1.2 The following help is available to all applicants who apply to go onto the housing register:
- Help to complete a housing application form;
  - Written and verbal information to help them understand how their application will be dealt with;
  - The opportunity to contact staff to find out whether their needs can be met and, if so, guidance on how long they may have to wait for accommodation;
  - Help with reviews and complaints where appropriate (see Chapter 8).

### **7.2 Contact details**

- 7.2.1 A list of the contact details for the partner organisations within this common allocations police can be in Appendix xxxx

### **7.3 Support services**

- 7.3.1 Some applicants may need support in setting up, managing or maintaining a tenancy.
- 7.3.2 Every effort will be made by the scheme partners to identify applicants who need some level of support via:
- Their housing register application;
  - Referrals from staff and other agencies such as Social Services, Probation and Age Concern;
  - Referrals from family members;
  - Requests from applicants themselves.
- 7.3.3 The applicant may be contacted to obtain more details of their needs to decide what type of support they need, for example:
- Advice on the common lettings policy;
  - Help to select a property;
  - Support in setting up and maintaining a tenancy.
- 7.3.4 If they need help to select a property, this can be given by a nominated relative, friend or support worker who can express interest for properties on their behalf.
- 7.3.5 If the applicant needs help to set up a tenancy every effort will be made by the scheme partners to refer them to the most appropriate housing support service provider.

### **7.4 To prevent homelessness**

- 7.4.1 Every effort will be made to identify applicants whose homelessness may be prevented. Applicants' details will be forwarded to the relevant Housing Options Team who will

contact the applicant giving advice and assistance e.g. dealing with an applicant's mortgage provider or landlord or referring them to the Citizens Advice Bureau.

## **7.5 Independent advice**

7.5.1 An applicant may want to get independent advice about the common lettings policy or any decisions made about their application. Shelter, Citizens Advice Bureau and local solicitors are some of the organisations operating within the Scheme Area who may offer free, independent advice to people about their housing application.

## **CHAPTER 8**

### **8.1 Review of Decisions**

8.1.1 Excluding the right to request a review of a decision made under the homelessness process, applicants have the right to request a review of a decision as to how their application has been dealt with. Reviews are likely to centre around 2 main areas of the process, which are: -

- Issues connected with their Registration on the Scheme;
- Issues connected with the Selection Process for a particular property.

### **8.2 Request for a review of a Registration Decision**

8.2.1 The Administering Scheme Partner who registered the application will deal with all requests for a review concerning any decision in relation to an applicant's Registration with the Scheme. The request for a review can be made in person, by telephone or in writing within twenty one days from the date they were advised of the decision. The request for a review may cover any issue concerning their Application, such as:-

- Decision to deem an applicant ineligible to Register on the Scheme database;
- How their application was processed;
- Suspension of their application;
- Decision not to award a priority or level of priority;
- Suspension or review of a priority;
- Alteration of date of entry into priority band following refusal of reasonable offers.

8.2.2 The review procedure is as follows;

- |         |   |  |
|---------|---|--|
| Stage 1 | - | Senior Officer Review (Administering Scheme Partner<br>Senior Officer) |
| Stage 2 | - | Administering Scheme Partner Review Body                               |

8.2.3 If applicants are still dissatisfied then they may seek other forms of external redress, such as the Ombudsman or through the relevant legal process.

### **8.3 Request for a review of a Selection Process Decision**

8.3.1 All requests for a review of a decision concerning any aspect of the Selection Process for a particular property will be dealt with by the respective Scheme Landlord.

8.3.2 The request for a review can be made in person, by telephone or in writing within twenty one days from the date they were advised of the decision.

8.3.3 Any issue that relates to the Selection Process for a property will be dealt with in this way. This may include: -

- The decision not to offer a particular property to an applicant
- The decision to withhold or withdraw an offer based on anti-social behaviour, neighbour nuisance or rent history
- Lettings Criteria used for a property



- The nature of Verification Checks made by the Scheme Landlord.

8.3.4 The review procedure is as follows;

- Stage 1 - Senior Officer Review (Administering Scheme Partner Senior Officer)
- Stage 2 - Administering Scheme Partner Review Body

8.3.5 If applicants are still dissatisfied then they may seek other forms of external redress, such as the Ombudsman or through the relevant legal process.

## **APPENDICES**

1. Glossary of Terms
2. Draft Suspension Policy
3. List of offices
4. Regeneration plans

## WIRRAL COUNCIL

CABINET – 27<sup>th</sup> MAY 2010

### REPORT OF DIRECTOR OF CHILDREN'S SERVICES

#### **OUTCOME OF PROPOSAL FOR THE CLOSURE OF OUR LADY OF LOURDES CATHOLIC AIDED PRIMARY SCHOOL AND THE ESTABLISHMENT OF A JOINT CHURCH AIDED PRIMARY SCHOOL**

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##### **EXECUTIVE SUMMARY**

At its meeting of 19<sup>th</sup> March 2009, Cabinet decided that following consultation with governing bodies, staff, parents and other stakeholders, statutory notices should be published regarding the closure of Our Lady of Lourdes Catholic Primary School, linked to the establishment of a joint Church Aided school on the same site, subject to the approval of the Secretary of State to waive a statutory competition. Notices were published on 24<sup>th</sup> February 2010. This report describes the outcome of the subsequent representation period and recommends that the proposals be approved and implemented.

##### **1.0 Background**

- 1.1 The outcome of the consultation was described in the 19<sup>th</sup> March 2009 report to Cabinet. The minute is attached as Appendix A.
- 1.2 Cabinet determined that approval should be given for the two Diocesan bodies to submit an application to the Secretary of State in order to seek a waiver of the requirement to hold a competition to open a new school, and that should this be received, statutory notices should be published in relation to these proposals.
- 1.3 The waiver request was submitted to the Secretary of State on 7<sup>th</sup> April 2009. Approval to waive competition was received on 17<sup>th</sup> July 2009. This did not allow sufficient time to open the new school by September 2009, and consequently the proposals were published on 24<sup>th</sup> February 2010 with the closure date of August 2010, to allow the new school to open at the next natural break in the Academic year in September 2010.
- 1.4 This report advises Cabinet of the outcome of the representation period following notice publication and makes a recommendation that the proposals be approved.

##### **2.0 Proposal publication**

- 2.1 On 24<sup>th</sup> February 2010, proposal notices were widely published, including the local press (Wirral Globe) and entrances to the school. In addition, the notices were posted at Leasowe Early Years Centre, St Chad's Church, Castleway North and at Leasowe Off License on Twickenham Drive, Leasowe. The notices were also published on-line at the Council's consultation website, [www.wirral-abc.gov.uk/PrimaryPlaces/Leasowe.asp](http://www.wirral-abc.gov.uk/PrimaryPlaces/Leasowe.asp)
- 2.2 Under the Education and Inspections Act 2006, in addition to the statutory proposal notice, a more detailed "complete proposal" must be produced. Copies of the notice and complete proposal were provided to the school, the Secretary of State, the Anglican and Catholic Diocesan bodies and all relevant persons and groups named in the guidance. The documentation was also made available on the Council's Primary Places Review website. The notice and complete proposal are attached as Appendix B. The full proposal and all supporting information have been provided to members on CD-ROM.
- 2.3 Following the publication of notices, there is a statutory six week representation period during which objections or comments on any proposal can be sent to the Director of

Children's Services. This was clearly stated on the notices. Any person can request a copy of the full proposal, however no requests were received.

### **3.0 Outcome of the representation period**

- 3.1 The statutory representation period ended on 7<sup>th</sup> April 2010. During this time, the Director of Children's Services received no comments in relation to the proposal.
- 3.2 Under paragraphs 8 and 10 of Schedule 2 to the Education and Inspections Act 2006 (EIA 2006), the decision on these proposals rests with the Council's decision making body, which is Council's Cabinet.

### **4.0 Comments on the proposal**

Statutory guidance for decision makers on the closure of a school is attached as Appendix C, with that on the establishment of a new school as Appendix D.

- 4.1 Statutory guidance indicates that decision makers should consider the various factors relevant to these proposals. General factors that apply to both proposals are as follows:
- Has the statutory process been carried out properly?
  - Will proposals for change contribute to raising local standards of provision and improved attainment?
  - Will the proposal contribute to local diversity?
  - Will the proposal help every child to achieve their potential in accordance with Every Child Matters principles?
  - Are any equality or discrimination issues that arise from the changes being proposed?
  - Is there any impact on community cohesion?
  - Have travel arrangements been taken into account?
  - What is the impact on early years provision?
  - Have interested parties views been taken into account?

#### **Statutory Process**

- 4.2 The published notice is valid, complies with the statutory requirements and adequate statutory consultation has been carried out prior to publication of the notice. The proposals are correctly identified as "related" and should be considered together accordingly.

#### **Raising standards and attainment**

- 4.3 Decision Makers should be satisfied that proposals for a school closure will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.
- 4.4 The former Catholic Aided primary school already has a strong Christian ethos, links to the community and a commitment to the Every Child Matters agenda. As a joint church Aided school it will seek to continue to serve all the children in its community, with enhanced links to the local Churches which will develop the existing strong value systems and clearly defined ethos, impacting positively on all areas of the curriculum and on pastoral care. The school will benefit from the additional support available from Diocesan education officers.

#### **Diversity**

- 4.5 If approved, parents of children living in Leasowe, New Brighton, Liscard, Seacombe, Wallasey and Poulton who currently have little or no choice of attending a Church of England primary school would have an opportunity to express a preference for the joint church school. Leasowe parents will retain the option of community or denominational education in line with Government policy on diversity.

### **Every Child Matters**

- 4.6 The Every Child Matters outcomes are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. Guidance indicates this could include how the school will provide a wide range of extended services, opportunities for personal development, access to academic and vocational training, measures to address barriers to participation and support for children and young people with particular needs, for example looked after children or children with special educational needs (SEN) and disabilities.
- 4.7 Paragraph 4.4 above indicates that the Joint church ethos is intended to benefit children and their community.

### **Equality**

- 4.8 The admissions policy and over subscription criteria for the Joint Church Aided school will be published in the Wirral Council booklet for parents. After the legal commitment to children in public care, priority will be given to baptised members of the Roman Catholic Church and the Church of England on a 60:40 ratio from within the designated Roman Catholic parishes of Our Lady of Lourdes and English Martyrs, and the Anglican parishes covering Leasowe, Liscard, New Brighton, Poulton, Seacombe and Wallasey.

### **Community cohesion**

- 4.9 The proposals maintain a primary school on the Our Lady of Lourdes site which will continue to serve the same Catholic parishes as the predecessor school (Our Lady of Lourdes, Leasowe and English Martyrs, Wallasey), with the addition of the equivalent and wider Anglican parishes of St Chad's (Leasowe), St Nicholas and St Hilary (Wallasey), St James and All Saints (New Brighton), The Resurrection (Liscard), St Luke (Poulton) and St Paul (Seacombe).

### **Travel arrangements**

- 4.10 The proposal is linked to the establishment of a Joint Church Aided school on the same site, at which existing pupils are guaranteed a place, with no additional transport distance or costs. New pupils from the wider Wallasey area may in future opt to attend the Joint Church Aided school, which may result in longer journeys to school than would otherwise have been the case for those pupils.
- 4.11 Applications for free transport to alternative primary schools will be considered under the guidance in the Authority's information booklet for parents.

### **Early years provision**

- 4.12 There will be no reduction in early years provision, since the new school will retain the LA maintained Foundation 1 (nursery) class.

### **Views**

- 4.13 No comments or objections were received during the representation period. Comments received during consultation were taken into account in the Cabinet report of 19<sup>th</sup> March 2009.
- 4.14 Factors relating solely to the closure proposal are as follows:

- Is there sufficient capacity to accommodate displaced pupils in the area?

### **Capacity for displaced pupils**

- 4.15 The closure of Our Lady of Lourdes Catholic Aided Primary School is linked to the immediate establishment of a new Joint Church Aided primary school at the same site, at which all existing pupils are entitled to a place.
- 4.16 Parents who wish to transfer their children to an alternative local primary school can apply at any time through the usual admissions procedures, where places would be allocated under the Admissions Code and subject to the limitations of the Key Stage 1 class size limit. In January 2010, there were 120 pupils of statutory school age on roll at Our Lady of Lourdes, and approximately 836 empty places at alternative primary schools within a 2 mile radius.
- 4.17 Factors relating to the new school proposal are as follows:
- Is the new school's admission policy compliant with legal and mandatory provisions, e.g. the School admissions code?
  - Will the new school follow the National Curriculum?
  - Is there demand for a new school with a religious character?
  - Is the capital required to implement the proposal available?
  - Does the school have sufficient playing fields?

#### **Admissions policy**

- 4.18 The new school's admission policy will comply fully with all legal and mandatory requirements.

#### **National Curriculum**

- 4.19 The new school's curriculum will meet the general requirements in relation to the curriculum contained in section 78 of the Education Act 2002.

#### **Demand for a faith school**

- 4.20 The nearest available Church of England school for the Leasowe area is Christ Church CE (Aided) Primary School in Moreton. This school is popular with parents and regularly oversubscribed on entry to F2.
- 4.21 This proposal was made in order to enhance diversity of parental preference in the Leasowe and wider Wallasey area.

#### **Availability of Capital**

- 4.22 Ahead of the proposal being approved, Our Lady of Lourdes Catholic Primary School has already benefited from capital investment from the government funded Local Authority Co-ordinated Voluntary Aided Programme of £214,000 in order to create additional space for Multi-Faith activities using part of the adjacent church. Further capital expenditure required to implement this particular proposal is expected to be minimal – for example, changes to signage.

#### **Playing fields**

- 4.23 Under Schedule 2 of The Education (School Premises) Regulations 1999, any school with pupils aged 8 and over should have a minimum area of grassed "team game" playing fields. As a primary school with fewer than 100 pupils aged 8 and over, the new school should have a minimum of 2,500 m<sup>2</sup> of team game playing fields.
- 4.24 The Our Lady of Lourdes site has a total area of 6,007 m<sup>2</sup>, of which approximately 2,661 m<sup>2</sup> are grassed playing field areas suitable for team games, and consequently the site meets the minimum requirement.

- 5.1 As the Council's decision maker, Cabinet can decide to approve the proposals, approve the proposals with a modification, or meeting a specific condition, or to reject the proposals.
- 5.2 **Taking all the factors involved into account, it is recommended that Cabinet approve the proposals for the closure of Our Lady of Lourdes Catholic Primary School and the establishment of a Joint Church Aided school at the site.**
- 5.3 Right of appeal on Cabinet's decision on these linked proposals is limited to the Anglican Diocese of Chester, and the Catholic Diocese of Shrewsbury. Either of these two bodies could submit an appeal within 4 weeks of the decision. The proposals would then pass to the School's Adjudicator within 1 week for a final decision, which is likely to take at least 6 weeks and could include further public consultation. The proposal has the full support of the two Diocesan bodies.
- 5.4 Should Cabinet be unable to reach a decision on these proposals, the final decision would also pass to the national School's Adjudicator, with a similar timescale to that indicated in 5.3.

## **6.0 Financial Implications and Value for Money**

- 6.1 In the interim period prior to Cabinet's decision, Our Lady of Lourdes Catholic Primary School has been allocated a 5/12ths budget for 2010/2011. The remaining 7/12ths budget would then be allocated to the Joint Church school.

## **7.0 Staffing Implications**

- 7.1 When a school closes, all staff at the school are made redundant. However, under the circumstances in relation to these proposals, all teaching and non-teaching posts can be ring-fenced to the existing group of staff. With the approval of the shadow governing body, this can be extended to the headteacher and assistant headteacher(s) under 13(7) and 22(7) of the staffing regulations.

## **8.0 Equal Opportunities Implications**

- 8.1 It is essential to plan school provision across the Authority so that it is both efficient and effective in the interests of all pupils.
- 8.2 An equality impact assessment will be carried out on this report.

## **9.0 Human Rights Implications**

- 9.1 There are none arising directly from this report.

## **10.0 Local Agenda 21 Statement**

- 10.1 The provision of efficient and effective education is a vital part of serving local communities; inefficient use of resources is wasteful both in educational and physical resource terms.

## **11.0 Community Safety Implications**

- 11.1 Rationalisation and refurbishment of schools allow the most vulnerable accommodation to be removed and other security improvements carried out.

## **12.0 Planning Implications**

- 12.1 The site would be subject to the usual planning permissions.

### **13.0 Anti-Poverty Implications**

13.1 The redistribution of funding released by school reorganisation, in combination with the Authority's intention to realign the schools budget to give higher levels of funding to schools with high levels of deprivation, as well as improved accommodation, goes towards raising aspirations and narrowing the attainment gap for vulnerable groups.

### **14.0 Social Inclusion Implications**

14.1 School re-organisation and transforming accommodation through the Primary Capital Programme and other schemes, provides opportunities to promote joint agency work to promote co-ordinated solutions for pupils and their families.

### **15.0 Local Member Support Implications**

15.1 The school is located in the Leasowe and Moreton East ward.

### **16.0 Background Papers**

16.1 Previous Cabinet reports

Responses to Consultation.

### **Recommendations**

1) That Cabinet approve

- The closure of Our Lady of Lourdes Catholic Aided Primary School from 31<sup>st</sup> August 2010
- The establishment of a new Joint Church Voluntary Aided school at the Our Lady of Lourdes site from 1<sup>st</sup> September 2010

and that the Director of Children's Services be authorised to take all necessary steps to ensure the prescribed procedures are followed in furtherance of the proposals.

**Howard Cooper**

**Director of Children's Services**



# CABINET

Thursday, 19 March 2009

<u>Present:</u>	Councillor	S Foulkes (Chair)	
	Councillors	S Holbrook G Davies P Davies G Gardiner S Kelly	M McLaughlin R Moon J Quinn J Stapleton
<u>In attendance:</u>	Councillors	G Ellis JE Green J Hale	I Lewis L Rennie G Watt

## 387 MINUTES

The minutes of the last meeting had been printed and published.

**Resolved: That the minutes be approved and adopted.**

## 388 DECLARATIONS OF INTEREST

The members of the Cabinet were invited to consider whether they had a personal or prejudicial interest in connection with any of the items on the agenda and, if so, to declare it and state the nature of such interest. The following declarations were made:

All Members of the Cabinet declared a personal interest in Minute 407 (Asset Management Update) due to membership of Joint Management Committee(s) and/or a user of services;

Councillor Stuart Kelly – a personal interest in Minute 403 (Raising Expectations: Enabling the system to deliver machinery of Government changes) due to his employment;

Councillor Simon Holbrook – a personal interest in Minute 416 (Carbon Reduction Commitment) due to his employment;

Councillor Steve Foulkes – a prejudicial interest in Minute 392 (Interim Planning Policy for New Housing Development) due to his employment;

Councillor Phil Davies – a personal interest in Minute 393 (Working Wirral – Working Neighbourhoods Fund) due to his membership of Wirral Metropolitan College Governing Body and as a non-executive director of Wirral PCT, a personal interest in Minute 401 (Area Youth Forum Awards – Recommendations for funding 2008/9) due to his membership of Charing Cross Youth and Community Centre Joint Management Committee, and a personal interest in Minute 402 (Delivering Improved

outcomes for vulnerable children, informed by the Children's Social Care review) due to his membership of the Board of Tranmere Together;

Councillor George Davies – a personal interest in Minute 391 (Secondary School Review: amended consultation options for Phase 1 schools and school status update) due to his membership of governing bodies of schools mentioned within the report and a personal interest in Minute 393 (Working Wirral – Working Neighbourhoods Fund) due to his membership of Wirral Society for the Blind and partially sighted;

Councillor Jean Stapleton – a personal interest in Minute 401 (Area Youth Forum Awards – Recommendations for funding 2008/9) due to her membership of Charing Cross Youth and Community Centre Joint Management Committee; and

Steve Maddox, Chief Executive – a personal interest in Minute 393 (Working Wirral – Working Neighbourhoods Fund) due to his membership of Wirral Metropolitan College Governing Body and Minute 405 (Connexions Transition) due to his membership of the Board of Connexions (Greater Merseyside) Limited.

### 389 **PROGRESS TOWARDS THE TRANSFORMATION OF ADULT SOCIAL SERVICES - FINANCIAL ISSUES**

The Director of Adult Services highlighted to members a number of proposed actions regarding financial issues affecting the Department of Adult Social Services. They included Fair Access to Care; fees payable to Residential & Nursing homes, Supported Living Providers and Domiciliary Care Providers and the transfer to the Local Authority of NHS – Wirral (Primary Care Trust) Funding for Learning Disability Services.

The Leader of the Council indicated that he was minded to recommend deferral of part of the recommendation. The Cabinet Member for Social Care and Inclusion indicated that she had requested further information on a number of matters relating to residential and nursing homes and felt it was appropriate that the matter be brought back to the next meeting of the Cabinet.

Councillor McLaughlin moved an amendment, duly seconded and it was -

#### **Resolved: That**

**(1) with regards to Fair Access to Care Services, the decision to continue to provide social care services to individuals in Wirral who have critical and substantial needs be endorsed;**

**(2) with regards to Supported Living, to pay £13.18 per hour rate to all providers who have indicated they would accept the proposal and give 3 months notice to terminate contracts with providers who have refused. Work to be undertaken to establish if there is a business case to implement a detailed banded model of needs and fees during 2009/2010. This work to be carried out in consultation with providers and if proven further proposals be brought to Cabinet in order for the model developed to be introduced on 1 April 2010.**

findings of careful scrutiny of services following Baby P; the requirements set out in the Children and Young Person's Act 2008, the Children and Young People's Plan, Local Area Agreement and the Council's Corporate Plan. Cabinet's approval was sought to implement the following changes from agreed budget growth of £690,000.

The Cabinet Member for Children's Services and Lifelong Learning welcomed the report and the measures set out in the report which would strengthen the ability of social workers to spend time with children.

**Resolved: - That**

- (1) the strategy set out in the report be approved;**
- (2) uncommitted 2008/09 ABG (up to £260,100) be carried forward in to 2009/10;**
- (3) the report be referred to Employment & Appointments Committee; and**
- (4) the Director of Children's Services and the Director of Law, HR and Asset Management prepare a further report for Cabinet setting out proposed remodelling of legal support for children, in the light of changed circumstances.**

**403 RAISING EXPECTATIONS: ENABLING THE SYSTEM TO DELIVER MACHINERY OF GOVERNMENT CHANGES**

The Director of Children's Services outlined the current stage in preparing for the transition of commissioning and funding of post-16 provision from the Learning and Skills Council to the Local Authority. The full transfer of commissioning and funding of post-16 funding would take place in 2010.

**Resolved: -That**

- (1) the Stage 2 Application be approved for submission to Government Office North West; and**
- (2) the Director of Children's Services be requested to report back on staffing and financial implications of these changes as they arise.**

**404 REVIEW OF PRIMARY SCHOOL PLACES - OUTCOME OF FURTHER CONSULTATIONS ON A JOINT CHURCH SCHOOL IN LEASOWE**

Cabinet were advised of the outcome of the further consultation process which had taken place in the Leasowe and Wallasey areas in respect of the option to establish a Joint Church school in Leasowe. The option was previously consulted upon in Spring 2007 during Phase 3 of the Primary Places Review. The report described the option, the responses to it, and made recommendations with regard to statutory proposals in relation to the option.

**Resolved – That**

**(1) the two Diocesan bodies be given all necessary assistance in submitting an application to the Secretary of State in order to seek a waiver of the requirement to hold a competition;**

**(2) the Director of Children's Services be authorised to take all necessary steps to publish proposals, ensure the prescribed procedures are followed for the closure of Our Lady of Lourdes Catholic Primary School and the establishment of a Joint Church school at the Our Lady of Lourdes site, the exact procedure being dependent on the outcome of the application in (1) above;**

**(3) the published admission number of the Joint Church school be maintained at 25 pupils for a period of three years from implementation, reviewed and amended if preference popularity is deemed to have increased; and**

**(4) should the Joint Church school be approved and implemented as in (2), the Leasowe area be moved from Phase 6 of the Primary Places Review to Phase 8 accordingly.**

405 **CONNEXIONS TRANSITION**

The Director of Children's Services presented a report which provided the Cabinet with information on the arrangements for the future commissioning of Connexions Services.

**Resolved: - That**

**(1) the existing contract with Greater Merseyside Connexions Partnership be amended to cover the period to 30th September 2009, pending the completion of procurement processes;**

**(2) the new contract for 'connexions services' cover the period 30th September 2009 to 31st March 2012 with an option of an extension to the contract for a further period of up to 3 years, but for the contract to accommodate an appropriate break clause in the event of poor performance or reduced financial capacity to commission the service to the level previously agreed;**

**(3) Halton Borough Council be the lead Authority for procurement of the new arrangements on behalf of the 6 participating Merseyside Local Authorities;**

**(4) Halton Borough Council becomes the contract holding Authority on behalf of the 6 participating Merseyside Local Authorities from the City Region for the new contract when awarded with the appropriate cross Authority commitments; and**

**(5) Wirral Council enter into an agreement with Greater Merseyside Connexions Partnership Limited to extend the current contract to 30 September 2009 provided the other five Merseyside Local Authorities agree to**



## WIRRAL COUNCIL

### DIOCESE OF SHREWSBURY EDUCATION SERVICE

### CHESTER DIOCESAN BOARD OF EDUCATION

### EDUCATION AND INSPECTIONS ACT 2006

## PROPOSAL TO CLOSE OUR LADY OF LOURDES CATHOLIC PRIMARY SCHOOL AND TO ESTABLISH A NEW JOINT FAITH AIDED PRIMARY SCHOOL

### Part 1

Notice is given in accordance with section 15(1) of the Education and Inspections Act 2006 that Wirral Council as the local authority ("the Authority"), Town Hall, Brighton Street, Wallasey, Wirral, CH44 8ED intends to **discontinue Our Lady of Lourdes Catholic Primary School**, Gardenside, Moreton, Wirral, CH46 2RP on 31st August 2010.

It is proposed that pupils on roll at Our Lady of Lourdes Catholic Primary School at 31st August 2010 will transfer to the newly established Joint Faith Voluntary Aided school, Gardenside, Moreton, Wirral, CH46 2RP on 1st September 2010. Pupils may transfer to any local primary school, subject to availability of places and the admission arrangements published in the Authority's information booklets for parents. Parents of pupils who are due to be admitted to Foundation 2 in 2010, and who have already completed a parental preference form for Our Lady of Lourdes Catholic Primary School will automatically be considered as a preference for the new Joint Faith Aided School at Gardenside, Moreton, Wirral, CH46 2RP. These parents will also be given an opportunity to complete a new parental preference form.

The new Joint Faith Aided School will occupy the same premises as the school it replaces and will not cause any increase in car use.

### Part 2

Notice is given that Diocese of Shrewsbury Education Service, Curial Offices, 2 Park Road South, Prenton, CH43 4UX and Chester Diocesan Board of Education, Church House, Lower Lane, Aldford, Chester, CH3 6HP intend to **Establish a New Voluntary Aided School** under section 10(2) of the Education and Inspections Act 2006. The Secretary of State's consent has been obtained in order to publish this proposal.

It is proposed that the school will open on 1st September 2010. Current children and siblings attending Our Lady of Lourdes Catholic Primary School will be automatically admitted from 1st September 2010 if they choose to be.

The school will be situated at the former premises of Our Lady of Lourdes Catholic Primary School, Gardenside, Moreton, Wirral, CH46 2RP. The school will serve the Leasowe and Wallasey areas, specifically the Catholic Parishes of Our Lady of Lourdes and English Martyrs and the Anglican Parishes in Leasowe, Liscard, New Brighton, Formby, Seacombe and Wallasey.

The school will be fully Roman Catholic and fully Church of England. It will emphasise for pupils the traditions of both Churches and what they hold in common including respect for other Faiths.

The proposed school will have a Church of England and Roman Catholic religious character and it is confirmed that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

The new school will cater for pupils between the ages of 3 and 11 and provide places for 175 boys and girls. In addition, a further 26 full time equivalent places will be provided for nursery pupils.

The admission number for the school on the opening date will be 25.

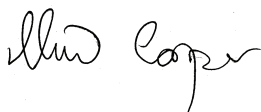
The proposed admission arrangements and over-subscription criteria will be published in the Wirral Council booklet for parents. After the legal commitment to children in public care, priority will be given to baptised members of the Roman Catholic Church and the Church of England on a 60:40 ratio from within the designated Roman Catholic parishes of Our Lady of Lourdes and English Martyrs and the Anglican Parishes in Leasowe, Liscard, New Brighton, Poulton, Seacombe and Wallasey.

There are no special arrangements for transport to the new school. Applications for school transport to alternative schools will be considered on the basis of the Authority's published school transport policy.

This Notice is an extract from the complete proposal. The complete proposal can be downloaded or viewed on-line at [www.wirral-abc.gov.uk/PrimaryPlaces/Leasowe.asp](http://www.wirral-abc.gov.uk/PrimaryPlaces/Leasowe.asp) or a paper or CD-ROM copy can be requested by calling 0151 666 4351 during office hours, or by writing to the address below.

Within six weeks from the date of publication of these proposals, any person may object to or make comments on the proposals by sending them to Howard Cooper, Director of Children's Services, Hamilton Building, Conway Street, Birkenhead, CH41 4FD.

Signed:



Dated this day: 24<sup>th</sup> February 2010

#### **EXPLANATORY NOTES**

1) The purpose of this notice is to close Our Lady of Lourdes Catholic Primary School in order to establish a new Joint Faith Aided primary school at the Our Lady of Lourdes site. Places will be provided for all children who attend Our Lady of Lourdes Catholic Primary School at the new school.

2) The new school will serve the Catholic parishes in Leasowe (Our Lady of Lourdes) and Wallasey (English Martyrs), and the Anglican parishes in Leasowe (St Chad), Wallasey (St Nicholas and St Hilary), New Brighton (St James and All Saints), Liscard (The Resurrection), Poulton (St Luke) and Seacombe (St Paul).

3) The Authority's information booklets for parents are available on request from the Children and Young People's Department by calling 0151 606 2000 during office hours, or on-line at:

[www.wirral-abc.gov.uk/admissions/cover.asp](http://www.wirral-abc.gov.uk/admissions/cover.asp)

4) The two proposals are linked.

## MATTERS TO BE SPECIFIED IN SECTION 15 PROPOSALS TO DISCONTINUE A SCHOOL

### **Extract of Schedule 4 to The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007 (as amended):**

#### **Contact details**

1. The name of the LA or governing body publishing the proposals, and a contact address, and the name of the school it is proposed that should be discontinued.

Wirral Council, Town Hall, Brighton Street, Wallasey, Wirral, CH44 8ED

#### **Implementation**

2. The date when it is planned that the proposals will be implemented, or, where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

31<sup>st</sup> August 2010

#### **Consultation**

3. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals were complied with.

All applicable statutory requirements to consult in relation to the proposals have been complied with. Public consultations were originally held during January to March 2007, including a consultation meeting at Our Lady of Lourdes Catholic Primary School on 7<sup>th</sup> March 2007. More recently, a consultation was held in November 2008 to January 2009, including a consultation meeting at Our Lady of Lourdes Catholic Primary School on 3<sup>rd</sup> December 2008. All statutory consultees were consulted in accordance with the relevant DCSF guidance and statutory requirements.

4. Evidence of the consultation before the proposals were published including:

- a) a list of persons and/or parties who were consulted;
- b) minutes of all public consultation meetings;
- c) the views of the persons consulted; and
- d) copies of all consultation documents and a statement of how these were made available.

The Council has been reviewing Wirral primary school provision on an area by area basis since Autumn 2004. The review of the Leasowe small planning area, in which Our Lady of Lourdes Catholic Primary School is situated, began in October 2006 with pre-consultation meetings involving headteachers and chairs of governors of all the schools in the area, as well as Diocesan Authorities and ward members. A number of options for change arose, and were approved for formal consultation by Cabinet. Leaflets and comments forms were provided to all parents, and at schools and local libraries. A dedicated website was established, including a feedback form, and the consultation was advertised in the press. Public meetings were held during Spring term 2007 at each of the schools named in the options.

The outcome of this consultation was described in the 20<sup>th</sup> June 2007 report to Cabinet. At this time, Cabinet's decision was that the Anglican Diocese of Chester and Catholic Diocese of Shrewsbury should be given all necessary support with regard to the proposal. Discussions between the Authority and the two Diocesan bodies proceeded over the following year.

