



# AGENDA

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## MAYOR AND CABINET

**Date: WEDNESDAY, 18 JANUARY 2012 at 6.00 pm**

**Committee Rooms 1 & 2  
Civic Suite  
Lewisham Town Hall  
London SE6 4RU**

**Enquiries to: Kevin Flaherty  
Telephone: 0208 314 9327 (direct line)  
Email: kevin.flaherty@lewisham.gov.uk**

### MEMBERS

Mayor Sir Steve Bullock	(L)
Councillor Best	(L)
Councillor Egan	(L)
Councillor Fitzsimmons	(L)
Councillor Klier	(L)
Councillor Maslin	(L)
Councillor Millbank	(L)
Councillor Onuegbu	(L)
Councillor Smith	(L)
Councillor Wise	(L)

**Members are summoned to attend this meeting**

**Barry Quirk  
Chief Executive  
Lewisham Town Hall  
Catford  
London SE6 4RU  
Date: January 10 2011**



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

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# Agenda Item 1

MAYOR AND CABINET		
<b>Report Title</b>	Declarations of Interests	
<b>Key Decision</b>		Item No. 1
<b>Ward</b>		
<b>Contributors</b>	Chief Executive	
<b>Class</b>	Part 1	Date: January 18 2012

## **Declaration of interests**

Members are asked to declare any personal interest they have in any item on the agenda.

## **Personal interests**

There are two types of personal interest :-

- (a) an interest which you must enter in the Register of Members' Interests\*
- (b) an interest where the wellbeing or financial position of you, (or a "relevant person") is likely to be affected by a matter more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.

\*Full details of registerable interests appear on the Council's website.

("Relevant" person includes you, a member of your family, a close associate, and their employer, a firm in which they are a partner, a company where they are a director, any body in which they have securities with a nominal value of £25,000 and (i) any body of which they are a member, or in a position of general control or management to which they were appointed or nominated by the Council, and (ii) any body exercising functions of a public nature, or directed to charitable purposes or one of whose principal purpose includes the influence of public opinion or policy, including any trade union or political party) where they hold a position of general management or control,

If you have a personal interest you must declare the nature and extent of it before the matter is discussed or as soon as it becomes apparent, except in limited circumstances. Even if the interest is in the Register of Interests, you must declare it in meetings where matters relating to it are under discussion, unless an exemption applies.

## **Exemptions to the need to declare personal interest to the meeting**

You do not need to declare a personal interest where it arises solely from membership of, or position of control or management on:

- (a) any other body to which you were appointed or nominated by the Council
- (b) any other body exercising functions of a public nature.

In these exceptional cases, unless your interest is also prejudicial, you only need to declare your interest if and when you speak on the matter .

### **Sensitive information**

If the entry of a personal interest in the Register of Interests would lead to the disclosure of information whose availability for inspection creates or is likely to create a serious risk of violence to you or a person living with you, the interest need not be entered in the Register of Interests, provided the Monitoring Officer accepts that the information is sensitive. Where this is the case, if such an interest arises at a meeting, it must be declared but you need not disclose the sensitive information.

### **Prejudicial interests**

Your personal interest will also be prejudicial if all of the following conditions are met:

- (a) it does not fall into an exempt category (see below)
- (b) the matter affects either your financial interests or relates to regulatory matters - the determining of any consent, approval, licence, permission or registration
- (c) a member of the public who knows the relevant facts would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

### **Categories exempt from being prejudicial interest**

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

### **Effect of having a prejudicial interest**

If your personal interest is also prejudicial, you must not speak on the matter. Subject to the exception below, you must leave the room when it is being discussed and not seek to influence the decision improperly in any way.

### **Exception**

The exception to this general rule applies to allow a member to act as a community advocate notwithstanding the existence of a prejudicial interest. It only applies where members of the public also have a right to attend to make representation, give evidence or answer questions about the matter. Where this is the case, the member with a prejudicial interest may also attend the meeting for that purpose. However the member must still declare the prejudicial interest, and must leave the room once they have finished making representations, or when the meeting decides they have finished, if that is earlier. The member cannot vote on the matter, nor remain in the public gallery to observe the vote.

## **Prejudicial interests and overview and scrutiny**

In addition, members also have a prejudicial interest in any matter before an Overview and Scrutiny body where the business relates to a decision by the Executive or by a committee or sub committee of the Council if at the time the decision was made the member was on the Executive/Council committee or sub-committee and was present when the decision was taken. In short, members are not allowed to scrutinise decisions to which they were party.

# Agenda Item 2

MAYOR AND CABINET		
<b>Report Title</b>	Minutes	
<b>Key Decision</b>		Item No.2
<b>Ward</b>		
<b>Contributors</b>	Chief Executive	
<b>Class</b>	Part 1	Date: January 18 2012

## Recommendation

It is recommended that the minutes of that part of the meeting of the Mayor and Cabinet which were open to the press and public, held on December 7 2011 (copy attached).

## LONDON BOROUGH OF LEWISHAM

MINUTES of that part of the meeting of the MAYOR AND CABINET, which was open to the press and public, held on WEDNESDAY, 7 DECEMBER 2011 at LEWISHAM TOWN HALL, CATFORD, SE6 4RU at 6.00 p.m.

### Present

The Mayor (Sir Steve Bullock)(Chair); Councillors Best, Egan, Fitzsimmons, Klier, Maslin, Millbank, and Wise.

Apologies for absence were received from Councillors Onuegbu and Smith.

### Also Present

Councillors Fletcher, Maines, Muldoon and Nisbet.

#### Minute No.

#### Action

1. Declarations of Interests (page  
There were no declarations of interest.
2. Minutes  
RESOLVED that the minutes of that part of the meeting of the Mayor and Cabinet, which was open to the press and public held on November 16 2011, be confirmed and signed.
3. Outstanding References to Select Committees (page  
The Mayor received a report on issues which had previously been considered that awaited the responses requested from Directorates.  
RESOLVED that the report be received.
4. Deptford Park Primary School ASD Resource Base Modification (page  
RESOLVED That  
(i) the rationale for the modification to the start date of this project be noted; and  
(ii) to a modified start date of September 2012 be approved, rather than January 2012, for Deptford Park Primary School resource base. ED CYP

Minute No.

Action

5. Events Policy - Parks (page

The report was introduced by the Cabinet Member for Customer Services and a representative of the Executive Director for Customer Services.

The Mayor was then addressed by Councillor Maines, a Blackheath Ward Councillor. He asked if the policy was legally robust enough to allow some events on Blackheath while rejecting others. He also urged that the Council should be able to share in the profits made by commercial organisations that were allowed to use the park.

The Deputy Monitoring Officer replied that she did not have an immediate opinion on the legal robustness of the policy but that she would respond to Councillor Maines subsequent to the meeting.

Head of Law

RESOLVED That

(i) the Lewisham Events policy be adopted, as outlined; and

ED Customer

(ii) the Blackheath Events Policy be adopted, as outlined, subject to adoption by the London Borough of Greenwich.

ED Customer

6. Lewisham Open Space Strategy 2011-16 – Consultation Draft (page

RESOLVED That

(i) the consultation draft of the Open Space Strategy 2011-2016 be approved; and

ED Customer

(ii) officers proceed to consult with key stakeholders and report back with the final draft of the Open Space Strategy 2011-2016 for adoption together with the first 3-year Implementation Plan.

ED Customer

7. Bereavement Services – Proposed Increase in Cemeteries and Crematorium Fees and Charges (page

RESOLVED that



<u>Minute No.</u>		<u>Action</u>
	(i) there be an increase of £50 to the current Cremation fee;	ED Customer
	(ii) there be an increase in line with the rate of inflation (5.2%) for crematorium memorials, and for all cemetery fees and charges; and	ED Customer
	(iii) all increases would take effect from Tuesday 3 January 2012.	ED Customer
8.	<u>Management Report</u> (page RESOLVED That the report be noted.	
9.	<u>Response to Sustainable Development Select Committee: Parking Policies and Associated Charges</u> (page The report was introduced by the Cabinet Member for Customer Services and by the Head of Public Services. The Mayor then received submissions from Councillor Maines and from Cabinet members, Councillors Fitzsimmons, Egan, and Millbank, who all supported the introduction of one hour permits for visitors. The Mayor indicated he would like to see the feasibility of one hour permits re-examined when parking policy was next reviewed. RESOLVED That the report should be forwarded to the Sustainable Development Select Committee for their consideration.	ED Customer Head of Committee
10.	<u>Response to Housing Select Committee: Consultation on creating a mandatory power of possession for anti-social behaviour</u> (page The Mayor indicated he was not convinced this was a good idea and he was not prepared to support what he believed was very bad policy. RESOLVED That the consultation response be forwarded to the Housing Select Committee.	Head of Committee
11	<u>Response to Safer Stronger Communities Select Committee on training for Councillors to clarify their roles and responsibilities as active participants within community and voluntary sector organisations</u> (page	

<u>Minute No.</u>		<u>Action</u>
	RESOLVEC That the response be reported to the Safer Stronger Communities Select Committee.	Head of Committee
12	<u>Comments of the Healthier Communities Select Committee on the Commissioning, Monitoring and arrangements for inspection of services in care homes used by Lewisham</u> (page  The report was presented to the Mayor by the Chair of the Select Committee, Councillor John Muldoon.	
	RESOLVED That the views of the Healthier Communities Select Committee be noted and that the Executive Director for Community Services be asked to respond to the referral.	ED Community
13	<u>Mayor of London's - London Regeneration Fund</u> (page	
	RESOLVED That  (i) the submission of a bid to the Mayor of London's – London Regeneration Fund be approved; and  (ii) authority be delegated to the Executive Director for Resources & Regeneration, to agree the projects to be included in the bid.	ED Resources
14.	<u>Exclusion of the Press and Public</u>  RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12(A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to information) (Amendments) (England) Regulations 2006 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information:  The following is a summary of the items considered in the closed part of the meeting:	
15	<u>Disposal of 128 Albyn Road SE8; 58 Ashmead Road SE4; 81 Etta Street SE8; 58 Friendly Street SE8; 72 Friendly Street SE8;</u>	

Minute No.

Action

61 Lampmead Road, SE12 (page)

In answer to a question from Councillor Millbank on squatted properties, the Executive Director for Resources representative indicated he would respond subsequent to the meeting.

RESOLVED That

(i) the following properties be declared surplus to the Council's requirements;

128 Albyn Road SE8  
58 Ashmead Road SE4  
81 Etta Street SE8  
58 Friendly Street SE8  
72 Friendly Street SE8  
61 Lampmead Road SE12

(ii) the disposal of the Council's freehold interests in the properties listed be approved by public auction at not less than the reserved prices, which are to be determined by the Acting Head of Asset Strategy and Development; and

ED Resources

(iii) authority be delegated to the Acting Head of Asset Strategy and Development to accept offers made prior to auction, providing that the offers are in excess of the reserve price and that the Acting Head of Asset Strategy and Development is satisfied that the offers represent the best consideration reasonably obtainable.

ED Resources

16 Octavius Street, Station Ramp and Deptford High Street: Renegotiation of the Development Agreement with the Deptford Project Limited (page

RESOLVED That

(i) a Deed of Variation of the Development Agreement be entered into with The Deptford Project Limited dated 1 May 2007 on the basis set out;

ED Resources

(ii) the current position of Network Rail with respect to the Development Agreement be noted;

ED Resources

Minute No.

Action

iii) the current status of construction of the new Deptford Station be noted;

(iv) authority be delegated to the Executive Director for Resources & Regeneration, in consultation with the Head of Law and Director of Regeneration & Asset Management to negotiate and agree the final terms of the Deed of Variation and all related legal documentation; and

ED Resources/  
Head of Law

(v) authority be delegated to the Executive Director for Resources & Regeneration, in consultation with the Head of Law and Director of Regeneration & Asset Management to negotiate and agree terms with Network Rail in order to secure all necessary consents and approvals required from Network Rail in order for the development to proceed and to enter into any related legal documentation with Network Rail.

ED Resources/  
Head of Law

The meeting ended at 7.00pm.

Chair

# Agenda Item 3

MAYOR & CABINET		
<b>Report Title</b>	Outstanding References to Select Committees	
<b>Key Decision</b>	No	Item No. 3
<b>Ward</b>		
<b>Contributors</b>	Head of Business and Committee	
<b>Class</b>	Part 1	Date: 18 January 2012

## 1. Purpose of Report

To report on items previously reported to the Mayor for response by directorates and to indicate the likely future reporting date.

## 2. Recommendation

That the reporting dates of the item shown in the table below be noted.

Report Title	Responding Author	Date Considered by Mayor & Cabinet	Scheduled Reporting Date	Slippage since last report
Comments of the Healthier Communities Select Committee on the implications of the Health and Social Care Bill	ED Community Services	October 26 2011	To be advised	No
Matters Referred by the Public Accounts Select Committee – Interim Report (Fairness in Procurement)	ED Resources	October 26 2011	January 18 2012	No
Matters referred by the Housing Select Committee – Private Rented Sector Housing Review	ED Customer Services	November 17	March 7 2012	Yes

Matters referred by the Healthier Communities Select Committee – Commissioning, Monitoring and arrangements for inspection of services in care homes used by Lewisham	ED Community Services	December 7	February 22 2012	No
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**BACKGROUND PAPERS and AUTHOR**

Mayor & Cabinet minutes, October 5 and 26, November 16 and December 7 2011 available from Kevin Flaherty 0208 314 9327.

<b>Chief Officer Confirmation of Report Submission</b>		
<b>Cabinet Member Confirmation of Briefing</b>		
Report for: Mayor		<input type="checkbox"/>
Mayor and Cabinet		<input checked="" type="checkbox"/>
Mayor and Cabinet (Contracts)		<input type="checkbox"/>
Executive Director		<input type="checkbox"/>
Information <input type="checkbox"/> Part 1 <input checked="" type="checkbox"/> Part 2 <input type="checkbox"/> Key Decision <input checked="" type="checkbox"/>		

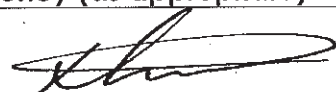
Date of Meeting	18 January 2012
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Title of Report	Response to Thames Water (Phase 2) Consultation on Thames Tunnel
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Originator of Report	Brian Regan	Ext. 48774
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	✓	
Legal Comments from the Head of Law	✓	
Crime & Disorder Implications	✓	
Environmental Implications	✓	
Equality Implications/Impact Assessment (as appropriate)	✓	
Confirmed Adherence to Budget & Policy Framework	✓	
Risk Assessment Comments (as appropriate)	N/A	
Reason for Urgency (as appropriate)	N/A	

Signed:  Executive Member

Date: 09/01/12

Signed:  Director/Head of Service

Date 9/1/12

**Control Record by Committee Support**

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

<b>MAYOR AND CABINET</b>		
<b>Report Title</b>	Response to Thames Water (Phase 2) Consultation on Thames Tunnel	
<b>Key Decision</b>	Yes	Item No.
<b>Ward</b>	All	
<b>Contributors</b>	Executive Director for Resources & Regeneration (Head of Planning) & Head of Law	
<b>Class</b>	Part 1	Date: 18 January 2012

## **1. Summary**

- 1.1 Thames Water are currently conducting Phase 2 consultation on their Thames Tunnel proposals. These proposals include two 'preferred sites' within the borough, one at Deptford Church Street and one at Earl Pumping Station.
- 1.2 The Council's official response to the Phase 2 consultation, also reflecting the concerns of residents, should be submitted to Thames Water by the close of the consultation on 10 February 2012.
- 1.3 A summary of the main community and Council concerns are set out in sections 6 and 7 of this report.

## **2. Purpose**

- 2.1 This report seeks the Mayor and Cabinet approval for the submission of the official Lewisham response to the Thames Water consultation on the Thames Tunnel.

## **3. Policy Context**

- 3.1 The content of this report is consistent with the Council's policy framework. This report supports the following Sustainable Community Strategy objectives:
  - *Empowered and responsible*: where people can be actively involved in their local area and contribute to tolerant, caring and supportive local communities;
  - *Clean, green and liveable*: where people live in affordable, high quality and adaptable housing, have access to green spaces and take responsibility for their impact on the environment;
  - *Healthy, active and enjoyable*: where people can actively participate in maintaining and improving their health and well-being, supported by high quality health and care services, leisure, culture and recreational activities;
  - *Safer*: where people feel safe throughout the borough and are able to live lives free from crime, anti-social behaviour and abuse; and



- *Dynamic and prosperous*: where people are part of vibrant and creative localities and town centres, well-connected to London and beyond.

3.2 The Core Strategy adopted by the Council in June 2011 is also part of the Council's policy framework. This report supports the following core strategy objectives:

- 1: physical and socio-economic benefits through regeneration and redevelopment opportunities;
- 4: economic activity through investment in new and existing business;
- 5: adapt and mitigate effects of climate change;
- 6: protect the borough from risk of flooding;
- 7: protect and enhance open space provision;
- 9: ensure an accessible, safe, convenient and sustainable transport system;
- 10: protect and enhance Lewisham's character; and
- 11: promote social inclusion and strengthen the quality of life for residents.

#### **4. Recommendations**

It is recommended that the Mayor:

- 4.1 Agree to formally object to Earl Pumping Station and Deptford Church Street as Thames Water's preferred sites at Phase 2 consultation on the basis of the concerns set out in section 6 and 7; and
- 4.2 Delegates authority to the Executive Director for Resources & Regeneration, in consultation with the Head of Law and Head of Planning, to agree the final response to Thames Water.