A common view between the two Diocese on how to proceed having been reached, due to the time elapsed since the original consultation, a further consultation document was produced by the two Dioceses, and a further consultation meeting was held in December 2008. The consultation document was sent via the schools to parents/carers of pupils attending Our Lady of Lourdes Catholic Primary School, Leasowe Primary School, Leasowe Early Years Centre and Castleway Primary School, as well as to the headteachers of primary schools in the North and South Wallasey and Moreton planning areas and all statutory consultees. The consultation leaflet is attached as [Appendix A](#).

The consultation closed on 16<sup>th</sup> January 2009. During this period 94 responses were received. The breakdown by school and respondent type is as follows.

School	Total	Parent	Staff	Governor
Castleway	1	1	0	0
Leasowe	42	24	15	3
Leasowe EYC	1	1	0	0
Our Lady of Lourdes	49	30	15	5
Sacred Heart	1	0	0	1

The anonymised responses are attached as [Appendix B](#).

The consultation meeting on 3<sup>rd</sup> December 2008 was attended by 33 persons, including two ward councillors, 9 parents, 17 staff members and 7 governors (some also parents or staff).

The points raised by consultees are summarized as follows:

- Size and surplus places
- Impact on other schools, especially Leasowe Primary School
- Concerns about the consultation process
- Concerns about religious issues
- Concerns about traffic and road safety
- Removal of choice

The outcome of the additional consultation period was reported to Cabinet on 19<sup>th</sup> March 2009. Cabinet's decision was that approval should be given for the two Diocesan bodies to submit an application to the Secretary of State in order to seek a waiver of the requirement to hold a competition in this case, and that this being received, statutory notices should be published in relation to this proposal. The waiver request was submitted on 7<sup>th</sup> April 2009. Approval was received on 17<sup>th</sup> July 2009. The opening date in the approval was originally given as 1st September 2009, however the delay in receiving Secretary of State approval did not allow sufficient time to open the new school by September 2009, and consequently this proposal is being published to close the predecessor school at the next natural break in the Academic year in September 2010.

## Objectives



5. The objectives of the proposal.

To discontinue Our Lady of Lourdes Catholic Primary School.

#### **Standards and Diversity**

6. A statement and supporting evidence indicating how the proposals will impact on the standards, diversity and quality of education in the area.

The proposal is linked to the establishment of a Joint Faith Church of England and Catholic Aided primary school of the same size on the same site. This will increase diversity of education in the area.

#### **Provision for 16-19 year olds**

7. Where the school proposed to be discontinued provides sixth form education, how the proposals will impact on:

- a) the educational or training achievements;
- b) participation in education or training; and
- c) the range of educational or training opportunities,

for 16-19 year olds in the area.

N/A

#### **Need for places**

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

The proposal is linked to the establishment of a Joint Faith Aided school of the same size on the same site. Former pupils of the Catholic Aided school are expected to transfer to the new Joint Faith school, although parents may choose to apply to transfer to alternative schools in the area, subject to the availability of places and the Key Stage 1 Infant Class size limit.

9. 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.

The establishment of a Joint Faith Aided school of the same size on the same site will not reduce denominational provision in the area. Parental choice for a Church of England school will be increased, as there is no such school in the area served at present.

#### **Current School Information**

10. Information as to the numbers, age range, sex and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is made at the school.

Our Lady of Lourdes Catholic Primary School has 175 day only places for boys and girls aged 4 to 11, and a 52 place (26 FTE) nursery. In January 2009 it was attended by 104 pupils plus 29 F1 children. There is no LA designated SEN base or class.

#### **Displaced Pupils**

11. Details of the schools or FE colleges which pupils at the school for

whom provision is to be discontinued will be offered places, including:

- a) any interim arrangements;
- b) where the school included provision that is recognised by the LA as reserved for children with special educational needs, the alternative provision to be made for pupils in the school's reserved provision; and
- c) in the case of special schools, alternative provision made by LAs other than the authority which maintains the school.

It is proposed that pupils on roll at Our Lady of Lourdes Catholic Primary School at 31st August 2010 will transfer to the newly established Joint Faith Voluntary Aided school, Gardenside, Moreton, Wirral, CH46 2RP on the 1st September 2010 or the nearest practicable date thereafter. Pupils may transfer to any local primary school, subject to availability of places and the admission arrangements published in the Authority's information booklets for parents. Parents of pupils who are due to be admitted to Foundation 2 in 2010, and who have already completed a parental preference form for Our Lady of Lourdes Catholic Primary School will automatically be considered as a preference for the new Joint Faith Aided School at Gardenside, Moreton, Wirral, CH46 2RP. These parents will also be given an opportunity to complete a new parental preference form.

12. Details of any other measures proposed to be taken to increase the number of school or FE college places available in consequence of the proposed discontinuance.

No other measures to increase places are proposed.

### **Impact on the Community**

13. A statement and supporting evidence about the impact on the community and any measures proposed to mitigate any adverse impact.

The proposal is linked to the establishment of a Joint Faith Voluntary Aided school on the same site and will no adverse impact on the community.

14. Details of extended services the school offered and what it is proposed for these services once the school has discontinued.

The proposal is linked to the establishment of a Joint Faith Voluntary Aided school on the same site and will no adverse impact on the extended services.

### **Travel**

15. Details of the length and journeys to alternative provision.

The proposal is linked to the establishment of a Church of England Voluntary Controlled school on the same site. Existing pupils are guaranteed a place in the new school.

16. The proposed arrangements for travel of displaced pupils to other schools including how they will help to work against increased car use.

Applications for free transport to alternative primary schools will be considered under the guidance in the Authority's Information booklets for parents. There will be no impact on travel as pupils are guaranteed a place at the new school on the same site.

### **Related Proposals**

17. A statement as to whether in the opinion of the LA or governing body, the proposals are related to any other proposals which may have been, are, or are about to be published.

The proposal is linked to a proposal by the Diocese of Chester and Diocese of Shrewsbury to establish a Joint Church of England and Catholic Aided school on the existing site.

### **Rural Primary Schools**

18. Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15, a statement that the LA or the governing body (as the case may be) considered:

- a) the likely effect of discontinuance of the school on the local community;
- b) the availability, and likely cost to the LA, of transport to other schools;
- c) any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase; and
- d) any alternatives to the discontinuance of the school,

as required by section 15(4)

N/A

### **Maintained nursery schools**

19. Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out:

- a) the consideration that has been given to developing the school into a children's centre and the grounds for not doing so;
- b) the LA's assessment of the quality and quantity of 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
- c) the accessibility and convenience of replacement provision for local parents.

N/A

### **Special educational provision**

20. Where existing provision that is recognised by the LA as reserved for pupils with special educational needs is being discontinued, a statement as to how the LA or the governing body believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

N/A

**Information required to be included in section 10 and 11 Complete Proposals to establish a mainstream school outside of a competition.**

*Enter the information required in the expandable boxes below.*

**Extract of Part 1 of Schedule 3 to The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007 (as amended):**

**Contact Details**

1. The name of the proposer or proposers and a contact address.

Diocese of Shrewsbury Education Service, Curial Offices, 2 Park Road South, Birkenhead, CH43 4UX  
Chester Diocesan Board of Education, Church House, Lower Lane, Aldford, Chester, CH3 6HP

2. Whether the proposals are being submitted independently or jointly with another proposer or proposers.

Jointly.

**Category**

3. The type of school that it is proposed be established (a foundation school and, if so, whether it is to have a foundation, a voluntary school or a community school) and, if required by section 10, a statement that the Secretary of State's consent has been obtained to publication of the proposals.

Church of England and Catholic Aided. The Secretary of State's consent has been obtained to publish the proposals.

**Consultation**

4. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals have been complied with.

All applicable statutory requirements to consult in relation to the proposals have been complied with. Public consultations were originally held during January to March 2007, including a consultation meeting at Our Lady of Lourdes Catholic Primary School on 7<sup>th</sup> March 2007. More recently, a consultation was held in November 2008 to January 2009, including a consultation meeting at Our Lady of Lourdes Catholic Primary School on 3<sup>rd</sup> December 2008. All statutory consultees were consulted in accordance with the relevant DCSF guidance and statutory requirements.

5. Evidence of the consultation before the proposals were published including —
- a list of persons and/or parties who were consulted;
  - minutes of all public consultation meetings;
  - the views of the persons consulted; and

d) copies of all consultation documents and a statement of how these were made available.

The Council has been reviewing Wirral primary school provision on an area by area basis since Autumn 2004. The review of the Leasowe small planning area, in which Our Lady of Lourdes Catholic Primary School is situated, began in October 2006 with pre-consultation meetings involving headteachers and chairs of governors of all the schools in the area, as well as Diocesan Authorities and ward members. A number of options for change arose, and were approved for formal consultation by Cabinet. Leaflets and comments forms were provided to all parents, and at schools and local libraries. A dedicated website was established, including a feedback form, and the consultation was advertised in the press. Public meetings were held during Spring term 2007 at each of the schools named in the options.

The outcome of this consultation was described in the 20<sup>th</sup> June 2007 report to Cabinet. At this time, Cabinet's decision was that the Anglican Diocese of Chester and Catholic Diocese of Shrewsbury should be given all necessary support with regard to the proposal. Discussions between the Authority and the two Diocesan bodies proceeded over the following year.

A common view between the two Diocese on how to proceed having been reached, due to the time elapsed since the original consultation, a further consultation document was produced by the two Dioceses, and a further consultation meeting was held in December 2008. The consultation document was sent via the schools to parents/carers of pupils attending Our Lady of Lourdes Catholic Primary School, Leasowe Primary School, Leasowe Early Years Centre and Castleway Primary School, as well as to the headteachers of primary schools in the North and South Wallasey and Moreton planning areas and all statutory consultees. The consultation leaflet is attached as [Appendix A](#).

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The anonymised responses are attached as [Appendix B](#).

The consultation meeting on 3<sup>rd</sup> December 2008 was attended by 33 persons, including two ward councillors, 9 parents, 17 staff members and 7 governors (some also parents or staff).

The points raised by consultees are summarized as follows:

- Size and surplus places
- Impact on other schools, especially Leasowe Primary School
- Concerns about the consultation process
- Concerns about religious issues
- Concerns about traffic and road safety

- Removal of choice

The outcome of the additional consultation period was reported to Cabinet on 19<sup>th</sup> March 2009. Cabinet's decision was that approval should be given for the two Diocesan bodies to submit an application to the Secretary of State in order to seek a waiver of the requirement to hold a competition in this case, and that this being received, statutory notices should be published in relation to this proposal. The waiver request was submitted on 7<sup>th</sup> April 2009. Approval was received on 17<sup>th</sup> July 2009. The opening date in the approval was originally given as 1<sup>st</sup> September 2009, however the delay in receiving Secretary of State approval did not allow sufficient time to open the school by September 2009, and consequently this proposal is being published to open the school at the next natural break in the Academic year in September 2010.

### **Objectives**

6. The objectives of the proposal.

To establish a Church of England and Catholic Aided Primary school.

### **Extended Services**

7. Information on the extended services which it is envisaged will be provided on the site of the school.

The school will look to provide a before and after school service plus a holiday club.

### **Pupil numbers and admissions**

8. Information on —
- a) the number of pupil places the school should provide;
  - b) the upper and lower age limits of the school;
  - c) where it is intended that it should provide sixth form education, the number of pupils for whom it is intended that such education should be provided;
  - d) where it is intended that it should provide nursery education, the number of pupils for whom it is intended that such education should be provided;
  - e) where it is intended that the school should provide for boarding pupils, the number of pupils for whom it is intended such facilities should be provided;
  - f) the number of pupils to be admitted to the school in each relevant age group in the first school year in which the proposals will be implemented or, where it is intended that the proposals should be implemented in stages, the number of pupils to be admitted to the proposed school in each stage that the proposals will be implemented;
  - g) whether it is proposed that the school should admit pupils of both sexes or boys or girls only and, in the case of a single sex school where it is

intended to provide sixth form education, whether both sexes or boys or girls only are to be admitted to the sixth form.

- a) capacity is 175 pupils
- b) 3 to 11
- c) not applicable
- d) 52 pupils (26 FTE)
- e) not applicable
- f) 25
- g) both sexes

### **Ethos/Religious Character**

9. A short statement suitable for publication setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.

The school is to be conducted as a Catholic school in accordance with the Canon Law and teaching of the Roman Catholic Church and as a Church of England School in accordance with the teaching of the Church of England and in partnership with the churches at parish/deanery and diocesan level. Religious education is to be in accordance with (i) the teachings, doctrines, discipline and general and particular norms of the Roman Catholic Church and (ii) the teachings of the Church of England.

Religious worship is to be in accordance with (i) the rites, practices, discipline and liturgical norms of the Roman Catholic Church and (ii) the rites, practices, discipline and liturgical norms of the Church of England, and at all times the school will serve as a witness to the life and teachings of Jesus Christ.

10. If the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

The proposed school will have a CofE and Roman Catholic religious character and it is confirmed that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

### **Area or community that school serves**

11. The area or particular community or communities which the new school is expected to serve.

The new school will serve the Catholic parishes in Leasowe (Our Lady of Lourdes) and Wallasey (English Martyrs), and the Anglican parishes in Leasowe (St Chad), Wallasey (St Nicholas and St Hilary), New Brighton (St James and All Saints), Liscard (The Resurrection), Poulton (St Luke) and Seacombe (St Paul).

### **Admission Arrangements**

12. An indication of the proposed admission arrangements and over-subscription criteria for the new school including, where the school is

proposed to be a foundation or voluntary school or Academy which is to have a religious character —

a) the extent to which priority for places is proposed to be given to children of the school's religion or religious denomination; and

b) the extent, if any, to which priority is to be given to children of other religions or religious denominations or to children having no religion or religious denomination.

The proposed admission arrangements and over-subscription criteria will be published in the Wirral Council booklet for parents. After the legal commitment to children in public care, priority will be given to baptised members of the Roman Catholic Church and the Church of England on a 60:40 ratio from within the designated Roman Catholic parishes of Our Lady of Lourdes and English Martyrs and the Anglican Parishes in Leasowe, Liscard, New Brighton, Poulton, Seacombe and Wallasey.

### **Grammar schools**

13. Where the school is to be established in substitution for one or more discontinued grammar schools, a statement to this effect and a statement that the school may be designated as a grammar school for the purpose of Chapter 2 of Part 3 of SSFA 1998.

NA

### **Schools with a religious character or particular educational philosophy – parental demand**

14. Where the school is —

a) proposed to have a religious character, evidence of the demand in the area for education in accordance with the tenets of the religion; or

b) proposed to adhere to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question that is not already met in other maintained schools or Academies in the area.

The demand for a joint Catholic and Church of England School was evidenced during the consultation exercises and it meets the need for a Church of England given that no such provision exists in the designated area.

### **Sixth Form Education**

15. Where it is proposed that the school will provide sixth form education, how the proposals will —

a) improve the educational or training achievements;

b) increase participation in education or training; and

c) expand the range of educational or training opportunities, for 16-19 year olds in the area.

NA

### **Early Years Provision**



16. Where the proposals are to include provision for pupils aged between 2 and 5, the following information must be provided —

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

b) how the school will integrate the early years provision with childcare services, and how the proposals for the establishment of the school are consistent with the integration of early years provision with childcare;

c) evidence of parental demand for additional provision of early years provision;

d) assessment of capacity, quality and sustainability of provision in schools, and in settings outside of the maintained school sector who deliver the Early Years Foundation Stage within 3 miles of the school; and

e) the reasons why schools and settings outside the maintained school sector who deliver the Early Years Foundation Stage within 3 miles of the school and who have spare capacity, cannot make provision for any forecast increase in the numbers of such children.

a) The school will continue to operate a 52 place (26 FTE) LA maintained F1 class. The school is fully DDA compliant.

b) Existing early years provision at Our Lady of Lourdes Catholic Primary School is currently integrated with childcare services and that provision will be carried over into the new School.

c), d) and e) Not applicable. The provision replicates the existing childcare and nursery arrangements provided by the predecessor school, and does not create any additional provision.

### **Specialisms**

17. Whether the school will have any specialisms on implementation and whether the promoter intends to apply to the Secretary of State for the school to be a specialist school from implementation.

NA

### **Effects on Standards and Contributions to School Improvement**

18. Information and supporting evidence on:

a) how the school will contribute to enhancing the diversity and quality of education in the area; and

b) how the school will help to raise the standard of education in the area and contribute to school improvement.

The School will serve the community by providing an education of the highest quality within the context of Christian belief and practices and, by nurturing the aspirations and self esteem of all of the children in its care, contribute to school improvement.

19. Information and supporting evidence on how the proposals will contribute to enabling children and young people to be healthy, stay safe,

enjoy and achieve, make a positive contribution to the community and society, and achieve economic well-being.

The proposal is to create a safe, stimulating, happy and healthy environment where, via an ethos of praise and encouragement, high aspirations for every child will be encouraged in order that they may make a positive contribution to the community and society and achieve economic well being.

### **Community Cohesion**

20. The following information relating to the proposals —

- a) how the school will promote and contribute to community cohesion;
- b) how the school will increase inclusion and equality of access for all social groups; and
- c) how the school will collaborate with other schools, and in relation to secondary school proposals how the new school will collaborate with colleges and training providers.

a) The DCSF in 'Faith in the System' say that 'providers of all schools, including faith schools should encourage collaboration both within and outside their faith communities as a way of promoting community cohesion and integration.'

<http://publications.teachernet.gov.uk/eOrderingDownload/FaithInTheSystem.pdf>

The Church of England and Catholic Church seek to serve communities and individuals and by working in the community and with other organisations this will add to the promotion of community cohesion.

b) The inclusion of all will be central to the vision of the new School by promoting respect, valuing diversity and ensuring equal opportunities for all social groups. Parents and carers from all backgrounds and especially those who feel insecure in an academic environment will be involved in decision making and the life of the school.

c) As well as continuing to work with the Local Authority and the Catholic Diocese of Shrewsbury, the school will become part of and collaborate with the wider network of Church of England schools across the ten authorities within the Diocese of Chester.

### **Single sex or co-educational school**

21. Where the school is to admit pupils of a single sex —

- a) evidence of local demand for single sex education and how this will be met if the proposals are approved; and
- b) A statement giving details of the likely effect the alteration will have on the balance of provision of single sex education in the area.

NA

### **Location**

22. A statement about —

- a) the location of the site (including, where appropriate, the postal address or addresses if the school is to occupy a split site);
- b) whether the school will occupy a single or split site;
- c) the accessibility of the site (or if the school is to occupy a split site the

accessibility of the accommodation);

d) the current ownership and tenure (freehold or leasehold) of the site and the proposed use of any buildings already on the site;

e) 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 including details of any provisions which could obstruct the governing body or the head teacher in the exercise of any of their functions under any of the Education Acts or place indirect pressures upon funding bodies;

f) whether the site is currently used for the purposes of another school which will no longer be required for the purposes of that school. If so, provide details as to why the site will no longer be required for the purposes of that school; and

g) the estimated costs of providing the site and a statement about how the costs will be met.

a) The former premises of Our Lady of Lourdes Catholic Primary School, Gardenside, Moreton, Wirral, CH46 2RP.

b) Single site

c) Site is fully accessible

d) Site is owned by Trustees of the Diocese of Shrewsbury.

e) The tenure is held on a freehold basis and ownership is vested in the Trustees of the Diocese of Shrewsbury.

f) Predecessor school is Our Lady of Lourdes Catholic Primary School. Closure of that school is entirely linked to the establishment of the Joint Faith school since a change in religious status cannot be achieved any other way.

g) No costs involved. Changes in signage will be met by the school.

### **Implementation**

23. The date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

1<sup>st</sup> September 2010

24. Where the proposals are to establish a voluntary controlled or foundation school, a statement as to whether the proposals are to be implemented by the LA or by the proposers, and if the proposals are to be implemented by both,

a) a statement as to the extent that they are to be implemented by each body, and

b) a statement as to the extent to which the capital costs of implementation are to be met by each body.

a) The closure of the current school will be implemented by the LA and the opening of the new school by the Diocese of Shrewsbury and the Diocese of Chester.

b) Capital costs are being met 60% Diocese of Shrewsbury and 40% Diocese of Chester.

### **Project Costs**

25. A statement of the estimated capital cost of the proposals and the extent to which the costs are to be met by the proposers and/or the LA.

Two projects totalling £294,000 are being funded through LCVAP by the proposers.

26. A copy of a confirmation from the Secretary of State or LA or 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).

NA

27. Details of how it is proposed to fund the proposer's share of the capital costs of implementing the proposals (if any).

LCVAP

### **Travel**

28. The proposed arrangements for travel of pupils to the school.

Pupils currently attending Our Lady of Lourdes Catholic Primary School are expected to continue to attend the new Joint Faith Primary School, using whichever means of transport they are currently using.

Applications for free transport to an alternative primary school will be considered under the guidance issued in the Authority's information booklets for parents.

### **Federation**

29. Details of any proposals for the school to be federated with one or more schools (by virtue of section 24 of EA 2002 and section 12).

None.

### **Curriculum**

30. Confirmation that the school will meet the general requirements in relation to curriculum contained in section 78 of EA 2002 and an outline of any provision that will be in addition to the basic curriculum required by section 80 of EA 2002, in particular any 14-19 vocational education.

The school will meet the general requirements in relation to curriculum contained in section 78 of EA 2002.

### **Voluntary aided schools**

31. In addition, where the school is to be a voluntary aided school —

a) details of the Trust on which the site is to be held; and

b) confirmation that governing body will be able and willing to carry out their obligations under Schedule 3 to SSFA 1998.

The Governing Body is willing and able to carry out their obligations as laid down under Schedule 3 to SSFA 1998.

Staff

32. Not applicable – removed by amending Regulations.

### Foundation Schools

33. Where the school is to be a foundation school, confirmation as to whether the new school —

a) will have a foundation established otherwise than under SSFA 1998 and, if so, the identity of that foundation;

b) will belong to a group of schools for which a foundation body acts under section 21 of SSFA 1998; or

c) will not fall within sub-paragraph (a) or (b).

NA

34. Where the school is to be a foundation school which has a foundation:  
a) the name of the foundation where known;

b) the rationale for the foundation and the particular ethos that it will bring to the school;

c) the details of membership of the foundation, including the names of the members;

d) the entitlement to appoint charity trustees and the number of trustees to be appointed;

e) the proposed constitution of the governing body;

f) details of the foundation's charitable objects;

g) where the majority of governors are to be foundation governors, a statement that a parent council will be established in accordance with section 23A of EA 2002;

h) a statement that the requirements set out in the School Organisation (Requirements as to Foundations) (England ) Regulations will be met;

i) a statement of how the foundation will contribute to the advancement of education at the school and how it is envisaged it will help to raise standards; and

j) a statement of how the foundation will contribute to the advancement of community cohesion and the impact the foundation will have on the diversity of school provision in the area.

NA

### **Special educational needs**

35. Information as to whether the school will have provision that is recognised by the LA as reserved for children with special educational needs and, if so, the nature of such provision and the proposed number of pupils for whom such provision is to be made.

NA

36. Details of the proposed policy of the school relating to the education of pupils with special educational needs.

The school will have a special needs co-ordinator (SENCO) who helps children with SEN, sometimes by helping the child's own class or subject teachers to plan and prepare work and sometimes by providing or arranging additional teaching, perhaps individually or in a small group.

The school will follow the SEN processes and procedures set out in the Authority's Special Needs Handbook. These processes and procedures are governed by the 1996 Education Act (as amended by the SEN and Disability Act, 2001) and regulations made under that Act, notably the Education (Special Educational Needs) Regulations; and the 2001 SEN Code of Practice and the Disability Code of Practice.

37. Where the school will replace existing educational provision that would be recognised by the LA as reserved for children with special educational needs:

a) a statement on how the proposer believes the proposal is likely to lead to improvements in the standard, quality and/or range of educational provision for these children;

b) details of the specific educational benefits that will flow from the proposals in terms of —

i) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the LA's Accessibility Strategy;

ii) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;

iii) improved access to suitable accommodation; and

iv) improved supply of suitable places.

NA

### **Relevant experience of proposers**

38. Evidence of any relevant experience in education held by the proposer, or proposers (other than a local authority) including details of any involvement in the improvement of standards in education.

Both Dioceses have been heavily involved in education provision over many years with a long record of encouraging improved educational standards in the large number of schools for which they hold responsibility.

**Planning permission**

39. Where the establishment of the new school involves development for the purpose of the Town and Country Planning Act 1990, a statement as to whether planning permission has been obtained and, if it has not been obtained, details of when it is anticipated that it will be obtained.

NA

**Independent schools entering the maintained sector**

40. A statement that the requirements of section 11 (3) are met.

NA

41. A statement as to whether the premises will meet the requirements of the Education (School Premises) Regulations 1999 and, if not:

a) details of how the premises are deficient; and

b) details of how it is intended to remedy the deficiency.

NA

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Extract of

Decision Makers' Guidance for:

## Closing a Maintained Mainstream School

For further information:

School Organisation & Competitions Unit  
DCSF  
Mowden Hall  
Darlington  
DL3 9BG

Tel: 01325 391274

Email: [school.organisation@dcsf.gsi.gov.uk](mailto:school.organisation@dcsf.gsi.gov.uk)

Website: [www.dcsf.gov.uk/schoolorg/guidance.cfm?id=4](http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=4)

*Last updated 25 January 2010*

## CLOSING A MAINTAINED MAINSTREAM SCHOOL - A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES

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This guidance is extracted, for ease of reference by decision makers, from the full version of the “Closing a Maintained Mainstream School” guide - [www.dcsf.gov.uk/schoolorg/guidance.cfm?id=3](http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=3). The statutory guidance sections are indicated by shading, the word **must** in bold refers to a requirement in legislation, whilst the word **should** in bold is a recommendation.

### CLOSING A MAINTAINED MAINSTREAM SCHOOL - A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES

#### Stage 4 – Decision (Paragraphs 4.1-4.70)

##### Who Will Decide the Proposals? (Paragraphs 4.1-4.4)

4.1 Decisions on school organisation proposals are taken by the LA or by the schools adjudicator. In this chapter both are covered by the form of words “Decision Maker” which applies equally to both. Paragraphs 7-8 and 19 of Schedule 2 to EIA 2006 set out who **must** decide proposals for school closures. Decisions on closure proposals will be taken by the LA with some rights of appeal to the schools adjudicator. Only if the closure proposals are “related” to other proposals that fall to be decided by the schools adjudicator, will the LA not be the decision maker in the first instance.

4.2 The Department does not prescribe the process by which an LA carries out their decision-making function (e.g. full Cabinet or delegation to Cabinet member or officials). This is a matter for the LA to determine but the requirement to have regard to statutory guidance (see paragraph 4.15 below) applies equally to the body or individual that takes the decision.

4.3 Where proposals are published by the LA and there are no objections and the proposals are not “related” to other proposals, the proposals **must** be determined by the LA under Paragraph 19 of Schedule 2 to EIA 2006. The proposals **should** then be decided within 2 months (and if not, the proposals **must** be referred to the schools adjudicator) and there is no provision for an appeal against the LA’s decision. A conditional approval cannot be given where proposals are decided under the paragraph.

4.4 If there are objections to the proposals, or there are no objections but the proposals are “related” to other proposals, the proposals **must** be decided under Paragraph 8 of Schedule 2 to EIA 2006. The LA will normally be the decision maker (i.e. except where the proposals are related to proposals for the establishment of a new school and the schools adjudicator is required to decide the new school proposals – see paragraph 5.6 of Part A, and paragraph 4.6 of Part B, of “Establishing a New Maintained Mainstream School” - [www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2](http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2)). If the LA fail to decide proposals within 2 months of the end of the representation period the LA **must** forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They **must** forward the proposals within one week from the end of the 2 month period.

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### **Who Can Appeal Against an LA Decision? (Paragraphs 4.5-4.6)**

4.5 There is no right of appeal where proposals are decided under Paragraph 19 of Schedule 2 to EIA 2006. In all other cases the following bodies may appeal against an LA decision on school closure proposals:

- the local Church of England diocese;
- the Bishop of the local Roman Catholic diocese;
- the LSC where the school provides education for pupils aged 14 and over; and
- the governors and trustees of a foundation (including Trust) or voluntary school that is subject to the closure proposals.

4.6 Any appeals **must** be submitted to the LA within 4 weeks of the notification of the LA's decision. On receipt of an appeal the LA **must** then send the proposals, and the representations received (together with any comments made on these representations by the proposers), to the schools adjudicator within 1 week of the receipt of the appeal. The LA **should** also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals **must** also be sent to the schools adjudicator.

### **Checks on Receipt of Statutory Proposals (Paragraph 4.7)**

4.7 There are 4 key issues which the Decision Maker **should** consider before judging the respective factors and merits of the statutory proposals:

- Is any information missing? If so, the Decision Maker **should** write immediately to the proposer specifying a date by which the information **should** be provided;
- Does the published notice comply with statutory requirements? (see paragraph 4.8 below);
- Has the statutory consultation been carried out prior to the publication of the notice? (see paragraph 4.9 below); and
- Are the proposals "related" to other published proposals? (see paragraphs 4.10 - 4.14 below).

### **Does the Published Notice Comply with Statutory Requirements? (Paragraph 4.8)**

4.8 The Decision Maker **should** consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements - as set out in the Regulations - it may be judged invalid and the Decision Maker **should** consider whether they can decide the

proposals.

**Has the Statutory Consultation Been Carried Out Prior to the Publication of the Notice?** (Paragraph 4.9)

4.9 Details of the consultation **must** be included in the proposals. The Decision Maker **should** be satisfied that the consultation meets statutory requirements (see [Stage 1](#) paragraphs 1.2–1.5). If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and needs to consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

**Are the Proposals Related to Other Published Proposals?** (Paragraphs 4.10-4.14)

4.10 Paragraphs 9 and 19 of Schedule 2 to the EIA 2006 provide that any proposals that are “related to” particular proposals (e.g. for a new school, or prescribed alterations to existing schools i.e. change of age range, enlargement, transfer of site) **must** be considered together. This does not include proposals that fall outside of the Regulations e.g. removal of a Trust, opening of an Academy, federation proposals. Paragraphs 4.11 – 4.14 provide statutory guidance on whether proposals **should** be regarded as “related”.

4.11 Generally, proposals **should** be regarded as “related” if they are included on the same notice (unless the notice makes it clear that the proposals are not “related”). Proposals **should** be regarded as “related” if the notice makes a reference to a link to other proposals (published under School Organisation and Trust regulations). If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals **should** be regarded as “related”. Proposals for a school competition **should** be considered together with proposals for any school closure where there is a clear link.

4.12 Where proposals are “related”, the decisions **should** be compatible e.g. if one set of proposals is for the removal of provision, and another is for the establishment or enlargement of provision for displaced pupils, both **should** be approved or rejected.

4.13 Where proposals for a closing school are “related” to proposals published by the local LSC<sup>1</sup>, which are to be decided by the Secretary of State, the Decision Maker **must** defer taking a decision until the Secretary of

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<sup>1</sup> References throughout this document to the LSC only apply up to April 2010. The Apprenticeships, Skills, Children and Learning Act (ASCL) Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

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State has taken a decision on the LSC proposals. This applies where the proposals before the Decision Maker concern:

- the school that is the subject of the LSC proposals;
- any other secondary school, maintained by the same LA that maintains a school that is the subject of the LSC proposals; or
- any other secondary school in the same LA area as any FE college which is the subject of the LSC proposals.

4.14 The proposals will be regarded as “related” if their implementation would prevent or undermine effective implementation of the LSC proposals.

### **Statutory Guidance – Factors to be Considered by Decision Makers** (Paragraphs 4.15-4.16)

4.15 Paragraphs 8(6) and 17 of Schedule 2 to the EIA 2006 provides that both the LA and schools adjudicator **must** have regard to guidance issued by the Secretary of State when they take a decision on closure proposals. Paragraphs 4.16 to 4.63 below contain the statutory guidance.

4.16 The following factors **should not** be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals **should** be considered on their individual merits.

### **EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT**

#### **A System Shaped by Parents** (Paragraphs 4.17-4.18)

4.17 The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper Higher Standards, Better Schools For All, is to create a schools system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

- weak schools that need to be closed are closed quickly and replaced by new ones where necessary; and
- the best schools are able to expand and spread their ethos and success.

4.18 The EIA 2006 amends the Education Act 1996 to place duties on LAs to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker **should** take into account the extent to which the proposals are consistent with the new duties on LAs.

## STAGE 4

### **Standards** (Paragraphs 4.19-4.21)

4.19 The Government wishes to encourage changes to local school provision where it will boost standards and opportunities for young people, while matching school place supply as closely as possible to pupils' and parents' needs and wishes.

4.20 Decision Makers **should** be satisfied that proposals for a school closure will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They **should** pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

4.21 Where a school is to be closed so that it may be amalgamated with a more successful and/or popular school, the Decision Maker **should** again normally approve these proposals, subject to evidence being provided by the LA and other interested parties, that the development will have a positive impact on standards.

### **Schools Causing Concern** (Paragraphs 4.22-4.23)

4.22 When considering the closure of any school causing concern and, where relevant, the expansion of other schools, the Decision Maker **should** take into account the popularity with parents of alternative schools.

4.23 For all closure proposals involving schools causing concern, copies of the Ofsted monitoring letters for the relevant schools **should** be made available. The Decision Maker **should** have regard to the length of time the school has been in special measures, needing significant improvement or otherwise causing concern, the progress it has made, the prognosis for improvement, and the availability of places at other existing or proposed schools within a reasonable travelling distance. There **should** be a presumption that these proposals **should** be approved, subject only to checking that there will be sufficient accessible places of an acceptable standard available in the area to meet foreseeable demand and to accommodate the displaced pupils.

### **National Challenge Trust Schools** (Paragraph 4.24)

4.24 Where a school is proposed to close and re-open as a brokered National Challenge Trust school, the new school will have clear and specific plans for raising attainment which have been agreed by the Department (specified in the Statement of Intent agreed by Ministers). There **should** be a presumption to approve proposals where funding has been agreed by the Department, but the Decision Maker **should** be satisfied that the places the new school will provide are needed.

### **Academies** (Paragraphs 4.25-4.27)

4.25 Academies are publicly-funded independent schools established in



## STAGE 4

partnership with business and voluntary sector sponsors. They will normally replace one or more poorly-performing schools or will meet demand for new school places in diverse communities where there is only limited access to free high quality school places. Academies may be established in rural as well as urban areas. All Academies **should** contribute to a strategic approach to diversity in their area. The involvement of business and other non-Government partners will enable Academies to develop and implement new approaches to governance, teaching and learning in order to raise standards. All Academies will be required to share their facilities and expertise with other local schools and the wider community.

4.26 Where an Academy is to replace an existing school or schools, the proposals for the closure of those schools **should** indicate whether pupils currently attending the schools will transfer to the Academy and, if appropriate, what arrangements will be made for pupils who are not expected to transfer.

4.27 If provision for pupils at a school proposed for closure is dependent on the establishment of an Academy, or the extension or enlargement of an existing Academy, any approval of the closure proposals **should** be conditional on the Secretary of State making an agreement for a new Academy, or agreeing to the extension or enlargement of an existing one (see paragraph 4.65), but there **should** be a general presumption in favour of approval.

### **Diversity** (Paragraphs 4.28-4.30)

4.28 Decision Makers **should** be satisfied that when proposals lead to children (who attend provision recognised by the LA as being reserved for pupils with special educational needs) being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.58 to 4.62).

4.29 The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision.

4.30 Decision Makers **should** consider how proposals will impact on local diversity. They **should** consider the range of schools in the relevant area of the LA and how the closure of the school will ultimately impact on the aspirations of parents, help raise local standards and narrow attainment gaps.

### **Balance of Denominational Provision** (Paragraphs 4.31-4.32)

4.31 In deciding proposals to close a school with a religious character, the Decision Maker **should** consider the effect that this will have on the balance of denominational provision in the area.

## STAGE 4

4.32 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 denominational places in the area. This guidance does not however 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.

### **Every Child Matters** (Paragraph 4.33)

4.33 The Decision Maker **should** consider how proposals will help every child and young person achieve their potential in accordance with “Every Child Matters” principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This **should** include considering how displaced pupils will continue to have access to extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

### **NEED FOR PLACES**

#### **Provision for Displaced Pupils** (Paragraph 4.34)

4.34 Where proposals will remove provision, the Decision Maker **should** be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall supply and likely future demand for places. The Decision Maker **should** consider the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents’ aspirations for those schools.

#### **Surplus Places** (Paragraphs 4.35-4.36)

4.35 It is important that education is provided as cost-effectively as possible. Empty places can represent a poor use of resources - resources that can often be used more effectively to support schools in raising standards. The Secretary of State wishes to encourage LAs to organise provision in order to ensure that places are located where parents want them. LAs **should** take action to remove empty places at schools that are unpopular with parents and which do little to raise standards or improve choice. The removal of surplus places **should** always support the core agenda of raising standards and respect parents' wishes by seeking to match school places with parental choices.

4.36 The Decision Maker **should** normally approve proposals to close schools in order to remove surplus places where the school proposed for closure has a quarter or more places unfilled, and at least 30 surplus places, and where standards are low compared to standards across the LA. The Decision Maker **should** consider all other proposals to close schools in order

to remove surplus places carefully. Where the rationale for the closure of a school is based on the removal of surplus places, standards at the school(s) in question **should** be taken into account, as well as geographical and social factors, such as population sparsity in rural areas, and the effect on any community use of the premises.

## **IMPACT ON THE COMMUNITY AND TRAVEL**

### **Impact on Community** (Paragraphs 4.37-4.38)

4.37 Some schools may already be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social ramifications. In considering proposals for the closure of such schools, the effect on families and the community **should** be considered. Where the school was providing access to extended services, some provision **should** be made for the pupils and their families to access similar services through their new schools or other means.

4.38 The information presented by those bringing forward proposals to close such schools, particularly when they are in receipt of funding as part of regeneration activity, **should** therefore include evidence that options for maintaining access to extended services in the area have been addressed. The views of other relevant agencies and partnerships with responsibility for community and family services **should** be taken into account, alongside those of the local police, Government Offices and Regional Development Agencies having responsibility for the New Deal for Communities.

### **Community Cohesion and Race Equality** (Paragraph 4.39)

4.39 When considering proposals to close a school the Decision Maker **should** consider the impact of the proposals 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. In considering the impact of the proposals on community cohesion the Decision Maker will need to take account of the nature of the alternative provision to be made for pupils displaced by the closure and the effects of any other changes to the provision of schools in the area.

### **Travel and Accessibility for All** (Paragraphs 4.40-4.41)

4.40 In considering proposals for the reorganisation of schools, Decision Makers **should** satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes **should not** adversely impact on disadvantaged groups.

4.41 In deciding statutory proposals, the Decision Maker **should** bear in mind that proposals **should not** have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended

## STAGE 4

free transport rights for low income groups – see Home to School Travel and Transport Guidance ref 00373 – 2007BKT-EN at [www.teachernet.gov.uk/publications](http://www.teachernet.gov.uk/publications). Proposals **should** also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

### **Rural Schools and Sites** (Paragraphs 4.42-4.44)

4.42 In considering statutory proposals to close a rural school, the Decision Maker **should** have regard to the need to preserve access to a local school for rural communities. There is therefore 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 proposals clearly in the best interests of educational provision in the area. The presumption will not apply in cases where a rural infant and junior school on the same site are being closed to establish a new primary school. In order to assist the Decision Maker, those proposing closure **should** provide evidence to the Decision Maker to show that they have carefully considered:

- a. Alternatives to closure including the potential for federation with another local school to increase the school's viability; the scope for an extended school or children's centre to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc;
- b. The transport implications as mentioned in paragraphs 4.40 to 4.41; and
- c. 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.

4.43 When deciding proposals for the closure of a rural primary school, the Decision Maker **should** refer to the Designation of Rural Primary Schools (England) 2007 to confirm that the school is a rural school. The list of rural primary schools can be viewed on line at: [www.dcsf.gov.uk/schoolorg/useful-links.cfm](http://www.dcsf.gov.uk/schoolorg/useful-links.cfm).

4.44 In the case of secondary schools, it is the responsibility of the Decision Maker to decide whether a school is to be regarded as rural for the purpose of considering proposals for closure under this guidance and in particular the presumption against closure. The Department's register of schools – Edubase (<http://www.edubase.gov.uk>) - includes a rural/urban indicator for each school in England based on an assessment by the Office for National Statistics. The Decision Maker **should** have regard to this indicator. Where a school is not recorded as rural on Edubase, the Decision Maker may nonetheless wish to consider evidence provided by interested parties that a particular school **should** be regarded as rural.

NOTE: On Edubase, 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.

## **SCHOOL CHARACTERISTICS**

### **Boarding Provision** (Paragraph 4.45)

4.45 In making a decision on proposals to close a school that includes boarding provision, the Decision Maker **should** consider whether there is a state maintained boarding school within one hour's travelling distance from the school. The Decision Maker **should** consider whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

### **Equal Opportunity Issues** (Paragraph 4.46)

4.46 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 needs to 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.

## **SPECIFIC AGE PROVISION ISSUES**

### **Early Years Provision** (Paragraphs 4.47-4.48)

4.47 In considering proposals 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.

4.48 The Decision Maker **should** also consider whether the alternative early years provision will maintain or enhance the standard of educational provision and flexibility of access for parents. Alternative provision could be with providers in the private, voluntary or independent sector.

### **Nursery School Closures** (Paragraph 4.49)

4.49 In deciding whether to approve any proposals to close a nursery school, the Decision Maker **should** be aware that nursery schools generally offer high quality provision, and have considerable potential as the basis for developing integrated services for young children and families. There **should** be a presumption against the closure of a nursery school unless the case for closure can demonstrate that:

- a. the LA is consistently funding numbers of empty places;
- b. full consideration has been given to developing the school into a Sure

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Start Children's Centre, and there are clear, justifiable grounds for not doing so, for example: unsuitable accommodation, poor quality provision and low demand for places;

c. plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity and quality of early years provision provided by the nursery school with no loss of expertise and specialism; and that

d. replacement provision is more accessible and more convenient for local parents.

### **14-19 Curriculum and Collaboration** (Paragraph 4.50)

4.50 The Government has ambitious plans to increase post-16 participation rates and improve the skills of learners. The foundation for making progress is a transformed, coherent 14-19 phase offering a rich mix of learning opportunities from which young people can choose tailored programmes and gain qualifications appropriate to their aptitudes, needs and aspirations. This will be achieved by better collaboration between local providers, including schools, colleges, training providers and employers. Decision Makers **should** therefore consider what measures are being proposed to ensure that opportunities available to students in this age group are not reduced by the school closure, although the absence of such measures **should not** prevent the closure of a poorly-performing school.

### **16-19 Provision – General** (Paragraphs 4.51-4.53)

4.51 The pattern of 16-19 provision differs across the country. Many different configurations of school and college provision deliver effective 14-19 education and training. An effective 14-19 organisation has a number of key features:

- standards and quality: the provision available **should** be of a high standard – as demonstrated by high levels of achievement and good completion rates;
- progression: there **should** be good progression routes for all learners in the area, so that every young person has a choice of the full range of options within the 14-19 entitlement, with institutions collaborating as necessary to make this offer. All routes **should** make provision for the pastoral, management and learning needs of the 14-19 age group;
- participation: there are high levels of participation in the local area; and,
- learner satisfaction: young people consider that there is provision for their varied needs, aspirations and aptitudes in a range of settings across the area.

4.52 Where standards and participation rates are variable, or where there is little choice, meaning that opportunity at 16 relies on where a young person went to school, the case for reorganisation, or allowing high quality providers to expand, is strong.

4.53 Where standards and participation rates are consistently high, collaboration is strong and learners express satisfaction that they have sufficient choice, the case for a different pattern of provision is less strong. The Decision Maker therefore will need to take account of the pattern of 16-19 provision in the area and the implications of approving new provision.

#### **LSC Proposals to Close Inadequate 16-19 Provision (Paragraph 4.54)**

4.54 The Learning and Skills Act 2000 (as amended by the Education Act 2005) gives the LSC<sup>2</sup> powers to propose the closure of 16-19 schools judged to require Significant Improvement in two consecutive Ofsted inspections. Where a 16-19 school is proposed for closure in such circumstances there **should** be a presumption to approve the proposals, subject to evidence being provided that the development will have a positive impact on standards.

#### **Conflicting Sixth Form Reorganisation Proposals (Paragraph 4.55)**

4.55 Where the implementation of reorganisation proposals by the LSC conflict with other published proposals put to the Decision Maker for decision, the Decision Maker is prevented (by the School Organisation Proposals by the LSC for England Regulations 2003) from making a decision on the “related” proposals until the Secretary of State has decided the LSC proposals (see paragraphs 4.13 to 4.14 above).

### **SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION**

#### **Initial Considerations (Paragraphs 4.56-4.57)**

4.56 SEN provision, in the context of School Organisation legislation and this guidance, is provision recognised by the LA as specifically reserved for pupils with special educational needs. When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change, LAs **should** aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They **should** ensure that local proposals:

- a. take account of parental preferences for particular styles of provision or education settings;

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<sup>2</sup> References throughout this document to the LSC only apply up to April 2010. The ASCL Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

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- b. 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;
- c. are consistent with the LA's Children and Young People's Plan;
- d. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- e. 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;
- f. 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;
- g. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- h. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights **must** be ensured. Other interested partners, such as the Health Authority **should** be involved.

4.57 Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

### **The Special Educational Needs Improvement Test (Paragraph 4.58)**

4.58 When considering any reorganisation of provision that would be recognised by the LA as reserved for pupils with special educational needs, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers **should** show how the key factors set out in paragraphs 4.59 to 4.62 below have been taken into account by applying the SEN improvement test. Proposals which do not credibly meet these requirements **should not** be approved and Decision Makers **should** take proper account of parental or independent representations which



question the LA's own assessment in this regard.

**Key Factors** (Paragraphs 4.59-4.62)

4.59 When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they **should**:

a. identify the details of the specific educational benefits that will flow from the proposals in terms of:

- i. improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
- ii. improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
- iii. improved access to suitable accommodation; and
- iv. improved supply of suitable places.

b. LAs **should** also:

- i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
- ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools **should** confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
- iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
- iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

4.60 It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) **should not** be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD

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who have been placed appropriately in a PRU because they have been excluded; in such cases the statement **must** be amended to name the PRU, but PRUs **should not** be seen as an alternative long-term provision to special schools.

4.61 The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the key factors are for all those who bring forward proposals for new special schools or for special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

4.62 Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

### OTHER ISSUES

#### **Views of interested parties** (Paragraph 4.63)

4.63 The Decision Maker **should** consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker **should not** simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker **should** give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

#### **Types of Decision** (Paragraph 4.64)

4.64 In considering proposals for a school closure, the Decision Maker can decide to:

- reject the proposals;
- approve the proposals;
- approve the proposals with a modification (e.g. the school closure date); or
- approve the proposals subject to them meeting a specific condition (see paragraph 4.65), unless the decision is being

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made under paragraph 19 of Schedule 2 of the EIA 2006 – see 4.3 above.

### **Conditional Approval** (Paragraphs 4.65-4.66)

4.65 The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the Regulations i.e. as follows:

- a. the making of any agreement under section 482(1) of the 1996 Education Act for the establishment of an Academy, where the proposals in question provide for some or all of the pupils currently at the school which is the subject of the proposals to transfer to the Academy;
- b. the agreement of the Secretary of State to the extension or enlargement of an existing Academy;
- c. the decision of the Secretary of State to establish a new FE college under section 16 of the Further and Higher Education Act 1992;
- d. the agreement to any change to admission arrangements of any other school or schools specified in the approval;
- e. where the proposals depend upon conditions being met, by a specified date, for any other school or proposed school, the occurrence of such an event.

4.66 The Decision Maker **must** set a date by which the condition **must** be met but will be able to modify the date if the proposers confirm (preferably before the date expires), that the condition will be met later than originally thought. The condition-to-be-met-by date **must** be before the proposed implementation date of the proposal (which can also be modified if necessary). Therefore care **should** be taken when setting condition-to-be-met-by dates, particularly if proposals are “related” e.g. if a school is proposed to add a sixth form on 1<sup>st</sup> September one year, and enlarge on 1<sup>st</sup> September the following year, and the enlargement requires planning permission, the condition set **must** be met before the addition of a sixth form can be implemented (the earlier proposal), because as “related” proposals, they **should** both have the same decision, which in this case, would have been approval conditional upon planning permission being met. The proposer **should** inform the Decision Maker and the Department (SOCU, DCSF, Mowden Hall, Darlington DL3 9BG or by email to [school.organisation@dcsf.gsi.gov.uk](mailto:school.organisation@dcsf.gsi.gov.uk)) of the date when a condition is modified or met in order for the Department’s records, and those of Edubase to be kept up to date. If a condition is not met by the date specified, the proposals **must** be referred back to the Decision Maker for fresh consideration.

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### **Decisions** (Paragraphs 4.67-4.69)

4.67 All decisions **must** give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

4.68 A copy of the decision **must** be forwarded to:

- the LA or governing body who published the proposals;
- each objector except where a petition has been received. Where a petition is received a decision letter **should** be sent to the person who submitted the petition, or where this is unknown, the signatory whose name appears first on the petition;
- the Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to [school.organisation@dcsf.gsi.gov.uk](mailto:school.organisation@dcsf.gsi.gov.uk) );
- where the school includes provision for 14-16 education or sixth form education, the LSC;
- the local CofE diocese;
- the Bishop of the local RC diocese.

4.69 In addition, where proposals are decided by the LA a copy of the decision **must** be sent to the Office of the Schools Adjudicator, Mowden Hall, Darlington DL3 9BG. Where proposals are decided by the schools adjudicator, a copy of the decision **must** be sent to the LA who maintain the school.

### **Can proposals be withdrawn?** (Paragraph 4.70)

4.70 Proposals can be withdrawn by the proposer, at any point before a decision is taken by the Decision Maker. Written notice **must** be given to the LA, or governing body, if the proposals were published by the LA. Written notice **must** also be sent to the schools adjudicator (if proposals have been sent to him) and the Secretary of State – i.e. via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to [school.organisation@dcsf.gsi.gov.uk](mailto:school.organisation@dcsf.gsi.gov.uk)  
Written notice **must** also be placed at the main entrance to the school, or all the entrances if there are more than one.

Extract of

Decision Makers' Guidance for:

Establishing a  
New Maintained Mainstream  
School

For further information:

School Organisation & Competitions Unit  
DCSF  
Mowden Hall  
Darlington  
DL3 9BG

Tel: 01325 391274

Email: [school.organisation@dcsf.gsi.gov.uk](mailto:school.organisation@dcsf.gsi.gov.uk)

Website: [www.dcsf.gov.uk/schoolorg/guidance.cfm?id=4](http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=4)

*Last updated 26 January 2010*

# ESTABLISHING A NEW MAINTAINED MAINSTREAM SCHOOL - A GUIDE FOR LOCAL AUTHORITIES

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## PART C - Decision Makers' Guidance on Establishing a New School

This guidance is extracted, for ease of reference by decision makers, from the full version of the “Establishing a New Maintained Mainstream School” guide - [www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2](http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2). The statutory guidance sections are indicated by shading and the word must in bold.

### PART C

#### **Decision Makers' Guidance on Establishing a New School** (Paragraphs 1-99)

1. Decisions on school organisation proposals are taken by the LA or by the schools adjudicator. In this chapter both are covered by the form of words "Decision Maker".

#### **Checks on Receipt of Statutory Proposals** (Paragraph 2)

2. There are 5 key issues which the Decision Maker must consider before judging the respective factors and merits of the statutory proposals:-

- a. Is any information missing? If so, the Decision Maker should write immediately to the proposer specifying a date by which the information must be provided;
- b. Does the published notice comply with statutory requirements? (see paragraph 3 below);
- c. Has the statutory consultation been carried out prior to the publication of the notice? (see paragraph 4 below);
- d. Are the proposals "related" to other published proposals? (see paragraphs 5-9 below); and
- e. Are the proposals for a new foundation school with a foundation (Trust school) or federation to replace a closing National Challenge school as specified in the Statement of Intent agreed by Ministers. (see paragraph 10 below)

#### **Does the Published Notice Comply with Statutory Requirements?** (Paragraph 3)

3. The Decision Maker should consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements - as set out in The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007 (SI:2007 - 1288) (as amended) - it may be judged invalid and the Decision Maker should consider whether they can decide the proposals.

#### **Has the Statutory Consultation Been Carried Out Prior to the Publication of the Notice?** (Paragraph 4)



## PART C - Decision Makers' Guidance on Establishing a New School

4. Details of the consultation should be included in the proposals. The Decision Maker must be satisfied that the consultation meets statutory requirements (see paragraphs 1.2-1.5 of Stage 1, [Part A](#) for school competitions and paragraphs 1.2-1.4 of Stage 1, [Part B](#) for other new school proposals). If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

### **Are the Proposals Related to Other Published Proposals? (Paragraphs 5-9)**

5. Paragraph 9 of Schedule 2 to the EIA 2006 provides that any proposals that are “related” to particular proposals (e.g. for a new school, school closure, prescribed alterations to existing schools, or proposals by the LSC to deal with inadequate 16-19 provision proposals) must be considered together. Paragraphs 6 – 9 below provide statutory guidance on whether proposals should be regarded as “related”.

6. Generally, proposals should be regarded as “related” if they are included on the same notice (unless the notice makes it clear that the proposals are not “related”). Proposals should be regarded as “related” if the notice makes a reference to a link to other proposals. If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals should be regarded as “related”. Proposals for a school competition should be considered together with proposals for any school closure or prescribed alterations to an existing school, where there is a clear link.

7. Where proposals are “related”, the decisions should be compatible e.g. if one set of proposals is for the removal of provision, and another is for the establishment of provision for displaced pupils, both should be approved or rejected.

8. Where proposals for a new school are “related” to proposals published by the local LSC which are to be decided by the Secretary of State, the Decision Maker should defer taking a decision until the Secretary of State has taken a decision on the LSC proposals. This applies where the proposals before the Decision Maker concern:

- a. any proposed secondary school, to be maintained by the same LA that maintains a school that is the subject of the LSC proposals; or
- b. any other proposed secondary school in the same LA area as any FE college which is the subject of the LSC proposals.

9. The proposals will be regarded as “related” if their implementation

## PART C - Decision Makers' Guidance on Establishing a New School

would prevent or undermine effective implementation of the LSC proposals.

### **Proposals published for a National Challenge Trust school or National Challenge federation (Paragraph 10)**

10. A new National Challenge Trust school must be a foundation school with a foundation composed of Trust partners agreed with the local authority and the Department in the Statement of Intent, including a strong education partner; the foundation (Trust) must also appoint a majority of governors to the school's governing body. There should be a strong presumption to approve proposals for a National Challenge Trust school or National Challenge federation where a Statement of Intent has been agreed with the Department.

### **Statutory Guidance – Factors to be Considered by Decision Makers (Paragraphs 11-12)**

11. Paragraphs 8(6) and 17 of Schedule 2 to the EIA 2006 provides that both the LA and schools adjudicator **must** have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 12 to 91 below contain the statutory guidance.

12. The following factors should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

### **EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT**

#### **A System Shaped by Parents (Paragraphs 13-14)**

13. The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper Higher Standards, Better Schools For All, is to create a schools system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

- weak schools that need to be closed are closed quickly and replaced by new ones where necessary;
- the best schools are able to expand and spread their ethos and success; and
- new providers have the opportunity to share their energy and talents by establishing new schools - whether as voluntary schools, Trust schools or Academies - and forming Trusts for existing schools.

14. The EIA 2006 amends the Education Act 1996 to place duties on LAs to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific **duty** to respond to representations from

## PART C - Decision Makers' Guidance on Establishing a New School

parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker should take into account the extent to which the proposals are consistent with the new duties on LAs.

### **School Competitions** (Paragraphs 15-16)

15. When considering proposals submitted in response to a competition, the Decision Maker must consider all proposals. All proposals may have different strengths and weaknesses. Decision Makers will need to balance these and decide which proposal best meets the criteria for a new school overall. In addition, they will need to decide which proposals best meet the specific requirements for a new school for the area in question. Where two or more proposals are complementary, and together meet the requirements for the new school, the Decision Maker may approve all these proposals.

16. The specification for the new school is just the minimum requirement and proposals may go beyond this. Where a proposal is not in line with the specification, the Decision Maker should consider the potential impact of the difference. Where additional provision is proposed (e.g. early years or a sixth form) the Decision Maker should first judge the merits of the main proposal (i.e. that meets the original specification) against the other proposals. If the proposal is judged to be the superior proposal, the Decision Maker should consider the additional elements and whether they should be approved. If the Decision Maker considers the additional elements cannot be approved they may consider a modification to the proposals but will need first to consult the proposers, the LA and, if the proposals include provision for 14-19 year olds, the LSC.

### **Standards** (Paragraphs 17-18)

17. The Government wishes to encourage changes to local school provision which will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes.

18. Decision Makers should be satisfied that proposals for a new school will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

### **Diversity** (Paragraphs 19-25)

19. Decision Makers should be satisfied that new provision that would be recognised by the LA as reserved for children with Special Educational Needs (SEN) will meet the statutory SEN improvement test (see paragraphs 84 to 90).

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20. The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision.

21. Decision Makers should consider how proposals will contribute to local diversity. They should consider the range of schools in the relevant area of the LA and whether the new school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

22. The Government wishes to enable local communities to benefit from the energy and talents of new providers and to increase parental choice. It is therefore encouraging a wide range of promoters, with a contribution to make to educational standards and diversity, to come forward. These might include parent and community groups, educational charities, voluntary groups including church and faith communities, those offering distinctive educational philosophies, existing schools or consortia of schools. All proposals, from whatever source, should be considered on the basis of their educational merits, the extent of parental demand for the places and what they have to offer the local community.

23. Decision Makers should consider the extent to which proposals for Trust (or foundation) schools, voluntary schools or Academies - both within and outside competitions – will add to the diversity of provision in the area, having regard to the needs and wishes of the local community.

24. The Decision Maker will need to make a judgement on the capability of the proposer based on available evidence. Decision Makers should take account of the track record of providers where they are already associated with schools, but the absence of a track record should not necessarily be grounds for regarding proposals less favourably.

25. Where delivery of proposals is dependent on a specific arrangement, such as the new school entering into a contract with a particular body, the Decision Maker will need to take a view on the ability of the governing body to enter into a contract of the kind envisaged, and the steps that would need to be taken to do so. For instance, but not exclusively, the Decision Maker would need to be confident that the school was complying with relevant procurement regulations and that the school had considered how they would manage any implications that might arise from the possibility that, as a result of staff not being employed by the governing body or local authority, the majority of the workforce might not be “teachers” (i.e. as defined by section 122 of the Education Act 2002).

### **Fresh Start /Collaborative Restart (Paragraph 26)**

26. A new Fresh Start or Collaborative Restart school, [and National Challenge Trust schools or National Challenge federations], will have clear and specific plans for raising attainment which have been agreed by the

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Department. There should be a presumption to approve proposals where funding has been agreed by the Department, but the Decision Maker should be satisfied that the places the new school will provide are needed.

### **Every Child Matters** (Paragraph 27)

27. The Decision Maker should consider how the proposals will help every child and young person achieve their potential in accordance with “Every Child Matters” principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and, achieve economic well-being. This should include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs e.g. looked after children or children with special educational needs (SEN) and disabilities.

### **TYPES OF SCHOOLS**

#### **The Importance of Partnerships** (Paragraphs 28-29)

28. The Government wants schools to become self governing and to form relationships with external partners. Foundation schools, VA schools, Trust Schools and Academies are all self governing schools. Within these categories, Trust Schools, VA Schools and Academies all benefit from external partners who can bring energy, expertise and innovation to strengthen governance and help raise standards. In addition, the government believes Trust status can provide a structure to strengthen and sustain collaboration between schools.

29. In considering proposals for a new school the Decision Maker should take into account the Government's views of the benefits of external partnerships.

#### **Trust Schools** (Paragraphs 30-34)

30. For Trust schools (foundation schools with a foundation), the Decision Maker should consider whether the necessary statutory requirements relating to Trusts are met or are in progress:

- a. That the necessary work is underway to establish the Trust as a charity and as a body corporate – either as a company limited by guarantee, a company limited by shares, by Royal Charter or, once the relevant provisions of the Charities Act 2006 are in place, as a Charitable Incorporated Organisation;
- b. That the objects or purposes of the Trust will be exclusively charitable; that the Trust's charitable objects will include the advancement of education of the pupils of the school; and also that the Trust meets the legal requirement to promote community cohesion in furthering the advancement of such education;

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- c. Where LAs are proposed as members of a Trust, that they are to exercise no more than 20% of the total voting rights in accordance with section 23A of the School Standards and Framework Act 1998;
- d. Where LAs are entitled to appoint charity trustees, the number of such trustees and the voting rights exercisable by them do not exceed 20% of the total voting right;
- e. That none of the proposed trustees are disqualified from exercising this function by virtue of:
  - i. Disqualifications under company or charity law;
  - ii. Disqualifications from working with children or young people;
  - iii. Not having obtained a criminal records certificate under section 113A of the Police Act 1997;
  - iv. The Education (Requirement as to Foundations)(England) Regulations 2007 (SI 2007) or any subsequent regulations made by the Secretary of State under section 23A of the School Standards and Framework Act 1998, as inserted by section 33 of the EIA 2006 disqualifying certain persons from acting as charity trustees.

f. If the proposal is for the Trust to hold a majority on the governing body of the school, a statement that the governing body will set up a Parent Council and the proposed constitution of the Parent Council.

31. The Decision Maker should consider whether the proposal for a Trust School is a good one by considering:

- a. to what extent the proposed partners already have a relationship with other schools; and how those schools perform (though the absence of a track record should not be grounds for regarding proposals less favourably);
- b. to what extent the proposed partners have knowledge of the local community and the specific needs of the area and to what extent the proposal addresses these; and
- c. how the partners propose to identify and appoint governors. What, if any, support would the Trust/foundation give to governors – e.g. training, encouraging exchanges of information on best practice?

This list is not exhaustive. Where proposals identify a particular contribution to be made by partners, the Decision Maker will wish to take these features into account on a case by case basis.

32. The Decision Maker should consider the nature of the proposed Trust and also the activities and reputation of the proposed trustees. In particular he should be satisfied that the trustees are not involved in activities that may be considered inappropriate for children and young people (e.g. tobacco, gambling, adult entertainment, alcohol). The reputation of Trust members and

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proposed trustees should also be in keeping with the charitable objects of a Trust. Trust members and proposed trustees should also not be involved in illegal activities and/or activities which could bring the school into disrepute, but would not otherwise be disqualified under regulations.

33. The following sources may provide information on the history of potential Trust partners:

a. The Health and Safety Executive maintains a public register of convictions, updated on a weekly basis (although with a 9 week lapse between a conviction and a case being added), and on which cases appear for a period of 5 years. Cases subject to appeal are however not published on the database. <http://www.hse-databases.co.uk/prosecutions/>

b. The Charity Commission's Register of Charities, contains a wide range of information about every registered charity, including its name, contact details, email address/website address, governing document, objects, area of benefit, area of operation, registration history: <http://www.charity-commission.gov.uk/registeredcharities/first.asp>

c. The Company House website, provides access to information about registered companies: <http://wck2.companieshouse.gov.uk/9269be9e958913c3412a4360e6158408/wcframe?name=accessCompanyInfo>

34. Decision Makers should consider the impact of the Trust on educational standards in the new school. In particular they should consider the particular expertise and background of Trust members in relation to the overall ethos proposed for the school, and in relation to the needs of an area. How would the Trust utilise relevant leadership and/or experience in order to contribute to raising standards?

### **Foundation Body** (Paragraph 35)

35. Foundation and Voluntary schools may establish foundation bodies to be responsible for the land and assets of a group of schools, in accordance with the provisions of section 21 of the School Standards and Framework Act 1998. A foundation body is a distinct type of statutory foundation and is not to be confused with a Trust. Proposals may therefore include a reference to plans to establish a new foundation body or join an existing body. Where the proposals include a reference to the need to establish a new foundation body, an approval should be conditional upon the Secretary of State approving the establishment of that body by a certain date.