#### **5. Background**

- 5.1 Thames Water state that around 39 million cubic metres of untreated sewage and rainwater pollute the River Thames every year when the current stormwater/ sewage capacity is exceeded and a mixture of sewage and stormwater is diverted through the combined sewer overflow (CSO) pipes . These discharges occur, on average, once a week and have a significant environmental impact on the river.
- 5.2 Improvement works are required to enable the UK to continue to meet obligations under the EU Urban Waste Water Treatment Directive. The urgency of the works is increased by the infraction proceedings being pursued against the UK by the European Commission for an alleged breach of the Directive.
- 5.3 After several studies by Thames Water the Thames Tunnel was identified as the preferred infrastructure solution to address this issue. It comprises a major tunnel, likely to run for over 30km (including connection tunnels) from West to East London to intercept storm sewage overflows and transfer them for treatment at Beckton sewage treatment works (STW) in Newham, East London.

- 5.4 Thames Water is the organisation that the Government has instructed to identify a route and manage the project. Thames Water's preferred route is known as the Abbey Mills route; it is proposed the main tunnel starts at the Acton Storm Tanks in Ealing and then follows the Thames to Limehouse where it veers away from the Thames and runs underneath Tower Hamlets and Newham to the Abbey Mills Pumping Station and joins up with the Lee Tunnel (which is currently under construction) which then goes to the Beckton STW.
- 5.5 If the Thames Water preferred route is chosen the main tunnel will steer away from Lewisham, however, there are still proposals for a connecting tunnel to run from Greenwich Pumping Station to connect with the main tunnel at Chambers Wharf in Southwark. This connecting tunnel will intercept two CSO sites in LB Lewisham at Earl Pumping Station, Yeoman Street, Deptford and at Deptford Church Street.
- 5.6 Phase 1 consultation for the project started on the 13th of September 2010 and ran through until the 14th of January 2011. Earl Pumping Station was identified as a preferred interception site for the CSO shaft in an expanded Earl Pumping Station site on Yeoman Street. Officers wrote to Thames Water in response to the Phase 1 consultation and expressed concerns in regards to the impact of this proposal on the amenity of residents, the impact on regeneration proposals in the adjacent Plough Way Strategic Site and suggested that one of Thames Water alternative sites would be more suitable.
- 5.7 After the close of Phase 1 consultation, Thames Water announced that they were considering the Deptford Church Street site for an interception site for the CSO. This was due in part to the opposition to the Borthwick Wharf site proposal that was the preferred site in the Phase 1 consultation. Thames Water held what they called an interim engagement drop-in session on 24th and 25th June 2011. Officers wrote to Thames Water objecting to the use of the site and outlining a number of concerns relating to the effects of the construction works.
- 5.8 Thames Water are now undertaking Phase 2 consultation which runs from 4th November 2011 to 10th February 2012. The Phase 2 consultation provides an update on the changes made since the Phase 1 consultation. This involves presenting their preferred sites and some alternative sites for comment. Thames Water's preferred sites within LB Lewisham are Earl Pumping Station and Deptford Church Street.
- 5.9 In relation to the Deptford Church Street site, a local community opposition group called a public meeting on 15th November 2011 which 83 people attended and where Thames Water gave a presentation of the proposals and answered questions. Thames Water also held a public exhibition over three days from 17-19 November 2011 at the Creekside Centre, Deptford. A similar public exhibition in relation to Earl Pumping Station was held at Surrey Docks Watersports Centre from 12-14 December 2011.
- 5.10 The Thames Tunnel is considered a nationally significant infrastructure project and therefore in late 2012, following the close of Phase 2 consultation, Thames Water

intend to apply to the Infrastructure Planning Commission (IPC) for planning permission, rather than individual local authorities. Council officers will then prepare and submit a Local Impact Report which will detail the positive, neutral and negative impacts on the borough for consideration by the IPC.

## **6. Council Consultation Arrangements**

- 6.1 The Council wished to fully understand local concerns in relation to both sites and therefore organised two public meetings, one focused on each site. A mail drop outlining the dates and purpose of the meetings was distributed to properties within a 400 metre radius of each site. Information was put up on the Council's website and a press release issued.
- 6.2 A meeting regarding the Earl Pumping Station was held 7 December 2011 at which Thames Water gave a presentation about their proposals and answered questions from the public. There was a poor turnout to the meeting however those residents in attendance generally supported the Thames Tunnel proposal with questions asked relating to engineering aspects, traffic impact, compensation for properties in close proximity and control of odour emissions.
- 6.3 A second meeting was held on 13 December 2011 in relation to Deptford Church Street and was attended by 16 members of the public. In addition to the comments received at the meetings, to date the Council has received 19 written objections to the proposals at Deptford Church Street and one telephone call in support of the Thames Tunnel project as a whole.
- 6.4 The objections to the use of Deptford Church Street raised by the public, both in writing and at the public meetings, cover the following issues:
- proximity to schools in the area and the associated impact of the construction works including the impact on education and health and safety;
  - impact on businesses in the area, including those on Deptford High Street and the historic market;
  - proximity to residences (many without double glazing);
  - impact on St Paul's Church, a Grade I listed building, in terms of the setting, operational requirements and the structural integrity of the building;
  - impact on archaeology in the area;
  - disruption to access in the area, pedestrian, vehicular and from buses, and the associated difficulties in reaching key local facilities;
  - availability of Borthwick Wharf as an alternative site, the use of which would give rise to less effects, particularly as the river can be used as a mode of transport (reducing road traffic), there is no operational school in the area, and there are fewer residential properties;
  - impact on the surrounding road network;
  - environmental effects such as noise, vibration and air pollution and the inadequacy of the assessment so far, for example effects on additional properties should be assessed;
  - odour effects from the completed sewer;

- value of the green space to the community;
- value of the site to nature conservation and the loss of mature trees;
- poor aesthetic value of the completed site;
- the works would counteract the recent regeneration and positive improvements;
- inadequacy of information provided and assessment undertaken by Thames Water to date, particularly in terms of quantified analysis and site selection methodology;
- structural impact from vibrations and tunnelling on houses and businesses;
- disruption to the open space link from Deptford High Street through to the Laban Centre; and
- inadequacy of Thames Water consultation to date.

## **7. Planning Considerations**

### **Deptford Church Street Site**

#### **7.1 Alternative Sites**

- 7.1.1 Borthwick Wharf Foreshore (BWF) was the Thames Water preferred site during the Phase 1 consultation. For the Phase 2 consultation Deptford Church Street (DCS) is the preferred site and BWF together with the Sue Godfrey Nature Reserve, Bronze Street, are put forward as alternative sites. Little information has been made available as to why Thames Water consider Deptford Church Street to be a more suitable site. Council officers have requested further information in relation to this issue. Data for comparison will be required as part of the full EIA which will be necessary to accompany any planning application to the IPC.
- 7.1.2 Thames Water Phase 2 consultation 'site information paper' identifies three reasons why DCS is now preferred over BWF. The reasons given are that DCS has relatively good access compared to BWF; that DCS would avoid work to the Thames Foreshore and the potential effects on residents, visitors and business amenity is less than the BWF site.
- 7.1.3 The traffic and access issues, including HGV issues, that will impact on DCS are set out below (paragraphs 7.7.1 – 7.7.7). As no traffic impact assessment has been provided by Thames Water it is difficult to accurately compare the two sites. The Council therefore require Thames Water to provide quantitative data on traffic issues including the cumulative impact on the highway network from the many regeneration schemes proposed and those already agreed in Lewisham and Greenwich. It also requires details of the access and egress proposals for HGV from BWF.
- 7.1.4 It is the Council's opinion that use of BWF has the great advantage over DCS in that spoil and material can be delivered and removed by use of the River Thames. This appears to be a much more sustainable solution than the use of DCS as it would reduce the number of HGV movements. It should also be noted that the primary aim of the Thames Tunnel project is to avoid sewage pollution entering the River Thames, therefore, use of the River during construction appears to be a price well worth paying.

- 7.1.5 The BWF site is located at the point where the CSO discharges into the River Thames. Intercepting the sewer at this point would capture the contents of the entire length of the sewer while intercepting the sewer further inland, would not capture a length of sewer, in this case from the Deptford Church Street site north to the River Thames. BWF would therefore capture more sewerage and is considered a more effective site in achieving the goal of reducing the amount of untreated sewerage discharged into the River Thames.
- 7.1.6 It is acknowledged that the River Thames is an important and valuable recreational, open space and ecological asset to London. However, DCS is a valuable open space; a designated site of nature conservation importance and further more is located within a conservation area and is adjacent to a grade 1 listed building. The balance of advantage between the two sites is therefore unproven and in the opinion of the Council would favour the choice of BWF as the preferred site.
- 7.1.7 As Thames Water have provided no data on the number of people, households and businesses affected at both sites it is difficult to see how the use of DCS over BWF is justified on these grounds. In addition the impact on St. Joseph's primary school at Deptford Church Street is direct and severe compared to any comparable community impact from the use of BWF. There are a number of businesses directly affected by the use of DCS while Borthwick Wharf and the adjacent Payne's Wharf are currently vacant.
- 7.1.8 The DCS site is located within a wider town centre environment which is currently benefitting from significant investment and regeneration. Spatial Policy 2 of the Lewisham's Core Strategy emphasises the importance of improving connectivity throughout the area for pedestrians and cyclists with the explanatory text providing further guidance in relation to the provision of open space through the implementation of the North Lewisham Links Strategy (2007). The recently completed links project from Deptford High Street through to Margaret McMillan Park, as well as work underway on Giffin Square, the Deptford Lounge, Tidemill Academy and Wavelengths demonstrate the implementation of the Council's strategic aspirations for the area.
- 7.1.9 The North Lewisham Links Strategy shows the importance of an improved east-west connection through the site, linking Deptford High Street through to the Laban Centre and Deptford Creek in the east. The completion of site works is not expected until 2021 and the site is not expected to become operational until 2022 which would result in an unacceptable delay to the delivery of the Council's strategic objectives for links to and connections through the area.
- 7.2 Ecology and Open space
- 7.2.1 Deptford Church Street is classified as a site of nature conservation importance in the adopted UDP and as such is protected by policy OS 12 'nature conservation on designated sites' and OS 13 'nature conservation'. If the borough were the local planning authority for this application it would either refuse permission that had adverse impacts on nature conservation or if development was considered essential

it would require an environmental appraisal that included methods of mitigation and proposals for compensation. At a minimum the Council considers Thames Water should provide this information.

7.2.2 The impacts identified by Thames Water include the loss of medium mature trees and the associated bird nesting potential as well as the loss of an area containing ruderal meadow species. These impacts are based upon a Habitat Survey carried out by Thames Water that is technically deficient in several areas. The survey lacks any detail; it was carried out in mid February which is a sub-optimal time of year for identifying any notable plant species. The survey judges that the site is species-poor and/or of limited intrinsic value and therefore of 'low' habitat value. This is a subjective and generalised assessment illustrated by the fact that it failed to identify notable species on site, such as, the fiddle dock (*Rumex pulcher*) which is a very scarce species in Lewisham. Furthermore no assessment has been made of the flora and fauna that might be associated with the historic wall. If the project is to go ahead, Thames Water must provide a detailed environmental appraisal, and details of the proposed mitigation and compensation in the final design.

7.2.3 The Crossfield Amenity Green will be made unavailable and inaccessible for an extended period (at least four years) during construction which will result in the loss of open space in an area with limited existing public open space. The development of Convoy's Wharf and a number of Mixed Use Employment Locations in Deptford (as identified in Lewisham's Core Strategy) are expected to begin delivering new housing next year with phased delivery through until 2022 (Convoy's Wharf is expected to be completed by 2027). This level of new development will place increasing pressure on the limited open space in the area and therefore maintaining access to this space in the coming years and beyond is an essential requirement.

### 7.3 Education

7.3.1 There are two Primary Schools close-by the proposed site; St Joseph's Roman Catholic Primary School is opposite the site and the new Tidemill Academy (due to be completed this year) is very near. In addition, students attending Addey and Stanhope School who live in the area may also have their journey to and from school affected. Officers have concerns about the effects of noise, vibration and dust on the school children.

7.3.2 The schools are located in Evelyn Ward which is a very deprived part of the borough and in the governments Index of Deprivation is recorded as amongst the 10% most deprived areas in England. The proposed works are for a four year period which represents the majority period of primary school attendance. It is considered that the potential impact on the education of children in an already deprived area is unacceptable and is sufficient reason not to use this site.

7.3.3 Fire evacuation for St. Joseph's during this period is a concern of both the school and the Council. The school requires an off-site space near the school that 260+ children and 25+ staff can reach quickly and safely. At present the school use the existing

green space for this purpose, which, under the current proposal, would no longer be possible as the entire space would be required for construction purposes.

- 7.3.4 The impact on children, teachers and parents from the HGV traffic servicing the sites also raises issues of safety that need to be addressed.
- 7.3.5 In addition to this there will be a severe impact on the life of the school and potentially on teaching and learning. Both indoor and outdoor learning will be impacted by noise and air quality. Children suffering from Asthma may be affected.
- 7.3.6 The proposed closure of the bus lane in Deptford Church Street will mean that children who travel to school by bus will face considerable disruption. It is likely to result in increased late arrival at school which will further disrupt lessons and impact on education.

#### 7.4 Employment

- 7.4.1 The proposed works will impact on the existing businesses along Crossfield Street, particularly given that access, both vehicle and pedestrian, would be disrupted and restricted. It is unclear from the information provided what the level of impact would be on the surrounding businesses and if they would be able to remain operational. Further information is required to understand how the works would impact on the ongoing operation of the businesses and to understand how many employees would potentially be affected.
- 7.4.2 The site is within a town centre environment and is approximately 115 metres from Deptford High Street. Access disruptions from the relocation of bus stops on Deptford Church Street as well as the re-routing of pedestrians will adversely affect businesses in Deptford town centre, the borough's third largest centre after Lewisham and Catford.
- 7.4.3 Thames Water need to provide more detail on the potential impact on business and any proposals to mitigate the impact and provide compensation for those adversely affected.

#### 7.5 Environmental Health

- 7.5.1 The impact of the construction noise to St Joseph's School has not been assessed and the impact on the staff and students as well as on the learning environment is concerning. A full assessment of the noise effects on the use of the school from the construction site is required.
- 7.5.2 The transport proposals are likely to cause significant congestion along Deptford Church Street which is concerning as it would result in an increase in concentrations of air pollutants and further information is required regarding the impacts and how these are going to be managed.

#### 7.6 Heritage Assets and Conservation

- 7.6.1 The proposed site is located in a conservation area and is adjacent to the Grade I listed St. Paul's Church which is the single most significant listed building in the borough. There is a historic wall on the site that has been identified by the Council's Conservation Officer as being part of the rectory once attached to St Paul's and this will be destroyed or materially damaged as a result of the proposed works. The railway viaducts running along the southern boundary of the site are also listed.
- 7.6.2 Development of the area and significant shaft construction works raises concerns with regard to the temporary and permanent impact on the St Paul's Grade I listed church and churchyard boundary wall, the potential loss of protected trees and the impact on the listed railway viaduct. The site is within an area of archaeological priority and more information regarding the impact of the works is required, including an investigation of the significance of the asset and an assessment of the impact of the works on any potential archaeology.
- 7.6.3 The impact of the construction works on the structural integrity of the church and churchyard boundary wall as well as the impact of the final structures and landscaping on the setting of the church and the surrounding historic environment is of particular concern and further information is required in relation to how the works could effect the structure of the church and what mitigation is proposed.
- 7.6.4 English Heritage prefer Borthwick Wharf over Deptford Church Street as there would be less impact on heritage assets.
- 7.7 Transport
- 7.7.1 The proposal involves closing the two north-bound lanes along Deptford Church Street. The two south-bound lanes would then provide one lane in each direction, which would result in congestion and significantly disrupt the surrounding road network. No detailed traffic modelling has been undertaken by Thames Water so it is unclear at this stage how significant the impact would be. There could be emergency vehicle access restrictions associated with the traffic management measures along the proposed construction vehicle routes.
- 7.7.2 Bus lanes in both the north and southbound directions would be temporarily suspended however the width of the existing southbound carriageway is insufficient for two way traffic (to accommodate HGV's and buses), particularly as Deptford Church Street is on the borough's oversize vehicle route. Cyclists currently use the bus lanes on Deptford Church St and the proposed closure of the bus lanes would have highway safety implications. The closure of bus stops without the provision of temporary bus stops would have an impact on bus users that are less mobile, such as the elderly and disabled.
- 7.7.3 Construction traffic and the flow-on effects of reducing Deptford Church Street down to single lanes would significantly impact on the surrounding road network, particularly considering the cumulative effects from developments in the wider area coming on-stream at a similar time.



- 7.7.4 The proposed temporary suspension of all parking bays on Coffey Street and Crossfield Street for the duration of construction would have an impact on on-street parking in the surrounding streets as well as the drop off and collection associated with St Joseph's School. There would be an impact on the commercial units on Crossfield Street, particularly in relation to deliveries and servicing, as well as the parking for parishioners at St Paul's Church.
- 7.7.5 Pedestrian access along Deptford Church Street would be disrupted with pedestrians being diverted around the construction site. Crossfield Street only has a footway on the north side and closing this during the construction phase would force pedestrians to share the carriageway with construction vehicles, which would have highway safety implications. Similarly, the closure of the footway on the site boundary with Deptford Church Street would result in the loss of a pedestrian crossing on Deptford Church Street, which would have highway safety implications.
- 7.7.6 The construction vehicle movements would have a highway safety impact in Coffey Street, particularly for those accessing St Paul's Church and when the movements coincide with St Joseph's School arrival/departure times. Similarly, closing the westbound lane of Coffey Street would have an impact on drop off/collection associated with school and narrowing Crossfield Street would have an impact on the commercial units on Crossfield Street, particularly in relation to deliveries and servicing.
- 7.7.7 Swept path analysis has not been undertaken for the construction vehicle movements to demonstrate that there is there sufficient carriageway space for construction vehicles to manoeuvre and an assessment of sightlines has not been undertaken to illustrate visibility on the construction vehicle route. Poor visibility would have highway safety implications.