### **Academies** (Paragraphs 36-37)

36. Statutory proposals are not required to establish a new Academy but proposals for a new Academy may be received in response to a school competition run by the LA. If one of the proposals is for an Academy, the LA should consult the Secretary of State within one week of receiving the proposals. The Secretary of State will then confirm whether or not he would

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be willing in principle to commence negotiations with a view to entering into an agreement for establishing an Academy. Following a response from the Secretary of State that he would be willing in principle to commence negotiations the Decision Maker can consider all the proposals submitted, including the Academy. If the Secretary of State is not willing in principle to commence negotiations the Academy proposals must be rejected.

37. The key focus of Government funding for the Academy programme is on deprived areas with a history of poor educational standards and on new schools to replace weak or failing schools. Therefore, Decision Makers may consider proposals for an Academy to be particularly appropriate where the new school would be situated in an area of low standards and/or where the Academy would replace one or more weak or failing schools. However, the Decision Maker should also give equal consideration to Academy proposals in all other circumstances, whether or not standards are low in the locality in question.

### **Independent Schools (Paragraphs 38-40)**

38. If the proposal for the new school is from an existing independent school the Decision Maker will need to consider whether the school has, or would have, a range of suitable staff to meet the school's needs, including sufficient teachers with qualified teacher status.

39. The Decision Maker will also need to consider the suitability of the premises of an independent school to join the maintained sector. They will need to be satisfied that either:

- a. the premises will meet the minimum requirements of The Education (School Premises) Regulations 1999; or
- b. if the premises do not meet those requirements, the proposers have secured the Secretary of State's agreement in principle to grant a relaxation.

40. Where the Secretary of State has given 'in principle' agreement as at paragraph 37 above, the Decision Maker should give conditional approval so that only once the Secretary of State gives his agreement, the proposals will automatically gain full approval and the proposer will be under a statutory duty to implement the proposals as approved. If the condition is not met or modified, the proposals cannot be implemented.

## **SCHOOL CHARACTERISTICS**

### **Boarding Provision (Paragraph 41)**

41. In making a decision on proposals for a new school that includes boarding provision the Decision Maker should consider whether or not there would be a detrimental effect on the sustainability of boarding at another state maintained boarding school within one hour's travelling distance of the proposed new school.

### **Grammar Schools (Paragraph 42)**



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42. In line with Government policy, that there should be no increase in selection on the basis of academic ability, a new school can only be designated as a grammar school by the Secretary of State where it is being established in place of one or more closing grammar schools (section 104 of the Schools Standards and Framework Act refers). Decision Makers should therefore satisfy themselves that if a new school is proposed as a grammar school it is eligible for designation.

### **School Size** (Paragraph 43)

43. Decision Makers should not make blanket assumptions that schools need to be of a certain size before they can be good schools (although the viability and cost-effectiveness of proposals should continue to be one of the factors taken into account). The Decision Maker should also consider the impact on the LA's Schools Budget of the need to provide additional funding to a small school to compensate for its size.

### **Proposed Admission Arrangements** (Paragraph 44)

44. The Decision Maker should confirm that the proposed admission arrangements comply with the law and the mandatory provisions of the School Admissions Code. Where the admissions arrangements are unsatisfactory the proposals should normally be rejected. However, where the Decision Maker would otherwise have been minded to approve the proposals, the Decision Maker should consult the proposer on a proposed modification to the proposals in order that the proposed admission arrangements comply with the Code.

### **National Curriculum** (Paragraphs 45-46)

45. All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community under section 90 or section 91 of the Education Act 2002, or for individual pupils under section 92 or section 93 of the Education Act 2002. The Decision Maker should be satisfied that the proposed school will provide:

- a. a balanced and broadly based curriculum as required in section 78 of the Education Act 2002;
- b. the National Curriculum, Religious Education, and in the case of a secondary school and those pupils in secondary education in a special school, sex education (as required by section 80 of the Education Act 2002).

46. Academies do not by statute have to follow the National Curriculum. However, when considering proposals for a new Academy, in response to a school competition, the Decision Maker should be satisfied that the proposed Academy would provide a broad and balanced curriculum. This should include English, Mathematics, Science and Information and Communication Technology; the Decision Maker should be satisfied that the Academy will make provision for the teaching of Religious Education and for a daily act of collective worship.

**Specialist Schools** (Paragraphs 47-49)

47. When a proposal for a new school states that it will have a specialism it is important to take the nature of the proposed specialism into account. Any application from a school for entry into the specialist schools programme will need to be submitted to the Department for Children, Schools and Families (DCSF). However, when considering the proposal for a new school that intends to acquire specialist status the Decision Maker may wish to consider several factors that apply to the opening of a specialist school. The Decision Maker should consider whether the proposal demonstrates that the particular specialism is appropriate given all the circumstances.

48. The Decision Maker should consider the location of the new school and the current provision in the area for the proposed specialist subject. For example, if a proposed school wanted to open with a sports specialism in an area where there was already a specialist sports college in close proximity it may be necessary for the proposers to look at a different specialism to ensure that there is a range of options for pupils and parents in the area.

49. It is part of the specialist schools ethos that strong links are made with other local secondary schools, the feeder primary schools and the local community. The Decision Maker should take into account how the proposers intend the school will work with these partners.

**Extended Schools** (Paragraph 50)

50. As part of the Every Child Matters agenda to improve outcomes for all children the Government wants all schools to provide access to a core offer of extended services by 2010, with half of all primary schools and a third of all secondary schools doing so by 2008. The Government's vision for extended schools is set out clearly in the Extended Schools Prospectus available at [www.teachernet.gov.uk/extendedschools](http://www.teachernet.gov.uk/extendedschools). The core offer will include: a varied menu of interesting activities all year round; parenting support including family learning; 8am-6pm childcare (primary schools only) all year round; swift and easy referral to a range of specialist support services; and community access to the school's sports, arts and ICT facilities including adult learning. Where the provision of a range of extended services is a feature of proposals this should strengthen the case for their approval, provided that the Decision Maker is satisfied that funding will be available.

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### **Federations (Paragraph 51)**

51. The Government encourages schools to work together and collaborate or federate in a number of ways where this will improve school standards. This can include a statutory federation where maintained schools federate under a single governing body. Where the proposed new school is to be federated with another school(s) the Decision Maker should consider whether the proposed federation will help to raise standards. Approval of the proposals should be conditional upon the formation of the federation by a specified date.

### **Equal Opportunity Issues (Paragraph 52)**

52. 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. In considering proposals for an existing independent school to become maintained the Decision Maker should be satisfied that if the school is co-educational it will provide equal opportunities for boys and girls. Similarly there needs to 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.

### **NEED FOR PLACES**

#### **Creating Additional Places (Paragraphs 53-55)**

53. The Decision Maker should consider whether there is a need for the new school. The Decision Maker should consider the evidence presented for any projected increase in pupil population such as planned housing development. The Decision Maker should take into account not only the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for a new school. The existence of surplus capacity in neighbouring less popular or successful schools should not in itself prevent the addition of new places. Assessment of demand should include all potential admissions, not only those from the area of the authority in which the school will be situated.

54. Where the new school will have a religious character, or follow a particular philosophy, the Decision Maker should be satisfied that there is satisfactory evidence of sufficient demand for places for the school to be sustainable.

55. Where proposals add to surplus capacity but there is a strong case for approval on parental preference and standards grounds, the presumption should be for approval. The LA in these cases will need to consider parallel action to remove the surplus capacity thereby created.

### **IMPACT ON THE COMMUNITY & TRAVEL**

**Community Cohesion and Race Equality (Paragraphs 56-58)**

56. Promoters of new schools should include in their proposals information about how the school will tackle religious, social, racial and cultural division and meet the statutory duties to promote community cohesion and well-being. When considering proposals for new schools, the Decision Maker should be satisfied that the proposals will meet the statutory duty on schools to promote community cohesion and consider the potential impact on other schools in the area. In particular, consideration should be given to how the school will:

- a. promote and contribute to community cohesion;
- b. increase inclusion and equality of access for all social groups; and
- c. establish and maintain partnerships and collaborations with other schools, colleges and training providers.

57. This will need to be considered on a case by case basis, taking account of the community that the new school will serve and the views of different sections within the community. There is no single model of school inclusiveness which can be applied to all circumstances - prime consideration should be the needs of the particular local community. The Government's guidance on the duty to promote community cohesion provides further information on the duty and case studies demonstrating a range of best practice from schools in different circumstances.

58. The Decision Maker will need to consider the views of the local community, the commitment of the new school proposers and their own assessment of the robustness of the proposed means for achieving inclusiveness. Proposals for new faith schools should be judged on the same basis as proposals for other schools. Further DCSF guidance on community cohesion can be found at:

<http://www.teachernet.gov.uk/wholeschool/Communitycohesion/> .

**Travel and Accessibility for All (Paragraphs 59-60)**

59. In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups.

60. In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see “Home to School Travel and Transport Guidance” ref 00373 – 2007BKT-EN at

[www.teachernet.gov.uk/publications](http://www.teachernet.gov.uk/publications). Proposals should also be considered on

the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

### **SPECIFIC AGE PROVISION ISSUES**

#### **Early Years Provision (Paragraph 61)**

61. In considering any proposals for a new primary school which includes early years provision, or a new nursery school, the Decision Maker should consider whether the proposals will integrate pre-school education with childcare services, and with other services for young children and their families, and lead to the development of sustainable partnerships that allow flexible, responsive provision in accordance with the needs of parents and families.

#### **14-19 Curriculum and Collaboration (Paragraphs 62-63)**

62. The Government wants young people to be able to choose from a broad range of general and applied learning options from the age of 14 and to be able to progress through learning at a pace that is right for them. Where necessary, it expects that this should be achieved through increased collaborative working between local providers, including schools, colleges, training providers and employers. Where a new school includes provision for 14-16 year-olds, the Decision Maker should consider the extent to which it will extend the range of options available to students in this age group and enhance the opportunities for collaboration between relevant local providers.

63. Where the age range includes 14-19, the Decision Maker should also be satisfied that the proposed school will work towards offering the 14-19 curriculum entitlement, in collaboration with other local providers.

#### **16-19 Provision (Paragraphs 64-66)**

64. The pattern of 16-19 provision differs across the country. Many different configurations of school and college provision deliver effective 14-19 education and training. An effective 14-19 organisation has a number of key features:

- standards and quality: the provision available should be of a high standard – as demonstrated by high levels of achievement and good completion rates;
- progression: there should be good progression routes for all learners in the area, so that every young person has a choice of the full range of options within the 14-19 entitlement, with institutions collaborating as necessary to make this offer. All routes should make provision for the pastoral, management and learning needs of the 14-19 age group;
- participation: there are high levels of participation in the local area; and,
- learner satisfaction: young people consider that there is provision for

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their varied needs, aspirations and aptitudes in a range of settings across the area.

65. Where standards and participation rates are variable, or where there is little choice, meaning that opportunity at 16 relies on where a young person went to school, the case for reorganisation, or allowing high quality providers to expand, is strong.

66. Where standards and participation rates are consistently high, collaboration is strong and learners express satisfaction that they have sufficient choice, the case for a different pattern of provision is less strong. The Decision Maker therefore will need to take account of the pattern of 16-19 provision in the area and the implications of approving new provision.

### **Conflicting Sixth Form Reorganisation Proposals (Paragraph 67)**

67. Where the implementation of reorganisation proposals by the LSC conflict with other published proposals put to the Decision Maker for decision, the Decision Maker is prevented (by the School Organisation Proposals by the LSC for England Regulations 2003) from making a decision on the "related" proposals until the Secretary of State has decided the LSC proposals (see paragraphs 8-9 above).

## **FUNDING & LAND**

### **Capital (Paragraphs 68-71)**

68. The Decision Maker should be satisfied that any land, premises or capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the LA, DCSF or LSC). In the case of an LA, this should be from an authorised person within the LA, and provide detailed information on the funding, provision of land and premises etc.

69. Where proposers are relying on DCSF as the source of capital funding, there can be no assumption that the approval of proposals 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 proposals should be rejected, or consideration of them deferred until it is clear that the capital necessary to implement the proposals will be provided.

70. For competitions the LA will be expected to provide premises and meet the capital costs of implementing the winning proposals, and must include a statement to this effect in the notice inviting proposals. Where the estimated premises requirements and/or capital costs of proposals submitted in response to a competition exceed the initial cost estimate made by the LA, the Decision Maker should consider the reasons for the additional requirements and/or costs, as set out in the proposal and whether there is agreement to their provision.

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71. Proposals should not be approved conditionally upon funding being made available, subject to the following specific exceptions. For schools being funded under the Private Finance Initiative (PFI) or through the Building Schools for the Future (BSF) programme, the Decision Maker should be satisfied that funding has been agreed 'in principle', but the proposals should be approved conditionally on the entering into of the necessary agreements and the release of funding. A conditional approval will protect proposers so that they are not under a statutory duty to implement the proposals until the relevant contracts have been signed and/or funding is finally released. Similarly, for Academy proposals in response to a competition, proposals should be approved conditionally on the Secretary of State entering into a funding agreement with the sponsors (see paragraph 94 below).

### Capital Receipts (Paragraphs 72-74)

72. Where the implementation of proposals may depend on capital receipts from the disposal of land used for the purposes of a school (i.e. including one proposed for closure in "related" proposals) the Decision Maker should confirm whether consent to the disposal of land is required, or an agreement is needed, for disposal of the land. Current requirements are:

a. Community Schools – the Secretary of State's consent is required under paragraph 2 of Schedule 35A to the Education Act 1996 and, in the case of playing field land, under section 77 of the School Standards and Framework Act 1998 (SSFA 1998). (Details are given in DfES Guidance 1017 -2004 "The Protection of School Playing Fields and Land for Academies" published in November 2004)

<http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DfE-1017-2004&>

b. Foundation and Voluntary Schools:

- i. playing field land - the governing body, foundation body or trustees will require the Secretary of State's consent, under section 77 of the SSFA 1998, to dispose, or change the use of any playing field land that has been acquired and/or enhanced at public expense.
- ii. non-playing field land or school buildings - the governing body, foundation body or trustees no longer require the Secretary of State's consent to dispose of surplus non-playing field land or school buildings which have been acquired or enhanced in value by public funding. They will be required to notify the LA and seek local agreement of their proposals. Where there is no local agreement the matter should be referred to the School Adjudicator to determine. (Details of the new arrangements can be found in the Department's guidance "The Transfer and Disposal of School Land in England: A General Guide for Schools, LAs and the Adjudicator" - <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DfE-1017->

[2004&\).](#)

73. Where proposals for a new school are dependent upon capital receipts of a discontinuing foundation or voluntary school the governing body is required to apply to the Secretary of State to exercise his various powers in respect of land held by them for the purposes of the school. Normally he would direct that the land be returned to the LA but he could direct that the land be transferred to the governing body of another maintained school (or the temporary governing body of a new school). Where the governing body fails to make such an application to the Secretary of State, and the school subsequently closes, all land held by them for the purposes of the discontinued school will, on dissolution of the governing body, transfer to the LA unless the Secretary of State has directed otherwise before the date of dissolution.

74. Where consent to the disposal of land is required, but has not been obtained, the Decision Maker should consider issuing a conditional approval for the statutory proposals so that the proposals gain full approval automatically when consent to the disposal is obtained (see paragraph 96 p.) below).

#### **New Voluntary Aided School Funding (Paragraph 75)**

75. For proposals for a new voluntary aided school the Decision Maker should have a statement (Form 18 – available from the Members' Area of the School Organisation website - [www.dcsf.gov.uk/schoolorg](http://www.dcsf.gov.uk/schoolorg)), signed by the promoters that provides evidence that the new school's Governing Body would be able to meet their financial responsibilities for any future building work.

#### **New Site or Playing Fields (Paragraph 76)**

76. Proposals dependent on the acquisition of a new site or playing field may not receive full approval but should be approved conditionally upon the acquisition of a site or playing field.

#### **Land Tenure Arrangements (Paragraphs 77-80)**

77. For new voluntary or foundation schools it is desirable that a Trust holds the freehold interest in the site. Where the trustees of the proposed voluntary or foundation school hold, or will hold, a leasehold interest in the site, the Decision Maker will need to be assured that the arrangements provide sufficient security for the school. In particular the leasehold interest should be for a substantial period - normally at least 50 years - and avoid clauses which would allow the leaseholder to evict the school before the termination of the lease. The Decision Maker should also be satisfied that a lease does not contain provisions which would obstruct the governing body or the headteacher in the exercise of their functions under the Education Acts, or place indirect pressures upon the funding bodies.

78. Responsibility for the provision of the site for a new school is as



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follows:

- a. school competitions - the LA, except where the proposers wish to provide the school on a different site to that specified in the original notice which invited proposals;
- b. foundation or voluntary controlled school (other than in a competition) - the relevant LA and the proposer to such extent as the approved proposals provide for each of them to do so; and
- c. voluntary aided school (other than in a competition) – responsibility lies with the proposer.

79. Where the site of a new foundation or voluntary controlled school is being provided by the proposers, they should discuss the land tenure arrangements with the LA as the LA will be responsible for meeting future capital building costs. The LA should provide assurance to the Decision Maker that land tenure arrangements will be satisfactory.

80. Where the site of a new VA school is being provided by proposers the Secretary of State will want to consider land tenure arrangements when making grants available for any capital building work. He is likely to set a condition of grant that if the school closes or ceases to use the premises (i.e. that have been provided or enhanced by grant) he will be able to recover grant. Nonetheless the Decision Maker should ensure that the land tenure arrangements will be satisfactory taking into account the factors in paragraph 78 above.

### **School Playing Fields (Paragraphs 81-82)**

81. The Education (School Premises) Regulations 1999 set out the standards for school premises, including minimum areas of team game playing fields to which schools should have access. The Decision Maker will need to be satisfied that either:

- a. the premises will meet the minimum requirements of The Education (School Premises) Regulations 1999; or
- b. if the premises do not meet those requirements, the proposers have secured the Secretary of State's agreement 'in principle' to grant a relaxation.

82. Where the Secretary of State has given 'in principle' agreement as at paragraph 82(b) above, the Decision Maker should consider issuing conditional approval so that when the Secretary of State gives his agreement, the proposals will automatically gain full approval.

### **Special Educational Needs (SEN) Provision**

#### **Initial Considerations (Paragraphs 83-84)**

83. When reviewing SEN provision, in the context of School Organisation legislation and this guidance, is provision recognised by the LA as specifically

## PART C - Decision Makers' Guidance on Establishing a New School

reserved for pupils with special educational needs. planning or commissioning alternative types of SEN provision or considering proposals for change LAs should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They should ensure that local proposals:

- i. take account of parental preferences for particular styles of provision or education settings;
- ii. 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 local authority day and residential special provision;
- iii. are consistent with the LA's Children and Young People's Plan;
- iv. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- v. 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;
- vi. 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;
- vii. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- viii. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved.

84. Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

### **The Special Educational Needs Improvement Test (Paragraph 85)**

85. When considering any reorganisation of provision that would be recognised by the LA as reserved for pupils with special educational needs, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers should show how the key factors set out in the paragraphs below (87 to 89) have been taken into account by applying the SEN improvement test. Proposals which do not credibly meet these requirements should not be approved and Decision Makers should take proper account of parental or independent representations which question the LA's own assessment in this regard.

### **Key Factors (Paragraphs 86-89)**

86. When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they should:

- identify the details of 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 LA's Accessibility Strategy;
  - b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
  - c) improved access to suitable accommodation; and
  - d) improved supply of suitable places.
- LAs should also:
  - a) obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
  - b) clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools should confirm in writing that

## PART C - Decision Makers' Guidance on Establishing a New School

they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;

- c) specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
- d) specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

87. It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been excluded; in such cases the statement must be amended to name the PRU, but PRUs should not be seen as an alternative long-term provision to special schools.

88. The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the key factors are for all those who bring forward proposals for new special schools or for special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

89. Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

### **OTHER ISSUES**

#### **Views of Interested Parties** (Paragraph 90)

90. The Decision Maker should consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker should not simply take account of the numbers of people expressing a particular view when considering representations made on

## PART C - Decision Makers' Guidance on Establishing a New School

proposals. Instead the Decision Maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals, for example the parents of children who might be eligible to attend the new school.

### Types of Decision (Paragraphs 91-94)

91. In considering a school competition the Decision Maker can decide to:

- reject all of the proposals;
- approve any of the proposals (e.g. they may decide to approve complementary proposals which together meet the need for the new school);
- approve any of the proposals with a modification (e.g. the school opening date); or
- approve any of the proposals subject to them meeting a specific condition (see paragraph 96 below).

92. The Decision Maker should consider whether the provision of a new school is a reasonable way in which the LA may discharge its duty to provide sufficient school places. The Decision Maker may reject all the proposals if he considers there is no need for a new school or if he considers that none of the proposals are appropriate.

93. Where the Decision Maker decides to approve proposals for an Academy in response to a competition, the approval will be subject to the Secretary of State signing the necessary funding agreement.

94. In considering other proposals for a new school that have not been subject to a competition the Decision Maker can decide to:

- reject the proposals;
- approve the proposals;
- approve the proposals with a modification (e.g. the school opening date); or
- approve the proposals subject to them meeting a specific condition (see paragraph 96 below).

### Conditional Approval (Paragraphs 95-96)

95. The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the

## PART C - Decision Makers' Guidance on Establishing a New School

regulations i.e. as follows:

- a. the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- b. the acquisition of the site on which a new school is to be constructed;
- c. the acquisition of playing fields to be provided for the school;
- d. the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- e. the private finance credit approval given by the DCSF following the entering into of a private finance contract by an LA or the approval by the DCSF of capital grant in an equivalent arrangement for voluntary aided schools;
- f. the entering into an agreement for any necessary building project supported by the DCSF in connection with BSF programme;
- g. the making of any scheme relating to any charity connected with the school;
- h. the formation of any federation (within the meaning of section 24(2) of the 2002 Act) of which it is intended that the proposed school should form part, or the fulfilling of any other condition relating to the proposed school forming part of a federation;
- i. the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000 to an application that a foundation body shall be established and that the school shall form part of a group for which a foundation body shall act;
- j. the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;
- k. the agreement to any change to admission arrangements specified in the approval, relating to another school;
- l. the establishment of any foundation meeting the requirements of section 23A of SSFA 1998;
- m. the making of any agreement under section 482(1) of the 1996 Act for the establishment of an Academy;
- ma. in the case of closure proposals, the agreement of the Secretary of State to extend or enlarge an existing Academy;

## PART C - Decision Makers' Guidance on Establishing a New School

- n. in the case of proposals to establish a maintained school in place of an existing independent school, the securing of approval by the Secretary of State to relax the requirements of the Education (School Premises) Regulations 1999 as provided for by section 543 (1) of EA 1996;
- o. in the case of proposals to establish any other maintained school, the securing of approval by the Secretary of State to relax the requirements of the Education (School Premises) Regulations 1999 in respect of school playing fields as provided for by section 543 (1) of EA 1996;
- p. in the case of proposals whose funding is dependent upon capital receipts from the disposal of any school land or buildings, the securing of consent from the Secretary of State for the disposal as provided for by paragraph 2 of Schedule 35A to EA 1996 or section 77 of SSFA 1998, or determination in accordance with Schedule 22 to the SSFA 1998 as applicable;
- q. in the case of proposals to establish a maintained school, the Secretary of State making a direction under section 90 of EA 2002 that the National Curriculum for England shall not apply or shall apply with modifications;
- qa. in the case of closure proposals, the decision of the Secretary of State to establish a new further education college under section 16 of the Further and Higher Education Act 1992; and
- r. where the proposals in question depend upon any of the events specified in paragraphs (a) to (qa) occurring by a specified date in relation to proposals relating to any other school or proposed school, the occurrence of such an event.

96. The Decision Maker **must** set a date by which the condition should be met but will be able to modify the date if the proposers confirm, before the date expires, that the condition will be met later than originally thought. The proposer should inform the Decision Maker and the Department (School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington, DL3 9BG) or by email to [school.organisation@dcfs.gsi.gov.uk](mailto:school.organisation@dcfs.gsi.gov.uk) when a condition is modified or met. If a condition is not met by the date specified, the proposals should be referred back to the Decision Maker for fresh consideration.

### Decisions (Paragraphs 97-99)

97. All decisions **must** give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.
98. A copy of all decisions **must** be forwarded to:
- the person or body who published the proposals or, in the case of school competitions, the person or body who submitted the proposals;

## PART C - Decision Makers' Guidance on Establishing a New School

- each objector except where a petition has been received. Where a petition is received a decision letter should be sent to the person who submitted the petition, or where this is unknown, the signatory whose name appears first on the petition;
- the Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to [school.organisation@dcsf.gsi.gov.uk](mailto:school.organisation@dcsf.gsi.gov.uk));
- where the school includes provision for 14-16 education or sixth form education, the LSC;
- the local C of E diocese; and
- the local bishop of the RC diocese.

99. In addition, where proposals are decided by the LA, a copy of the decision **must** be sent to the Office of the Schools Adjudicator, Mowden Hall, Darlington DL3 9BG. Where proposals are decided by the schools adjudicator, a copy of the decision **must** be sent to the LA which it is proposed should maintain the school.



## WIRRAL COUNCIL

CABINET – 27<sup>th</sup> May 2010

### REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

#### REPLACEMENT PVI PRE-SCHOOL UNIT AT GT MEOLS PRIMARY SCHOOL SCHOOL

#### SCHEME AND ESTIMATE REPORT

#### EXECUTIVE SUMMARY

DCSF announced additional Early Years Capital Funding for the period April 2009 to March 2011, the grant is intended but not exclusively to support capital investment in the private, voluntary and independent [PVI] sector. This report describes the scheme to replace a poor quality Pre-School Unit located at Gt Meols Primary School with accommodation within the main school building. This report sets out the costs and scope of the scheme. Cabinet is asked to consider and approve the proposal.

#### 1.0 BACKGROUND

1.1 The DCSF Early Years Capital Grant has three aims:

- [i] to improve the quality of the learning environment in early years settings;
- [ii] to ensure all children, including those with disabilities are able to access provision and,
- [iii] to enable PVI providers to deliver the extension of the free offer for 3 and 4 year olds and to do so flexibly.

The DCSF expectation is that the majority of the Capital Grant is used to improve the quality of the environment in PVI settings, both to support higher quality experiences for young children and ensure that all children can access services. This scheme also contributes to the LA meeting its targets for Early Years Provision.

#### 2.0 PROPOSALS

- 2.1 The proposed scheme is to replace the existing life-expired mobile accommodation currently, used by a private pre-school facility located within the grounds of Gt Meols Primary School, by providing accommodation within the main school building. The scheme was identified in the Children's Services DCSF Quality and Access for all Young Children – Early Years Capital Grant approved by Cabinet on 18<sup>th</sup> March 2010 contained within the departments Capital Funding Programme for 2009/10, minute 341 refers.
- 2.2 This proposal would replace the old mobile accommodation with accommodation based on an existing classroom within the main school which will be enhanced with extensions and adaptations of part of an adjacent classroom to provide suitable facilities for Early Years use. This solution allows the Preschool to be sited with direct access for parents and children without compromising the school's secure site.
- 2.3 To replace the accommodation lost to the Preschool two additional classrooms will be built at the rear of the school. These will also allow removal of a second mobile

classroom from the site, and result in all accommodation being permanent. Part of the project funding will come from the CYPD budget for removal of mobiles.

- 2.4 The school will provide enhanced kitchenette and toilet facilities to an existing room adjacent to the new preschool to provide Extended school provision for parent and before and after school clubs.
- 2.5 The scheme will provide a multi-function pre-school room, staff room / office, kitchen, cloakroom, store and associated toilets.
- 2.6 The work will include all necessary finishes, fitted furniture, heating, lighting, power and necessary extensions to the fire and intruder alarms. The Fire and intruder alarms will be linked to the school alarm system, and mains services will be provided from the existing school.
- 2.7 The scheme includes work to create a new preschool external play area directly accessed from the playroom and segregated from the main school playground by new fencing. Some landscaping works will be undertaken to the existing school play area to re site a ball pen to allow space for the preschool play area.
- 2.8 The existing pre-school unit and second mobile classroom will be demolished upon completion of the new facility and the site used for the replacement classrooms. These will be located to link with the school's main corridor and provide Yr1 accommodation adjacent to the existing Yr2. The scale and style of architecture and the materials used will be complimentary to the existing school design.
- 2.9 The new building will be designed to be efficient and economic to operate and maintain. It is intended that the building will use, as far as is economically possible, ecologically responsible materials in accordance with DCSF recommendations and guidance.

### **3.0 FINANCIAL IMPLICATIONS**

- 3.1 It is anticipated that there will be a saving in fuel revenue costs as a result of this scheme as the new building will be considerably more energy efficient than the old mobiles that it replaces. The Energy Conservation Unit within the Department of Technical Services will closely monitor costs.
- 3.2 It is proposed that the scheme will be procured as a single stage selective competitive tender during May 2010 and the selected contractor will commence work on site in June 2010 with completion by December 2010. The work will be phased to allow the Preschool to transfer to the new accommodation for the start of the September 2010 term, with demolition of the existing mobile units taking place before the end of the summer holiday. As the scheme funding includes funding under the control of the school governing body, agreement has been given to the governing body appointing the Project Architect, who has a detailed and long standing understanding of the school and the site, having been responsible for previous schemes.
- 3.3 The Estimate for this work is set out below. All costs are at the second quarter of 2010.

Demolition of Existing Mobiles	£ 6,000.00	
Building costs	£327,525.00	
External Works	£ 15,000.00	
Fixtures, Fittings & Equipment	<u>£ 11,750.00</u>	£360,275.00

Other Charges including:  
Professional Fees  
CDM Coordinator  
Planning and building regulation fees

£37,308.00

£ 37,308.00

**TOTAL**

**£397,583.00**

3.4 The scheme will be funded from the following:-

DCSF Early Years PVI Quality & Access Capital Grant 2008 / 11 £250,000.00

CYPD Mobile removal budget £ 50,000.00

Preschool provider contribution £ 20,000.00

School Formula Capital 2010/11, 2011/12 £47,934.00

Extended schools funding (currently under bid) £30,000.00

**TOTAL**

**£397,583.00**

#### **4.0 STAFFING IMPLICATIONS**

4.1 The Professional Services including that of CDM Coordinator for the scheme will be provided by outside consultants appointed by the school governors.

#### **5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 The Council's Access Officer shall be fully consulted on the proposals.

5.2 Access will be provided for children and adults with disabilities to all areas of this building. The new building will also comply with current recommendations on design for sensory impairment.

5.3 An accessible WC shall be available within the nursery's lobby for users and staff as well as visitors.

5.4 There are no implications in this report specifically for women, ethnic minorities or the elderly.

#### **6.0 COMMUNITY SAFETY IMPLICATIONS**

6.1 The design of this scheme will take account of best practice to reduce the risk of crime and the local Crime Reduction Officer will be consulted.

6.2 The scheme shall include electronic controls on appropriate inner doors to restrict unauthorized personnel from proceeding beyond the reception lobby.

#### **7.0 LOCAL AGENDA 21 IMPLICATIONS**

7.1 Thermal insulation is to be provided to meet the standards and guidelines recommended by the DCSF in the school premises regulations 1996 and part L2

of the Building Regulations. The design will also follow the DETR/DCSF guidelines for “Energy efficient design of new buildings and extensions for schools and colleges.”

- 7.2 Low energy electrical fittings, heating controls and water saving devices will all be used as far as possible to help reduce the consumption of natural resources.
- 7.3 All timber used will be from sustainable sources regulated by the Forestry Stewardship Council.
- 7.4 The successful contractor will be encouraged to employ local labour and source materials from local suppliers once construction commences

## **8.0 PLANNING IMPLICATIONS**

- 8.1 Planning and Building Control approval will be required for this project.

## **9.0 ANTI POVERTY IMPLICATIONS**

- 9.1 There are no specific anti poverty implications within this report.

## **10.0 SOCIAL INCLUSION IMPLICATIONS**

- 10.1 The scheme will assist in providing an integrated approach to children’s education, which is recognized as being a key factor in determining positive educational outcomes for all children.

## **11.0 LOCAL MEMBER SUPPORT IMPLICATIONS**

- 11.1 The Gt Meols Primary School is in the Hoylake & Meols ward.