## 7.8 Design

- 7.8.1 As stated above the Council considers that Deptford Church Street is not an appropriate location for the CSO interception site. However, as the final decision on the site will not be made by Lewisham Council but by the IPC and Secretary of State, it is considered prudent to make comments on the design proposals for the site after construction. The views expressed on the proposed design of the permanent structures are made without prejudice to the Council's in principal objection to the use of the site.
- 7.8.2 The design of the site put forward does not adequately consider the adjoining uses, for example the school and church, and does not reflect the Council's strategic aspirations for the area, for example those detailed in the North Lewisham Links Strategy (2007).

## **Earl Pumping Station Site**

### 7.9 Alternative Sites

- 7.9.1 No alternative sites are identified in the Phase 2 consultation. During Phase 1 consultation four alternative sites were identified, including the Foreshore adjacent to

the boat yard and Helsinki Square and the Council supported the use of this site over Earl Pumping Station. For the reasons set out in response to Phase 1 consultation, the Council still considers this alternative site to be more appropriate. Thames Water should therefore re-examine the use of this alternative site.

#### 7.10 Employment

7.10.1 Thames Water identify that 24 employees are likely to be displaced, this is based on a calculated estimate rather than an assessment of the actual businesses in the area. More information is required regarding the actual effect on businesses and their employees and what proposals, if any, Thames Water propose to compensate and relocate those businesses which are affected.

#### 7.11 Environmental Health

7.11.1 The impact of construction noise has not been assessed in relation to the proposed residential developments on surrounding and adjacent sites. These properties should be included in order to identify the full number of sensitive properties. The properties that have been assessed are identified as being within the London Borough of Southwark however the Croft Street residences are within the London Borough of Lewisham and should be identified as such.

7.11.2 The works producing the most noise will last for around 15 months of the 4 year construction period. Thames Water have identified the noise effects as being significant on all the residential properties assessed and the vibrations effects as being significant on many of the residential properties around the site. Mitigation may reduce the impact of these effects however the mitigation measures are not yet detailed.

7.11.3 The compaction works have been identified as giving rise to relatively high levels of exposure. Further information is required regarding the method and design for compaction works to reduce the noise and vibration impact.

7.11.4 Given that traffic volumes on the surrounding roads are relatively low, there is likely to be a noise impact when introducing construction traffic. A traffic assessment is required in order to understand the expected impact.

#### 7.12 Transport

7.12.1 No traffic assessment has been carried out however it is clear that construction vehicle movements would have a significant impact on the residential properties in Yeoman Street, Chilton Street and Croft Street, particularly as they are quiet traffic calmed streets. The removal of traffic calming measures as a result of the proposal would lead to increased vehicles speeds which would have highway safety implications.

7.12.2 The removal of car parking bays along Plough Road, Yeoman Street and Croft Street to accommodate the construction vehicle movements would have an impact on on-street parking in the surrounding streets. It is unclear which parking bays are to be removed and if there are any proposals to relocate them.

7.12.3 Evelyn Street forms part of the proposed construction vehicle route, but the impact on the cycle superhighway along Evelyn Street has not been considered in the assessment.

7.12.4 The impact of construction traffic is a particular concern given the potential cumulative effects associated with the construction of other developments in the area, particularly the Council's Strategic Sites. A full transport assessment is required.

### 7.13 Design

7.13.1 The views expressed on the proposed design of the permanent structures are made without prejudice to the Council's in principal objection to the use of the site. The existing pumping station sits within a semi-industrial area however given the residential developments proposed and approved in the surrounding area, this setting will change dramatically. It is therefore important that the appearance of the existing site is enhanced, particularly the boundary treatment of the site. Pedestrian access on the western boundary, along Croft Street is poor and the footpath should be widened to enable its use. The strip of unused land at the southern end, adjacent to the existing terraces on Croft Street, is unusable.

## **8. Financial Implications**

8.1 There are no direct financial implications arising from this report. The Council's Thames Tunnel consultation will be funded from within the agreed Planning Service budget.

## **9. Legal Implications**

9.1 The applicant (Thames Water) must prepare a statement setting out how the applicant proposes to consult people living in the vicinity of the land. Before preparing the statement, the applicant must consult each local authority where the land falls within that authority's area about what is to be in the statement and must have regard to the responses. Once the applicant has prepared the statement, the applicant must publish it and must carry out consultation in accordance with the proposals set out therein (Section 47 of Planning Act 2008).

9.2 The Phase 2 consultation is part of the duty to consult process and is part of the pre-application consultation process. Thames Water have published a Statement of Community Consultation which sets out their approach and timetable for consulting all those with an interest in the proposed Thames Tunnel.

## **10. Crime and Disorder Implications**

10.1 There are no direct crime and disorder implications arising from this report. The proposed works in Lewisham involve two construction sites that will be in operation for about four years. It will be necessary for Thames Water to make these sites secure and put in place measures to reduce the opportunity for crime.

## **11. Equalities Implications**

- 11.1 This is a very large engineering project that will have considerable socio economic consequences including the impact on social and community infrastructure, local businesses and the local economy, as well as effects on local amenity. The two proposed sites in Deptford are located in Evelyn Ward which is one of the most deprived in Lewisham and amongst the 10% most deprived areas in England.
- 11.2 It does not appear that Thames Water have undertaken an Equality Analysis Assessment (EAA) as part of the Phase 2 consultation. The EAA process involves systematically analysing a proposed or existing policy or strategy to identify what effect, or likely effect, will follow from the implementation of the policy for different groups in the community. The assessment seeks to ensure that, as far as possible, any negative consequences for a particular group or sector of the community are eliminated, minimised or counterbalanced by other measures. The Council consider an EAA should be undertaken for this project.

## **12. Environmental Implications**

- 12.1 This is a very large engineering project that will have considerable environmental impacts. The Phase 2 consultation includes preliminary environmental information reports on each proposed site. Much of the environmental information necessary to assess the impact has yet to be collected and will be necessary for the final Environmental Impact Assessment. The main body of the report deals with the need for Thames Water to provide more information to allow a proper environmental impact to be assessed.

## **13. Children and Young People's Implications**

- 13.1 As stated in section 7 of this report the preferred site at Deptford Church Street is immediately opposite a primary school. The construction programme is for up to four years of work and this is the majority of a child's primary education period. This is the single most important adverse impact of the project on children and young people.

## **14. Sustainable Community Implications**

- 14.1 Paragraph 3.1 set out the strategic objectives of the sustainable community strategy (SCS). The main body of the report has raised a great deal of concerns about the impact of the proposal on Lewisham. The adverse impacts on the open space, the conservation area, the town centre and traffic and environmental concerns all run contrary to the objectives of the SCS.

## **15. Conclusion**

- 15.1 The Thames Tunnel project represents an opportunity to improve the environment by seriously reducing the amount of sewage pollution that is currently discharged into the River Thames. However, the preferred sites in Lewisham cause considerable concern to the council. No alternative to Earl Pumping Station is presented by

Thames Water and the Council considers that Thames Water should re-examine the alternatives suggested as part of their phase 1 consultation.

- 15.2 The alternatives to the preferred site at Deptford Church Street offered in the Phase 2 consultation are the Sue Godfrey nature reserve at Bronze Street and the former preferred site at Borthwick Wharf Foreshore. For the reasons set out in this report the council considers that the Borthwick Wharf site should be the preferred location for the SCO site.

**16. Background documents and originator**

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Planning Act 2008	2008	Laurence House	Planning Policy	Brian Regan	No
Infrastructure Planning Regulations	2009 & 2011	Laurence House	Planning Policy	Brian Regan	No

If you have any queries on this report, please contact Brian Regan, Planning Policy Manager, 5<sup>th</sup> floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 8774.

# Agenda Item 5

<b>Chief Officer Confirmation of Report Submission</b>	
<b>Cabinet Member Confirmation of Briefing</b>	
Report for: Mayor	<input type="checkbox"/>
Mayor and Cabinet	<input type="checkbox"/>
Mayor and Cabinet (Contracts)	<input type="checkbox"/>
Executive Director	<input type="checkbox"/>
Information <input type="checkbox"/>	Part 1 <input checked="" type="checkbox"/> Part 2 <input type="checkbox"/> Key Decision <input checked="" type="checkbox"/>

Date of Meeting	18 January 2102
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Title of Report	Baring Hall Hotel; Confirmation of Article 4 (1) Direction
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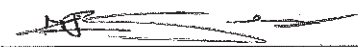
Originator of Report	Phil Ashford	Ext. 48533
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	X	
Legal Comments from the Head of Law	X	
Crime & Disorder Implications	N/A	
Environmental Implications	X	
Equality Implications/Impact Assessment (as appropriate)	X	
Confirmed Adherence to Budget & Policy Framework	X	
Risk Assessment Comments (as appropriate)		X
Reason for Urgency (as appropriate)	N/A	

Signed:  Executive Member

Date: 09/01/12

Signed:  Director/Head of Service

Date: 9/1/12

### Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

## MAYOR & CABINET

<b>Report Title</b>	Baring Hall Hotel: Confirmation of Article 4 (1) Direction		
<b>Key Decision</b>	Yes		Item No.
<b>Wards</b>	Downham and Grove Park		
<b>Contributors</b>	Executive Director Resources & Regeneration (Head of Planning) and Head of Law		
<b>Class</b>	Part 1		Date: 18 January 2012

### 1. Summary

- 1.1 The report outlines the background to the decision to make an Article 4 (1) Direction which removed permitted development rights under Part 31 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 relating to the Baring Hall Hotel. It considers the representations submitted and recommends that the Direction should be confirmed. The original report to Mayor & Cabinet dated 14<sup>th</sup> September 2011 is attached to this report.

### 2. Purpose

- 2.1 To provide the information necessary to enable Mayor and Cabinet to decide whether to confirm the provisional Article 4 (1) Direction for the Baring Hall Hotel having considered the representations received.

### 3. Policy context

- 3.1 The contents of this report are consistent with the Council's policy framework. The Local List programme will contribute to the 'Clean, green and liveable' objective in the Sustainable Community Strategy (i.e. improving environmental management and promoting a sustainable environment), and the corresponding clean green and liveable priority, notably improving environmental management and promoting a sustainable environment. Consistency with Council Local Development Framework Documents is explained below.
- 3.2 Government Planning Policy Statement 5: Planning for the Historic Environment (PPS5) identifies locally listed buildings as non-designated heritage assets. With regards to non-designated heritage assets PPS5 states;

"Regional and local planning authorities should ensure that they have evidence about the historic environment and heritage assets in their area and that this is publicly documented." (HE2.1)

With regard to Article 4 Directions, PPS 5 states under Policy HE4;

“Local planning authorities should consider whether the exercise of permitted development rights would undermine the aims for the historic environment. If it would, local planning authorities should consider the use of an article 4 direction to ensure any development is given due consideration.”

- 3.3 The London Plan (Policy 4B.12) states that boroughs should, “...ensure that the protection and enhancement of historic assets in London are based on an understanding of their special character...”
- 3.4 Lewisham’s Core Strategy Policy 16, states that, “The Council will ensure that the value and significance of the borough’s heritage assets...such as locally listed buildings...will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.”
- 3.5 Lewisham has a saved UDP policy URB 20, “ The Council will seek to ensure and encourage the preservation and enhancement of locally listed buildings of townscape merit and will use its powers where possible to protect their character and setting.”

#### **4. Recommendation**

- 4.1 It is recommended that the Article 4 (1) Direction for the Baring Hall Hotel be confirmed.

#### **5. Background**

- 5.1 The Baring Court Hotel is a late Victorian hotel built in a domestic style with Arts and Crafts influences, is located at the heart of the Grove Park shopping centre (within Downham ward but immediately adjacent to Grove park ward) and was most recently used as a pub. It had been considered but rejected by English Heritage for statutory, national listing, and is the subject of an extensive local campaign for its preservation. Planning permission for its demolition and redevelopment was refused by the Planning Committee at its meeting on 11 August 2011.
- 5.2 Article 4 directions and Local Listing are matters for the Mayor and Cabinet, so following the decision of the Planning Committee, the Mayor and Cabinet on 14 September considered that the qualities of the building were such that it justified being locally listed, and that there was sufficient planning justification for bringing its demolition within planning controls by the making an immediate Article 4 Direction removing the right to demolish the building without the need for planning permission. The Mayor came to this decision having regard to the relevant criteria as set out in the report to Mayor & Cabinet of 14 September 2011 which is attached to this report. The Council is required to consider whether to confirm the provisional Direction within 6 months of making it otherwise it will lapse.



- 5.3 Confirmation of the Direction may give rise to the liability to pay compensation, but only if an application for development is refused which would normally have been permitted before the Article 4 Direction was introduced, or permission is granted subject to more limiting planning conditions than the General Permitted Development Order would allow. The potential financial consequences of confirming the Article 4 (1) Direction remain the same as when considered in September and are reproduced in Appendix 1 which is in the Part 2 agenda because it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

## **6. Representations**

- 6.1 Following the making of the provisional Direction, statutory notification was given by a notice published in the "News Shopper", notices displayed on site and the owners notified directly. Only one representation was received, an objection from the owners' solicitor. The objection letter and the relevant correspondence referred to therein are attached to this report, at Appendix 1.
- 6.2 The objection begins by asserting that the Council's decision to locally list the building is unsustainable because officers had initially considered that it did not merit local listing. However government guidance (PPS5 policy HE8) does provide the scope for local planning authorities to identify heritage assets as part of the development management process. In the case of the Baring Hall Hotel extensive evidence was provided by third parties during consultation on the planning application, and in addition English Heritage had acknowledged its local significance both architecturally and as a landmark. These considerations along with the decision of the Planning Committee underpinned the building appraisal contained in the Mayor & Cabinet report of 14 September which provided evidence to demonstrate that the building did meet the Council's criteria for local listing.
- 6.3 The objection also considers that the building should not have been locally listed because it had not already been as part of the production and adoption of the Core Strategy. However this represents a misunderstanding of the plan making process; local listing is an ongoing process, as is national listing, and the ongoing nature of the process is facilitated by PPS5.
- 6.4 The objection goes on to state that an Article 4 Direction is not justified because it would not meet the compelling and exceptional circumstances set by government to justify the removal of permitted development rights, nor those of English Heritage good practice guidance. The Mayor's decision to make the immediate direction was made in the light of officers recommendations and opinions expressed under paragraph 7 of that report. Officers contend that the demolition of the Baring hall Hotel, which is now locally listed, will result in the loss of a building of significant historic, townscape and architectural qualities which will cause harm to the visual amenity of the area. Further, as considered in the earlier report, officers consider that the Council cannot properly plan for its area without having control over the demolition of the Baring Hall Hotel, especially now considering its locally listed status. This remains the opinion of

officers, even more so now that the building has been locally listed. Accordingly, officers consider that there are exceptional grounds justifying the Direction.

- 6.5 The Mayor's reasons for making the Direction set out in detail how he considered that, having considered all relevant considerations, there were exceptional reasons for removing permitted development rights for demolition in this case and concluded that "... the strong arguments concerning visual amenity and the need for the proper planning of the area lead him to believe that he should issue an Article 4 Direction that withdrew the right to demolish as well as agreeing to a local listing."

## **7. Financial implications**

- 7.1 There will be some administrative costs in advertising, mailings and printing the final documents associated with making an Article 4 Direction. These costs can be contained within the existing 2011/12 Planning budget.
- 7.2 Section 108 of the Town and Country Planning Act 1990 makes provision for compensation to be paid by the local planning authority either:  
(1) if an application for development is refused which would normally have been permitted development before an Article 4 Direction was introduced; or  
(2) the LPA grants planning permission subject to more limiting conditions than the General Permitted Development Order 1995 would normally allow, as a result of an Article 4 (1) Direction being in place.
- 7.3 Section 107 sets out the method for assessing such compensation, which is strictly limited to the abortive costs associated with the planning application and any other loss, which is directly attributable to the Article 4 (1) Direction being made. The Council is only liable to pay compensation on planning applications made within 12 months of the Article 4 (1) Direction being introduced. The making of a Direction creates this right. No budget exists for such claims and should one arise it would need to be funded from the Council's corporate provisions.
- 7.4 The estimated possible compensation payable on making an Article 4 direction is set out in the associated report in Part 2 of this agenda, reproduced from the meeting of 14 September 2011.

## **8. Legal implications**

- 8.1 An Article 4 Direction, pursuant to the Town and Country Planning (General Permitted Development) Order 1995 ("the Order"), may be made to withdraw permitted development rights granted under Part 31 of Schedule 2 of that Order - which permits the demolition of buildings subject to certain conditions being satisfied. An "immediate" direction will withdraw rights immediately under Part 31 but is subject to confirmation following local consultation within 6 months, or else the direction will lapse.

- 8.2 Prior to making a decision on whether to make a direction paragraph 1 (a) of Article 6 of the Order contains a legal requirement that where an immediate direction is made the Council must consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. It was considered that the grounds for making the Article 4 Direction had been fulfilled and the Mayor & Cabinet authorised the making of the Direction on 14<sup>th</sup> September 2011.
- 8.3 The procedure for making an Article 4 (1) Direction is prescribed by Articles 5 and 6 of the Order. There is no requirement to give notice to the owners and occupiers affected by the Direction prior to the making of it. On the making of the Direction statutory consultation takes place. The Council is required to take into account any representations received in response to the Direction before deciding whether to confirm it. The representations received and associated documents appear at Appendix 1, and officers' responses to the points contained therein are set out in this report. The Mayor must consider those representations before making any decision. He must also be satisfied having considered them that the grounds upon which an Article 4 direction may be made (and confirmed) are still made out. Notice of confirmation of the Direction is required to be given by public newspaper notice and the display of site notices in the area included in the Direction. Unless the Direction is confirmed by the Council within a period of six months it lapses.
- 8.4 By virtue of the Local Government Act 2000 (as amended) and the associated Local Authorities (Functions and Responsibilities) (England ) Regulations 2000 (as amended) the decision on whether to confirm an Article 4 Direction is the responsibility of the Mayor.
- 8.5 Under the Human Rights Act 1998, the Council must not act in a way which is incompatible with the rights referred to in the Act. There is an exception to this, in that the Council will not be acting unlawfully if Acts of Parliament mean that it can not act in any other way.
- The relevant human rights in this instance are the:
- right to respect for the home, under Article 8; and
  - right to peaceful enjoyment of possessions, under Article 1 of Protocol 1.
- 8.6 However, these rights are not absolute, and may lawfully be infringed in certain defined circumstances. Where infringement is permissible, it must occur in accordance with, or subject to the conditions provided for by, the law. It must also be proportionate; i.e., it must achieve a fair balance between competing interests and not go beyond what is strictly necessary to achieve the purpose involved.
- 8.7 In the case of Article 8, permitted infringements include those necessary for the protection of the rights and freedoms of others. With regard to Article 1 of Protocol 1, controls over the use of property are permissible where they are in the public interest. The withdrawal of permitted development rights by the Council is covered by the exceptions to these two Articles.

8.8 As the Council's powers for controlling the exercise of permitted development rights are contained, and subject to the procedures set out, in the Town & Country Planning (General Permitted Development) Order 1995 (as amended), their use occurs within the provisions laid down by the law, and is proportionate. The effect of removal of permitted development rights is that a householder will need to obtain formal planning permission before undertaking works prohibited by the Direction This creates a further safeguard, in that if planning permission is refused by the Council, then the usual right of appeal to the Secretary of State is available.

8.9 Notice of confirmation of Article 4 (1) Directions must be given.

## **9. Crime and disorder implications**

9.1 There are no direct crime and disorder implications.

## **10 Equalities implications**

10.1 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

As was the case for the original separate duties, the new duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

The Equality and Human Rights Commission issued guides in January 2011 providing an overview of the new equality duty, including the general equality duty, the specific duties and who they apply to. The guides cover what public authorities should do to meet the duty. This includes steps that are legally

required, as well as recommended actions. The guides were based on the then draft specific duties so are no longer fully up-to-date, although regard may still be had to them until the revised guides are produced. The guides do not have legal standing unlike the statutory Code of Practice on the public sector equality duty, However, that Code is not due to be published until later in 2011. The guides can be found at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/new-public-sector-equality-duty-guidance/>

10.2 Equal opportunities will be promoted by making the Notification available equally to all and providing it in alternative formats when requested. The Article 4 Direction can be viewed at the Council’s Planning Reception or a photocopy or PDF version obtained on request. Article 4 (1) Directions are applied equally without discrimination on any grounds

## 11 Environmental implications

11.1 The principle implicit in conservation management is to repair and maintain existing building elements rather than requiring the replacement and disposal of serviceable items to landfill. This reduces environmental impacts by retaining items and their embodied energy and not causing carbon dioxide emissions necessary for the manufacture and transportation of new items.

## 12 Conclusion

12.1 Having made the article 4 Direction in September, the purpose of this report is to consider whether it should be confirmed having taken into consideration the representations received. These representations have been reviewed in section 6 above and for the reasons set out there it is recommended that the Article 4 (1) Direction is confirmed.

### Background documents and originator

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Baring Hall Hotel Report to M&C (Part 1)	14 Sept 2011	Laurence House	Urban Design and Conservation	Phil Ashford	No
Baring Hall Hotel report to M&C (Part 2)	14 Sept 2011	Laurence House	Urban Design and Conservation	Phil Ashford	Yes
London Borough of Lewisham Local Development Framework Core Strategy	2011	Laurence House	Urban Design and Conservation	Brian Regan	No
London Borough of Lewisham Unitary	2004	Laurence House	Urban Design and Conservation	Phil Ashford	No

Development Plan					
The London Plan	2004 (with later alterations)	Laurence House	Urban Design and Conservation	Phil Ashford	No

If you have any queries on this report, please contact Phil Ashford, 5<sup>th</sup> floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 8533.

<b>Mayor and Cabinet</b>		
<b>Report Title</b>	Baring Hall Hotel	
<b>Key Decision</b>	Yes	Item No.
<b>Ward</b>	Grove Park	
<b>Contributors</b>	Head of Planning and Head of Law	
<b>Class</b>	Part 1	Date: 14 September 2011

## 1 Reason for Urgency

- 1.1 This matter has not been included in the Council's Forward Plan. However, the decision must be taken by such a date that it is impracticable to defer it until after it has been included in the next Forward Plan on September 9 and until the start of the period to which the next Forward Plan relates on October 1. The reason the report needs to go to Mayor and Cabinet on 14 September is because it concerns the need to give consideration to the protection of a building, which may otherwise be demolished before it can be included in the next forward plan.
- 1.2 **In accordance with the provisions of Regulation 16 Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000, the Mayor has received the written agreement of the Chair of the Overview & Scrutiny Business Panel that the taking of the decision cannot reasonably be deferred.**

## 2. Summary

- 2.1 The Baring Court Hotel is a late Victorian hotel built in a domestic style with Arts and Crafts influences, was most recently used as a pub and has now been refused planning permission for its demolition and redevelopment. It has been considered but rejected by English Heritage for statutory listing, and is the subject of an extensive campaign for its preservation. The report considers whether the building should be locally listed, and whether its demolition can be brought within the Council's planning control by the making of an immediate Article 4 Direction. The report concludes that the building does merit local listing, and that there is sufficient planning justification for bringing its demolition within planning controls by the making of an immediate Article 4 Direction, but that the financial implications of doing so are likely to expose the Council to substantial costs. Consequently officers do not recommend making an Article 4 Direction.

- 2.2 The potential financial consequences of making an Article 4 Direction for the Council are set out in the associated part 2 report.

### **3. Purpose**

- 3.1 To provide the information needed to enable Mayor and Cabinet to decide whether to locally list the Baring Hall Hotel and whether to put in place an Article 4 Direction removing permitted development rights for its demolition.

### **4. Recommendations**

- 4.1 The Mayor is recommended to approve the addition of the Baring Hall Hotel to the Local List.
- 4.2 The Mayor is not recommended to make an Article 4 Direction removing the permitted development rights for demolition, provided by Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

### **5. Policy Context**

- 5.1 The contents of this report are consistent with the Council's policy framework. The Local List programme will contribute to the 'Clean, green and liveable' objective in the Sustainable Community Strategy (i.e. improving environmental management and promoting a sustainable environment), and the corresponding clean green and liveable priority, notably improving environmental management and promoting a sustainable environment. Consistency with Council Local Development Framework Documents is explained below.

- 5.2 Government Planning Policy Statement 5: Planning for the Historic Environment (PPS5) identifies locally listed buildings as non-designated heritage assets. With regards to non-designated heritage assets PPS5 states;

"Regional and local planning authorities should ensure that they have evidence about the historic environment and heritage assets in their area and that this is publicly documented." (HE2.1)

With regard to Article 4 Directions, PPS 5 states under Policy HE4;

"Local planning authorities should consider whether the exercise of permitted development rights would undermine the aims for the historic environment. If it would, local planning authorities should consider the use of an article 4 direction to ensure any development is given due consideration."

- 4.3 The London Plan (Policy 4B.12) states that boroughs should, "...ensure that the protection and enhancement of historic assets in London are based on an understanding of their special character..."
- 4.4 Lewisham's Core Strategy Policy 16, states that, "The Council will ensure that the value and significance of the borough's heritage assets...such as locally



listed buildings...will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.”

- 4.5 Lewisham has a saved UDP policy URB 20, “ The Council will seek to ensure and encourage the preservation and enhancement of locally listed buildings of townscape merit and will use its powers where possible to protect their character and setting.”

## **5. Background**

- 5.1 Until 2009 the Baring Hall Hotel was in use as a pub; since then it has been vacant and has been damaged by fire. At its meeting on 11 August the Planning Committee A considered a planning application to demolish the Baring Hall Hotel and redevelop its site with a mixed use development consisting of ground commercial uses and fourteen new residential units, some of them affordable.

- 5.2 The application was refused by the Planning Committee for the following reasons:

“The proposed development, by reason of its mediocre design, would fail to provide a suitable replacement for the existing Baring Hall Hotel building which is of significant historic, architectural and townscape quality in this prominent corner location and fails to justify the amount of development proposed for the site. As such, the development would fail to make a positive contribution to the visual character of the area, would fail to meet Core Strategy Objective 10: Protect and Enhance Lewisham’s character and would fail to comply with Spatial Policy 5 Areas of Stability or Managed Change of the Council’s Core Strategy and Core Strategy Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment, saved Policy URB 3 Urban Design of the Unitary Development Plan and Policies 7.1 and 7.4 of the London Plan 2011.

- 5.2 Separate to the determination of the Planning application, the developer applied for prior approval of the method of demolition as this would allow the demolition of the building. This was subsequently granted by Officers. However, this determination has been quashed by a Consent Order and the matter remitted to the Council for re-determination within 28 days of the making of the Order.

## **6 Local Listing**

- 6.1 The Baring Hall Hotel is a late Victorian purpose built hotel prominently located at the junction of Baring Road and Downham Way. It is located across the road from Grove Park station and is surrounded by several small parades of shops, mainly anonymous blocks, which make up the Grove Park Local Centre. The

Downham Estate, a 1920s development, which spreads over much of the locality, adjoins Grove Park to the west of the hotel.

- 6.2 Grove Park as such came into existence after the arrival of the railway and construction of Grove Park station in 1870. Following this, a small selected estate of large villas for the middle class was developed to the west of Baring Road north of the railway tracks which remained surrounded by fields and farms until the beginning of the 20<sup>th</sup> century. The rural surrounding also appeared to make Grove Park an attractive location for day or weekend trips hence the construction of the Baring Hall Hotel.
- 6.3 The Hotel and station marked the southern entrance to the estate and no doubt constituted the public face of it. The Hotel is still in both scale and architectural quality the most significant building in the area and this landmark quality is enhanced by its prominent corner position. The estate was re-developed during the 20<sup>th</sup> century with only one villa remaining in a much altered form in Somertrees Avenue. A few remainders of Grove Park earliest development phase also remain at the eastern side of Baring Road south of the junction with Downham Way though none of them comparable in quality and state of preservation to the Hotel.
- 6.4 The Baring Hall Hotel is two storeys with a hipped roof and made of red brick. There are gabled dormer windows and a projecting gabled bay to the first floor and roof. There is a balcony to the front elevation with an iron balustrade and a pedimented entrance to the side. An extension was built in the 1950s that extends to the rear along Downham Way. The hotel sits on a generous plot with a large car park to the rear accessed via Downham Way.
- 6.5 The hotel is believed to have been built around 1880 when the Earl of Northbrook, Lord Baring, developed the southern part of his estate around the new Grove Park station. Norman Shaw's architectural practice was engaged to design the new hotel and it was his senior assistant, Ernest Newton who was responsible for the design of the hotel. Newton went on to have a distinguished career becoming President of the Royal Institute of British Architects (RIBA), a founding member of the Art Workers Guild and a Royal Academician. He was also awarded a CBE and became known as a distinguished Arts and Crafts architect. He was a local man, educated in Blackheath and responsible for several notable local buildings including St Swithun's Church in Hither Green Lane, the vicarage of which is already on Lewisham's Local List. The Baring Hall Hotel is an unusual example of a commercial building by Newton as he principally built substantial residential properties in Kent, Surrey and Sussex.
- 6.6 English Heritage were asked to statutorily list the building but considered it to be an early example of Newton's work lacking the qualities of his later work and as such did not meet the criteria for statutory listing. However, in the notification report English Heritage state that,

"The Baring Hall Hotel ...[is]...locally significant as a landmark and ...a handsome piece of street architecture..."

- 6.7 The building is prominently positioned on a busy road junction and as such makes a positive contribution to the local streetscape as a distinctive local landmark building. All four elevations are visible because of the corner plot it occupies and the architect has designed each to be viewed, not succumbing to using cheaper materials on its secondary elevations.
- 6.8 The hotel is the last remnant of the artist estate that Lord Northbrook envisaged with the redevelopment of his estate in this part of Grove Park. It is significant as evidence of the evolution of this suburb which is now dominated by early twentieth century residential properties.
- 6.9 To conclude the Baring Hall Hotel, by way of its historic, townscape and architectural qualities set out above is considered to meet the criteria adopted by Mayor and Cabinet and reproduced at Appendix 1 for locally listed buildings and officers therefore advise that it can be locally listed.
- 6.10 For the purposes of development control, that a building has been "locally listed" is a material consideration in the determination of subsequent planning applications involving the building.

## **7 Bringing the building's demolition within planning control**

- 7.1 Unlike statutorily listed buildings or buildings located in a conservation area, there are no controls over the demolition of a local listed building outside a conservation area. Demolition in certain circumstances is permitted development by reason of Part 31 of the General Permitted Development Order 1995. However, for development to be "permitted" under Part 31, an applicant must apply to the Local Planning Authority for a determination as to whether Prior Approval of the authority will be required to the method of demolition and any proposed restoration of the site. This prior approval relates only to demolition methods and re-instatement of the ground. It does not stretch to the principle demolition which is permitted by the Order if the Council is satisfied as to methods.
- 7.2 Given that the demolition of buildings such as this is development permitted by the General Permitted Development Order, the Council can only control the demolition through the removal of these permitted development rights by an Article 4 Direction. An Article 4 Direction, pursuant to the Town and Country Planning (General Permitted Development) Order 1995 ("the Order"), may be made to withdraw permitted development rights granted under Part 31 of Schedule 2 of that Order - which permits the demolition of buildings subject to certain conditions being satisfied. An "immediate" direction will withdraw rights immediately under Part 31 but is subject to confirmation following local consultation within 6 months, or else the direction will lapse. Paragraph 1 (a) of Article 6 of the Order contains a legal requirement that where an immediate direction is made the Council must consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. The relevant guidance on making Article 4 directions makes clear that such directions should not be

made without clear justification and that it is a power that should be used only in exceptional circumstances. Replacement Appendix D to Circular 9/95 states that there should be particularly strong justification for the withdrawal of permitted development rights relating to cases where prior approval powers are available to control the permitted development. In relation to Part 31, prior approval powers are available to control the permitted development including restoration following demolition.

- 7.3 The threshold for meeting the appropriate criteria for an Article 4 Direction are high; in that it needs to be demonstrated that the development proposed (demolishing the building) would be prejudicial to the proper planning of the area or constitute a threat to the amenities of the area.
- 7.4 The Council's saved policy URB20 seeks to ensure and encourage the preservation and enhancement of Locally Listed Buildings. Under Part 31 however the demolition of such undesignated heritage assets is permitted and as such there is no procedure in place in which the heritage value of these building in proposals for their loss or replacement can be given due consideration. This effectively undermines the Council's aims and proper planning for the protection of locally listed buildings.
- 7.5 The demolition of the Baring Hall Hotel is considered by officers to cause harm to the visual amenities of the area as it will result in the loss of a building of significant historic, townscape and architectural qualities. The building is a landmark and forms a significant part of the visual amenity of the area. This is even more the case were the building to be locally listed.
- 7.6 Overall, it is officers' opinion that the Council cannot plan properly for its area without having control over the demolition of Locally Listed Buildings. Furthermore the demolition of this local landmark will have a significant impact on the amenity of the area. Therefore, it is considered that an article 4 direction could be served to prevent the demolition. However, the impact on amenity and the proper planning of the area must be weighed against the financial implications arising from making the Direction in relation to the extent of the compensation payable, which are described below.

## **8 Compensation**

- 8.1 There is a further matter that the Council will need to consider before making an Article 4 direction in relation to this building. The withdrawal of permitted development rights by way of an Article 4 direction may give rise to the liability to compensate the developer. Any person interested in the land may seek compensation for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. The Town and Country Planning Act 1990 requires that a planning application should first have been made and permission refused or only granted subject to conditions other than those previously imposed by the development order. Compensation may be claimed not only by owners and tenants, but also by persons with a contractual right to use the land. Compensation liability arises even if the Council subsequently refuses to confirm the direction. If a direction is made

and an express planning application for demolition is refused or granted on conditions beyond those set out in the Order, the Council may be liable to compensate those with an interest in the property

- 8.3 An estimate of the level of compensation due is set out in Part 2 of the agenda.

## **9 Consultation**

9.1 It is the Council's normal practice to notify the building owners of the officers intention to report to the Mayor on local listing as well as the Article 4 Direction. The land owner has been notified and given an opportunity to respond. Any response will be reported verbally at the meeting.

9.2 If an Article 4 Direction was made this will trigger a formal consultation process. Representations following consultation are then taken into consideration when confirmation of the Order is considered.

## **10 Financial Implications**

10.1 There will be some administrative costs in advertising, mailings and printing the final documents associated with locally listing the building and making an Article 4 Direction. These costs can be contained within the existing 20010/11 Planning budget.