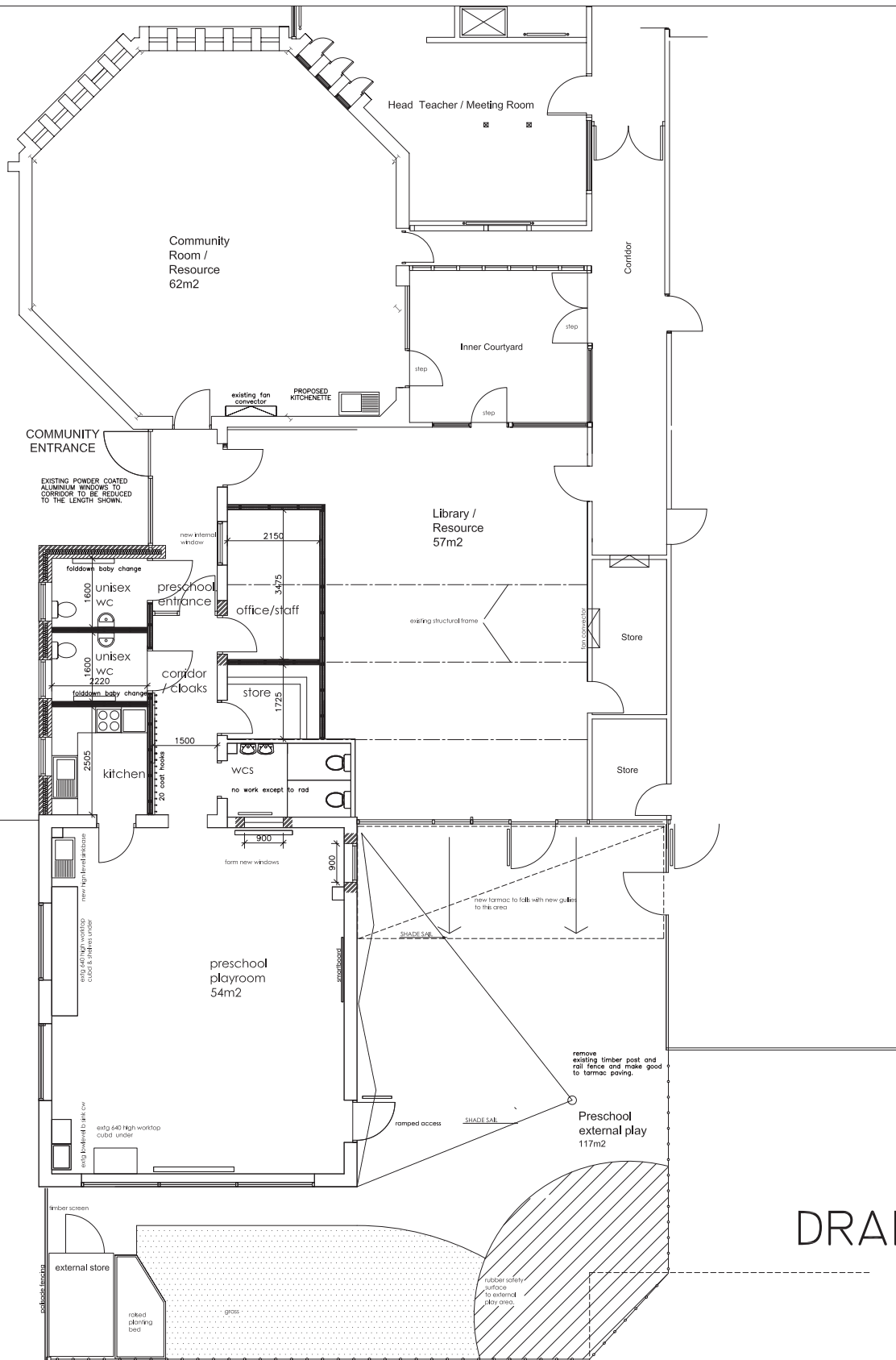
## **12.0 BACKGROUND PAPERS**

- 12.1 The information used in the preparation of this report is held by the Children and Young Peoples Department. A report of the Director of Children’s Services was taken to Cabinet on the 16<sup>th</sup> October 2008, which refers to the PVI allocation and scope of the grant. The scheme also forms part of the CYPD Capital Programme 2010/11, which was approved on the 18<sup>th</sup> March 2010.

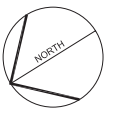
## **13.0 RECOMMENDATIONS**

That:

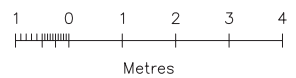
- 13.1 The Scheme and Estimate, as presented, be accepted,
- 13.2 All necessary statutory approvals for the project.
- 13.3 Children’s Services be authorised to seek tenders for the project.
- 13.4 The Director of Children’s Services use his delegated powers to accept the lowest bone-fide tender and report his acceptance of the tender to Cabinet in due course in accordance with the Council’s Procurement Policy.



DRAFT 25.4.10



do not scale from this drawing  
all dimensions subject to site check  
before construction  
if in doubt ASK!



REV	DATE	BY	APP	AMENDMENT
APPROVED				
<b>WEIGHTMAN &amp; BULEN</b> ARCHITECTS 76 RODNEY STREET LIVERPOOL L1 9AW Tel : 0151 709 9341 Fax : 0151 709 1061				
Great Meols Primary School Elwyn Road, Meols, Wirral. Preschool-Plans : layout				
SCALE 1:50 DRAWN pmj DATE 25.04.10				

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## WIRRAL COUNCIL

CABINET - 27<sup>th</sup> MAY 2010

### REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

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#### REVIEW OF SECONDARY SCHOOL PLACES: REPORT ON OUTCOME OF CONSULTATIONS ON PROPOSAL TO CLOSE ROCK FERRY HIGH SCHOOL AND PARK HIGH SCHOOL IN ORDER TO ESTABLISH AN ACADEMY

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##### Executive Summary

This report advises the Cabinet of the outcomes of the consultation process which has taken place in regard to the closure of the predecessor schools; Park High School and Rock Ferry School, as agreed at Cabinet on 14th January 2010. This report describes the responses, including additional suggestions put forward during the consultation process, and makes recommendations with regard to statutory proposals in this area. It provides a provisional update on the separate consultation by the lead sponsor, the University of Chester, regarding the opening of an academy.

##### 1.0 Background

- 1.1 At its meeting of 29th November 2007, Cabinet instructed that Phase 1 of the Secondary Places Review should comprise schools in Birkenhead and Bebington (Wirral South).
- 1.2 On 6<sup>th</sup> November 2008, Cabinet approved a consultation option for change comprising the closure of Park High and Rock Ferry High Schools in order to establish an Academy.
- 1.3 Following the announcement that Birkenhead High School for Girls would become a state-funded Academy, and further analysis of demographic trends, this option was altered to incorporate two Academies – a mixed Academy at the Park High site, and a Boys Academy on a site to be confirmed. This proposal was linked to the closure of three existing schools – Ridgeway High School, Rock Ferry High School and Park High School. This was reported to Cabinet on 19<sup>th</sup> March 2009 and approval was given for the Department for Children Schools and Families Expressions of Interest (EOI) to be prepared on the basis of a “three into two” model. These went to all three predecessor governing bodies in September 2009, and were approved by them albeit with caveats.
- 1.4 On 1<sup>st</sup> October 2009, Cabinet approval was given for the Expression of Interest documents for the two Academies, and for consultation to begin on the closure of the predecessor schools. This timescale was in line with Department for Children, Schools and Families (DCSF) and Office of the Schools Commissioner (OSC) guidance.
- 1.5 This decision was called in for scrutiny. The Children and Young People Scrutiny Committee met on 3<sup>rd</sup> November 2009 with a single item agenda. This resulted in the decision being referred back to Cabinet on 26<sup>th</sup> November 2009, some 9 weeks after the original EOIs had been approved.
- 1.6 At its meeting of 26<sup>th</sup> November 2009, Cabinet decided that the option should revert to that approved on 6<sup>th</sup> November 2008, involving the closure of Rock Ferry High and Park High Schools, in order to establish a mixed Academy for their pupils, on either the Park High site or a new site, e.g. Borough Road/Shafesbury Playing fields. The Director was requested to consult with residents associations and Shafesbury Youth Club on the possibility of the Borough Road/Shafesbury playing fields site being

utilised, with a report to Cabinet on 9<sup>th</sup> December 2009, two weeks later. The minute is attached as Appendix A.

- 1.7 On 9<sup>th</sup> December 2009, Cabinet approved the Park High site as the preferred site for the Mixed Academy, and asked that further discussions should take place to reach agreement on the composition of the sponsor team for the new Academy. The minute is attached as Appendix B. Negotiations took place with sponsors during the following week. Agreement was secured and a new EOI was prepared. This was sent to the DCSF by the end of December 2009. The governing bodies of the two predecessor schools approved the new EOI in early January 2010, albeit with caveats.
- 1.8 On 14<sup>th</sup> January 2010, Cabinet approved the Expression of Interest for an 11 to 16 Mixed Academy on the Park High site with a sponsor team lead by the University of Chester, with the University of Liverpool, Wirral Metropolitan College, Birkenhead Sixth Form College and Wirral Council as co-sponsors, intended to open on 1<sup>st</sup> September 2011. Cabinet also approved the commencement of formal consultations on the closure of the predecessor schools as set out by guidance. The minute is attached as Appendix C.
- 1.9 This report was previously submitted to Cabinet for consideration on 15<sup>th</sup> April 2010. At that time Cabinet deferred consideration of this report until after the conclusion of the separate Academy consultation held by the Sponsor team, which did not complete until 30<sup>th</sup> April 2010.

## 2.0 **The Consultation**

- 2.1 In order for all stakeholders to have access to relevant background information and have the opportunity to comment and respond, the following methods of consultation have been employed :
- a) A range of documentation has been produced and distributed (See Appendix D) This comprised:
    - (i) the full consultation document and letters sent to parents of pupils at Park High School and Rock Ferry High School; to staff and governors at both schools; to the Central libraries, local libraries, and relevant community centres, to local councillors in those areas and to the local MP
    - (ii) consultation letters to all parents/carers of pupils in Year 4, 5 and 6 at 58 Wirral primary schools including all those in Birkenhead;
    - (iii) all other statutory consultees, including trade union representatives, neighbouring authorities and the Learning and Skills Council have been notified by e-mail
  - b) A dedicated web-site on the Wirral Learning Grid was established and advertised on the council web-site, the council Intranet, and in the parents' consultation leaflets and letters. This site provided access to all the information produced in paper form and allowed e-mail responses to a dedicated e-mail address.
  - c) Meetings were arranged for all interested stakeholders at both schools. These meetings followed the same format, with a presentation on the overall position and the school specific position followed by around ninety minutes of time for audience comments, feedback and questions. The meetings were attended by parents, carers, staff, governors, Ward members and various other interested persons and bodies. Each meeting was chaired by the Cabinet member for Children's Services and Lifelong Learning. The dates for the meetings were in



the parents' leaflets and on the specific web-site and a general notice was published in the local press.

- d) Opportunities have been provided for other means of response. Submissions have been received in paper and e-mail formats – all of which will be made available before and at the Cabinet meeting, in addition to the summaries contained in this report.
- e) All of the relevant LA documentation produced for the consultation has been shared with the Diocesan Bodies.

2.2 The consultation process and the presentation of LA and school data to this wider audience does appear to have persuaded most people of the need to reduce the number of school places, though understandably people wish to advocate the case for their school in respect of closure or amalgamation options. There was general support for the Academy with the sponsor team as constituted.

2.3 In addition to the detail set out below, further records of views put forward during the consultation period are attached as Appendix E. Feedback is set out school by school. The record for each school brings together the responses from the meeting held at the school, together with any points raised in written or e-mail submissions to the Authority.

### 3.0 **Outcome of the Consultation**

Further suggestions in relation to secondary school re-organisation in Birkenhead were made as part of the consultation process:

- Locate the new Academy at the Rock Ferry site
- Locate the new Academy at a new site between the two existing schools
- Amalgamate Rock Ferry High and Bebington High Schools
- Close Rock Ferry High and leave Park High open
- Move Prenton High to the Rock Ferry site and turn the Prenton High site into a mixed Academy
- Keep both schools open
- Make both schools into smaller separate Academies

Further discussion of these suggestions is given below.

3.1 There were several key themes in the combined responses from consultees:

- General understanding of the falling rolls situation
- Support for the Academy in principle and the sponsor team
- Effect of proposed housing and demographic changes on pupil numbers
- Respect for school staff in their skills and relationships with pupils and parents
- Educational standards and quality of provision
- Concern for the fate of closed buildings and sites
- Desire for a new building on a new site
- Travel distance to school and the effect on traffic and road safety
- Disruption to pupils' education and confidence
- Class sizes
- Importance of small schools

- Effect of any change on children with special educational needs
- Importance of out of hours and community facilities
- Staff redeployment
- Continuity of school over several generations
- Maintenance of existing specialisms.

#### 4.0 **Responses to the consultation**

The next section of the report contains a summary of comments on the proposal in relation to each school. Numbers on roll are from the January 2010 School Census. An analysis of the responses received and attendance at meetings is included as Appendix E1.

##### **Park High School**

With one exception, respondents from Park High School were generally in favour of an Academy with the proposed sponsor team. Some respondents expressed concerns about a short-term expansion in the overall size of the school on that site, whether this would mean increases in class sizes, and about disruption to pupil's education, especially at Key Stage 4. The importance of maintaining community facilities at the site were stressed. Questions were asked about the gender imbalance in school places in Birkenhead. Some respondents were concerned about losing the school's Sports College specialist status, and wanted to be sure that the good work of staff in the current school would be continued in the Academy.

##### **Rock Ferry High School**

Respondents from Rock Ferry High School were generally in favour of an Academy with the proposed sponsor team. Many expressed concerns about the travel distance to the Park site, and asked if free transport would be provided. Other concerns involved the impact of change on standards for existing pupils especially those in Key Stage 4 and pupils in the Sanderling Unit, the future of the Rock Ferry site and its listed building (Ravenswood), relocation of memorials, the cost of new uniforms, and whether children would "fit in" at the Academy which some respondents saw as an "in name only" change to Park High. Some respondents were concerned about losing the school's Performing Arts College specialist status without any consultation on the new specialism, loss of parental choice and loss of staff expertise. A minority were concerned about gender imbalance in mixed schools.

There was a general understanding of the falling rolls and surplus place situation, although a minority of respondents believed that new housing would increase rolls, and one that schools without sixth forms were suffering falling rolls. The long history of the school within a relatively deprived area was raised by some respondents.

In relation to the consultation, some respondents believed a decision had already been made, and that consultation should have started earlier and been more extensive.

The majority of written consultation responses were from Rock Ferry High School staff (but few parents), who in the main advocated a new proposal, whereby the Academy would be in a new building on a neutral site in between the two, with some suggesting reopening negotiations with Shaftesbury Youth Club, or for the Council to purchase land in a central Birkenhead location. A minority wanted the Academy to be at the Rock Ferry site based on overall size and convenience of location for the Rock Ferry area, with single respondents suggesting the Academy should have a sixth form, or incorporate a primary school. The Park site was generally seen as distant, small,

unable to expand and unfit for purpose. A single respondent said that existing buildings should be used rather than wasting money on new build.

Following the end of the consultation, a large number of proforma letters asking for consideration to be given to a new school building on a new site have been submitted (See Appendix E1).

#### 4.1 **Commentary on these responses**

4.2 **Size of the Academy** - The two schools together currently have a combined roll of 1,258 pupils, which is equivalent to 252 pupils per year group on average. This is projected to decline to 1,052 by 2019 if school re-organisation is not carried out. The total number of places at the two schools is 2,482, of which 42% in total would be vacant in 2019.

Respondents concerns about the size of the amalgamated Academy should be allayed by the transition arrangements, to be devised in detail during Feasibility. This is likely to include maintaining both sites for at least one year, if not longer. New admissions are likely to be to the Park site, nevertheless the Key Stage 4 group based at the Rock Ferry High site should be allowed to see out their education in situ without disruption or movement. Some pupils will, however, at some point, move sites. The split site arrangement also allows for phasing of staff movements and for any remodelling and refurbishment works to be carried out at the Park site.

4.3 **Travel and Transport** – The patterns of parental preference in this area indicate a high level of mobility, facilitated by high levels of surplus places and overlaps between the pupil populations of schools in the area already exist.

The distance between the Rock Ferry and Park High sites is 2.5 miles. Individual travel distances will depend on pupils' home address. The DCSF and Wirral policy says that pupils aged over 8 can travel up to 3 miles to school before being eligible for free transport, although there are some exceptions - pupils whose parents receive the free school meal allowance or receive the maximum level of Working Tax Credit are entitled to free transport to one of the three nearest appropriate schools between 2 and 6 miles of their home address. The next nearest mixed sex non-selective secondary school to the Rock Ferry High site is Bebington High School, 1.7 miles away.

Public transport connects the two areas throughout the day and into the evening. As an example, the 410 bus runs every 10-15 minutes between Old Chester Road and Birkenhead Park from 8 am to 7pm and then every 20-30 minutes during the evening until late. Park High's site is a 10-15 minute walk from Birkenhead Park train station, and a 20 minute walk from the major bus terminus on Conway Street from which various buses pass either by the school, or by Birkenhead Park on Conway Street.

The table below summarises the analysis of actual and projected journeys by current pupils to the two existing school sites.

This demonstrates that should the Academy be located at the Rock Ferry site, the travel disadvantage to Park pupils is in fact substantially greater than that sustained by Rock Ferry pupils in travelling to the Park site in every respect. The Park High site is also significantly closer to the further education co-sponsor sites in the central Birkenhead area.

Travel analysis – Current Park High Pupils	
Average distance to Park site (walking time)	1.3 miles (26 mins)
Travel analysis – Other site	
Average distance to Rock Ferry site (walking time)	3.0 miles (61 mins)
Closer or similar distance to Rock Ferry site	12% (86 pupils)
Further to Rock Ferry site	88% (635 pupils)
Pupils travelling 3 miles or more to Rock Ferry site	343 (48%)

Pupil addresses taken from January 2010 School Census. Walking time calculated by Google Maps. Similar equates to up to 0.4 miles longer travel distance; Further equates to 0.5 miles or more longer travel distance.

Travel analysis – Current Rock Ferry High Pupils	
Average distance to Rock Ferry site (walking time)	1.4 miles (27 mins)
Travel analysis – Other site	
Average distance to Park site (walking time)	2.2 miles (43 mins)
Closer or similar distance to Park site	82% (445 pupils)
Further to Park site	18% (95 pupils)
Pupils travelling 3 miles or more to Park site	44 (8%)

Pupil addresses taken from January 2010 School Census. Walking time calculated by Google Maps. Similar equates to up to 0.4 miles longer travel distance; Further equates to 0.5 miles or more longer travel distance.

- 4.4 **Alternative sites** - Respondents related to Rock Ferry who favoured a new site for the Academy cited the proposal as a lost opportunity for major investment. The Council has examined all possible sites of sufficient size in the area between the two existing schools. Under the original "three into two" model, there would have been a mixed Academy at Park High, and a Boys Academy on another site. The Borough Road/Shafesbury playing field site was originally considered as a site for a Boys Academy, as this was the only site of sufficient size in approximately the right location. However, the site is partially owned by Shafesbury Youth Club, whose board of trustees have made it very clear at that time (December 2009) that they would not be prepared to sell their land to the Council, without which any Academy project could not proceed further on that site. In addition, the residents associations bordering the Borough Road/Shafesbury site have made it clear that they would object strongly to the construction of any school on that site. There was little interest in an all boys school, and Ridgeway High School also withdrew from the process at that stage, all of which in combination caused the Cabinet to reject support of the "three into two" model.

This being the case, Cabinet decided to proceed with consultations on the current proposal for a Mixed Academy, which would begin with the Academy on two sites,

eventually moving towards the Academy being based on the Park High site, which has already received £10 million of investment through PFI, and would be further improved under the Academies programme.

- 4.5 **Change to Academy status** – The Academy would not be Park High with a new name, it would be a new kind of school, with a new governing body and ethos, and with staff and pupils from both Park and Rock Ferry High Schools. A small number of respondents believed that some parents would not choose the Academy due to a perceived difference in background, however geographical analysis demonstrates there is already an overlap between the pupil populations of the two schools. Staff from both schools have strongly expressed their commitment to ensure that all pupils would be welcomed in any setting, whatever the outcome of the proposal.
- 4.6 **Size of Park High site** - With regard to site size, respondents are correct that the Rock Ferry site is larger than the Park High site, however most were probably not aware that Park High School also has designated playing fields within Birkenhead Park, an all weather pitch at the Joseph Paxton Campus and also uses Birkenhead Park's extensive facilities for PE and sporting events, which would continue to be the case for the new Academy. The building is about the same size as Rock Ferry's in terms of pupil capacity, which in both cases are significantly larger than is required for the number of pupils projected to attend the Academy at Park (approx 1250 capacity, 750 total Academy pupils). Demographics show that there is no need for current or future expansion of the building, but Park's building would have scope to take additional pupils if required and there are no current plans to purchase any additional land in relation to an Academy on the Park High site.
- 4.7 **Afterschool and community facilities** - Before and after school activities are becoming progressively more essential to schools and their communities. The governing body of the Academy will want to ensure that pupils and their families have access to extended services, and this will be an important factor in the development of the Academy. The Park site is well served with public transport, both bus and rail.
- 4.8 **The Rock Ferry High site** - The Rock Ferry High school site was considered alongside others as a potential Academy site, however the Park site is more centrally located for the population it is intended to serve, Rock Ferry site being at the far south of the Birkenhead area with a great deal of competition for places from other neighbouring schools. The building is about the same size as Park High's in terms of pupil capacity, which in both cases are significantly larger than is required for the number of pupils projected to attend the Academy (approx 1250 capacity, 750 total Academy pupils). In addition, if Park High School were no longer in use as a school, the Council would have to find another use for the building which would pay the PFI contractual costs until 2031, or face a buyout from the PFI contract.

A small number of respondents asked if there were listed buildings on the Rock Ferry site - Ravenswood (currently occupied by the Sanderling Unit) is Grade II listed. Some respondents stated that the proposal was solely motivated by financial considerations due to the potential value of the Rock Ferry site. The reasons for the proposal are clearly in relation to dealing with demographics and surplus places, raising ambition and aspiration and raising standards. There are no plans or planning applications in relation to the Rock Ferry site. Decisions about the future of any school site no longer required as a school are only made when all the educational decisions have been taken.

#### 4.9 **Demographics and Surplus Places**

Park High has 718 pupils on roll, 445 fewer than the peak in 2004 when there were 1,163 pupils at the school. This is projected to reach 701 pupils on roll in 2019. There are a large number of surplus places (43%, 532). This is predicted to rise to 44% (549

places) by 2019. One respondent from Park said that there were no surplus places at Park High School. Net Capacity is determined by a national formula based on the number, size and type of teaching spaces, and the admission number of the school, treating every school equally. The Net Capacity at Park High School is 1250 places.

- 4.10 Rock Ferry High School has 540 pupils on roll, compared with the recent peak of 1,222 in 2002. This is projected to fall further to 351 pupils on roll in 2019. There are a large number of surplus places (56%, 692). This is predicted to rise to 72% (881 places) by 2019. The Net Capacity at Rock Ferry High School is 1232 places. Some respondents said that rolls had fallen at Rock Ferry either because of the review process, or because the school does not have a sixth form. The falling roll at Rock Ferry predates the beginning of the review by several years, and relates to falling birth rates and parental preferences. At time of writing, 11 current pupils have applied via the Pupil Admissions team to transfer to alternative schools since January 2010, which is a relatively small number in terms of the whole school roll. Regarding sixth form provision, it should be noted that neighbouring Bebington High School, which has retained a sixth form department, is also experiencing a significantly falling roll.
- 4.11 The impact of housing development in the area for future pupil numbers has been raised. The Housing Market Renewal Initiative in this area incorporates Church Road in Tranmere, Fiveways in Rock Ferry, and the North Birkenhead/Bidston area. Housing Market Renewal is intended to stabilise the population of an area, not to significantly increase it. For example in Fiveways, around 230 houses of a relatively poor standard will be cleared and will be replaced with 260 dwellings, of which 57 will be apartments. The number of pupils produced by new housing development is lower than might be expected. Wirral's projection is for 4-6 pupils per year group per 100 homes. The type of home also has an impact, as flats and retirement dwellings produce fewer pupils than houses. Also, the additional pupils are likely to be existing Wirral residents and may already live locally, in which case they may continue to attend their existing school. Local housing changes are unlikely to make a significant impact on the issue of surplus places in this area.
- 4.12 The establishment of Birkenhead High School for Girls as an Academy in the area was also raised as an issue causing more pressure on the roll of the existing schools and amplifying the existing gender imbalance in local mixed schools. This school admits 100 pupils per year group in the secondary element of the school. At present about 40% reside in the Birkenhead area, and many of these were existing primary pupils from the fee-paying era of the school. As time passes, the impact of an additional Girls school on the local area, as opposed to the wider Wirral area, may increase, and this will be monitored.

#### 4.13 **Standards**

Respondents from both schools valued and praised the excellent work carried out by staff. A minority felt that standards at the two schools had not been made clear enough. The following paragraphs set out the position at the two schools.

#### 4.14 *Contextual Value Added (CVA)*

This is a measure of how much progress pupils make at a school, compared with similar pupils in other schools. It takes into account various background factors – not just how well pupils have achieved at Key Stage 2 (Y6 SATS), but whether they are boys or girls, whether they have special educational needs, the level of deprivation in the area and so on.

In the last three years CVA scores show that pupils in both schools made at least the expected rate of progress, with pupils at Park High (2007, 2008) and Rock Ferry High (2008, 2009) making significantly more progress than similar pupils in other schools.

#### 4.15 *National Challenge*

The Government says that at least 30% of the pupils at every school in the country should get 5 or more GCSEs at grade A\* to C, including English and Maths. Schools that don't meet this target are called "National Challenge" schools and can get additional assistance to help them reach the target. Both Park High School and Rock Ferry High School are "National Challenge" schools. Although both schools remain below the target in 2009, the GCSE results show a year on year improvement.

#### 4.16 *Ofsted*

Ofsted last inspected Rock Ferry High School in March 2008. This is taken from Ofsted's report.

"Rock Ferry High School is a good school providing high quality education and care. It provides an inclusive and attractive learning environment where all pupils are able to flourish in a happy, family, community atmosphere based on mutual respect and excellent relationships...The personal development and well-being of pupils is outstanding...The school provides its pupils with an outstanding curriculum."

Ofsted last inspected Park High School in January 2009. This is taken from Ofsted's report.

"This is a good school in which the quality of care, guidance and support is outstanding. The school has made very good progress since the last inspection because effective and purposeful leadership is driving the school forward strongly...The relentless focus on improvement and rapidly rising standards mean that the school has outstanding capacity to improve even further....The school uses its extensive links with outside agencies outstandingly well."

The good work carried out by staff at both schools has been recognised. The intention of the sponsor team is to take the best practice from the two predecessor schools and to build on it in the Academy to improve standards and raise ambition and aspiration.

#### 4.17 **Needs of Pupils**

Parents at both schools were understandably concerned about disruption to pupils education, particularly for those students who would be in Key Stage 4 at the time of the change, and for the pupils in the Sanderling Unit at Rock Ferry High School. Loss of staff was also raised as an issue.

The Academy will incorporate resourced provision for statemented pupils. Discussions have already begun with staff in the Sanderling Unit, and parents of pupils in the Sanderling Unit will be contacted in the coming weeks regarding discussions about the future of the Unit in relation to the Academy proposal. The local authority, which is responsible for ensuring that the needs of the pupils (as described in their statements of special educational needs) are met, will work closely with all those involved – pupils and their parents/carers, Sanderling staff and the sponsors of the academy – to ensure that the excellent work of The Sanderling Unit, achieved over many years, is not lost.

Transition arrangements, to be decided during the Feasibility stage, will protect pupils from disruption as far as possible. It may be that Key Stage 4 pupils continue and finish their secondary education on their existing site. If the proposal is approved, the support of all concerned is vital to ensure a smooth transition and minimise disruption to all pupils and their families, as well as staff.

#### **Other suggestions raised during consultation for these schools**

#### 4.18 **Alternative site options**

During the consultation, four alternative sites for the Academy were raised. This included the Shaftesbury/Borough Road playing field site (see 4.4) and the Rock Ferry site (see 4.8).

- 4.19 One respondent to consultation suggested the Prenton High site as the site for the Mixed Academy, as a “site swap” with the Rock Ferry High site. This site is shared with Bedford Drive Primary School – the total site size is 34,760 m<sup>2</sup>, which would technically require use of off-site pitches. The site is in Council ownership. The portion of the site occupied by Prenton High School is subject to a PFI contract until 2031.
- There are no current plans to close or relocate Bedford Drive Primary School. This site is not recommended for further consideration.

- 4.20 A further site was suggested as the Hind Street former gasworks site. The site is large enough to house a 750 place Academy. It lies adjacent to Rock Retail park, and is close to Birkenhead town centre, Birkenhead Central station and the central bus hub.
- However, only a small area of the total site is in Council ownership, and it is next to two large gasometers. The rules about exclusion zones around hazardous sites were tightened in the wake of the 2005 Buncefield oil depot explosion in Hertfordshire, and the Health and Safety Executive will not approve any development within 150 metres of a gasometer. A visually low grade brownfield site with major redevelopment costs, there are existing approved plans in place for commercial development and a new access road which will divide the site. In addition to site purchase and brown field costs, removal of the gasometers, even if practical, is likely to require very significant Council funding. This site is not recommended for further consideration.

#### 4.21 **Amalgamate Rock Ferry High and Bebington High Schools**

In this option, both Rock Ferry High School and Bebington High Schools would close and be replaced by a school, presumably at the Bebington High School site. There is extensive overlap between the pupil populations of the two schools, which are 1.7 miles apart. Bebington High School, like Park High School, is also a PFI school with all the same obligations and issues. It is also a Foundation Trust school, which means that the governing body of the school could refer a proposal to close or amalgamate the school to the School’s Adjudicator.

If the Council is minded to proceed with this option, consultation would need to begin again. This option is not recommended for further consideration.

#### 4.21 **Close Rock Ferry High School**

This option would retain Park High School as a community school. Parents of pupils currently attending Rock Ferry High School would be asked to express a preference for an alternative local school, which could include Park High School, however staff and pupils would not have the opportunity to participate and benefit from the Academy sponsor team’s expertise and vision. Particularly for staff, in an amalgamation, both sets of staff are made technically redundant and can apply for posts in the new school. Under this option, only Rock Ferry staff would be made redundant and would be eligible for redeployment. The Sanderling Unit would also need to be rehoused in an alternative local secondary school by agreement with the governing body of that school.

The Governing body of Rock Ferry High are aware of this and made this point in their response to consultation:

*“The demographic argument (pupil numbers) for closing Rock Ferry High School is clear.*

*Either:*



(i) *The school will simply close and pupils, the community and staff will have nothing,*

Or:

(ii) *Rock Ferry High School will close and join with Park High School, which will also close, to form a new Academy with the University of Chester as Lead Sponsor.”*

Should the Academy proposal fall at any stage, this option may require consideration. This option is not recommended to proceed at this time.

#### 4.22 **Keep both schools open; either as community schools or as Academies**

This option does not deal with surplus places or demographics, and leaves both schools vulnerable to the considerable challenges of operating small schools.

As reported in Section 4 of the November 2007 Cabinet report, the Wirral working group agreed that a definite size beyond which a school was no longer viable was impossible to determine in Wirral. However, the discussion group did agree that compromises became increasingly difficult for cohorts approaching 100 pupils or less.

National research on secondary school size has been scarce, but a study carried out in 2002 suggests that the optimum cohort size for a comprehensive school is **between 175 and 200** pupils. For an 11 to 16 secondary school, this would result in between 875 and 1000 total pupils. The past, current and projected average cohort size at each school in the Birkenhead part of the Phase 1 review area is shown in the table below. Shaded cells indicate a fall in average cohort size.

Average Cohort Size	2008 11 to 16	2010 11 to 16	2019 11 to 16 projected	Difference 2008 to 2019
Park	174	144	140	-34
Prenton	128	127	144	+16
Ridgeway	152	140	123	-29
Rock Ferry	138	108	70	-68
St Anselm's	128	129	131	+3
Upton Hall	136	139	145	+9
Woodchurch	259	261	273	+14
BHS Academy	64	70	100	+36

Actual and projected average year group (cohort) size by school. Actuals are from January School Census 2008 and 2010.