10.2 Section 108 of the Town and Country Planning Act 1990 makes provision for compensation to be paid by the local planning authority either:  
(1) if an application for development is refused which would normally have been permitted development before an Article 4 Direction was introduced; or  
(2) the LPA grants planning permission subject to more limiting conditions than the General Permitted Development Order 1995 would normally allow, as a result of an Article 4 (1) Direction being in place.

10.3 Section 107 sets out the method for assessing such compensation, which is strictly limited to the abortive costs associated with the planning application and any other loss, which is directly attributable to the Article 4 (1) Direction being made. The Council is only liable to pay compensation on planning applications made within 12 months of the Article 4 (1) Direction being introduced. The making of a Direction creates this right.

10.3 The estimated compensation payable on making an Article 4 direction is set out in Part 2 of this agenda.

## **11 Legal Implications**

Some of the legal implications are set out in the body of the report, in addition:

### **Locally Listing:**

- 11.1 The local list is a non-statutory list of buildings compiled by the Council. The local list is intended to recognise buildings which are not statutorily protected so that they can be properly considered when development proposals are submitted to the Council for determination. The Local List reinforces the Council's efforts to preserve the character and appearance of the buildings that are included on it. In adding a building to the list the Council is able to rely upon the well being powers contained within S2 of the Local Government Act 2000 (as amended).
- 11.2 Section 2 of the Local Government Act 2000 provides that every local authority has the power to do anything which they consider is likely to achieve any one or more of the following objects:
- (a) the promotion or improvement of the economic well-being of their area,
  - (b) the promotion or improvement of the social well-being of their area, and
  - (c) the promotion or improvement of the environmental well-being of their area
- 11.3 In determining whether or how to exercise the power set out above the Council is required by Section 2(3) to have regard to the Council's Sustainable Community Strategy. Such considerations are included in the body of this report.
- 11.4 There are no significant human rights implications associated with local listing given the limited effect of local listing and that it does not confer legal protection for buildings so listed.

#### **Article 4 Direction**

- 11.5. As previously stated in the report, an Article 4 Direction, pursuant to the Town and Country Planning (General Permitted Development) Order 1995 ("the Order"), may be made to withdraw permitted development rights granted under Part 31 of Schedule 2 of that Order - which permits the demolition of buildings subject to certain conditions being satisfied. An "immediate" direction will withdraw rights immediately under Part 31 but is subject to confirmation following local consultation within 6 months, or else the direction will lapse.
- 11.6 Paragraph 1 (a) of Article 6 of the Order contains a legal requirement that where an immediate direction is made the Council must consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. It is the view of the Borough Planning Officer, as set out in this report, that there are sufficient grounds for an Article 4 Direction.
- 11.7 The relevant guidance on making Article 4 directions makes clear that such directions should not be made without clear justification and that it is a power that should be used only in exceptional circumstances. Replacement Appendix D to Circular 9/95 states that there should be particularly strong justification for the withdrawal of permitted development rights relating to cases where prior approval powers are available to control the permitted development (Paragraph

2.4 of the Replacement Appendix D). In relation to Part 31, prior approval powers are available to control the permitted development including restoration following demolition.

- 11.8 If an Article 4 direction is to be made it is necessary for the Council to demonstrate the prejudice to the proper planning of the area or threat to amenities should permitted development rights be exercised and the hotel demolished. It is necessary for the Council to provide full reasons for considering it necessary, exceptionally, to withdraw these permitted development rights. These reasons would also need to be the subject of local consultation after the making of the Direction in order that the Council can determine whether to confirm the direction.
- 11.9 By virtue of the Local Government Act 2000 (as amended) and the associated Local Authorities (Functions and Responsibilities) (England ) Regulations 2000 (as amended) the making of an Article 4 Direction is the responsibility of the Mayor.
- 11.10 Under the Human Rights Act 1998, the Council must not act in a way which is incompatible with the rights referred to in the Act. There is an exception to this, in that the Council will not be acting unlawfully if Acts of Parliament mean that it can not act in any other way.

The relevant human rights in this instance are the:

- right to respect for the home, under Article 8; and
- right to peaceful enjoyment of possessions, under Article 1 of Protocol 1.

However, these rights are not absolute, and may lawfully be infringed in certain defined circumstances. Where infringement is permissible, it must occur in accordance with, or subject to the conditions provided for by the law. It must also be proportionate; ie, it must achieve a fair balance between competing interests and not go beyond what is strictly necessary to achieve the purpose involved.

In the case of Article 8, permitted infringements include those necessary for the protection of the rights and freedoms of others. With regard to Article 1 of Protocol 1, controls over the use of property are permissible where they are in the public interest. The right of a person to undertake changes to their properties, in reliance on permitted development rights, is covered by the exceptions to these two Articles.

As the Council's powers for controlling the exercise of permitted development rights are contained, and subject to the procedures set out, in the Town and Country Planning (General Permitted Development) Order 1995 (as amended) their use occurs within the provisions laid down by the law, and is proportionate. The effect of removal of permitted development rights is that a owner will need to obtain formal planning permission before undertaking the categories of work referred to in this report. This creates a further safeguard, in

that if planning permission is refused by the Council, then the usual right of appeal to the Secretary of State is available.

## 9. Crime and Disorder Implications

9.1 There are no direct crime and disorder implications.

## 10. Equalities Implications

10.1 Equal opportunities will be achieved by making the documents available equally to all and providing other formats when necessary. Documents will be available on the Council's website, in local libraries and displayed in planning reception.

## 11. Environmental Implications

11.1 The principle implicit in conservation management is to repair and maintain existing building elements rather than requiring the replacement and disposal of serviceable items to landfill. This reduces environmental impacts by retaining items and their embodied energy and not causing carbon dioxide emissions necessary for the manufacture and transportation of new items.

## 12 Conclusion

12.1 It has been argued in s6 above that the building merits Local List designation, and in s7 that there is a case to be made in principle for an Article 4 Direction taking away permitted development rights to demolish the building. However, as there is no budget provision for compensation on this site, and there are other locally listed buildings outside conservation areas whose redevelopment may give rise to similar claims, the saving of one unlisted building at such substantial cost is not considered to be justified, particularly in current financial circumstances. For these reasons the Article 4 Direction is not recommended.

## 12. Background documents and originator

Short Document	Title	Date	File Location	File Reference	Contact Officer	Exempt
PPS5 and Guidance		2010	Laurence House	Urban Design and Conservation	Phil Ashford	No
The London Plan		2004	Laurence House	Urban Design and Conservation	Phil Ashford	No
The Core Strategy		2011	Laurence House	Planning Policy	Brian Regan	No
UDP		2004	Laurence House	Planning Policy	Brian Regan	No
Planning Committee report		11 Aug 2011	Laurence House	Development Management	Geoff Whittington	No





**Appendix1 Objection letter and relevant correspondence**



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Laurence House  
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London SE6 4RU

LONDON BOROUGH OF LEWISHAM PLANNING SERVICE	
DATE REC'D	18 OCT 2011
CASE No	-----
REFD No	-----

13 October 2011

Dear Mr Ashford

**Baring Hall Hotel, 368 Baring Road, London SE12 0DU**  
**Direction under Article 4(1) Town and Country Planning (General Permitted Development) Order 1995**

We are instructed by the owners of the former Baring Hall Hotel ("BHH").

We refer to the Article 4(1) direction made on 15 September 2011 with respect to BHH and to the notice of that direction of the same date.

Our clients object to the making of the direction and to its possible confirmation. Their grounds for objection are set out in the two letters of objection we submitted prior to the meeting of the Mayor and Cabinet on 14 September 2011.

We note from the minutes of the meeting on 14 September 2011 that, amongst other things, the Mayor and Cabinet did not discuss your own prior advice (letter dated 9 March 2011) that the BHH is *not* of special architectural or historic interest.

Moreover, we fail to understand this aspect of the minutes: "The Mayor received advice from the Head of Law that any refusal of an Article 4 direction could not be over-riden by financial considerations." This letter is being copied to the Head of Law, from whom we invite prompt clarification.

Yours sincerely,

  
**CRUPLINS SOLICITORS**

cc: Kath Nicholson, Head of Law, London Borough of Lewisham, Town Hall, Catford, London SE6 4RU



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OUR REF: PC/SJ/5191

YOUR REF: PA

LONDON BOROUGH OF LEWISHAM PLANNING SERVICE	
DATE REC'D	13 SEP 2011
CASE No	-----
REGD No	-----

Phil Ashford

Design and Conservation Manager

Planning Service

London Borough of Lewisham

Laurence House

1 Catford Road, London SE6 4SW

*Sept*  
13 August 2011

Dear Mr Ashford

**Former Baring Hall Hotel**

**Meeting of the Mayor and Cabinet, 14 September 2011**

We are instructed by the owners of the former Baring Hall Hotel ("BHH").

We refer to our letter to the Council's Geoff Whittington dated 24 August 2011 and to your letter of the same date. This letter supplements the points already made in opposition to the possible local listing of the BHH and in opposition to the possible Article 4 direction. Please ensure that this letter and our letter dated 24 August 2011 are brought to the attention of the Mayor and Cabinet prior to and during the meeting on 14 September 2011.

Possible local listing

Paragraph 15 of the Guide to PPS5 emphasises the plan-making process as the most appropriate mechanism for identifying heritage assets and locally listing them. This mechanism is again emphasised in paragraph 27 in the guide to Policy HE2 in PPS5. The

Core Strategy and other development plan documents are further emphasised in paragraph 43 of the Guide.

The Council has only recently adopted its Core Strategy. Suffice it to say perhaps that the former BHH was not locally listed as a result of the lengthy process culminating in the adoption of the Core Strategy in 2011. This is a clear indication that the former BHH does not merit local listing. Nothing has changed since to cause the Council to reach the opposite conclusion.

You refer to Core Strategy Policy 16 in your letter. There is nothing in this policy or its accompanying text to support *additional* local listing above and beyond the already locally listed heritage assets which “will continue to be monitored, reviewed, enhanced and conserved”. You do not point to any government planning policy guidance, or any aspect of the London Plan policies, local policy or English Heritage best practice to support the new local listing of the former BHH after the adoption of the Core Strategy. The policy justification for Core Strategy 16 (paragraphs 7.159 to 7.166) refers to a wide number of documents including documents forming the Council’s heritage asset evidence base. It is telling that the former BHH was not locally listed as part of the Core Strategy process despite this evidence.

The report to the Mayor and Cabinet refers to the criteria for local listing, adopted in 2009. The Core Strategy was adopted in 2011. It is significant that the BHH was not included in the local list despite the adoption of the Core Strategy two years *after* the adoption of the criteria for local listing. To repeat, nothing has changed since the adoption of the Core Strategy to merit the local listing of the BHH after the event.

The officer report selectively quotes from English Heritage’s 10 January 2011 decision letter rejecting statutory listing. It fails to refer to your own follow-up letter of 9 March 2011 (copy enclosed). It is clear from this letter that you adopted English Heritage’s conclusion that the building is *not* of special architectural or historic interest. That is why you ruled out a building preservation notice. Moreover, you did not in any way suggest that the BHH merited local listing. Nothing has changed in the few short months since your own letter to have caused you (or the Council) reasonably to have changed your (or its) mind. In short, a building that was not of special architectural or historic interest as recently as March of this year cannot somehow have become a building of special architectural or historic interest a few short months later. The assertion in the officer report that the BHH meets the criteria for local listing is unsustainable and is completely contradicted by your own letter of only a few months ago.

Contrary to the terms of the officer report and recommendation, locally listing the BHH will not contribute to the “Clean, green and liveable” objective in the Sustainable Community Strategy. The BHH is derelict and vacant, and has been for over two years. There is no prospect of it being “liveable” again. Adding the BHH to the local list will only serve to increase the prospect of it remaining derelict and vacant. The redevelopment of the BHH, if permitted, would be sustainable and it would, to use your own words in your own letter,

provide much needed new homes. That is an important consideration in these difficult economic times.

Locally listing the former BHH now would therefore run entirely counter to the Council's own evidence base, its adoption of the Core Strategy, the terms of and justification for Policy 16, PPS5, your previous and recent advice on the building and the Council's Sustainable Community Strategy. We note again in this context that the proposal to locally list formed no part of the officer report or recommendation into the recently determined application for planning permission.

#### Article 4 direction

We are pleased to note the recommendation that the BHH should not be made the subject of an Article 4 direction.

We can confirm that our clients fully intend to make a substantial claim for compensation against the Council in the event of an Article 4 direction contrary to that recommendation.

Leaving aside the very important issue of compensation, there is no justification for an Article 4 direction in principle. We refer again to our letter dated 24 August 2011, and in particular the advice of Kevin Chadd in the Council's Legal Services department to the effect that the Council stands by its substantive determination that prior approval is not required for the demolition of the BHH.

We would also refer to paragraph 47 of the Guide to PPS5, in particular to the test of "fully and properly justified" in connection with proposed Article 4 directions. That test is plainly not met in this case.

#### General

So far as both issues above are concerned, you will appreciate that the former BHH is a derelict and vacant former public house. It was closed by the former owners, Punch Taverns, in August 2009 following an incident of arson. Punch Taverns tried in vain to secure a new tenant/manager but was hamstrung by the public house's poor reputation. The previous two managers had been violently attacked with pool cues. The public house was synonymous with anti-social behaviour and worse, and the police would doubtless oppose its reopening. There is in any event no prospect of its reopening. The building was marketed by Christies for over two years without success. An earlier marketing report commissioned by Punch Taverns likewise concluded that no-one wanted to take on the lease. By contrast, the proposed development the subject of the refused planning application would bring with it significant regeneration benefits. If the building is not permitted to be redeveloped it will simply remain vacant and derelict.

We are very surprised and concerned that the report to the Mayor and Cabinet fails to highlight the officer support for the proposed redevelopment of the former BHH as a result of its merits. There is no reference in the report to the officer support for and recommendation of planning permission both at the initial planning committee meeting on 30 June 2011 and at

the subsequent meeting on 11 August 2011. Prior to this and support recommendation, the design, scale, siting and impact of the proposed redevelopment were discussed and agreed in the course of multiple pre-application discussions.

We trust that reason and evidence will prevail, and that the Council will decline to locally list the building and that it will decline to make an Article 4 direction.

Yours sincerely,

A handwritten signature in black ink, appearing to be a stylized 'C' followed by a series of loops and a horizontal line.

CRUMPLINS SOLICITORS

Enclosed: your letter dated 9 March 2011

cc Kevin Chadd, Legal Services



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*www.crumplinsolicitors.fsnet.co.uk*

Geoff Whittington

London Borough of Lewisham

Planning Service

Laurence House

1 Catford Road

London SE6 4SW

24 August 2011

Your ref: LE/302/M/TP

Dear Mr Whittington

**BARING HALL HOTEL, 368 BARING ROAD, LONDON SE12 0DU**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)  
ORDER 1995 ("1995 Order"), SCHEDULE 2, PART 31**

We are instructed by Stuart Jackson and Daire Gilmore. We refer to their previous application received by you on 18 July 2011, and to the consent order whereby the determination dated 10 August 2011 is quashed.

Part 31 of Schedule 2 to the 1995 Order

Our clients hereby pursue their application for a determination under Part 31 of Schedule 2 to the 1995 Order as to whether the prior approval of the Council is required in connection with the proposed demolition of the Baring Hall Hotel followed by restoration. We enclose, simply for completeness, the original application form, drawing numbers 400-403 and 600, Method Statement, prior validation, prior payment receipt and Building Control checklist. We also enclose a photograph of a fresh site notice, which was posted on site on 23 August 2011 and which will be clearly and correctly displayed on site and in place for not less than 21 days in the period of 28 days beginning with the date on which the pursued application was submitted. The site notice indicates the revised date on which the applicants propose to



carry out the demolition. The expected completion date is five weeks after the proposed commencement date of 21 September 2011. You have previously been supplied with a written description of the proposed development, which is unchanged.

Given the Council's error in determining the original application, there can be no question of a further fee.

Please confirm by return that the resubmitted application is in order. You will note that the consent order does not preclude a resubmitted application at this stage.

Please ensure that this resubmitted application is determined in due course, in accordance with the 1995 Order and the consent order, by the officer with delegated authority under the Council's scheme of delegation.

We can see no reason why the Council should not again determine that prior approval for the demolition of the Baring Hall Hotel followed by restoration is not required.

When the Council has again determined that prior approval for the demolition of the Baring Hall Hotel followed by restoration is not required, please forward to this firm written notice of that determination (Condition A.2(b)(v)(aa) of Part 31, Schedule 2 to the 1995 Order).

#### Local listing

Your officer report dated 11 August 2011 (applications DC/10/75499, as amended, and DC/10/75499B) did not recommend the "local listing" of the Baring Hall Hotel. Nevertheless, we understand that at the Planning Committee A meeting on that date members purported, without consulting our clients, to add the Baring Hall Hotel to the Council's "local list" or to recommend that it should be so added. Are you able to confirm our understanding? You will recall that the Council's own specialist officer has previously advised against local listing of the building, and that English Heritage has previously refused to add the building to the statutory list of listed buildings.

Please provide details of the statutory or policy basis for the Council's "local list" together with details of the procedure ordinarily adopted by the Council for the "local listing" of a building.

Please also provide the minutes of the meeting on 11 August 2011, together with a copy of the formal decision notice or notices in connection with the above applications.

#### Injunction Order

On 19 August 2011, Mr Justice Wyn Williams ordered that the injunction order made on 16 August 2011 shall continue until the hearing of the claim for judicial review or further order.

In the light of the consent order, there will be no hearing of the claim for judicial review.

Our clients hereby give a formal undertaking that the Baring Hall Hotel will not be demolished until one of the events in Condition A.2(b)(v) of Part 31, Schedule 2 to the 1995

Order has occurred. In the light of that undertaking, we invite the Council to consent to a further court order whereby the injunction order is discharged. We can see no reason why the Council would not consent given that formal undertaking. If the Council does not consent, please provide reasons for withholding consent. We reserve the right to draw this letter to the attention of the court on the question of costs, should our clients need to submit a contested application for the discharge of the injunction order. If the Council (and the Grove Park Community Group) does consent, we will supply a draft consent order for signing and then filing at court.

#### Article 4 direction

We note (letter dated 23 August 2011) that the Grove Park Community Group is pursuing its request that the Council makes an Article 4 direction (subject to immediate effect under Article 6) pursuant to the 1995 Order.

There is no merit in this request.

As Mr Chadd has previously explained (his letter of 18 August 2011), the only reason the Council consented to the quashing of the 10 August 2011 letter was because of the technicality that the wrong officer determined our clients' application. It follows that the Council stands by its substantive determination that prior approval is not required.

The meeting of Planning Committee A on 11 August 2011 does not justify an Article 4 direction. As Mr Chadd also explained in his letter, the refusal of planning permission does not remove permitted development rights granted by the 1995 Order. Moreover, the purported resolution as to local listing at the meeting was carried without any recommendation to that effect, it was contrary to the advice of the Council's specialist officer and it was carried without reference to our clients. It remains to be seen whether that purported resolution was also contrary to the Council's own policy and procedure for local listing.

We would remind you of the terms of Appendix D to Circular 9/95, which makes it clear that permitted development rights have been endorsed by Parliament, that they should not be withdrawn locally without compelling reasons and that generally they should be withdrawn only in exceptional circumstances.

Our clients reserve the right to challenge any Article 4 direction.

#### Secretary of State screening direction

We note that the Grove Park Community Group has now requested a screening direction from the Secretary of State as to whether or not the proposed demolition and redevelopment of the Baring Hall Hotel is EIA development, albeit without pointing to any legal provision entitling it to make such a request. We trust that, like our clients, the Council will be writing to the Secretary of State to oppose that request.

#### Status of Grove Park Community Group

We note that the Grove Park Community Group is an unincorporated association and registered charity, which receives much of its funding from the Council. We are concerned by the fact that we have seen no evidence that the Group has had prior authorisation or advice from the Charity Commission in connection with its litigation and actions to prevent the demolition and redevelopment of the Baring Hall Hotel. We are further concerned by the fact that we have seen no evidence that the charity's trustees have authorised this litigation and actions. It is our understanding that the trustees should have been made parties to the litigation. We are also concerned by the fact that the Group's litigation and actions appear to fall outside its charitable purposes. We suggest that these matters ought to be drawn to the attention of those officers or members responsible for the Group's funding.

#### Conclusion

Given that this letter raises a number of legal issues, and given that there has been prior solicitor-solicitor correspondence, a copy has been supplied to Kevin Chadd in the Council's Legal Services department. We appreciate that he may be best placed to respond to some of the points in this letter.

We await hearing from you.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a horizontal line extending to the right.

CRUMPLINS SOLICITORS



Mr S F Kenny  
189 Baring Road  
Lee  
London SE12 0LD

Phil Ashford  
Planning Service  
Laurence House  
1 Catford Road  
London SE6 4SW

direct line 020 8314 8533  
fax 020 8314 3127  
[phil.ashford@lewisham.gov.uk](mailto:phil.ashford@lewisham.gov.uk)

date 9 March 2011  
our reference  
your reference

Dear Mr Kenny

**Re:Baring Hall Hotel**

Thank you for your letter of 21 February and I apologise for not having replied earlier.

I note your comments about the building but the Council does not have the powers to 'spot list' it. Listing is carried out by central government on advice from English Heritage who as you know have already been asked to list the building but do not consider that it merits it.

It would also be improper for the Council to serve a building preservation notice, effectively a temporary form of listing, on the building in the knowledge that English Heritage do not consider it to be of special architectural or historic interest.

The merits for and against the retention of the building, and the quality of its proposed replacement, will be given due consideration in the forthcoming report on the application to the Planning Committee. I appreciate your argument about the building's contribution to the area's character, but should planning permission for its redevelopment be granted, then perhaps its replacement will also come to be seen as a familiar landmark in time, as well as providing much needed new homes.

Yours sincerely

Phil Ashford  
Conservation and Urban Design Manager

Cc Geoff Whittington

[www.lewisham.gov.uk](http://www.lewisham.gov.uk)

<b>Chief Officer Confirmation of Report Submission</b>		
<b>Cabinet Member Confirmation of Briefing</b>		
<b>Report for: Mayor</b>		<input type="checkbox"/>
<b>Mayor and Cabinet</b>		<input checked="" type="checkbox"/>
<b>Mayor and Cabinet (Contracts)</b>		<input type="checkbox"/>
<b>Executive Director</b>		<input type="checkbox"/>
<b>Information</b>	<input type="checkbox"/> <b>Part 1</b>	<input checked="" type="checkbox"/> <b>Part 2</b>
		<input type="checkbox"/> <b>Key Decision</b>

<b>Date of Meeting</b>	18 <sup>th</sup> January 2012
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<b>Title of Report</b>	Future of Housing in Lewisham
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<b>Originator of Report</b>	Genevieve Macklin	<b>46057</b>
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	X	
Legal Comments from the Head of Law	X	
Crime & Disorder Implications	X	
Environmental Implications	X	
Equality Implications/Impact Assessment (as appropriate)	X	
Confirmed Adherence to Budget & Policy Framework	X	
Risk Assessment Comments (as appropriate)		
Reason for Urgency (as appropriate)		

Signed: Susan Wise Executive Member

Date: 30th December 2011

Signed: Kevin Gledhill Director/Head of Service

Date: 5/1/2012

**Control Record by Committee Support**

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

<b>MAYOR AND CABINET</b>		
<b>Report Title</b>	Housing Challenges and Opportunities	
<b>Key Decision</b>	Yes	Item No.
<b>Ward</b>	All	
<b>Contributors</b>	Executive Director for Customer Services, Executive Director for Resources, Head of Law	
<b>Class</b>	Open	Date: 18 January 2012

## 1. Purpose

- 1.1 Due to changes in central government policy, legislation and the wider economy there are considerable challenges facing people in acute housing need as well as those on low and middle incomes who are falling between the gap in the rented and home ownership markets.
- 1.2 The most significant financial change is the proposed housing self financing regime which will take effect in April 2012. The principal effect of this change will be to increase the range of options available to the Council to achieve its housing goals around investment in existing homes and new supply of housing.
- 1.3 There is a significant shortage of housing supply nationally, regionally and locally. Over the next 20 years the mismatch between new households forming and the projected supply of new housing in Lewisham means the shortage of housing could be as much as 15,000 units. The requirement for investment in existing homes is also considerable with 55% non decency in the social housing units owned by the Council and 37% non decency in the private rented sector.
- 1.4 This report sets out the level of investment required in existing council owned housing and the significant shortfall in housing supply that we are currently experiencing and expect to continue to experience going forward. In that context the report sets out a review of the demographic and economic changes, the predictions for population and household growth and explores the options available to address the shortfall in funding for investing in new and existing homes. In focusing on the options that will become available through the new self financing regime the report sets out a high-level assessment of the options and their implications for the Council.

## 2. Recommendations

The Mayor is recommended to:

- 2.1 Note the current and projected strategic housing demands and supply in the borough.
- 2.2 Note the implications of changes to the local authority housing finance regime set out in Section 7 and consider the range of options for delivering its housing investment goals set out at Section 8.

- 2.3 Agree that a full technical and legal appraisal should be undertaken on how these policy challenges might be addressed to include the following two main options and the variants within each:
- **Council retains ownership of the housing stock including** – stay as we are, bring Lewisham Homes back into Council Management and develop a further PFI
  - **Council transfers ownership to another organisation including** – partial stock transfer, full stock transfer to an existing Housing Association, setting up a Co-op, Community Gateway or Council and Community Owned (CoCo) vehicle or setting up a Joint Venture vehicle
- 2.4 Agree to provide one-off funding of £0.5m from corporate resources to finance this appraisal.
- 2.5 Note that at the present time it is difficult to quantify the cost of carrying out this appraisal, and that although officers will seek to minimise the costs the complexity and importance of the decision is such that requests for further funding might be required.
- 2.6 Agree that should any other funding model become available during the appraisal period that it is given consideration.
- 2.7 Agree that the findings of this exercise should be reported back to M&C for a final decision.

### **3. Policy Context**

- 3.1 Addressing issues relating to the quality and quantity of housing stock in the borough relates directly to the Council's Sustainable Communities Strategy (clean, green and liveable) and to the Council's corporate priorities (decent homes for all).

### **4. Background**

- 4.1 The Council undertook a comprehensive stock options appraisal in 2003 to determine how the Council was going to meet the Government's Decent Homes Standard by 2010. The government issued guidance to local authorities outlining the options available to meet the standard – Arms Length Management Organisation, PFI, and stock transfer. The Council's appraisal was subsequently approved by the Government Office for London (GoL) in 2005.
- 4.2 Residents were placed firmly at the hub of the appraisal process with the establishment of the Stock Options Appraisal Steering Group (SOASG) in December 2003, which guided the process from the beginning. The SOASG was made up of eight resident representatives (seven tenants and one leaseholder), alongside the Deputy Mayor as lead Member for Regeneration and the Cabinet Member for Housing.
- 4.3 To inform the stock appraisal process, the Council engaged consultants Savills to update the 2003 stock condition survey and PwC to provide financial advice on the Council's current investment gap and the financial viability of the options available.
- 4.4 The independent tenants' advisor, PPCR was appointed by the Tenants Strategy Group in November 2003 to support and advise the core group of resident representatives through the stock options appraisal process as well as raising awareness of the stock options appraisal process across the wider Lewisham community.

- 4.5 Key strategies were developed in partnership with SOASG to ensure tenant engagement throughout the process:
- Tenants' Empowerment Strategy
  - Communications and Consultation strategy
  - A campaign identity was designed and applied from the start of the process and used for all printed materials, exhibition stands and information points, web pages, presentations and newspaper advertising.
  - Bespoke Leaflets were delivered updating residents on the stock options process, along with factsheets detailing the investment options
  - Adverts on radios, newspaper adverts, press releases
  - 27 Decent Home Roadshows were sited in estates and busy shopping areas which engaged over 250 residents.
  - 15 'Home from Home' events, which took place in busy shopping and leisure venues across the borough, which engaged over 700 residents
  - Visit to showflats
  - Hard to Reach Strategy
  - Equalities Impact Assessment (EIA) on the Stock Options Appraisal Process
- 4.6 The consultation with residents during this two year period about their aspirations for their homes and wider neighbourhoods led to the development of the Council's mixed approach to achieving decent homes i.e. our borough wide ALMO – Lewisham Homes, Brockley PFI, nine stock transfers including a stock transfer under the Community Gateway Model to Phoenix Community Housing.
- 4.7 Transfers have only taken place where popular support for doing so has been established by a ballot of tenants. However there is still a backlog of repair and improvement works, and at present 55 per cent of housing stock does not yet meet the Decent Homes Standard.
- 4.8 To date, the Council has carried out 9 stock transfers to four housing providers – Hyde, L&Q, Broomleigh (Affinity Sutton) and Phoenix Community Housing. In April 2005 Lewisham's stock totalled 31,793. The total number of homes transferred to the above providers is 12,273 with a further 1,800 homes in the Brockley PFI. The remaining 18,000 homes are in Lewisham Homes (approximately 13,000 tenanted and 5,000 leaseholders).
- 4.9 More than £260 million has been attracted to the borough through the stock transfers and PFI to invest in decent homes and wider environmental improvements.
- 4.10 The Department for Communities and Local Government (DCLG) published formal proposals for reform of the housing finance regime for local authorities late in 2010. The details of the new regime, known as self-financing, are now known and the relevant legislation has been enacted and hence the impact on the Council's options and future housing strategy can be assessed. The proposals will have significant impacts for the delivery of the Council's investment requirements in relation to existing housing and new supply, including the delivery of the Decent Homes Programme.
- 4.11 There will be two principal effects of reform. First, it will remove the existing system of national subsidies, passing to local authorities the opportunities and risks of managing housing finance. Second, it will create, if the Council so chooses, the opportunity to borrow money against future rents in order to finance delivery of housing policy objectives. In the short to medium-term, therefore, the Council will need to make long-



term decisions as to its housing policy. These will include but not be limited to the relative priority it places on the various goals it might pursue (such as the decent homes programme, building new housing stock, investing in more specialised forms of housing such as sheltered and extra care), its rent setting and financing policy and the form of organisation that might best deliver these objectives.

- 4.12 Once the technical, financial and legal evaluations of the options as set out in Section 8 of this report have been completed consultation with residents and tenants will be undertaken.

## **5. Housing supply and demand in Lewisham**

- 5.1 The Office for National Statistics projects that the number of people living in Lewisham will grow by 23,500 people (11 per cent) by 2030. The Department for Communities and Local Government (CLG) projects that the number of households in the borough will grow far more quickly, by 37,000 households (34 per cent) by 2033. The CLG projection is derived purely by extrapolating past trends of household formation and dissolution, and takes no account of the practical ways in which policy choices and limited housing availability will slow or stop those trends. Nonetheless, the significant discrepancy between the CLG household projection and the ONS population projection demonstrates the impact that social and lifestyle choices are having on household growth. As people increasingly stay single for longer, form families later there is a tendency towards smaller household sizes and therefore demand is increasing at a greater rate than population growth would suggest.

- 5.2 The CLG projections based on past trends show how the demand in the Lewisham housing economy may change over the coming 20 years. As noted, these projections are based on past trends alone and as such caution should be exercised when drawing conclusions from them. Nonetheless they provide a useful basis for understanding how current demographic trends may impact on housing demand in the future. The key points are as follows:

- The number of households in Lewisham is projected to grow faster than the London and national averages
- Lewisham will see particularly strong growth among households aged 35 – 55
- Lewisham will not see the same pressure for housing for older people that will be the case nationally
- There is an increasing trend towards smaller household sizes, with the greatest increases amongst single person households, including lone mothers, and real decreases in the number of couples.

- 5.3 The total housing stock in Lewisham is 117,000. Of these:

- 32,000 units (28%) are social housing
- 34,000 units (29%) are private rented
- 51,000 units (43%) are owner occupied.

- 5.4 Of the Council's own stock 55% does not meet the decent homes standard, compared to 37% of the private rented sector, although 18% of the total private rented stock has category one hazards which the council has a statutory responsibility to address. The council also has 538 units of sheltered and extra care housing, the condition of which is generally below standard.

- 5.5 The national and the local housing economies have undergone significant changes over the past 15 years. A period of substantial price inflation, running from the mid-

1990s until the recession in 2007, increased the average house price in Lewisham by 250 per cent. The median wage increased by 50 per cent over the same period and as a result housing has become increasingly unaffordable, particularly for first time buyers. House prices have since stabilised, but mortgage finance has been rationed, deposit requirements have increased, and with personal debts still high the ability of most first time buyers to save large deposits is severely constrained.

- 5.6 Current planning projections show that a net 16,500 new dwellings will be built over the coming 15 years, of which up to 6,600 (40 per cent) will be either social or intermediate housing. However the recession and the subsequent period of subdued economic growth nationally means that many developments which were marginally viable during the years of price inflation are no longer viable in this period of economic uncertainty, or they are commercially viable only if expectations for the provision of affordable housing are reduced.
- 5.7 Over the past 15 years, high levels of demand and constraints on land availability have driven above-average growth in house prices across London, including in Lewisham, and this has limited affordability for residents. In 1997 the average house price in Lewisham was £73,789 and the median salary was £16,120, a price to income ratio of nearly 5:1. By 2010, and despite the downturn in the broader economy, the average house price in the borough had increased to £255,351 and the median income had increased to £23,592, resulting in a doubling of the price to income ratio to almost 11:1.
- 5.8 House prices have since stabilised, but mortgage finance is increasingly rationed and deposit requirements have increased. To be able to purchase a property in the lowest 25 per cent of prices in Lewisham in 2010, a single resident would need to be earning at least at the level of the highest 25 per cent of earners (£40k p.a. or more), qualify for a 75 per cent loan-to-value mortgage, and have saved £1 in every £5 that they had earned for 7 years or have other access to the £45k deposit. With personal debt levels still high - £1,700 for every adult in the UK aged 18 or older, compared to £1,000 in 1997 – this rate of saving is unlikely, and first time buyers are increasingly reliant on family support to access home ownership.
- 5.9 In combination, these factors have led to a significant shift towards private rental in the Lewisham housing economy. The number of private rental dwellings in Lewisham doubled from 15,500 in 2001 to 31,300 in 2010, while there were slight falls to the number of owner occupied and social rented dwellings. The net effect of these changes is that the private rented sector now plays nearly as large a part (28 per cent) in the Lewisham housing economy as does the social rented sector (31 per cent).
- 5.10 As stated earlier the latest Planning projections show that the total housing stock in Lewisham will increase by 16,500 (15 per cent) by 2027. The estimates set out previously suggest that an additional 37,000 households will form in the borough over the next 20 years, and there is therefore a shortage in gross supply. In addition there may be a shortage of supply in specific tenure types. Past trends and London Plan targets suggest that between 3,000 and 4,000 of the additional units will be social rental units. As noted, currently there are 6,745 households with a housing priority on the housing register and so it is likely that there will be insufficient supply to meet these already existing specific needs, let alone any new households developing such needs over this time period.