4.23 Over the next five years, average cohorts at Prenton High, St Anselm's College, Upton Hall, Woodchurch High and Birkenhead High School Academy are projected to remain stable or grow in size, while average cohorts at Rock Ferry High, Ridgeway High and Park High are likely to experience a significant fall.

4.24 The Authority had expressed its concerns to the DCSF and GDST about the proposed size of Birkenhead High School Academy for Girls during the Feasibility stage for that Academy, and will continue to monitor the situation over the forthcoming

years.

4.25 Overall in the Birkenhead area, the Authority projects a planning requirement for 32 classes per year group by 2019, however there are currently 38 classes worth of places in Birkenhead schools – we must look to reduce by one school. This “no change” option is therefore not recommended for further consideration.

## 5.0 Academy consultation outcomes

5.1 The sponsor team has also undertaken the official consultation on the opening of the new University Academy of Birkenhead. This consultation began on 22<sup>nd</sup> March 2010 and finished on 30<sup>th</sup> April 2010. At the 15<sup>th</sup> April Cabinet meeting, members agreed to await the outcome of the Academy consultation before deciding whether to proceed with to the statutory notice stage of the closure process.

5.2 The consultation process used various communication methods to engage and inform a wide group of stakeholders including parents of pupils at both predecessor schools, governors and staff at both predecessor schools, local community and faith groups, staff, parents and pupils of local primary schools.

- A press release was issued at the beginning of the consultation
- 3,000 consultation booklets containing a questionnaire were printed and distributed. This included every student, staff member and governor at the predecessor schools, ward councillors and a range of community and faith groups
- A consultation website, [www.proposeduab.co.uk](http://www.proposeduab.co.uk) was set up, going live on 22<sup>nd</sup> March. This included general information about the proposal, and was linked to the Wirral Council closure website. It also included an online version of the questionnaire, and an area, the “Wish Wall” for students to respond with their wishes for the Academy.
- Two public meetings were held, one at each school, publicised by posters and postcards.
- A student meeting was held at Rock Ferry High School to bring together both predecessor schools’ Student Councils.
- Staff meetings were held at both predecessor schools

5.3 Ahead of the report’s availability, an analysis of responses has been provided by the consultants. 184 questionnaires were received, however not all respondents answered all the questions, therefore totals may not add to 184 for each question.

	<b>Agree</b>	<b>Disagree</b>	<b>Not sure</b>
Proposal to open an Academy to replace existing schools	117 (64%)	53 (29%)	13 (7%)
University of Chester as Lead Sponsor	131 (72%)	26 (14%)	26 (14%)
Co-Sponsor group members	136 (74%)	24 (13%)	24 (13%)
Specialisms	97 (54%)	49 (27%)	34 (19%)
Vision	113 (68%)	29 (16%)	36 (20%)
Health services on site	142 (77%)	21 (11%)	21 (11%)
Special Needs integration	135 (73%)	31 (17%)	18 (10%)
Before/After school facilities	154 (85%)	13 (7%)	15 (8%)

- 5.4 112 persons attended the public meeting held at Rock Ferry High School, and 102 persons attended the meeting held at Park High School.
- 5.5 The consultants for the Sponsor team have compiled a report on the Academy Consultation, which will be provided to members as soon as it is available. The Lead Sponsor representative has provided a statement, which is attached as Appendix F, and has also asked to address Cabinet.

## **6.0 Closure Consultation process**

- 6.1 In order to establish the Academy, it is necessary to follow the statutory procedures to close the existing community secondary schools. The process must to be completed during Feasibility before the Funding Agreement with the DCSF can be signed.
- 6.2 The Academy is due to open in September 2011, as stated in the Expression of Interest. It is anticipated that the Funding Agreement between the sponsor team and the DCSF to finance the Academy will be signed by September 2010. For this to happen, it is necessary for the Council to secure the necessary approvals to close the existing schools. This relies on the Council's approval of the current proposal, as consulted upon, involving the Academy on the Park site. However if further consultation is required, for example, in relation to the eventual single site for the Academy, this date may be in jeopardy.

It is progressively more likely that a 1<sup>st</sup> January 2011 opening date is no longer feasible, due to the timescale for the legal processes (see 6.4 below) and employment regulations.

- 6.3 The Local Authority's closure consultation ended on 7<sup>th</sup> April 2010. If Cabinet's view is that the Academy proposal should proceed, the next step is for statutory notices to be published, followed by a six week representation period during which comments and objections can be made by any person or organisation in relation to the proposals.

Council's Cabinet, as the Decision Maker, would then be asked to determine the notices taking into consideration the representations received, to decide whether the predecessor schools should close, with a proviso that approval of the closures is conditional on the Funding Agreement for the new Academy being successfully signed. This decision is expected at the beginning of September 2010. The 6 week representation period following notice publication is statutory and cannot be compressed any further.

- 6.4 The timetable below outlines the necessary stages of formal consultation for each school concerned. Consultation will involve staff, governors, parents and the local community in relation to each affected school, as well as other statutory consultees set out in guidance.

Action	Date
<b>Report to Cabinet</b>	<b>14<sup>th</sup> January 2010</b>
Formal closure consultation begins (6 weeks)	24 <sup>th</sup> February 2010
Formal closure consultation closes	7 <sup>th</sup> April 2010
<b>Report to Cabinet – deferred to May</b>	<b>15<sup>th</sup> April 2010</b>
<b>Report to Cabinet</b>	<b>27<sup>th</sup> May 2010</b>
Statutory closure consultation begins (6 weeks)	9 <sup>th</sup> June 2010
Statutory closure consultation closes	21 <sup>st</sup> July 2010
<b>Report to Cabinet</b>	<b>2<sup>nd</sup> September 2010</b>

- 6.5 It would certainly be possible to establish the Academy on 1<sup>st</sup> September 2011, unless there were further delays, for example concerning the choice of site. Should the lead sponsor and the Cabinet wish to pursue a new site, it is impossible at this stage to define what the timescale would be. It is inevitable, however, that the timescale would be longer than shown above.

## 7.0 Financial Implications

- 7.1 Operating a public consultation as part of the Feasibility stage of the Academy process has financial implications to the Council in terms of resources and staff time.
- 7.2 Capital funding for new and refurbished Academy buildings is from the national Building Schools for the Future programme. The responsibility to provide sites for Academies rests with the LA. There are likely to be significant costs in the management of the Academy programme and the transition stage which will be the subject of future reports.
- 7.3 Establishment of an Academy will result in an on-going impact on the Dedicated Schools Grant (DSG). The Academy would be funded via an adjustment to the DSG through replication of the local formula, in addition, funding would also be removed based on the level of central expenditure within the schools budget. This funding adjustment may require the LA to cut central expenditure in line with the reduction in funding. Due to fixed costs, economies of scale and varying support provided for individual schools the budget reduction is unlikely to match the cost reductions achievable by no longer providing certain services to an Academy.
- 7.4 As the Academy would be located on the former Park High site, a leasing arrangement will need to be in place, otherwise at the end of the PFI term in 2031, the buildings and land which under Community status would previously have reverted to the Local Authority will be signed over to the Academy Trust without any payment or compensation to the Authority
- 7.5 Academies that open in the predecessor school buildings may be entitled to a small additional capital grant to cover costs such as renewed signage and other small capital projects required to open the school as an academy.

## 8.0 Staffing Implications

- 8.1 There are none arising directly from this report.
- 8.2 The creation of the Mixed Academy will require significant staff transfers under TUPE, provision of staff matched to the transition arrangements and the management of the transfer from existing staffing structures to those of the new Academy.
- 8.3 Costs arising from redundancies agreed prior to establishment of the new Academy are shared between the LA and the DCSF. Any redundancy costs arising following the establishment of the Academy are to be met from the Academy's budget.
- 8.4 As a PFI school, the Academy Trust will not be able to directly employ staff providing services under the PFI contract until the end of the contract.
- 8.5 There are contractual issues to be considered, for example existing contracts with private providers at Rock Ferry, e.g. catering.
- 8.6 Following a nationally advertised recruitment exercise, the current headteacher at Park High School has now been appointed as Principal Designate for the Academy with effect from 1<sup>st</sup> September 2010. Should the Funding Agreement be finally approved, he will become the Principal of the Academy from the intended opening date in September 2011. If the Academy does not reach Funding Agreement, the Authority may choose to take over the Principal Designate contract for another purpose with all the resultant financial implications, otherwise the Department for Children, Schools and Families is obliged to provide an equivalent post.

#### **9.0 Equal Opportunities Implications/Health Impact assessment**

- 9.1 It is essential to plan school provision across the Authority so that it is both efficient and effective in the interests of all pupils.
- 9.2 An equality impact assessment will be carried out on this report.

#### **10.0 Community Safety Implications**

- 10.1 Rationalisation and refurbishment of schools allow the most vulnerable accommodation to be removed and other security improvements carried out.

#### **11.0 Local Agenda 21 Statement**

- 11.1 The removal of old, inefficient accommodation contributes to Council principles and targets in respect of Agenda 21.

#### **12.0 Planning Implications**

- 12.1 The relationship between housing development policy and school place provision is a factor in considering surplus place removal.
- 12.2 All capital works will be subject to the relevant national and local planning legislation.

#### **13.0 Anti-Poverty Implications**

- 13.1 The capital investment in refurbished Academy provision is intended to contribute to "narrowing the gap" which is one of the Council's priorities.
- 13.2 The redistribution of funding released by school reorganisation, in combination with the Authority's intention to realign the schools budget to give higher levels of funding to schools with high levels of deprivation, as well as improved accommodation, goes towards raising aspirations and narrowing the attainment gap for vulnerable groups.

#### **14.0 Social Inclusion Implications**

- 14.1 School re-organisation and transforming accommodation through the forthcoming Building Schools for the Future programme and other schemes, provides opportunities to promote joint agency work to promote co-ordinated solutions for pupils and their families.

## **15.0 Local Member Support Implications**

- 15.1 Secondary school re-organisation and potential surplus place removal have relevance to all Wards.
- 15.2 The secondary schools named in this report are located in Claughton and Rock Ferry Wards.

## **16.0 Background Papers**

Audit Commission Report: Planning School Places in Wirral September 2004.

School pupil number returns, January 2010 (Annual Census return to DCSF).

School Net Capacity Calculation, July 2009, to DCSF requirements.

Consultation Documents

Other data held in Department including that provided by Wirral Health Authority.

## **17.0 Appendices**

See list attached.

## **18.0 Summary**

- 18.1 No one closes schools lightly. However, there is general agreement amongst all stakeholders that action must be taken to address the issue of surplus capacity. Officers are required to offer clear advice as to appropriate action in order to spend public money wisely and ensure all Wirral's children benefit equitably from the funding available. The recommendations below I believe will ensure best value for the future generations of children in the review areas, and more equitable spending for the benefit of all Wirral's pupils, from the savings made.

## **19.0 Recommendations**

- 1) That statutory proposals be published in respect of the following proposals  
To close Rock Ferry High School and Park High Schools
- 2) That the closure date for the two schools be set in accordance with the proposed opening date for the new Academy, by agreement with the University of Chester as lead sponsor and the Department for Children, Schools and Families.
- 3) That the Director of Children's Services be authorised to take all necessary steps to publish these proposals, ensure the prescribed procedures are followed, including requesting permissions from the Secretary of State, in furtherance of the proposals.

**Howard Cooper**

**Director of Children's Services**

# List of Appendices

<b>Appendix</b>	<b>Description</b>
A	Minute to Cabinet report of 26 <sup>th</sup> November 2009
B	Minute to Cabinet report of 9 <sup>th</sup> December 2009
C	Minute to Cabinet report of 14 <sup>th</sup> January 2010
<i>Consultation</i>	
D	Consultation document and letters
E1	Analysis of Consultation
E2	Summary of responses
<i>Academy consultation</i>	
F	Statement from University of Chester

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# CABINET

Thursday, 26 November 2009

<u>Present:</u>	Councillor	S Foulkes (Chair)	Finance & Best Value
	Councillors	S Holbrook G Davies P Davies G Gardiner S Kelly M McLaughlin R Moon J Stapleton	Corporate Resources Housing & Community Safety Children's Services & Lifelong Learning Environment Community & Customer Engagement Social Care & Inclusion Culture, Tourism & Leisure Regeneration & Planning Strategy
<u>Apologies</u>	Councillor	J Quinn	Streetscene & Transport Services

## 190 MINUTES

**RESOLVED - That the Minutes of the meeting of the Cabinet on 5 November 2009 be confirmed as a correct record.**

## 191 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor G Davies declared a prejudicial interest in Item No.3 on the agenda – Committee Referral – Children and Young People Overview and Scrutiny Committee – Review of Secondary School Places Phase I (Minute No. 197 refers), by virtue of being a Governor of Park High School. He left the meeting whilst the item was under consideration.

Councillor S Kelly informed the meeting that he would be leaving the room whilst the next item of business was under discussion because it included reference to Ridgeway High School and when the previous decision was called-in, he had attended the call-in meeting and expressed his views in relation to that school. Consequently, he had pre-determined himself.

## 192 COMMITTEE REFERRAL - CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE - REVIEW OF SECONDARY SCHOOL PLACES PHASE 1

A special meeting of the overview and scrutiny committee was held on 3 November 2009, to consider the call in of Minute 143 of Cabinet (1/10/09) relating to the above by the Conservative Group. Councillor P Davies informed that new information had been brought to his attention since the decision the Cabinet had made on 1 October 2009. He recommended that the Council should continue to support Ridgeway High School and that a report detailing options to re-organise Secondary Education in Wirral be presented to the Cabinet in due course.

**RESOLVED - That**

- (1) Cabinet notes the resolutions discussed at the Children and Young People Overview and Scrutiny Committee on 3 November 2009;**
- (2) Cabinet reiterates its determination to tackle the surplus places issue in secondary education in order that public money is spent wisely and pupils receive the best possible education;**
- (3) Cabinet notes the concerns expressed by parents and Governors of Ridgeway High School about its closure and the wishes of the governing body that it cannot agree to a proposal that would ultimately see the closure of Ridgeway High School;**
- (4) In view of these representations, Cabinet believes that the '3 into 2' model which would see the closure of Park High, Rock Ferry High and Ridgeway High Schools and their replacement with two new Academies should be formally withdrawn';**
- (5) Whilst Cabinet notes the professional view of the Director of Children's Services remains that the '3 into 2' model is the best solution to tackle the issue of surplus places and the gender imbalance in Birkenhead, the Authority pledges to continue to give its full support to Ridgeway High School through school improvement activities as it has always done;**
- (6) In light of the above, there is clearly a need to identify a new options for reorganising secondary education in Birkenhead in order to reduce surplus places. Cabinet is also mindful of the window of opportunity available to attract significant additional funding from the current government for improving secondary education in Birkenhead;**
- (7) Cabinet, therefore, agrees to revert to the original '2 into 1' model, which it agreed on 6 November 2008, and to recommence discussions and pre-consultation on the closure of Rock Ferry High and Park High in order to establish a new mixed Academy for pupils on either the Park High site or a new site, i.e. Borough Road Playing Fields. The Director is requested to consult with representatives of Park High School and Rock Ferry High School and representatives of residents from the Tranmere Hall and Mount Estates and with Shaftsbury Youth Club on the siting of the new Academy and report back to Cabinet on 9 December 2009;**
- (8) Cabinet also asks the Director to begin discussions with other key stakeholders on the '2 into 1' model outlined above. This should include working with the Office of the Schools Commissioner and the Department of Children, Schools and Families to form a sponsor team and produce a new Statement of Intent. The Cabinet's view is that the previous Mixed Academy sponsor team should be put forward to the Overview and Scrutiny Committee;**
- (9) The Director be also authorised to undertake pre-consultation on the closure of predecessor schools;**

- (10) **A further report, including the new Expression of Interest (EO1) be brought back to the Cabinet as a matter of urgency. It is proposed that if the Cabinet approves the EO1 it will also approve commencement of consultation on closure of the two schools as part of the Feasibility Stage; and**
- (11) **In view of the urgency of this item, the Cabinet agrees to waive the call-in process.**

## 193 **RECENT COUNCIL ACHIEVEMENTS**

The Leader reported that the Council had been successful recently in respect of the following:

- (a) **Equality Standard for Local Government – Level 3 Re-Assessment**

This assessment involved a successful review of the whole Council and its approach of embedding equality and diversity across everything that it does as an employer, a service provider, a commissioner and in its leadership role within communities. Level 3 was recognised nationally and showed that the Council had developed and implemented the necessary systems and processes to promote equality and opportunity for all.

- (b) **Investors in People Standard**

The Council had successfully retained Investor in People status. The Investors in People Standard was a business improvement tool designed to advance an organisation's performance through its people. The Council was prepared for re-assessment against ten indicators of the Investors in People Standard. The review not only involved interviews with all staff, including senior managers, but also included Councillors and Trade Unions.

### **RESOLVED -**

**That all staff involved with these two initiatives be congratulated and thanked for all their hard work.**

## 194 **PROPOSAL FOR THE RELOCATION OF STANLEY SCHOOL**

The Director of Children's Services reported that on 23 April 2009 the Cabinet had given approval to:

- (1) The rebuilding of both Stanley and Elleray Park Schools on new sites, each co-located with a mainstream primary school;
- (2) The implementation of a feasibility study regarding the possible creation of a 2-19 special school for children with profound and multiple learning difficulties, and;

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# CABINET

Wednesday, 9 December 2009

<u>Present:</u>	Councillor	S Foulkes (Chair)	Finance & Best Value
	Councillors	S Holbrook G Davies P Davies G Gardiner S Kelly M McLaughlin R Moon J Quinn	Corporate Resources Housing & Community Safety Children's Services & Lifelong Learning Environment Community & Customer Engagement Social Care & Inclusion Tourism & Leisure Streetscene & Transport Services
<u>Apologies</u>	Councillors	J Stapleton	Regeneration & Planning Strategy

## 219 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor P Davies declared a personal interest in agenda item 14 (minute No 221/2009 refers) review of Secondary School Places Phase 1 – site for a possible Academy by virtue of him being a Governor of Wirral Metropolitan College.

Councillor G Davies declared a prejudicial interest in the same item by virtue of him being a Governor of one of the schools referred to in the report. He left the meeting whilst this item of business was under discussion.

## 220 MINUTES

### RESOLVED:

**That the Minutes of the meeting of the Cabinet on 26 November 2009 be confirmed as a correct record.**

## 221 REVIEW OF SECONDARY SCHOOL PLACES PHASE 1 - SITE FOR A POSSIBLE ACADEMY

Following the Cabinet's decision on 26 November 2009 (Minute No 192/2009 refers) to revert to an earlier option for secondary school reorganisation in Birkenhead, a report by the Director of Children's Services advised of a result of consultations with various stakeholders on the possibility of a new Academy being constructed on the Park High site of the Shaftsbury/borough Road playing field site, provided a likely timetable for the Academy process and updated on developments in relation to the Sponsor team for the Mixed Academy.

The Director was in attendance at the meeting and took Members through the detail of his report answering their questions as appropriate.

Councillor P Davies paid tribute to Park High and Rock Ferry High Schools, in particular, the contributions of their pupils, staff and Governors had made resulting in the excellent standards both schools had achieved.

It was noted that the Cabinet had waived the Call-in in respect of this matter when it was discussed on 26 November but had made it clear, at the time, that it would not be waiving it again in respect of the decision to be made at this meeting.

Councillor P Davies moved the following motion:

“Cabinet agrees to:

- (1) the inclusion of the Park High site and the Shaftsbury / Borough Road playing field site as potential sites for the Mixed Academy in the Expression of Interest, subject to a Statement on Intent being issued by the Overview and Scrutiny Committee. Full public consultation with residents and businesses should take place on the Shaftsbury / Borough Road site and a final decision on the preferred site to be taken by the Cabinet in January 2010;
- (2) the inclusion of Birkenhead Sixth Form College and the University of Liverpool within the Mixed Academy Sponsor team, for inclusion in the Statement of Intent and Expression of Interest to be sent to the Minister;
- (3) the Director of Children’s Services to have urgent discussions with the sponsor team with a view to confirming the leader sponsor for the Mixed Academy; and
- (4) and pays tribute to the excellent contribution made by the Staff, pupils and Governors of Park High and Rock Ferry high Schools to education in Birkenhead.”

The following **AMENDMENT** was moved by Councillor S Holbrook

“Cabinet agrees to:

- (1) the current Park High site as the preferred location for the mixed academy to replace Rock Ferry HS and Park HS. This should be included in the Statement of Intent and the Expression of Interest to be sent to the Minister.
- (2) to (4) as above.

The amendment was put to the vote and declared carried as 4 Members voted for the amendment and 3 voted against it.

The amendment then became the Substantive Motion and was put to the vote and declared carried as 7 Members voted for it and no Members voted against it.

**RESOLVED: That Cabinet agrees to:**

- (1) the current Park High site as the preferred location for the mixed academy to replace Rock Ferry HS and Park HS. This should be included in the Statement of Intent and the Expression of Interest to be sent to the Minister.**

**(2) the inclusion of Birkenhead Sixth Form College and the University of Liverpool within the Mixed Academy Sponsor team, for inclusion in the Statement of Intent and Expression of Interest to be sent to the Minister;**

**(3) the Director of Children's Services to have urgent discussions with the sponsor team with a view to confirming the leader sponsor for the Mixed Academy;**

**(4) and pays tribute to the excellent contribution made by the Staff, pupils and Governors of Park High and Rock Ferry high Schools to education in Birkenhead."**

## 222 GOVERNANCE REVIEW - PROPOSED GOVERNANCE ARRANGEMENTS

A report by the Director of Law, HR and Asset Management reported that the Local Government and Public Involvement in Health Act 2007 ("the Act") required the Council to review its governance arrangements and move to either:

- a new style 'Leader and Cabinet' model; or
- a 'directly elected Mayor and Cabinet' model.

Before drawing up its governance proposals, the Council was required to take reasonable steps to consult local government electors and any other interested persons, in the authority's area. The Council's consultation period commenced on 6 October 2009 and ended on 30 November 2009 and the steps taken to consult local government electors and interested parties included:

- a press release was placed in a local newspaper (Wirral Globe) on 8 October 2009 (although the press release was issued on 7 October 2009);
- the Council's Website was amended to advertise the new governance arrangements and to invite local electors and other interested persons to make comments and express their views/opinions on the proposals;
- the Cabinet report dated 24 September 2009 detailing the proposed governance arrangements as highlighted at all eleven Area Forum meetings by the Chairperson and copies of the report made available to the public.

Furthermore, both the Daily Post and Wirral News featured a discussion forum on the proposed governance arrangements; and Heart FM Radio, Severn Waves Radio and BBC Radio Merseyside all featured the proposed governance proposals. The Wirral Globe further published letters received in relation to the governance proposals on 29 October, 5, 11 and 18 November 2009.

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# CABINET

Thursday, 14 January 2010

Present: Councillor S Foulkes (Chair) Finance and Best Value  
Councillors S Holbrook Corporate Resources  
G Davies Housing & Community Safety  
P Davies Children's Services & Lifelong Learning  
G Gardiner Environment  
M McLaughlin Social Care & Inclusion  
R Moon Tourism & Leisure  
J Quinn Streetscene & Transport Services  
J Stapleton Regeneration & Planning Strategy

Apologies Councillor S Kelly Community & Customer Engagement

## **249 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

The members of the Cabinet were invited to consider whether they had a personal or prejudicial interest in connection with any of the items on this agenda and, if so, to declare it and state the nature of such interest.

Councillor Steve Foulkes declared a prejudicial interest in agenda item 3, 'Outcome of Proposal for the Closure of St Laurence's Catholic Primary School' (see minute 252) by virtue of his friendship with the caretaker of one of the schools referred to in the report.

Councillor Simon Holbrook declared a personal interest in agenda item 15, 'Regional Waste Strategy – Draft Update' (see minute 264) due to his employment.

Councillor Bob Moon declared a prejudicial interest in agenda item 38, 'New Ferry Butterfly Park - Request for Compulsory Purchase Order Powers' (see minute 287) due to his involvement with the volunteers.

Councillor Phil Davies declared personal interests in agenda items 4 and 6 'Outcome of Statutory Notice Consultation on the Proposed Relocation of Gilbrook Special School' and 'Review of Secondary School Places Phase 1 – Mixed Academy' (see minutes 253 and 255 respectively) by virtue of him being a school governor and on the governing body of Wirral Metropolitan College. Also a personal interest in agenda item 8, 'Valuing People Now – A Three Year Strategic Commissioning Framework for People with Learning Disabilities' (see minute 257) by virtue of him being a nonexecutive Director of NHS Wirral.

Councillor George Davies declared a prejudicial interest in agenda item 6, 'Review of Secondary School Places Phase 1 – Mixed Academy' (see minute 255) by virtue of him being a governor of Park High School.

The Chief Executive, Steve Maddox, declared a personal interest in agenda item 6, 'Review of Secondary School Places Phase 1 – Mixed Academy' (see minute 255) by virtue of him being on the governing body of Wirral Metropolitan College.

## **255 REVIEW OF SECONDARY SCHOOL PLACES PHASE 1 - MIXED ACADEMY**

(Councillor G Davies, having declared a prejudicial interest in this item (see minute 249) left the room during its consideration)

The Director of Children's Services sought ratification for the Expression of Interest for a Mixed Academy on the site of Park High School, and asked for approval to commence the statutory consultation process for closure of the predecessor secondary schools.

The Cabinet Member for Children's Services and Lifelong Learning expressed his

thanks to the Director and all his staff who had contributed to turning around the Expression of Interest in such a short timeframe following the decision of Cabinet on 9 December, 2009 (minute 221 refers), the Statement of Intent being signed by the Minister for Schools and Learners on 21 December, 2009. He also thanked the DCSF and Governing Bodies of both Park and Rock Ferry High Schools and expressed his delight that both universities, Chester (as lead sponsor) and Liverpool were on board as part of the sponsor team.

Resolved – That:

- (1) the Cabinet notes Ministerial approval of the Expression of Interest for the Mixed Academy and the commencement of Feasibility; and
- (2) approval be given to the Director of Children's Services to undertake all necessary formal consultations on the closure of the two predecessor schools as set out by guidance.

## HAVE YOUR SAY ON SCHOOL CHANGES IN BIRKENHEAD

### About this document

This document has been produced by Wirral Council as the first part of the consultation process with parents, the local community and other interested parties. The Council considers that the proposal is in the best interests of children, parents and staff at both Park High School and Rock Ferry High School and within the Birkenhead area as a whole. This proposal would bring together the two schools to create a single Academy to serve the Birkenhead area, increasing the opportunities for, and raising the performance of, all students in this area. The Governing Bodies at both schools have voted to support the development of an Academy in principle.



The sponsors backing the Academy are as follows;

- **University of Chester** (lead sponsor),
- **Birkenhead Sixth Form College** (co-sponsor)
- **University of Liverpool** (co-sponsor)
- **Wirral Metropolitan College** (co-sponsor)
- **Wirral Council** (also a co-sponsor)

### The Closure Consultation

By law, Wirral Council as the local authority must consult on the closure of the two secondary schools separately from the consultation on the establishment of the new Academy, although the two consultations will take place around the same time.

We would like to hear your views about the following proposal. The closure consultation will run until 7th April 2010.

**To close Rock Ferry High School and Park High School on 31 August 2011 and replace both schools with one Academy on 1 September 2011**



## Statutory School Closure Consultation

Closure of Rock Ferry High School and Park High School  
in order to establish an Academy

February - April 2010



Children and Young People's Department

## ABOUT THE SCHOOLS

### Rock Ferry High

Rock Ferry High is a mixed community school for students aged 11-16. The number of students has been going down and in January 2009, it had 584 on roll. Forecasts show the numbers will continue to fall, remaining low over the next ten years.

The school was inspected by Ofsted in March 2008 when it was judged to be a good school. The percentage of students achieving 5 or more GCSE passes including English and Maths has consistently been below 30% and the school is therefore in the government's National Challenge programme.

### Park High

Park High is a mixed community school for students aged 11-16. The number of students has been going down and in January 2009 it had 811 on roll. Forecasts show the numbers will continue to fall, remaining low over the next ten years.

The school was inspected by Ofsted in January 2009 when it was judged to be a good school with outstanding features. The percentage of students achieving 5 or more GCSE passes including English and Maths has consistently been below 30% and the school is therefore in the government's National Challenge programme.



## ABOUT THE PROPOSAL

### Why close these two schools and replace them with an academy?

Following the Secondary Places Review in 2008/2009, the Council has worked with the sponsors to develop a transformational vision for learning and raising educational attainment in this area. Although both schools have been judged to be good schools by Ofsted and have done good work within their specialisms, GCSE results at the two schools mean that they are among the lowest performing schools in the country. Other equally deprived areas in the country have shown that it is possible to achieve better results for pupils.

In addition, there are not enough pupils to keep two secondary schools going. There are already more than 1000 empty pupil places in Rock Ferry High and Park High Schools. The Council has to address this so that resources are not wasted and all pupils get a good education.

The Council is supporting the creation of an Academy to replace Rock Ferry High and Park High, with strong educational sponsors who have the extra skills and resources to support the Academy in the long run. We believe this is a powerful combination of sponsors with a range of relevant experience, skills and expertise. If the proposals are approved, then these sponsors would be responsible for

running the academy. The Academy, working with the sponsors and other local partners, will provide a full range of courses to meet students' academic and vocational aspirations. The Academy would specialise in Applied Learning with a focus on Science and Technology and Health and Social Care.

The proposed new Academy would have around 1100 students initially, gradually decreasing to around 750 pupils. This is the same size as Prenton High School for Girls. The sponsors will put in place a structure and organisation that will ensure the friendly and caring atmosphere associated with smaller schools.

### What are the benefits?

We believe some of the advantages the new academy would offer include:

- Providing long term, sustainable high quality secondary education for Birkenhead's children
- Generating significant support from the sponsor team who have a wide range of expertise in higher and further education
- Refurbished buildings within 2 to 3 years
- New ways of learning for young people to achieve their maximum potential
- Specialism in Applied Learning focusing on Science and Technology and Health and Social Care
- Improving educational opportunities for pupils of all backgrounds with a major focus on literacy and numeracy
- New improved facilities for pupils with special educational needs
- Latest information and communication technologies to equip students for the 21st century
- Enhancing the range of specialist provision in secondary schools
- A wider range of services and facilities to be made available to the community
- Removing surplus capacity from secondary schools

### Why can't we keep the schools as they are?

This is not a viable option.

Pupil numbers are already falling and will continue to fall for years to come. This is important because the budget a school receives is based largely on the number of pupils on roll. As the school roll falls, the budget shrinks and schools have to make difficult decisions about staffing levels and curriculum delivery.

The proposal will address the falling roll by merging the two schools into a single Academy ensuring that secondary provision in the area remains sustainable for the future whilst delivering the highest quality of teaching and learning in premises fit for the 21<sup>st</sup> Century.



### **What about other options?**

Other options have been considered.

We could re-organise the two schools by closing one of them and keeping the other school open, possibly as a Trust school, but then we would not receive the additional Academy programme funding to refurbish the remaining school.

You may be aware that an alternative option under consideration was to close three schools, and to open two Academies – one Mixed and one for Boys only. Following initial consultation with sponsors, schools, governing bodies and community groups, this option was replaced by the current proposal which establishes a Mixed Academy to replace two schools.

### **What are the sponsors proposing?**

The sponsor team are consulting separately about their proposal, which they will set out in a separate consultation document. You should read this carefully to understand what they are proposing and, if you wish to comment, fill in their questionnaire. The sponsors website, [www.proposeduab.co.uk](http://www.proposeduab.co.uk) will be live soon, or call 020 7924 5109 for more information.

The Expression of Interest drawn up by the Sponsors is available on-line now at [www.wirral-mbc.gov.uk/primaryplaces/secondaryreview](http://www.wirral-mbc.gov.uk/primaryplaces/secondaryreview).

### **If the schools close, what would this mean for the existing students in the two schools?**

All students on the roll of both schools would be entitled to an automatic place at the Academy from 1<sup>st</sup> September 2011.

The Sanderling Unit, a Local Authority funded unit for pupils with statements of special educational needs, which is currently sited at Rock Ferry High School, will be replaced by funded provision at the new Academy.

Transition arrangements will aim to ensure the move from two schools into one is as smooth as possible for everyone concerned.

### **If the schools close what would this mean for parents and pupils in local primary schools?**

The admission criteria for the Academy will be the standard rules for admission to Wirral maintained community secondary schools. Pupils will not be selected by ability or faith. Anyone can apply for a place at the Academy.