- 5.11 The recession and the subsequent period of subdued economic growth nationally means that many developments which were marginally viable during the years of price inflation are no longer commercially viable in this period of economic uncertainty, or they are viable only if expectations for the provision of affordable housing are reduced. As a result, the projections set out above – and especially those over the longer term – should not be viewed as certain to take place.
- 5.12 Given this context, officers are continuing to explore all available options for encouraging appropriate public and private sector investment in new house building, for example by using Council land to deliver private sector investment and by working with local housing providers to identify opportunities to secure new homes on their existing land. Officers are also working with the Homes & Communities Agency to explore whether and how sites in the borough can be used to deliver sustainable development via financial guarantees or prudential borrowing. Officers will continue to recommend that these measures are undertaken to unblock development schemes and deliver new housing, whenever they would be both necessary and prudent.

## **6. Strategic challenges for housing in Lewisham**

- 6.1 The two biggest challenges are the shortfall in housing supply to help meet people's needs and aspirations and the need to invest in existing homes to ensure our current households live in homes that are up to modern day standards.
- 6.2 The challenges in relation to quality and decency are reflected in the fact that 55 per cent of the Council's housing stock does not meet the Decent Homes Standard. In addition the quality and design of the Council's Sheltered Housing and Extra Care provision need to be urgently addressed in the short to medium term. These properties contain shared facilities and bedsits, which is an outdated approach, and many are contained within schemes which have been assessed as being too small to be viable. Investment in all of this current stock is required.
- 6.3 Over the next 20 years the mismatch between new households forming and the projected supply of new housing means the shortage of housing could be as much as 15,000 units.
- 6.4 There are currently 16,566 households on the housing register in total, of which 6,745 (41%) have a housing priority (i.e. are in bands 1-3). However only 1,203 general needs lettings are expected during 2011/12, and as such ensuring fair access to a limited supply of social and affordable housing will continue to be a key strategic challenge, as will be finding appropriate solutions for the 1,000 homeless households in temporary accommodation. Households in need can often wait many years before a suitable home becomes available.
- 6.5 Current demand exceeds supply across all tenures. The Strategic Housing Market Assessment undertaken in 2007 found that there would be a net requirement for 6,800 homes across all tenures up until 2012. At the end of March 2011 4,409 homes had been completed with a further 826 due by March 2012, representing a shortfall of 1,435. The Council will need to continue to take all possible steps to increase supply across all tenures.
- 6.6 The importance of the private rented sector is increasing in the Lewisham housing economy. As a result of this and the shortage in housing supply the Council is taking steps to be able to better access private rented sector housing to discharge its

statutory duties, and to promote quality standards, aligned with London standards wherever possible. To this end the Council is intending to establish a Social Lettings Agency / Private Rented Sector Unit to improve quality, security, affordability and the use of the private rented sector,

- 6.7 The following sections outline the impact of finance reform and set out in principle the options that will be available to the Council to finance measures to resolve some of these challenges. At present it does not appear likely that sufficient financing will be available to address all of these challenges, at least immediately, and consideration will therefore need to be given to the appropriate sequence in which these challenges are to be addressed.

## **7. Housing finance reform**

- 7.1 Local authority housing finance has, since the enactment of the Local Government and Housing Act 1989, been driven by the 'housing subsidy' system. In essence this compared the costs of managing and maintaining housing stock against the rental income it generated, resulting in nationally redistributive payments from authorities with income in excess of costs to those with higher costs than income.
- 7.2 The precise details of the system were highly complex. It did not incentivise authorities to take long-term asset management decisions, or facilitate investment to the level required in the areas most needing it. Its high degree of central control over often relatively minor local decisions also made it expensive to administer. In Lewisham's particular case, had the system continued, by 2013/14 the Council would have been required to make payments rather than receive subsidies, despite the relatively poor condition of its stock.
- 7.3 The new self-financing system has its own complexities, but its implementation represents a significant opportunity for the Council. On 1 April 2012 the Council will receive a one-off settlement of its housing debt. Current debt of £220m will be reduced to £85m. However, a borrowing cap of £129m will be introduced, retaining some central control over total public sector borrowing.
- 7.4 Decisions about investment, borrowing and financing can then be made locally, subject to this cap. Normal principles of decision making will remain, in particular that any new borrowing must be prudent, affordable and sustainable. As housing rents will be the only significant income stream under the new system it is critical to note that new borrowing will, all other things being equal, tend to increase the upward pressure on future rents. Local authorities will also bear the risk on changes in interest rates in respect of any borrowing they undertake, whereas at present these are funded through the housing subsidy system.
- 7.5 In the medium-term the existing 'convergence' controls over future increases in rents will apply, with rents expected to rise by the formula driven calculation of RPI inflation plus 0.5% plus £2 per week. The Government has recently confirmed that its strong expectation is that Councils will continue to increase rents in line with this formula. Under the subsidy system there were automatic financial penalties for not doing so. It is unclear what sanctions might apply under self-financing. However, it is important to note that the underlying mathematical algorithms which have been used to calculate the debt settlements in self-financing are based on an assumptions that rents will be increased in line with this formula.

- 7.6 Under the new system local authorities will have the freedom to invest in their stock as they consider best meets their strategic objectives and long-term asset management requirements. Decisions about the relative priority of issues such as the decent homes programme, investment in new stock, investment in long-term asset management (e.g. energy efficiency measures, lift and boiler replacements and so on) rent levels, acceptable interest rate risks and other factors will rest with the Council and have to be made in due course.
- 7.7 It is unlikely that the Council will be able to meet every possible aspiration for its housing stock. It therefore follows that decisions as to the relative priority of these options will become critical matters for the Council, in a way that the previous housing subsidy system never facilitated.

## **8 High-level appraisal of the options housing finance reform presents**

- 8.1 This section outlines the range of options that will become available as a result of housing finance reform, and provides a high-level assessment of how each might contribute towards meeting the challenges set out previously.
- 8.2 Under any of the models under consideration the Council would have the flexibility to choose its priorities for capital investment. To avoid presenting an unnecessarily complicated appraisal the numerous theoretical combinations of choices are not detailed here, but the essential features of the flexibility and resource constraints are picked up in the initial assessment of the strengths and weaknesses of each option. It is important to stress that this is an initial appraisal only. Significantly more due diligence would be required before a complete appraisal could be completed.
- 8.3 It is of critical importance that we acknowledge that this model is at this stage highly sensitive to changes in the baseline assumptions. For example, officers have assumed that the £94.5m of previously announced backlog Decent Homes funding will be made available in CSR12. The actual theoretical range is between £25m (the amount already guaranteed) and £186m (the amount the Council bid for). Whilst funding at either of these extremes is perhaps highly unlikely it is a possibility. Were it to be realised very different conclusions might be drawn from the full option appraisal recommended by way of this report. The capital costs of decent homes and lifecycle works are similarly capable of significant variation, again with the capability of fundamentally affecting the conclusions to be drawn from the full option appraisal. Decisions about rent setting policy are also capable of having a similar effect.
- 8.4 In general terms, the more pessimistic one's assumptions are about future financing and costs the more likely it is that the conclusion to be drawn from any appraisal is that the Council should seek some significant change to its current housing management arrangements. The current 'baseline' case (summarised below) provides sufficient resources to deliver the basic requirements to address the decent homes backlog and undertake some improvements to sheltered housing in the first five years. Other models can potentially enhance this offer through additional borrowing in one form or another, with all the attendant risks. There is therefore a reasonable expectation that following the full option appraisal a choice could be made between reasonable alternatives, each with their own different set of strengths and weaknesses.
- 8.5 If, however, significantly more pessimistic assumptions about future financing, capital costs and so on were to be made then it would not be possible to deliver the decent homes programme and sheltered housing improvements in a reasonable period of

time (in the baseline case). If significantly more optimistic assumptions were to be made then the baseline case could provide such significant resources for investment that further option appraisals of other financial models might be deemed unnecessary. It is for this reason that the only firm conclusion to be drawn from the appraisal at this stage is that further resources should be committed to a more substantial appraisal of all of the options.

8.6 There are two main options with variations contained within each of the options as follows:

**Option 1: Council retains ownership of the housing stock including** – stay as we are, bring Lewisham Homes back into Council Management and develop a further PFI

**Option 2: Council transfers ownership to another organisation including** – partial stock transfer, full stock transfer to an existing Housing Association, setting up a Co-op, Community Gateway or Council and Community Owned (CoCo) vehicle or setting up a Joint Venture vehicle

8.7 These options are further explored below.

### **The baseline model**

8.8 The cost of bringing all of the Council owned social housing to the Decent Homes standard was estimated at £186m when the original proposals were submitted as part of the bid to create an ALMO. It will be possible to refine this estimate over time by comparing actual costs for completed properties to the modelled costs and/or by commissioning more detailed stock surveys. At the moment this remains the best available estimate of the cost of achieving the decent homes standard for Council owned social housing.

8.9 In addition the cost of bringing the Council's sheltered and extra care housing up to an appropriate standard needs to be taken into account. Many of the 20 schemes require more than just decent homes investment. They are in need of fundamental redesign and refurbishment works to bring them up to modern day standards. Estimates of the cost of this are less certain. Officers' current working assumption is that the total cost would be £50m, of which up to £8m may have already been accounted for in the decent homes bid referred to above. This figure needs considerable refinement.

8.10 The other broad policy that the Council might wish to pursue is building new Council owned properties for social rent. Estimates of the cost of this would need to be significantly refined, but a high level figure might be between £150,000 and £225,000 per unit of new build.

8.11 The baseline model's ability to finance delivery of any or all of these goals is constrained by the limitation on its borrowing capacity. This limitation is imposed by central government as part of the self-financing system. In theory (and subject to due diligence) the Council, if unconstrained by this, could borrow significantly more in order to finance capital works whilst still ensuring that the borrowing was prudent and sustainable.

8.12 On current information the Council will receive £94.5m funding from DCLG to address backlog maintenance needs in its housing stock between 2011/12 and 2014/15. However, of this only £25.5m, to be received in 2011/12 and 2012/13, is guaranteed. An announcement on the balance is expected as part of the Comprehensive Spending Review 2012 (CSR12). This will presumably be contingent on the government's

assessment of the economy at that point in time, its political priorities and also on its assessment of the Council's performance in delivering to the Decent Homes standard. Only this last measure is within the Council's control.

- 8.13 CSR12 is also expected to contain details of backlog funding beyond 2014/15, if any. Officers will continue to make strong representations to DCLG and other agencies that as other ALMOs previously received 100% of their backlog funding Lewisham should also receive the full £186m. However, for the purposes of this initial appraisal officers have assumed that the £94.5m already announced will be received in full, but that no further backlog funding will be received.
- 8.14 In addition to this backlog funding the budget projections under the baseline model to 2016/17 show that required capital investment in lifecycle and related works of £38m could be financed and that £23m would be available to fund investments in sheltered housing and/or new build, according to the policy priority. This would entail taking on new borrowing up to the level of the debt cap.
- 8.15 The other key assumptions in the baseline model are that:
- Other than those already proposed for 2012/13 no further base budget savings could be delivered within the HRA after the introduction of self-financing, other than those reflecting reductions in stock. This assumption is for the purposes of prudent financial modelling, and does not imply that officers will not seek to identify savings and efficiencies.
  - The cost of lifecycle capital works and planned preventative maintenance over the first five years of the new settlement could be contained within the £38m referred to above. Lewisham Homes' officers have indicated that they are concerned that the actual requirement may be of the order of £3m p.a. higher than this, although further work would be required to verify this.
  - The costs of works to leaseholders' properties are recovered (to the extent that this is permissible under the relevant legislation). Given that a significantly enhanced programme of decent homes works is envisaged this has been assumed to be £28m (after prudent discounting for non collection) over the period to 2016/17.
  - Rents would continue to rise in line with the formula until at least 2015/16, i.e. at around 7% in 2012/13 and, based on the Bank of England's Monetary Policy Committee's (MPC) long-range inflation forecast, at around four to five per cent per annum thereafter; and that after 2015/16 rents would rise at inflation plus 0.5% for investment.
  - Actual inflation costs for the foreseeable future would be 1% on salaries and 2.5% on other costs, in line with budget assumptions for 2012/13 and MPC forecasts. The outcomes of the initial appraisal are not very sensitive to changes in the inflation assumptions, because costs and income (i.e. rent) would tend to move in line with each other. The outcome of the model is however highly sensitive to any change in the assumption that rents would be increased by the formula amount.
  - New borrowing is assumed to be at 6%, the long-term PWLB rate. Cheaper rates are currently available, but the borrowing need on current projections does not kick in until 2015/16, and this assumption is therefore reasonable for the purposes of this model.

#### **Option 1: Council retains ownership of the stock**

- 8.16 The following options do not require a formal ballot. However Government has recommended that full consultation with residents is carried out if any changes to current arrangements are proposed.

**Option 1a: Council retains ownership of the stock - No change to current structures, complete Decent Homes in five years**

- 8.17 Under the baseline model, if the Council borrowed £40m, bringing total housing borrowing to £125m, within £4m of the cap, the Decent Homes programme could be delivered by March 2017, and £23m would be available for investment in Sheltered Housing or new supply. However, other works, other than those built into the assumptions above could not be delivered unless these assumptions were flexed. The initial appraisal of the baseline model therefore sets out first what could be delivered if decent homes remained the key policy priority and then in general terms what else might be achieved if this assumption were to be flexed.
- 8.18 The key features and outcomes of the baseline option are that:
- The Council enters into approximately £40m of new borrowing for housing purposes between 1 April 2012 and 31 March 2017
  - The decent homes programme is completed by 31 March 2016
  - £38m is available to meet the assumed need for programmed capital and lifecycle works between 1 April 2012 and 31 March 2016
  - A maximum of £23m is available to finance additional works, either to sheltered and extra care housing and/or to build new homes
  - The existing corporate structure is retained by keeping the Lewisham Homes, and this option therefore avoids the costs of transition to any new structure.
- 8.19 For the avoidance of doubt, the outcomes above are subject to the modelling assumptions set out previously, and therefore potentially subject to substantial revision. Subject to this the preliminary conclusion to be drawn from this initial appraisal is that it provides a credible policy response to some of the housing issues facing the borough, but that the constraint on borrowing limits the ability of this option to deliver on a wider agenda.
- 8.20 The Decent Homes programme would be delivered in a reasonable time, improving the quality of housing for many of the borough's residents. Substantial investment could be delivered to the sheltered and extra care housing offered, but given the scale of need perhaps only around half that required, and no new build could be delivered (or new build could only be delivered at the expense of reduced investment in sheltered housing).
- 8.21 A significant consideration might also be that under this option there are no transition costs. Transition costs can be financial, such as the cost of undertaking a ballot or commissioning appropriate professional advice, and as such can be substantial. Transition costs can also mean the loss of management focus and the impact on staff morale as new options are considered, with risks to service performance whilst such consideration and transition is ongoing. Whilst these costs are not quantifiable they can nonetheless be significant, and should therefore be an important consideration in the evaluation.
- 8.22 Taking a longer-term view this option could then start to deliver further investment after the first five years, i.e. after 2016/17, although it would be some years beyond that before any significant new supply could be delivered in the borough.

**Option 1b: Council retains ownership of the stock - No change to current structures, complete Decent Homes in more than five years**



- 8.23 This option is structurally identical to option 1a, but places a different priority on the decent homes programme. Under option one this programme is assumed to be the over-riding policy priority, and only resources not required for this are committed to other objectives. Option 1b sets out what might be achieved if this policy assumption was varied, and the attendant opportunities and risks. Clearly, there are a theoretically infinite number of other possible policy priorities, and so this initial appraisal can only set out broad themes.
- 8.24 If sheltered and extra care housing were to be prioritised for delivery within the first five years this would cost £50m on the current best estimate, only £31m of which could be delivered in this time period under option one. Re-directing resources from the decent homes programme to deliver sheltered housing investment earlier would therefore mean that completion of the basic decent homes programme would be delayed. Assuming that in the three years following March 2016 one third of the cost assumed for lifecycle and programmed capital works could be directed to Decent Homes, it would then be possible to complete the Decent Homes programme within three years, i.e. by March 2019.
- 8.25 At an average cost for new build of £187,500 per unit (range £150,000 to £225,000) the impact of prioritising new build over decent homes (leaving sheltered housing investment as per option one) would be that for every 10 units built almost £2m would have to be directed from lifecycle costs to fund Decent Homes.
- 8.26 The other particular consideration would be the impact of being seen to reverse a long-standing policy commitment. Albeit that a higher priority for other housing policy goals might objectively be justified moving away from decent homes could be perceived by residents as failing to meet legitimate expectations. It might also have implications for future backlog funding from the DCLG, although this risk cannot be quantified at the present time.
- 8.27 Any number of varieties on these basic policy choices could be presented. The purpose of this part of the report is to set out the broad choices that could be made, in order to inform the initial debate. Significantly more work would be required to refine this, but it is important to note that under self-financing the Council will have substantially more scope to set its own policy priorities, for example as to the relative priority of decent homes works, improvements to the sheltered and extra care housing on offer, building new council houses and rent policy to name but some considerations.
- 8.28 Option one (and option two which is really an illustration of the impact of adopting different policy positions rather than a genuinely distinct option) set out what could be achieved under existing corporate structures. Following a full options appraisal Members might (or might not) come to the view that this did not provide a sufficient policy response to the challenges faced. If so, alternatives might be considered. The following paragraphs set out broadly the kind of option that might be considered.

**Option 1c: Council retains ownership of the stock - Bringing the ALMO back in-house**

- 8.29 This option would involve dissolving the Lewisham Homes company (ALMO), which is 100% owned by the Council, and bringing all its functions back under direct Council management. Staff employed by Lewisham Homes would TUPE transfer back to the Council's employment.