1. Pupils due to transfer in Y7 to Rock Ferry High or Park High Schools in September 2010, would do so in the usual way.
2. In Autumn 2010, parents will be selecting the secondary schools they want their Y6 children to attend in September 2011, and the new Academy will be one of the options available.

### **If Rock Ferry High and Park High Schools close what will happen to the staff?**

A full consultation process will be undertaken with staff and their professional representatives throughout the development of the proposals for the Academy. It is hoped that the majority of staff would transfer to the new Academy under the Transfer of Undertakings Protection of Employment (TUPE) regulations.

The effect of the TUPE regulations is to preserve the continuity of employment and terms of conditions of those employees who are transferred to a new employer.



Sponsors recognise that continuity with excellent teachers and support staff is a decisive factor in a successful school and will actively work to achieve this as a priority in the development of the Academy.

### **What would happen to the Rock Ferry site?**

The Rock Ferry site is owned by the Council. There are no plans or planning applications in relation to the Rock Ferry site. Decisions about the future of sites no longer required for school use are only made after all the educational decisions have been finalised.

### **Is the closure date for the schools fixed?**

The closure date for the two schools is linked to the establishment date of the Academy. There are benefits to carrying out changes to school organisation at the natural end of an academic year. However, if during the Sponsors Academy consultation there is a strong view that the Academy should open on a different date, the closure date for the existing schools would be adjusted to match.

We would appreciate your views on the proposed opening date for the new Academy.

### **What happens next?**

The result of this consultation will be reported to Wirral Council Cabinet later this year. Cabinet will make a decision whether or not the two schools should close in order for an Academy to open. The Council will also consider any other options raised during the consultation.

If Cabinet's decision is to go ahead with the closures, statutory notices would be published in the local newspaper and at the schools. This is followed by a six week representation period during which any objections or comments in relation to the proposal can be sent to the Council.

At the end of the notice period, the closure proposals would be referred to the Cabinet. The Cabinet would see all responses received and decide whether to approve the proposals to close the schools in order to make way for the new academy.

The final decision about whether the academy goes ahead is made by the Secretary of State and the Schools Adjudicator. If the Academy does not go ahead, the schools would remain High Schools for the time being while further consultation takes place about the future of secondary education in Birkenhead.

## CONSULTATION TIMELINE

<b>Consultation begins</b>	<b>Wednesday 24<sup>th</sup> February 2010</b>
Park High parents/carers meeting	7pm, 9 <sup>th</sup> March 2010
Rock Ferry High parents/carers meeting	7pm, 11 <sup>th</sup> March 2010
<b>Consultation ends</b>	<b>Wednesday 7th April 2010</b>
Report to Wirral Cabinet to consider consultation outcomes and decide whether to proceed to the next stage	May 2010
If approved, public notices published for the closure of existing schools	June 2010
Report to Wirral Cabinet for a decision whether or not to close existing schools	September 2010
If approved, Funding Agreement signed by all sponsors	September 2010
Development of Academy implementation programme	September 2010 to September 2011
Academy opens	1 <sup>st</sup> September 2011

**Note: Timeline dates for post-consultation events are given as a guide only and may be subject to change.**

**The final decision is likely to be taken by Autumn 2010.**

## HAVING YOUR SAY

### If you want more information

Find out more by going to: [www.wirral-mbc.gov.uk/primaryplaces/secondaryreview](http://www.wirral-mbc.gov.uk/primaryplaces/secondaryreview)

Otherwise, if you have any queries or you need copies in a different format such as **large print** or in a different language, you can contact the Secondary Places Review team by phone on 0151 666 4351 or by email at [secondaryplaces@wirral.gov.uk](mailto:secondaryplaces@wirral.gov.uk)

### Consultation events

These events are about the closure of the two schools. The Academy lead sponsor will also attend. This means that you will be able to hear about the proposal to close Park High and Rock Ferry High in order to open the new Academy, and the exciting proposal that is being developed for the Academy.

School	Date
Park High School	7pm, Tuesday, 9 <sup>th</sup> March 2010
Rock Ferry High School	7pm, Thursday, 11 <sup>th</sup> March 2010

The meeting is an opportunity for parents, staff, governors and other people directly related to the school to have their views heard and noted by senior staff from the Department of Children's Services and the Council's Cabinet Member for Children's Services and Lifelong Learning.

People associated with other local schools, and members of the public who want to, can write in with their views. **Anyone who wants to can write and say what they think.**

### HOW TO RESPOND

What do you think? Please make sure your response is received by

**Wednesday 7th April 2010**

You can write on your own, or you can join together with other people to write a joint letter. The address is on the back of this leaflet.

Your comments can be sent by post, through the two schools, or by e-mail. If you find it helpful you can complete and return the **feedback form** on the next page. There is also a feedback form on the Consultation website:

[www.wirral-mbc.gov.uk/primaryplaces/secondaryreview](http://www.wirral-mbc.gov.uk/primaryplaces/secondaryreview)

Let us know what aspects you support and if there are any areas which particularly concern you.

## Closure of Rock Ferry High and Park High Schools Consultation Feedback Form

Please let us know the main relationships you have with the school(s) by putting a tick in the appropriate box or boxes. You might be a parent and a member of staff, for example.

School	Parent	Staff	Governor	Other person
Park High				
Rock Ferry High				
Other (please say which one)				

**Do you agree with the proposal to close both schools and replace them with an Academy?** Tick one box only. Yes  No  Undecided

### Comments

Please use this space for your comments. You can write more on another sheet if you need to.

*Continued...*

Please tell us your name and address, postcode and e-mail address if you have one. We will not use your personal information for anything other than this consultation.

Name:

Address:	
Postcode:	
Telephone:	e-mail:

Please note: In order to ensure that this process is fully open and transparent, other people will be able to read all the responses to this consultation.

Address: Secondary Places Review – Closure Proposals  
 Director of Children's Services  
 Hamilton Building  
 Conway Street  
 Birkenhead  
 CH41 4FD  
 E-mail: [secondaryplaces@wirral.gov.uk](mailto:secondaryplaces@wirral.gov.uk)

Make sure your response is received by:

**WEDNESDAY 7th APRIL 2010**

*Continued overleaf...*



Howard Cooper  
*Director*Hamilton Building  
Conway Street  
Birkenhead, Wirral,  
Merseyside CH41 4FD  
Telephone: 0151- 666-2000  
Direct Line: 0151 666 +ext  
Fax: 0151-666- 4207  
Email: children@wirral.gov.uk

to Parents of pupils in Years 4, 5 and 6                      date 24th February 2010  
your ref  
my ref SRPh1/Consultation/SGAcademy0210Parents  
tel ext 4351    please ask for Sally Gibbs

Dear Parent/Carer

Following a recent review of secondary schools, an Expression of Interest has been drawn up to establish an Academy school in Birkenhead. In order to open the Academy, Rock Ferry High School and Park High School would close. The Council is asking for your views on the closure of the two schools.

### About the Academy

The Expression of Interest says:

- The Academy would be sponsored by the University of Chester, with Birkenhead 6<sup>th</sup> Form College, Wirral Met, the University of Liverpool and Wirral Council as co-sponsors.
- The Academy would be for boys and girls aged 11 to 16
- The Academy would specialise in Applied Learning with a focus on Science and Technology and Health and Social Care.
- The Academy would open in September 2011
- Pupils on roll at Park High and Rock Ferry High would automatically transfer to the Academy when it opens
- Admission to the Academy would follow the Council's standard admission policy – there will be no selection (an Academy is not a Grammar school)

There will be a lot more detailed discussion about how the Academy will operate in the next few months. This is called the Feasibility stage. The Sponsors of the Academy will hold their own consultation about the Academy later this term.

### Why an Academy?

Although Ofsted says both Park High and Rock Ferry High are good schools and have done good work within their specialisms, GCSE results mean that they are among the lowest performing schools in the country. Other equally deprived areas in the country have shown that it is possible to achieve better results for pupils.

The Council is supporting the creation of an Academy to replace Rock Ferry High and Park High, with strong educational sponsors who have the extra skills and resources to support the Academy in the long run. If the proposals are approved, then these sponsors would run the Academy. The



Academy would provide a full range of courses to meet students' academic and vocational aspirations.

Also, there are not enough pupils to keep two secondary schools going. There are already more than 1000 empty pupil places in Rock Ferry High and Park High Schools. The Council has to address this so that resources are not wasted and all Wirral pupils get a good education.

This proposal would bring together the two schools to create a single Academy to serve the Birkenhead area, increasing the opportunities for, and raising the performance of, all students in this area. The Governing Bodies at both schools have voted to support the development of an Academy in principle.

### **The Consultation**

The Council would like to hear your views about the following proposal.

**To close Rock Ferry High School and Park High School on 31 August 2011 and replace both schools with one Academy on 1 September 2011**

Consultation meetings for parents, staff, governors and other interested parties will take place at

**Park High School on Tuesday 9th March 2010 at 7pm**

**and at**

**Rock Ferry High School on Thursday 11th March 2010 at 7pm**

Although this consultation is about the **closure of the two schools**, the University of Chester will attend these meetings as Lead Sponsor to explain more about the Academy.

### **Finding out more**

The closure consultation document is available to view:

- On-line at [www.wirral-abc.gov.uk/PrimaryPlaces/SecondaryConsultation.asp](http://www.wirral-abc.gov.uk/PrimaryPlaces/SecondaryConsultation.asp)
- at **your school**
- at local libraries and community centres

If you would like your own copy of the consultation document, please e-mail [secondaryplaces@wirral.gov.uk](mailto:secondaryplaces@wirral.gov.uk), or call the number at the top of this letter and give your address details.

### **Having your say**

If you want to write in, you can hand your comments in at your school, or by post to:

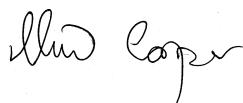
Secondary Places Review – Closure Proposals  
Director of Children's Services  
Hamilton Building, Conway Street, Birkenhead, CH41 4FD

or via e-mail to [secondaryplaces@wirral.gov.uk](mailto:secondaryplaces@wirral.gov.uk)

**All comments must be received by WEDNESDAY 7<sup>th</sup> APRIL 2010**

It is important to remember that a final decision has NOT been made. All opinions received either in writing or at the meetings will be taken into account before a decision is made. Your views are important to us; please take this opportunity to have your say.

Yours sincerely



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*Director*Hamilton Building  
Conway Street  
Birkenhead, Wirral,  
Merseyside CH41 4FD  
Telephone: 0151- 606-2000  
Direct Line: 0151 666 +ext  
Fax: 0151-666- 4207  
Email: children@wirral.gov.uk

to Parent/Carer consultees

date 5<sup>th</sup> March 2010

your ref

my ref SRPh1/Consultation/SGAcademy0310Reminder

tel ext 4351

please ask for

Sally Gibbs

Dear Parent/Carer

**PROPOSAL TO CLOSE ROCK FERRY HIGH AND PARK HIGH IN ORDER TO OPEN AN ACADEMY**

The Council recently began a consultation on the proposal to close Park High and Rock Ferry High Schools in order to establish an Academy school in Birkenhead. Several people have since asked for more information about the proposal. This letter gives more information about **the review**, about **the Academy**, about **standards**, and also has a reminder about the upcoming consultation **meeting dates**.

**THE REVIEW**

The Council began to review Wirral's secondary school provision in 2008. This is because pupil numbers were already falling and will continue to fall for years to come. This is important because the budget a school receives is based largely on the number of pupils on roll. As the school roll falls, the budget shrinks and schools have to make difficult decisions about staffing levels and curriculum delivery.

The proposal addresses the falling roll and surplus places by merging the two schools into a single Academy ensuring that secondary provision in the area is sustainable for the future whilst delivering the highest quality of teaching and learning in premises fit for the 21st Century.

**BUILDING AMBITION AND ASPIRATION**

The Council is supporting the creation of an Academy in the Birkenhead area to bring together Rock Ferry High and Park High Schools as a single school with strong educational sponsors who have the extra skills and resources to support the Academy in the long run. If the proposals are approved, then these sponsors would run the Academy. The Academy would provide a full range of courses to meet students' academic and vocational aspirations, increasing opportunities and raising the performance of all students.

Opening an Academy would also allow the Council to access £250 million of funding for "Building Schools for the Future" earlier than originally planned. This funding would potentially benefit every secondary age pupil in mainstream and special schools across Wirral through rebuilding or refurbishing school buildings.

## **ABOUT THE ACADEMY**

The Expression of Interest says:

- The Academy would be sponsored by the University of Chester, with Birkenhead 6<sup>th</sup> Form College, Wirral Met, the University of Liverpool and Wirral Council as co-sponsors.
- The Academy would be for boys and girls aged 11 to 16
- The Academy would specialise in Applied Learning with a focus on Science and Technology and Health and Social Care.
- The Academy would open in September 2011
- Pupils on roll at Park High and Rock Ferry High would automatically transfer to the Academy when it opens
- Admission to the Academy would follow the Council's standard admission policy – there will be no selection (an Academy is not a Grammar school)

## **STANDARDS**

### **Contextual Value Added (CVA)**

This is a measure of how much progress pupils make at a school, compared with similar pupils in other schools. It takes into account various background factors – not just how well pupils have achieved at Key Stage 2 (Y6 SATS), but whether they are boys or girls, whether they have special educational needs, the level of deprivation in the area and so on.

In the last three years CVA scores show that pupils in both schools made at least the expected rate of progress, with pupils at Park High (2007, 2008) and Rock Ferry High (2008, 2009) making significantly more progress than similar pupils in other schools.

### **National Challenge**

The Government says that at least 30% of the pupils at every school in the country should get 5 or more GCSEs at grade A\* to C, including English and Maths. Schools that don't meet this target are called "National Challenge" schools and can get additional assistance to help them reach the target. Both Park High School and Rock Ferry High School are "National Challenge" schools. Although both schools remain below the target in 2009, the GCSE results show a year on year improvement.

### **Ofsted**

Ofsted last inspected Rock Ferry High School in March 2008. This is taken from Ofsted's report.

"Rock Ferry High School is a good school providing high quality education and care. It provides an inclusive and attractive learning environment where all pupils are able to flourish in a happy, family, community atmosphere based on mutual respect and excellent relationships...The personal development and well-being of pupils is outstanding...The school provides its pupils with an outstanding curriculum."

Ofsted last inspected Park High School in January 2009. This is taken from Ofsted's report.

"This is a good school in which the quality of care, guidance and support is outstanding. The school has made very good progress since the last inspection because effective and purposeful leadership is driving the school forward strongly...The relentless focus on improvement and rapidly rising standards mean that the school has outstanding capacity to improve even further....The school uses its extensive links with outside agencies outstandingly well."

The full reports are available from the school, or on-line from [www.ofsted.gov.uk](http://www.ofsted.gov.uk).

## THE CONSULTATION

To remind you, consultation meetings for parents, staff, governors and other interested parties will take place at:

**Park High School on Tuesday 9th March 2010 at 7pm  
and at  
Rock Ferry High School on Thursday 11th March 2010 at 7pm**

Although this consultation is about the **closure of the two schools**, a representative of the University of Chester will attend these meetings as Lead Sponsor to explain more about the Academy.

There will be a lot more detailed discussion about how the Academy will operate in the next few months. This is called the Feasibility stage. The Academy Sponsors will hold their own consultation about the Academy later this term.

### Having your say

If you want to write in, you can hand your comments in at your school, or by post to:

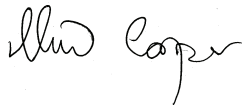
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**All comments must be received by WEDNESDAY 7<sup>th</sup> APRIL 2010**

It is important to remember that a final decision has NOT been made. All opinions received either in writing or at the meetings will be taken into account before a decision is made. Your views are important to us; please take this opportunity to have your say.

Yours sincerely



pp Howard Cooper  
Director of Children's Services

# **APPENDIX E1**

## **Analysis of Consultation**

### **Consultation Meetings - CLOSURE**

#### **Park High School**

##### **Present:**

Cllr Phil Davies (Chairman)

Mark Parkinson – LA

Gordon Fair – LA

Stuart Bellerby – LA

Peter Bishop - LA

David Armstrong – LA

Sally Gibbs – LA

Phil Edwards – Technician

Steve McMahon – Headteacher

Celia Hebborn – Vice Chair of Governors

Attended by 20 parents (42%), 4 staff members (8%), 5 governors (10%), and 18 other interested persons (38%). 4 councillors also attended.

Of parents – 8 were Park High parents, 2 were Rock Ferry High parents, 8 were primary school parents and two were unidentified parents.

1% of Park High pupils were represented by at least one parent/carer.

#### **Rock Ferry High School**

##### **Present:**

Cllr Phil Davies (Chairman)

Mark Parkinson – LA

Gordon Fair – LA

Stuart Bellerby – LA

Peter Bishop - LA

David Armstrong – LA

Sally Gibbs – LA

Phil Edwards – Technician

Peter Bennett - Headteacher

Cllr Walter Smith – Chair of Governors

Attended by 50 parents (40%), 44 staff members (31%), 12 governors (6%) and 25 other interested persons (20%). 3 councillors also attended.

Of parents –38 were Rock Ferry High parents, 7 were primary parents, and 5 were unidentified parents.

8% of Rock Ferry High pupils were represented by at least one parent/carer.

## Number of responses received by school

Responses	Total	Directly related	Others
Park High	11	11	0
Rock Ferry High	98	71	27
Other	14		

### All written responses (forms, letters, e-mails) by respondent category and area

	Number	Percentage in category	Percentage of Total
<b>TOTAL</b>	<b>123</b>		
<b>Total Parents</b>	<b>32</b>	100	<b>26</b>
Rock Ferry	18	56	15
Park	7	22	6
Primary	6	19	5
Other secondary	1	4	1
<b>Total Staff</b>	<b>51</b>	100	<b>41</b>
Rock Ferry	49	96	40
Park	2	4	2
<b>Total Governors</b>	<b>6</b>	100	<b>5</b>
Rock Ferry	4	67	3
Park	2	33	2
<b>Total Others</b>	<b>34</b>	100	<b>28</b>
Rock Ferry related	27	79	22
Other Secondary	2	6	2
Unknown/No relationship	5	15	4

Note - respondents with multiple relationships are counted once in their "top level" category; e.g. A parent governor will count as a parent; a staff governor will count as staff. The exception is for staff who are also parents of pupils at other schools, who are counted as staff only

For completeness, after the consultation ended, on 15<sup>th</sup> April 2010 and 10<sup>th</sup> May 2010, 1,704 **proforma letters** from persons related to Rock Ferry High School were received, asking for a new site for the Academy, of which 756 were duplicates, illegible, incomplete or non-existent addresses, out of borough or persons not on the electoral roll.

Of the remaining 948 entries, 298 persons (178 households) had Rock Ferry pupils resident at the address provided, representing 221 pupils (41% of total pupils). 27 of the 298 persons, and 20 of the 178 households, had previously responded to the consultation.



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## **APPENDIX E2**

### **Summary of responses by school**

### **People allied to Park High School**

#### **Falling rolls**

- Understand rolls are falling and surplus places are high
- Introduction of Birkenhead High School for Girls alongside Prenton has made the gender imbalance worse in mixed schools
- Just because there are rooms with chairs in doesn't mean there are surplus places
- Standards cannot be sustained when rolls are falling

#### **Staff and Standards**

- Standards are improving year on year at both schools
- Excellent ethos
- Pupils have a good rapport with staff
- Labelling both schools as National Challenge reinforces local snobbery against the schools
- A very good school
- Staff are very supportive and encouraging, give pupils best educational opportunities despite uncertainty
- My child went to the Sanderling Unit and the teachers helped him a lot
- Larger schools have worse GCSE results
- Concerns that class sizes would rise
- Concerns about loss of Sports specialism
- Concerns about the impact of amalgamation on GCSE results
- National Challenge is an arbitrary figure made up by Ed Balls
- National Challenge does not take into account socioeconomic background or grammar schools
- Last year 46% of pupils here passed English and 36% passed Maths
- Science has gone from 25% to over 80% C or above
- Park is not a failing school, it is unfair to staff to say so
- School educates some extremely challenging students to achieve the best possible grades
- Staff give up a lot of their time after school
- Standards will improve because of staff, parents and ethos, not buildings
- Inclusive school, takes anyone who wants to come
- Proud of Park

- Important that sporting links with the community are continued
- Concerns about compulsory redundancies

### **Pupils**

- Children love coming to school here
- Concerns about disruption to childrens education
- I chose Park because of the Sports specialism, you are taking away my choice
- My school closed because of lack of numbers and it cocked up my education, you have to be very careful
- If the school moves, I will look for another school

### **Building and site**

- Sports fields should not be sold or there will be no fit children
- What will happen to the community programme run from Park?
- When the other site closed there were 1100 pupils here and it felt crowded
- 700 to 800 pupils is a good number
- Have already had £10 million investment in the building
- Don't need material things to improve standards
- Prime location to serve the whole community
- Next to Birkenhead Park
- Good facilities thanks to PFI
- Schools are more than geographical physical sites

### **The Academy and Sponsors**

- Could be a positive move for the children of both schools
- Not in favour of Academies, they're a political creation
- Sponsors will meddle with affairs of the classroom
- No connection between University of Chester and Park High School
- Only 50% of academies have been successful
- Forecasts for Ellesmere Port Academy are not evidence of success
- Concerned that Academy governing body will not represent local views
- Academy should keep elements of former schools best practice and good work including specialisms
- Can have confidence that the sponsor team will be successful
- Sponsors are enthusiastic and willing to make an even better school

### **The Proposal**

- The Sanderling Unit should move to Park High School

- Pupil maps show that the Academy should be in central Birkenhead
- Ridgeway is too close to the edge of the area and too close to Woodchurch High
- Understand that the Academy will not be Park High
- Once in a lifetime opportunity for change
- Failure to act puts all schools at risk of a crisis in numbers
- Would the Academy be a large school?
- School would have a lot more pupils for three years which will mess up my child's education
- Will be massive redundancies in three years as the number on roll falls
- Proposal is a lifeline to Rock Ferry at the expense of Park

#### **Alternative options**

- Should close Rock Ferry High and leave Park open
- Neither school should be closed

#### **The Process**

- Children should come first not money
- This is about the community, must set aside the interests of individual schools
- We should have known about this when we were choosing secondary school options
- Consultation presentation told us nothing
- Should know what the Academy would be like before you close the schools
- Staff don't know what's going on, there has been three proposals so far
- Birkenhead High School for Girls should have closed, it was a failing business
- No point opposing the proposals because the consultation is a sham

#### **Traffic and transport**

- Rock Ferry pupils will not travel to Park, there are closer schools like Bebington, Prenton and Plessington

#### **Financial**

- This is all about selling the land at Rock Ferry High to make money
- If schools need money the government should give them money
- Better to get a substantial investment than no investment

#### **Other Comments**

- Heart of the community
- Generations have come to this school

# People allied to Rock Ferry High School

## Falling rolls

- New housing estates are being built which means more children
- You have already taken away The Dell Primary School
- Parents who would come here are put off by the closure consultation
- Pupils are haemorrhaging from Rock Ferry because they don't want to go to Park
- Understand the demographic issues and reasons why change is necessary
- Falling rolls mean schools have to close
- There is more competition for nursery places now
- Why is it acceptable for Birkenhead High School for Girls to have 100 pupils per year group and not for Park High and Rock Ferry High?
- Surplus space could be used for community purposes
- We lose a lot of kids to Bebington High School
- Numbers have fallen because Birkenhead schools do not have sixth forms
- If Rock Ferry was an Academy more kids would come here
- Comparing birth rates from 1950s to present day is unfair as contraceptives have been invented since that decade

## Staff and Standards

- Good links with the community
- After school dance and drama classes are well attended
- Standards are improving
- CVA is good
- Teachers are passionate
- Small schools are better because they have small classes
- Sanderling Unit is very successful
- Excellent school
- Media have reported that Rock Ferry is failing, this is not the case
- Concerns about loss of staff expertise at Sanderling Unit
- Concerns about loss of Performing Arts College specialism
- Concern about continuity of GCSE courses for existing pupils
- No other schools do GCSE Dance and Performing Arts
- Both schools have good Ofsted reports
- Grammar schools cream off the best pupils which means results are not as good as other similarly disadvantaged schools in the country

- Small schools have smaller teaching groups
- Council letter to parents hinted that Park were not as failing as Rock Ferry, which has planted a seed of worry in the community
- How are you going to merge two staff rooms?
- Lovely school with caring atmosphere
- Staff are excellent and go out of their way to help children
- GCSE results are only low because of low pupil numbers

### **Building and site**

- Only green space in the area
- Wonderful art deco architecture
- At 24 acres, a larger site than Park, more flexible
- Easy access to bus and rail routes at Rock Ferry
- Both schools are on sites with room for development
- New is not necessarily best
- You could build an Academy at Rock Ferry without any disruption to children
- Rock Ferry is surrounded by houses and shops so there is always help available if it is needed
- Park site is too small, very cramped and unfit for purpose
- Park site has been chosen for purely financial reasons, you owe money
- The Park site will undermine the sponsors vision
- Park High may have been refurbished but you can't tell from its decorative state
- Park site is satisfactory but it's location is not suitable for Rock Ferry parents
- Park's architecture is antiquated and cannot expand outwards, what if it needs to be expanded in 20 years time?
- Building Schools for the Future is about new build not refurbishment
- Will Sanderling Unit have it's own building?
- Building work at Park site will be disruptive for years
- Academy should have adult education and lifelong learning facilities
- A lot of outside groups use Rock Ferry High School, what will happen to them
- Rock Ferry site could accommodate community facilities, Sure Start, health care, mental health care, social services etc
- Park site does not allow for future expansion
- Rock Ferry has had a lot of money spent on it and could be refurbished further

- Ravenswood is an 1874 manor house, it will be stripped and demolished
- Park High has no playing fields on its own site

### **Pupils**

- Pupils love coming to school
- Pupils would go to another school rather than the Academy and would miss out on the benefits
- Concerns about disruption to children in Key Stage 4
- Concerns about integration of Sanderling Unit pupils into mainstream classes and vulnerability of pupils
- Sanderling pupils are the most vulnerable and need great care planning their futures
- Change should not be at the expense of children's education
- More boys than girls in a class will disadvantage girl's education
- I chose this school because of the Performing Arts college status, you are taking away my choice
- If I had wanted Park High I would have sent my child there
- There would be more lateness and truancy if children had to travel further to school
- New build would raise children's self-esteem
- There's more overlap between Rock Ferry and Bebington than between Rock Ferry and Park High
- I moved school in my O level year and it was an absolute nightmare
- My child is settled here
- Children are well behaved coming out of school

### **The Academy and Sponsors**

- Academy will be Park High with a new badge
- Academy will benefit the community
- Sponsorship team is tremendous, strong and impressive
- Happy with the University of Chester as lead sponsor
- Will breathe new life into the system
- Sponsors are suitable and have made a favourable impression
- The Academy will reach the ambitions and targets needed in education
- Links with HE and FE and Local Authority support are invaluable and will provide the best opportunities for pupils
- Staff at both schools are ready willing and able to play their parts
- There has been no consultation about the proposed specialism
- The Academy should have a sixth form

- The Academy should go from age 4 upwards

### **The Proposal**

- Why deprive a deprived area of it's school and disadvantage it further
- This is just the closure of Rock Ferry by another name
- Changing the sign at Park High will make no difference, it is an in name only change
- Standards at the Academy will stay low if it is at Park
- Taking away parental choice
- Don't waste money on new build when established schools can be transformed into ultra modern sites
- Should stop intake and let the existing children and staff stay on site until all the children have finished, then transfer staff
- A school 5 miles away will not feel like our school
- This is a silly idea, there will be trouble
- Proposal is a missed opportunity for transformational change
- This is hastily and poorly thought out
- Should not have to settle for the second best cheap compromise option
- Rock Ferry would have no secondary school for boys
- Politicians lack ambition, this is short sighted
- It will be "them and us"
- Academies that have failed have been in existing premises
- Sponsors would prefer to work on a fresh canvas, this will hinder their academic vision
- Either Rock Ferry closes and has nothing, or it joins with Park High to form a new Academy
- Are parents who don't want to travel to Park guaranteed a place at a different local school?
- Got to think about the next 50 years
- There will be no mixed secondary school in the area
- Why mend what's not broken
- Refurbishment is cheating pupils by not accepting the governments full budget for a new school
- Small classes are more important than 21<sup>st</sup> century equipment
- Better to spend money investing in schools we have now than on an Academy
- Success of the academy is prejudiced by lack of ambition of politicians

### **Alternative options**

- Make both schools smaller academies

- If the Academy was at Rock Ferry there would be no conflict as to whose school it is
- There is room at Rock Ferry to build an Academy
- Why can't it be built on a site closer to my house?
- This area deserves a state of the art new build as promised
- New purpose built "superschool" will provide vision, optimism and ambition
- Should find a neutral site equidistant between the two schools
- An extended search for appropriate venues is required
- All £30 million should be spent on a new school, not £10 million on a paint job
- Both schools should stay open as small schools
- Should stick to the original "three into two" plan
- Should move Prenton High to Rock Ferry and establish a Mixed Academy at Prenton High site
- Why can't it be built on the Shaftesbury site?
- You should ask Shaftesbury again now that David Hughes has withdrawn
- A small number of residents and a youth club should not compromise educational opportunities for generations to come
- Should move Acre Lane to the Park High site
- Shaftesbury site was never a deliverable option
- What other sites were looked at?
- Find the land, make it happen
- Take over the whole of the Priory commercial site which is near to transport hubs
- Wirral Council can find an alternative use for Park High School
- Only a new site would be fair
- Should improve both sites and keep Academy on both
- New build will not delay the Academy process as the two sites can stay in use until the new school is ready
- The head of the Ellesmere Port Academy said new build was vital to its success

### **Traffic and transport**

- Pupils from Park High would not come here
- Concerns about distance to Park site
- Concerned about safety of children travelling home after dark



- Park Road North is dark and has trees, children could be attacked on the way home
- Most people in this area do not drive
- It is unfair to expect children to travel out of the area to Park High site or Bebington High
- Parents cannot afford travel costs
- Will there be free transport to the Academy?
- We chose Rock Ferry High because it is within walking distance
- No pupil is in walking distance of Park site
- This is against the Council's green policies as pupils will not be able to walk to school
- Park is on the other side of the Wirral
- Pupils and parents will not be able to attend after school activities unless they have their own transport
- Bussing children to Park site is possible
- Truancy will go up if children have to travel in the dark and rain
- Why is it difficult for the children from the north end of Birkenhead to travel south, but not difficult for the children from the south of Birkenhead to travel north
- Parents are worried about the cost of travel if free transport is not provided
- Over 60% of Rock Ferry pupils are on free school meals and parents would not be able to afford to travel

### **Financial**

- Why is money being spent on Birkenhead High School for Girls? Wouldn't it be better spent here?
- This is all about making profit from selling Rock Ferry's land
- Will pupils have to have a new uniform?
- Investment in this area is long overdue
- Understand that schools are not financially viable with falling rolls
- Funding has already been allocated for Park High, but not for Rock Ferry, you have already made your decision

### **The Process**

- You should put children and community first
- Parents should have been consulted earlier
- There were a lot more people at the Rock Ferry meeting than at the Park meeting and most of those were staff
- This is all about saving money
- This is not a child focussed decision

- Have other secondary school heads, staff and parents been consulted?
- Will everyone's views be made public?
- Have parents at the five local primary schools been consulted?
- How has the local community been consulted, as many people do not get free papers?
- A poster in the library does not constitute consultation
- Consultation should have been better and wider
- As a local resident I didn't know about the original proposal
- Why are consultation meetings not open to the public?
- You should not rush this through just for political expediency
- Needs more consultation with residents associations
- Council's letters to parents were biased towards Park
- You have already made your decision
- There are two girls schools at the cost of a mixed school closing

#### **Other comments**

- Generations have gone to this school
- Open for 80 years
- Rock Ferry has lost Byrne Avenue, what will be left if the school closes
- Both schools are old and well established
- Life expectancy is 10 years below other parts of Wirral
- Pupils are entitled to a local school

### **Other people**

#### **Falling rolls**

- Pupils are transferring out of Rock Ferry because they don't want to go to Park
- New housing estates are being built which means more children
- How many children are on roll at both schools now?
- In London schools have closed, only to build new ones
- Why aren't smaller schools viable?
- Is the roll going to rise again?
- Would a lottery system help the falling roll situation?
- Understand the need to reduce schools because of the falling birth rate

#### **Staff and Standards**

- Sanderling Unit is very successful
- Rock Ferry has made progress over the years, confirmed by Ofsted
- Rock Ferry has its fair share of SEN pupils who are well served

- Need a good ratio of staff to pupils
- Small is beautiful
- Both schools are hugely successful, combining them will create a world class education
- What will happen to the Sanderling Unit?
- Learning and teaching is not just about exam results
- Qualifications guarantee nothing
- Concerns about loss of specialisms
- What would the class sizes be in the Academy?
- Concerns about breaking up good staff teams
- More boys than girls which has an effect on standards
- All schools have to raise their game to compete in the world economy

### **Building and site**

- Park site is restricted with no room for expansion
- There is more potential at the Rock Ferry site
- Park High is spread across two sites
- Rock Ferry site can accommodate all the pupils from both schools in September 2010
- Both schools are underutilised, in industry you would close one site not both
- Are the main building at Rock Ferry and Ravenswood listed?
- What would happen to memorials and trees at the Rock Ferry site?
- Rock Ferry is a lung for the area with extensive grounds and playing fields
- Money spent refurbishing Rock Ferry would be wasted
- Who do Rock Ferry's land and buildings belong to?
- Are there any tree preservation orders?
- Both buildings are old
- Has the Council had any government advice about the condition and suitability of Park High as an Academy?

### **Pupils**

- Sanderling unit pupils hate change and would not survive in a mainstream school setting
- Pupils would be anonymous in a large Academy

### **The Academy and Sponsors**

- Academy is the way forward
- Support the sponsors

- Need to keep pace with educational advancement
- Academy should have dynamic leadership, be child focussed and inspirational and aspirational in ethos
- Children will benefit immensely from an academy
- Does the specialism mean our children are just being made ready for the service industry?
- The specialism assumes there is no culture in the area
- There is no business sponsor, isn't this essential for their financial contribution?
- How will sponsors pay for the new school if they have budget cuts?
- Suggest Birkenhead Institute Academy as the name

### **The Proposal**

- Must look to the future
- Anything other than a new school is an insult to the children and tax payers of Wirral
- Short changing and fobbing off the children of Birkenhead by being educated in a less than adequate building just because of PFI
- What will happen to community facilities?
- Will the Academy merge with Birkenhead High School Academy as they are so close together?
- Most people seem to be in favour of the Academy by not the move away from Rock Ferry
- The combined roll is much higher than the 750 Academy number, what will happen to the additional pupils
- If Park High closes, does the land revert to park land?
- What happens when TUPE finishes?
- Will staff be paid below national rates, if so will only mediocre staff be attracted
- Different rates of pay for the same job is not conducive to good team working
- Concerns about damage done in running a school down in transition period
- Closing Rock Ferry High school is an act of pure vandalism
- We want good schools for boys in the area
- Must not make a decision that puts pressure on Ridgeway
- If Wirral Council has failed to provide schools that achieve the grades necessary, why are they a co-sponsor?
- Proposal will increase pressure on schools in Bebington

### **Alternative options**

- Should be a new building not make do and mend
- Should find a neutral site equidistant between the two schools
- If there are no other sites, should build the Academy at Rock Ferry
- All £30 million should be spent on a new state of the art school
- School should be centrally located
- Should keep Rock Ferry open
- Could Park be closed if it's in a PFI contract to 2031?
- Park site could be used by Wirral Metropolitan College which has increasing student numbers given the recession

### **Traffic and transport**

- Pupils would not travel miles to a new school
- Truancy would go up
- Carbon footprint would go up
- People want local schools where they live
- How will children get to Park site?
- Increased travel distance to Park, particularly dark in winter months
- Would the Council pay for buses and for how long?
- Lines of communication will be stretched
- Where do pupils live now?
- Concerns about distance to Park site
- More children will be NEET in future even if school buses are provided

### **Financial**

- This is a finance led agenda
- Understand Council needs to make cuts but should look at the long term
- Rock Ferry High School is a prime piece of land for residential development
- Cost of new uniforms
- Has the Council considered the cost of redundancies and early retirements?
- Has the government withdrawn the £30 million for the new Academy?
- Are property developers involved?

### **The Process**

- You should put children and community first
- Academy consultation meeting was not what I expected, only had 15 minutes to respond in small groups

- Why was Ridgeway dropped from the original proposal?
- Can the consultation be extended past 7<sup>th</sup> April?
- Can school governors prevent schools from closing?
- How would a change of government affect the proposals?
- You've already made a decision behind closed doors
- Consultation is a sham
- Disappointed by low turn out by primary parents at meetings

**Other comments**

- Generations have gone to this school
- Would regret seeing the school's name disappear
- People are proud of their school
- Rock Ferry will be the poorer if the school closes
- What will happen to the land at Rock Ferry, will our property be overlooked?
- This is an area of high social and financial deprivation
- Politicians should band together to prevent schools from closing
- Birkenhead Institute closed due to falling numbers despite it's rich local history

## APPENDIX F – LEAD SPONSOR STATEMENT

The consultation period for the proposals for a new Academy, the University Academy of Birkenhead, to replace Rock Ferry High School and Park High School started on Monday 22 March 2010 and concluded on Friday 30 April 2010.

The consultation process used a number of different communications methods to engage and inform a wide group of stakeholders including parents of students at both predecessor schools, governors and staff at both predecessor schools, students at both predecessor schools, local community and faith groups, teachers, parents and pupils of local primary schools. Methods included questionnaires, postcards and public meetings. The two main concerns to emerge from the public consultation were the implications of the new Academy not being based on a new and neutral site and the loss of the existing specialisms at both schools.

A total of 184 questionnaires were received and six separate communications via letter or email. In addition, one petition was received from parents and staff at Rock Ferry High School supporting the Academy proposals but expressing a wish that the Academy should be built on a separate site. A total of 411 signatures were received from parents/carers and 102 from staff. The petition states:

'I, the undersigned, am a parent/carer of a pupil (or staff member) at RFHS. I wish to urge Wirral Borough Council to make every effort to ensure that the proposed Birkenhead Academy is housed in new buildings, on a site convenient both to the children of Rock Ferry High School and Park High School.'

The concern over the site of the Academy was echoed through the postcards received from students. A total of 370 students from Rock Ferry High School wrote their thoughts on the proposed Academy on the blank postcard provided. Out of this 370, 328 mentioned the location of the Academy, with 233 saying that they wanted a brand new school on a new site. The remainder of the 328 occasionally commented on their preference for being able to walk to school, to keep Rock Ferry High open and that they did not want to go to a site on the former Park High School. A total of 102 questionnaire responses out of 184 ask for a brand new site. Park High students submitted 20 postcards and mainly focused on keeping their existing teachers.

Many people, a total of 56 of the 184 questionnaire respondents, expressed concern about the loss of skills and expertise gained at both predecessor schools regarding the loss of their existing specialisms - sport and performing arts. This issue was raised 29 students from both schools who used their postcards to confirm they wanted to keep the school's specialisms. Many stated that they had chosen their school because of the specialisms offered and were really concerned that they would lose what to them had been a significant advantage.

The concerns above were echoed by feedback gathered during a student consultation session with 23 pupils from both predecessor schools held as part of the consultation process.

Broadly, the proposed Academy received support with 117 questionnaire respondents out of 184 saying they supported the proposed Academy. However, many said their support was conditional on a new building based on a new and neutral Academy site and retaining the current specialisms of both schools. The evidence and wealth of opinion collected through the consultation process indicates strongly that a new site neutral to both schools is required and that the existing specialisms should be kept, and we would therefore recommend that both are seriously considered going forward.

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WIRRAL COUNCIL

CABINET - 27<sup>TH</sup> MAY 2010

REPORT OF THE DIRECTOR OF LAW HR & ASSET MANAGEMENT

## **GAUTBY ROAD PLAY AND COMMUNITY CENTRE, BIDSTON**

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### **1. EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to advise Members of the expression of interest received for community asset transfer relating to Gautby Road Play and Community Centre in Bidston and recommends that the North Birkenhead Development Trust (NBDT) be invited to proceed to the next stage.

### **2. Background**

- 2.1 Cabinet, at its meeting of 15<sup>th</sup> January 2009 made decisions on a number of its assets as part of the Strategic Asset Review. In the case of Gautby Road Play and Community Centre, Members resolved that it be transferred to community management, where the community expresses an interest, within a two year period. On 19<sup>th</sup> March 2009, Cabinet expanded this resolution so that Community Asset Transfers are offered first to those Centres where there are established and viable Joint Management Committees.
- 2.2 The Community Asset Transfer Policy requires that transfers are approached on a consistent basis. Accordingly, interested parties submit initial expressions of interest in a standard format so they can be appraised and a recommendation made as to which applicant(s) should proceed to a second stage. The second stage would require a much more detailed response to be submitted including a business plan.
- 2.3 Gautby Road Play & Community Centre, shown highlighted on the attached plan, is located in Gautby Road, Bidston, overlooking the model boating lake. Understood to have been built shortly after the Second World War as a drill hall for the local Territorial Army regiment, it became a play and community centre in 1974. It is currently operated by the Gautby Road Play and Community Centre Joint Management Committee which operates the premises for a range of activities which include an IT suite, nursery facilities and sports hall.
- 2.4 The Joint Management Committee (JMC) is keen to retain the facility but has been clear that it would be unable to operate the premises in a viable and sustainable manner. The JMC has explored a number of other potential avenues for transfer, including a number of possible partners. Whilst a number of groups and companies had shown interest in the premises, none were able to commit to long term support of the running of the premises. Under these circumstances, the Joint Management Committee has advised that it is not able to proceed with a transfer.
- 2.5 In accordance with the Community Asset Transfer policy, the property was advertised in the local press with expressions of interest being invited by 31st March 2010. The exercise attracted one expression of interest from the North Birkenhead Development Trust. This has now been considered by a panel comprising representatives from the

Regeneration and Law, HR and Asset Management Departments, and was measured against a scoring matrix which considered the Organisation, Skills, Resources and the benefits of the proposal to the community.

- 2.6 The North Birkenhead Development Trust owns and manages the St James Centre, Laird Street, Birkenhead and its proposal for Gautby Road is as a result of its need to meet its expansion requirements. As part of this expansion NBDT will continue and develop the existing community activities in Gautby Road Play and Community Centre. The proposal was scored at 65% which reflects that it is a good overall bid and is therefore recommended to progress to the second stage of the process.
- 2.7 In 2009 the Council undertook an audit of community facilities across the Borough. The audit identified 56 facilities within the Bidston and St James Ward, of which 23 facilities offer space for hire by community groups at varying rates. The proposal from the Trust shows that the Centre is in an important location for the local community and offers a range of services and facilities which should be retained for the benefit of local people as they are complimentary to other facilities in the area. The Centre provides some of the better quality community space in the locality and will compliment the Trusts existing facilities at the St James Centre, which should be demonstrated in the stage two submission.

### **3. Financial implications**

- 3.1 In line with the community asset transfer policy it is recognised that buildings may need essential repairs works to make them suitable for a range of community uses and that groups taking over an asset may require some additional funding towards running costs. It is intended that any approved costs will be funded through the Community Fund administered by Wirral Partnership Homes.

### **4. Staffing implications**

- 4.1 The council currently employ a janitor to operate these premises. The Council will manage the staff under existing HR policies.

### **5. Equal Opportunities implications/Equality Impact Implications**

- 5.1 None arising directly from this report.
- 5.2 An Equality Impact Assessment has been undertaken in respect of the Community Asset Transfer process.

### **6. Community Safety implications**

- 6.1 None arising directly from this report.

### **7. Local Agenda 21 implications**

- 7.1 None arising directly from this report.

**8. Planning implications**

- 8.1 The site is allocated as Primarily Residential Area in the Council's Unitary Development Plan and lies within the regeneration priority area identified in the Council's Interim Housing Policy. The continued use of the site for community use would be consistent with these designations.

**9. Anti-poverty implications**

- 9.1 None arising directly from this report

**10. Human Rights implications**

- 10.1 None arising directly from this report

**11. Social Inclusion implications**

- 11.1 None arising directly from this report

**12. Local Member Support implications**

- 12.1 The property is located within the Bidston and St James Ward.

**13. Background Papers**

- 13.1 None

**14. RECOMMENDATIONS**

- 14.1 That the North Birkenhead Development Trust be invited to submit detailed proposals in accordance with stage two of the Community Asset Transfer process.

**Bill Norman**

Director of Law HR & Asset Management.

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<b>title</b> <b>Gautby Road Play and Community Centre</b> <b>Gautby Road</b> <b>Birkenhead</b>	<b>scale</b> 1:1250		<b>nb no.</b> d/g no.
	<b>date</b> 06/05/2010		<b>map ref.</b> 030 SW
	<b>drawn</b>	<b>checked</b>	R55



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WIRRAL COUNCIL

CABINET – 27 May 2010

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES

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## **TRANMERE ROVERS FOOTBALL CLUB – SPONSORSHIP 2010 - 2011**

### **1. Executive Summary**

- 1.1 This report recommends that the sponsorship agreement between Tranmere Rovers Football Club and Wirral Metropolitan Borough Council be renewed for a further year to cover the period 1<sup>st</sup> July 2010 to 30<sup>th</sup> June 2011.

### **2. Background**

- 2.1 Wirral Council has sponsored Tranmere Rovers since the 1989/90 football season. Sponsorship was originally agreed in order to recover a loan given to the Club in 1983 that was repaid in full in 1998. The current arrangement is in the form of direct sponsorship to the Club reflecting the value to the Council in terms of marketing, promotion and other community benefits.

#### 2.2 Legal Powers

(a) Section 144, Local Government Act 1972

“Power to encourage persons by advertisement or otherwise to visit the area for recreation, for health purposes or hold conferences, trade fairs and exhibitions in their area”. This might cover the tourism and conference aspects of the deal viz encourage visitors to the Borough.

(b) Section 2, Local Government Act 2000

“Power to promote the economic and social well being of its area”. This might cover the attraction of investment into the area and indeed the preservation of existing employment by the club. It would also cover the Club’s work with schools.

(c) Section 19, Local Government Miscellaneous Provisions Act 1976

Power to provide recreational facilities including the provision of “assistance of any kind” for the provision of such facilities.

A combination of these powers, assisted if necessary by Section 111 of the Local Government Act 1972 – powers to do anything to facilitate the discharge of any functions would be sufficient to authorise a sponsorship deal provided it can be demonstrated that there is justification for doing so.

### **3. Benefits of the Sponsorship agreement**

- 3.1 The current sponsorship agreement is based upon the value to the Authority in terms of:

- a) Promotion of Wirral as a place to live, work and for inward investment
- b) Promotion of Wirral as a great place to visit and stay
- c) Promotion of Wirral locally in a positive way which enhances the corporate identity of the Authority

- 3.2 Further benefit is derived from the opportunity to promote to Club supporters and their families a variety of Council services, campaigns and initiatives. The Club and its players are also useful advocates for other areas of our work, particularly amongst young people.
- 3.3 In July 2004 a report was considered by Cabinet which detailed costs and benefits associated with corporate sponsorship in relation to a selection of football clubs. Cabinet concluded that when community benefits are taken into account the current level of sponsorship is appropriate. The proposed level of support can be met within the existing budget provision.
- 3.4 In order to maximise the benefits of the Sponsorship Agreement it is important to fully exploit all opportunities available. The Agreement provides the Council with the opportunity to promote services and initiatives to groups and individuals who might otherwise be hard to reach. In addition the Council is entitled to a presence at a number of key matches throughout the season that can be used to help further develop the relationship between the Council and local businesses, and promote Wirral to potential investors.
- 3.5 The Council is entitled to a full page advertisement in all match programmes. This advertisement is changed for each match and is being used to promote key initiatives from departments across the Council. It is also used on a regular basis to promote key events at Wirral's theatres and other performance venues.

#### **4. Financial & Staffing implications**

- 4.1 The current sponsorship level is based on a 2008 base price of £116,000 which is subject to an annual (July to June) inflationary adjustment outlined in clause 3 (e) of the existing agreement. The value of this adjustment will not be known until July when the June inflation figures will be published. However based upon First division status and the likely range for inflation, the total cost is likely to be between £116,500 to £120,000 per annum.
- 4.2 The current sponsorship arrangement also contains a provision as outlined in Clause 3(b) and (c) as follows:
- 4 (b) If the Club is relegated to League 2 of the Football League the Annual Sponsorship Sum shall be reduced to One hundred and one thousand and three hundred pounds (£101,300) (plus any readjustment pursuant to clause 3(e) which is likely to be in the range of £103,000 to £106,000) with effect from the First day of July of the year of the Agreement which includes the first Season of the Club's relegation.
- 4(c) If the Club is promoted to The Championship of the Football League, the Annual Sponsorship Sum shall be increased to a sum to be determined between the Club and the Council which shall not be less than One hundred and thirty five thousand pounds (£135,000) If the Club and the Council cannot agree the amount of the increase in the Annual Sponsorship Sum within five working days of the Club's achievement of promotion, the Club may terminate the Agreement on the Thirtieth day of June in the year in which promotion is achieved without penalty. If the amount of the increase is agreed it shall take effect from the First day of July of the year of the Agreement which includes the first season of the Club's promotion

4.3 However, we now know that as the Club will neither be relegated or promoted for the forthcoming season, this will not occur over the period of this contract.

**5. Equal Opportunities implications / Equality Impact Assessment**

5.1 TRFC provides dedicated facilities for families and people with disabilities and pricing policies are aimed at improving access for children and young people.

**6. Anti Poverty implications**

6.1 There are none.

**7.. Human Rights implications**

7.1 None.

**8. Local Agenda 21**

8.1 There are no direct Local Agenda 21 implications.

**9. Community Safety implications**

9.1 TRFC supports a range of initiatives aimed at promoting social inclusion, and targeted at disaffected young people. It also contributes to the Council's Crime and Disorder Reduction Strategy.

**10. Local Member Support implications**

10.1 This issue is of interest to all Members.

**11. Planning implications**

11.1 There are no direct planning implications.

**12. Recommendations**

1. That the Council's sponsorship arrangement with Tranmere Rovers Football Club be extended for a further year (from 1 July 2010 to 30<sup>th</sup> June 2011) on the basis set out in this report.
2. That the existing base sponsorship level be increased to take account of inflation.
3. That the principle of increased or reduced payments in the event of promotion or relegation be accepted and that revised payments be negotiated and agreed if and when this occurs as set out above.

**J. WILKIE**

Deputy Chief Executive/Director of Corporate Services

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DATED 24 AUGUST . 2010

TRANMERE ROVERS FOOTBALL CLUB LIMITED

and

WIRRAL BOROUGH COUNCIL

**SPONSORSHIP AGREEMENT**

Bill Norman  
Director of Law, HR and Asset Management  
Wirral Borough Council  
Town Hall  
Brighton Street  
Wallasey  
Wirral  
CH44 8ED

TRANMERE\SPONSORSHIP AGREEMENT

THIS AGREEMENT is made the 24 day of August Two thousand and ten BETWEEN TRANMERE ROVERS FOOTBALL CLUB LIMITED whose registered office is situated at Prenton Park Prenton Birkenhead Wirral in the County of Merseyside (hereinafter called "the Club") of the one part and WIRRAL BOROUGH COUNCIL of Town Hall Brighton Street Wallasey Wirral in the aforesaid County (hereinafter called "the Council") of the other part

WHEREAS

- (1) The Club maintains a football team known as Tranmere Rovers for the purposes of playing association football within the Football League currently known as the Nationwide League
- (2) The Council is the Metropolitan District Council for the Borough of Wirral and is desirous of gaining publicity for the district of Wirral pursuant to Section 144 of the Local Government Act 1972
- (3) The Council is desirous of entering into a Sponsorship Agreement with the Club in order to promote and publicise Wirral and its facilities outside the Borough and to promote Council services campaigns and initiatives to residents and businesses in Wirral

NOW THIS AGREEMENT WITNESSETH as follows:-

1. WHILST this Agreement remains in effect the Club will grant to the Council sole and exclusive rights to sponsor the Club by the display of its name logo and other advertising material or as otherwise specified in the various ways and in the manner set out in the Schedule hereto and the Council shall enjoy the other rights therein specified
2. THE preparation and cost of advertising material except stationery shall be at the cost of the Council who will provide necessary material by

deadlines previously notified by the Club whereupon the Club shall promptly ensure that such advertising material is displayed in conformity with the specification given in the Schedule hereto

3. (a) THE Council shall pay to the Club in consideration of the benefits enjoyed under this Agreement the annual sum of One hundred and nineteen thousand eight hundred and fifty one pounds (£119,851) (hereinafter called "the Annual Sponsorship Sum") payable on receipt of a valid VAT invoice in equal half yearly instalments in advance on the First day of August and the First day of April but subject to the provisions of Clause 3(b) (c) and (e)
- (b) If the Club is relegated to League 2 of the Football League the Annual Sponsorship Sum shall be reduced to One hundred and one thousand and three hundred pounds (£101,300) (plus any readjustment pursuant to clause 3(e)) with effect from the First day of July of the year of the Agreement which includes the first Season of the Club's relegation
- (c) If the Club is promoted to The Championship of the Football League, the Annual Sponsorship Sum shall be increased to a sum to be determined between the Club and the Council which shall not be less than One hundred and thirty five thousand pounds (£135,000) If the Club and the Council cannot agree the amount of the increase in the Annual Sponsorship Sum within five working days of the Club's achievement of promotion, the Club may terminate the Agreement on the Thirtieth day of June in the year in which promotion is achieved without penalty. If the amount of the increase is agreed it shall take

effect from the First day of July of the year of the Agreement which includes the first season of the Club's promotion

- (d) If the Agreement is terminated by the Council prematurely in accordance with Clause 4(b) or (c) or by the Club in accordance with Clause 4(d) the Club shall only be entitled to a proportion of the Annual Sponsorship Sum equal to the proportion which the duration of the Agreement (measured in days) bears to the number of days between 1 July and 30 June in any year and the Club shall repay on demand to the Council any overpayment which it has received by virtue of it receiving instalments in advance under Clause 3(a)
- (e) The Annual Sponsorship Sum shall be adjusted (after the first year of the Agreement) each year in July to reflect the movements in the Retail Price Index (upwards or downwards) from July to June in the preceding year of the Agreement such adjustment to be certified by the Council's Director of Finance whose certificate shall be conclusive save in the case of manifest error. This Clause 3(e) shall only take effect if the Agreement is extended beyond 30 June 2011 by mutual consent
- (f) The Club may advertise its fixtures facilities and special promotions in facilities owned or occupied by the Council and which are managed by its Director of Children's Services
- (g) The Council will include the Club's leaflets in the following mailings to householders and companies resident in the Wirral
  - (i) Accommodation Guides and the Wirral main Tourism Guide
  - (ii) Distribution to providers of accommodation and public attractions in the Wirral



- (iii) Any other mailing at the discretion of the Council
  - (h) The Club shall be allocated an annual back page free advertisement in the Council's internal newsletter
  - (i) The contents of any of the Club's publicity material which is advertised by the Council pursuant to subparagraphs (f) (g) and (h) above shall be subject to the Council's prior approval (such approval not to be unreasonably withheld).
4. (a) THIS Agreement shall run from the 1st day of July Two thousand and ten (hereinafter called "the commencement date") until the Thirtieth day of June Two thousand and eleven unless terminated earlier by either party pursuant to this Agreement or extended by written agreement of both parties .
- (b) Either party shall be entitled to terminate this Agreement in the event of non-compliance by the other party with any material term of this Agreement but where the breach is capable of remedy only if such non-compliance is not rectified by the party in breach within fourteen days of its receipt of a written notice specifying its default and requiring it to remedy the same. Any such termination shall be without prejudice to any other right arising from such non-compliance.
  - (c) The Council shall be entitled to terminate this Agreement on the giving of not less than one months written notice to the Club in the following circumstances
    - (i) if the Club (through its employees or Directors) has conducted itself in a manner, which in the reasonable opinion of the

Council, has significantly lowered its reputation in the estimation of right thinking persons

- (ii) on the Club ceasing to play football in the Football League for whatever reason
  - (iii) if the Club shall go into liquidation either voluntarily or compulsorily (other than a voluntary liquidation for the purposes of amalgamation or reconstruction)
  - (iv) if there is a change in ownership or control of the Club which adversely affects its reputation
- (d) The Club shall be entitled to terminate this Agreement on an anniversary of its commencement date by giving the Council not less than two months notice in writing if it has received a genuine commercial offer of club sponsorship from another party whereupon it shall inform the Council immediately in writing disclosing in full the relevant financial terms of the offer. The Council shall have a sole and exclusive option for a period of 28 days from the receipt of notice from the Club to make an equivalent offer to the Club which the Club shall thereupon be obliged to accept on the same terms as herein contained as to payment under Clause 3(a) the revised sum being deemed to be inserted. The period of 28 days referred to above shall be included in the 2 months notice period provided disclosure of the offer as aforesaid accompanies the notice of termination. For the avoidance of doubt the provisions of this clause only apply to termination by the Club prior to the expiry of the Agreement on 30 June 2011

5. IT shall be the duty of the Club to inform the Council promptly in writing of any changes in regulations affecting advertisements or sponsorship imposed by the Football Association or the Football League and in the event that the right to permit shirt sponsorship or other sponsorship is withdrawn this Agreement should be considered terminated with immediate effect
6. THE Council's contact for the purposes of the provision of advertising material and the giving of notices under this Agreement shall be the Council's Deputy Chief Executive and notices shall be served upon the Club by being addressed to the Chairman at the Club's registered office
7. THE Council shall at any reasonable time be entitled to inspect any of the items referred to in the Schedule hereto to enable it to satisfy itself that this Agreement is being complied with by the Club
8. THE contents of this Agreement may be disclosed by the Council pursuant to any request received under the Freedom of Information Act 2000 or as required by law without the prior consent of the Club. If reasonably practicable the Council shall consult the Club before any such disclosure is made.

#### THE SCHEDULE

##### Items to be sponsored by the Council and to bear its advertisements

1. Shirt Sponsorship
  - (a) all first reserve and youth teams football shirts at the playing of all football matches both at home and away together with all players tracksuits and training strip

- (b) advertisements on football shirts shall comply with the regulations from time to time laid down by either the Football Association or the Football League
- (c) all tracksuits including those of coaching staff shall bear the Council's advertisement
- (d) it is acknowledged by the parties that the Club's obligations as set out above may not be reasonably practicable to perform in relation to certain waterproof materials

2. Advertisements

- (a) insofar as may be possible any coaches used by the first or second teams to get to the venue of matches shall carry the Council's printed advertisement in equal prominence to the notice identifying the Club; any coaches or other vehicles used in any parade following success in a match or competition shall likewise bear Council advertising; if the Club shall acquire or have allocated to it a coach for its exclusive use that coach will so far as is practicable carry the Council's advertisements on both sides and on the rear
- (b) Stadium advertising - Prenton Park
  - (i) 2 no. pitch perimeter boards in positions within the televised arc of Prenton Park (i.e. in front of the three televised stands) to be agreed between the parties (each acting reasonably)
  - (ii) 1 no. hoarding on the outside of Prenton Park in positions to be nominated from time to time by the Council. The board is to be of a minimum dimension as agreed by the parties

- (iii) an acknowledgement of the Council's sponsorship in text is required by the Council upon the Club's electronic scoreboard main name board and fixture board on the outside of Prenton Park
- (c) Publications
  - (i) all Football League and competition match day programmes for home matches shall include one full page advertisement for the Council using text and designs from time to time submitted and amended by the Council in line with reasonable pre-printing deadlines; the Council's name and logo will also be inserted on the front of the programme
  - (ii) Club publicity material and press releases of whatever nature be it in written form or printed form shall where reasonably practicable bear the Council's advertisement and acknowledgement of the Council's sponsorship in such manner as the Council shall indicate at the commencement of the Agreement
  - (iii) all stationery of the Club shall be overprinted with the Council's logo and name
  - (iv) the Club's internet website shall bear the Council's logo on its home page and also contain a link to the Council's website. The Council's website, the [www.visitwirral.com](http://www.visitwirral.com) website and the InvestWirral.com website shall bear the Club's logo on its home page. Details of fixtures for the relevant season shall appear elsewhere on these websites and contain a link to the Club's

website, but the Club shall be responsible for the continuing accuracy of the details of its fixtures and shall indemnify the Council against any costs or liability incurred to a third party as a consequence of any such inaccuracy unless attributable to the Council's negligence.

(d) Promotions

(i) (without creating any binding obligation) the Council shall be entitled to call upon players from the Club to attend promotional events or other functions arranged by the Council

(ii) subject to availability and reasonable prior notice the Council shall be entitled to use the Club's conference facilities in connection with promotions free of charge on not less than four occasions during each year (or part year) of the Contract

(e) Tickets

the Council will be provided with 7 tickets for the Director's Box/Dixie Dean Suite for home league matches, cup matches and/or international fixtures in which a Club team is participating

(f) Photographs

All photographs of any Club players or teams in playing kit for promotional or record or other purposes shall be in the shirts and tracksuits bearing the Council's advertising

(g) Game Sponsorship

The Council shall be entitled at no extra charge to be the main sponsor of two home games per season and to use the Media Suite at a further 2 home games per season. The Club shall give 7 days advance notice

to the Council of the date and time it will deliver the relevant season's fixture list to the Council. The first choice of the games which the Council will sponsor as aforesaid shall be determined by the Council and notified to the Club not later than one working day after the Council's receipt of the Club's fixture list.

- (h) The Council shall be entitled at no extra charge to a maximum of 50 match day tickets each season for the Directors' Box/Dixie Dean Suite to be allocated by the Council as part of a Citizen/Employee Reward Scheme. A maximum of three tickets will be provided by the Club for each home league game (excluding play offs and all ticket games) subject to the Club's normal terms and conditions

#### Additional Benefits for the Council

1. The Club shall use its best endeavours to agree with the Council a programme to publicise the Wirral and its facilities to persons or corporate bodies resident outside the Council's boundaries.
2. The Club shall in particular encourage and promote tourism and inward investment to the Wirral.
3. The Club shall use its best endeavours to agree with the Council a programme to co-operate on projects aimed at promoting social inclusion.
4. The Club shall use its best endeavours to agree with the Council's a programme to co-operate on projects promoting education and healthy living across Wirral for example by visiting schools in Wirral to discuss with pupils the Club and its activities

5. The Club shall use its best endeavours to agree with the Council a programme to participate in projects for improving the health and fitness of children in the care of the Council.
6. For the avoidance of doubt the Club shall not charge third parties (including schools maintained by the Council) for any visits or activities during normal school hours. The Council shall be entitled to deduct from the Annual Sponsorship Sum any payments received by the Club in contravention of this Clause or shall have the right to recover the said payments as a debt.

IN WITNESS whereof the parties hereto have caused their respective Common Seals to be hereunto affixed the day and year first before written

THE COMMON SEAL of

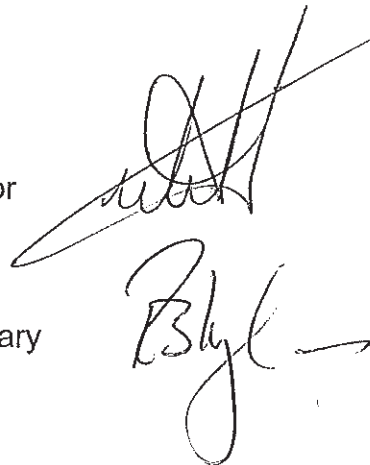
TRANMERE ROVERS FOOTBALL

CLUB LIMITED was hereunto

affixed in the presence of:-

Director

Secretary



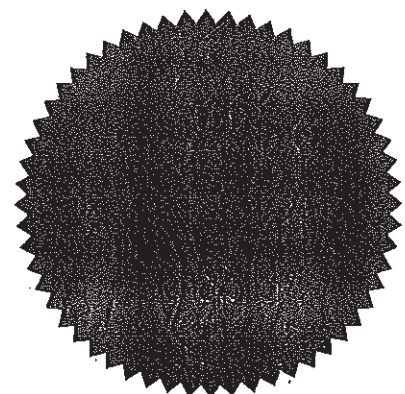
THE COMMON SEAL of

WIRRAL BOROUGH COUNCIL

was hereunto affixed

in the presence of:-

Authorised Officer





By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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