- 8.30 Four London boroughs have recently brought their ALMOs back in-house – Hillingdon in October 2010, Ealing, Hammersmith & Fulham and Newham in March/April 2011, and Islington plan to do so. Officers understand that the completion or near completion of the Decent Homes programme was a prevailing factor in why these boroughs brought their ALMOs back in-house as well as achieving potential savings for the Councils.
- 8.31 Savings in management costs could be achieved under this option. However, management costs should not necessarily be regarded as simply an overhead cost. Management is also about controlling and directing the work of an organisation and ensuring that appropriate quality standards and other objectives are achieved. There is a link between the costs of good management and the performance of an organisation.
- 8.32 The standard of the housing management services provided by Lewisham Homes has risen since the creation of the organisation. On most key performance measures performance has improved, although there are still services in which further improvements are required. At least in part this must reflect the quality and cost of the management of the organisation and the focus it brings to housing management. Bringing the service back in-house may provide an opportunity to reduce management costs. However, there is a risk that this would mean that the improvement in performance was at best not sustained and at worst deteriorates, and there would be particular risks in the short-term as staff and managers focused on delivering the change in organisational structure.
- 8.33 There are other costs associated with the corporate structure of the ALMO that may be reduced if the service was brought back in-house. These are primarily those associated with the maintenance of a separate statutory company and the corporate governance that goes with it and the cost of clienting the contract between the organisations.
- 8.34 All other features of this option are identical to the baseline model. Its key features, including an initial estimate of the savings that it might offer, are :
- The Council enters into approximately £40m (less net impact of saving in this period) of new borrowing for housing purposes between 1 April 2012 and 31 March 2016
  - The decent homes programme is completed by 31 March 2016
  - £38m is available for programmed capital and lifecycle works between 1 April 2012 and 31 March 2016
  - A maximum of £23m, plus savings of £7.5m grossed up over five years (assuming the same level of savings can be achieved as have been projected by other boroughs considering this option, which may be optimistic) for additional works, either to sheltered and extra care housing and/or to new build homes is available
  - The corporate structure is changed, but to a familiar model which, other than the costs set out above, would not require specific due diligence work and advice.
- 8.35 To conclude, this option is only slightly different to the baseline model. It may in the longer run be cheaper, arguably at the expense of transferring housing management responsibilities from a successful provider to one with a less successful track record. It introduces significant risks associated with managing organisational change with no corresponding new opportunities. No new finance is accessed under this option, unlike some of the options considered later in this report. It could therefore perhaps be

characterised as providing more capital investment than the baseline but not so much more investment that it is capable of delivering fundamentally different outcomes.

#### **Option 1d – Council retains ownership of the stock - ‘Service Concession’ / PFI contract**

- 8.36 A ‘service concession’ is a phrase used to describe a contract that is usually let on a long-term basis, say for 25 years, in which the outcomes required are defined in the contract specification with bidders able to approach achieving those outcomes in different ways. Private Finance Initiative (PFI) contracts are a particular form of service concession contract.
- 8.37 In this context a theoretical option for the Council is to let a service concession contract for some or all of the stock currently managed by Lewisham Homes. Elements of the Decent Homes programme in Lewisham have been achieved by this means, through the Brockley PFI contract.
- 8.38 Some indicative key features of the model are outlined below.
- 8.39 Previous ‘service concession’ contracts have usually been let in the public sector under the PFI regime. A key feature of this was the award of PFI credits (i.e. a grant) from central government to make the projects affordable. There is no indication that any such credits would in the future be available, other than for schemes already announced by government.
- 8.40 Another key feature of long-term service concession contracts is their relative inflexibility. Although it is possible to design a contract with some flexibility to enable the Council to change its policy goals over a 25 year period it would not be simple (or cheap) to do so. This form of contract works best where an investment need can easily be identified that is unlikely to change significantly over time (e.g. street lighting). In this case the Council does not yet know its policy objectives in housing, and recognises that in ten or twenty years time they could change significantly this could be a significant factor counting against this option.
- 8.41 Were this option to be pursued significant costs might be incurred in testing this model further, including commissioning expert legal and procurement advice. These would be incurred in pursuit of an option that, in order to make it affordable, has previously depended on government funding that is no longer likely to be available.
- 8.42 To conclude, it is unlikely that this option will be affordable and, further, it is far from certain that it offers the potential to meet the Council’s ambitions for its housing stock, even if it were. It would be expensive to undertake analysis of this option in any further depth. Officers will nonetheless include this option in the full appraisal recommended by way of this report, but seek to ensure that the costs of researching it further are kept as low as possible. As a result but the primary focus of the full appraisal would not be directed to this option.

#### **Option 2: Council transfers ownership of the stock to another organisation**

- 8.43 There are a variety of vehicles that can be created to enable higher levels of borrowing to increase the level of investment. All the vehicles involve the Council transferring either all or the majority of its ownership of the stock currently managed by Lewisham Homes to another body.

- 8.44 The Council's current ALMO, Lewisham Homes, is not precluded from participating in a process which would lead to the transfer of the housing stock to another organisation and from evolving into one of the vehicles detailed below in options 2c – 2e.
- 8.45 Transferring the stock to an RSL or to a new vehicle, offers the potential to achieve the decent homes standard across the borough more quickly, as well as addressing other priorities such as investment in sheltered housing and delivering new homes. This is because the vehicle receiving the stock would be able to borrow against future rents to finance the necessary works, and would not be subject to the borrowing cap imposed by central Government.
- 8.46 The Council would cease to own the social housing stock outright although depending on the vehicle it could own a minority share. In all cases whether the stock was transferred completely or the Council owned less than a 50% share the new vehicle could undertake commercial borrowing against rental income to fund additional policy interventions such as delivering new housing supply.
- 8.47 There are risks to this approach. As it involves a stock transfer, all tenants would be balloted. The cost of transferring the stock and managing the ballot should be included in all cost benefit analyses. The scale of borrowing available to the recipient organisations is not certain, and may be even more uncertain in the current economic climate. Borrowing would need to be paid for, and as such additional borrowing would be subject to interest rate fluctuations which may put pressure on rents.
- 8.48 Nonetheless, this is a potentially viable option. Initial analysis indicates that it may create the capacity to address several of the Council's policy aims in a shorter timescale such as building up to 1,000 additional units, as well as completing the Decent Homes programme in a timely manner. It also offers the potential to resolve the issues facing the Council's Sheltered Housing and Extra Care provision. And, because there are options to be explored in relation to the nature of the recipient body, it offers significant potential for greater community and tenant involvement in housing decisions.
- 8.49 There are at least five models under which such an approach could proceed, as outlined below:

**Options 2a: Council transfers ownership of the stock to another organisation – Further partial stock transfer(s)**

- 8.50 This option is compared against the baseline model. It would also be possible to deliver this option alongside the in sourcing model (or indeed any other model), although the difficulty of managing two complex managerial and corporate changes at the same time would add significantly to the risks.
- 8.51 The Council has previously transferred elements of its stock to registered social landlords (RSLs) as part of its mixed approach to delivering the decent homes standard. In total since April 2007, 12,340 units have been transferred in this way, most recently 3,522 units 2010 to London & Quadrant as part of the Chrysalis stock transfer.
- 8.52 This partial stock transfer model has been an effective part of the Council's delivery arrangements for decent homes. RSLs are not constrained by limitations to their borrowing, other than such limitations as they impose on themselves as part of sound

financial management. The effect of this is that they have been able, on receiving stock, to borrow the money to finance immediate investment, usually bringing the stock up to the decent homes standard within two years of completion of the transfer.

- 8.53 RSLs have been able to afford this because, depending on the precise terms of the transfers, they are able to let a proportion of the transferred stock out at higher rents than the Council charges. The transfers have also been successful from the point of view of the Council because 'overhanging debt' has been written off by way of grant from DCLG. The transfer price in these transactions is usually less than the debt associated with the properties. In the past DCLG has made grant available to Councils in order to facilitate such transfers, as it would not normally be acceptable to any local authority to transfer its assets whilst retaining the debt for them.
- 8.54 However, the authority's previous partial stock transfer programme has naturally resulted in those transfers that are more attractive to housing associations being completed. The remaining stock tends to have either higher costs to bring it back to a decent homes standard, and gap funding from Government to cover the outstanding debt is less certain. The potential scope for further partial stock transfers is therefore more limited.
- 8.55 A further feature of this model is that it would reduce the Council's remaining housing stock (or the stock available to the Council to move into another corporate structure if that was what was desired). This may increase the unit costs of managing that stock, as it is unlikely that the corporate overhead costs could be reduced in direct proportion to the stock loss. This has been the experience of other stock transfers since Lewisham Homes was established, and would only tend to be more so as the stock declined beyond a naturally economic size.
- 8.56 This model may not be capable of implementation, as it depends on finding an RSL willing to accept a transfer of some of the authority's existing stock. It may also have disadvantages in respect of the remaining stock.
- 8.57 To conclude, it appears unlikely that the full option appraisal would show that this model meets the policy challenges, except perhaps on an opportunistic basis should a viable opportunity present itself. This is not to rule this option out at this stage. Further work will be undertaken as part of the fuller option appraisal recommended by way of this report, but the primary focus of this further work would not be directed to this option.

#### **Option 2b: Council transfers ownership of the stock to another organisation - LSVT to existing RSL**

- 8.58 This would involve a standard large scale stock transfer to existing RSL. Both stock and debt would be transferred, and the RSL would then borrow outside of the HRA cap, against rental incomes, in order to finance new build or other policy goals.
- 8.59 This is the simplest LSVT option. Provided that there would be sufficient interest amongst RSLs then it is a tried and tested delivery method. It is also important to note that in previous stock transfers the overhanging debt has been written off, which should not be assumed to be likely in the current circumstances. The appetite by RSLs to pay for a stock transfer, decent homes investment and clear the overhanging debt will also be constrained by the additional strains imposed on their business plans by the new affordable rent model.

- 8.60 Provided there are still some RSLs interested in stock transfer this model could be assumed to deliver all of the Council's policy goals in respect of decent homes and sheltered housing, provided that it could be financed as part of the transfer. However if this option were to be pursued then the only way in which further new build could be delivered would be through the existing well established partnership arrangements the Council has with its RSL partners.
- 8.61 The Council, under this model, would inevitably not involve itself in any direct delivery role in the local housing market but would continue to work with its partners to encourage delivery where possible. However, as this model potentially has the capacity to deliver all of the Council's housing policy goals as regards its existing stock it is one that logically must be explored further.

**Option 2c: Council transfers ownership of the stock to another organisation - Co-operative, including the Community Gateway approach**

- 8.62 This is simply a different version of the above approach, with the exception that a new vehicle is created to receive the stock. That vehicle would be created as a mutual, offering tenants democratic control over the decision making process. The Council has experience of successfully transferring stock to a co-operative, with the Phoenix Community Gateway.
- 8.63 The outcome of this option is theoretically similar to the RSL option. The borrowing cap that applies under self-financing would not apply to this model, as it would not be owned by the Council. However, as the new vehicle would have to test its borrowing capacity with lenders as it would not have the track record that other housing providers in the market have established over a period of time. The benefits of the mutually owned structure includes greater tenant control over decision-making, and hence responsiveness of the service to resident demand. This model has tended to build greater trust levels between the provider and tenants based on mutually agreed objectives and outcomes.
- 8.64 This model offers a broadly similar range of potential benefits to the RSL model. There would be some additional complexities around establishing a new corporate structure, which may incur greater costs of transition. There is also the risk that the actual (as opposed to theoretical) ability of the company to raise finance might be constrained by caution on the part of potential lenders. The extent to which the Council may be able to influence the activities of the new organisation would need to be clarified. Therefore, whilst new build would remain a desirable policy goal the Council will not be in a position to be able to direct the new organisation to build new homes, or direct where any such new homes should be built.
- 8.65 Any new build under this or the following option could be seen as new build by the Council, or at any rate a company in which the Council has some interest. RSLs develop land for new build in the borough at the moment, and to some extent at least the activities of such a new vehicle might be to replace such new build activity, rather than add to it. The extent of this cannot reasonably be quantified, but it is an issue that in principle at least ought to be taken into account now. However such a new vehicle could facilitate in-fill new build development on the existing estates that have been transferred which would become additional new housing.
- 8.66 There will be transition costs and risks associated with developing new corporate structures which will need to be quantified, but in principle at least this is a mechanism

to unlock sufficient financing to meet all of the Council's immediate aspirations for housing policy in the borough. This is because the commercial potential of the future rental streams is theoretically sufficiently high and sufficiently certain to enable significant borrowing over and above the cap imposed in the baseline model to finance investment and which can still be paid off over the business plan cycle.

### **Option 2d: Council transfers ownership of the stock to another organisation - Council and Community Owned Company (CoCo)**

- 8.67 Under this model the Council would transfer at least 51% of its ownership of Lewisham Homes to a Council and Community Owned (CoCo) corporate structure. The terms of this structure would need to be determined, but would necessarily involve significant resident ownership and/or participation.
- 8.68 By transferring at least 51% of the ownership of the company outside of the Council's control the cap on borrowing would, be removed. Therefore, under this model, the Council could lever in significantly more borrowing to invest in its housing stock.
- 8.69 This model is in many respects similar to the co-operative model. As the Council ownership would be less than 50% the company could borrow commercially, with all the attendant risks and uncertainties. It could therefore finance whatever investment was thought to be affordable, which on current modelling is sufficient to meet the immediate policy aspirations in decent homes, sheltered housing and new build.
- 8.70 This model provides more Council control over development and new build than the pure co-operative model, as an ownership stake of up to 49% could be retained. Correspondingly it has perhaps less of the possible advantages of resident control whilst still retaining this as an essential feature compared to other models, since residents would hold more than 50% of the equity. Like the co-operative model the costs of the transition to this model are high, and significant professional due diligence would need to be undertaken before this could be adopted as policy. Due diligence of the possible adverse VAT and other implications would also be required.
- 8.71 Another feature of this model is its complexity of ownership. In the baseline model the Council retains 100% ownership, and therefore all of the risk but also all of the control over future policy and delivery. In the RSL LSVT model the Council transfers all of the ownership and therefore all of the risk to a well established regional or national housing association, which can therefore be regarded as a relatively safe risk.
- 8.72 In the CoCo model the Council retains a very substantial stake, perhaps as high as 49%, in the actual equity of the company, and therefore legal liabilities in the event of default, but without the ability to control and direct activity provided by the baseline model (although it can influence activity). It also transfers ownership of the Council's most significant physical asset – its housing stock – to a new provider, and yet may be required to offer guarantees of one form or another about the debt associated with that stock (for example if a new company cannot access finance without such a guarantee).
- 8.73 Significant further work would be needed to assess these potential drawbacks. They are not necessarily insurmountable, but it is appropriate that they are noted at the current time.

## **Option 2e: Council transfers ownership of the stock to another organisation**

### **Joint venture**

- 8.74 In principle, a joint venture approach involves the creation of a new vehicle in partnership between the Council and a private sector organisation. The two parties enter into an agreement to pool resources and expertise to achieve a particular goal, and to share the risks and rewards of the enterprise.
- 8.75 Although this is an untried approach in relation to social housing, examples exist across the country of successful joint ventures in other sectors of the public sector economy. For instance, a public-private joint venture in Lancashire is successfully transforming estate management in a healthcare trust, reducing costs and increasing the ability to invest in new clinical facilities.
- 8.76 It is not certain that a joint venture such as this would remove the barrier to investment presented by public sector borrowing limits, but as the model is working successfully elsewhere, albeit in relation to a different set of problems, officers recommend that further work is undertaken to scope the risks and rewards of such an approach.
- 8.77 Another important factor to consider in all of these transfer options is the ability of the Council to direct future housing policy. Whilst influence can still be exercised transfer of majority ownership inevitably leads to lack of the direct ability to control. Another significant factor in some of these models might be termed the 'de-mutualisation' risk. Assuming that the Council would not want any new structure to be capable of transferring ownership to some future third party then legal safeguards would need to be devised, for example to prevent the kind of de-mutualisation previously seen in the building society sector. Significantly more work would be required to assess how real this risk was and whether, and if so how, it could be mitigated.
- 8.78 To conclude, the high level options appraisal that officers have completed demonstrates that there is merit in further exploring the potential offered by transferring ownership of the Council's stock to a new vehicle. This option is likely to offer the greatest scope for the Council to achieve more of its ambitions for housing stock than any of the others outlined here, although there are risks and as such it is recommended that a full due diligence exercise is undertaken to fully understand the opportunities and risks of this approach.

## **9 Options relating to the Council's pension fund**

- 9.1 The Council's pension fund has assets of over £0.7bn and therefore, in theory at least, could be considered as source of investment finance. However, any investment by the pension fund must be in the interest of the pension fund. Delivering the Council's policy objectives could arguably be an ancillary reason for investment by the pension fund, but if and only if the investment had first been demonstrated to be in the pension fund's interest.
- 9.2 The pension fund is separate by statute from the Council. It is required to invest its assets in order to ensure that its long-term liabilities can be met. The fund's long-term liabilities are to pay pensions and related benefits and its interests are therefore narrowly (and completely) defined as achieving investment returns to enable it to do so. Investments must therefore represent a reasonable balance of risk and reward, and any particular investment under consideration must be shown either to represent a superior risk/reward ratio than other possible investments under consideration and/or a



better means of balancing the investments of the fund so that it is not unduly exposed to the risks of any particular class of investment.

- 9.3 Therefore, any investment by the pension fund in housing would only be considered if it could be shown that the fund would make a commercial return (including rental incomes and/or appreciation in asset values and related matters) either in excess of those provided by other asset classes (for the same level of risk) or that the investment would make commercial sense by balancing the overall investments of the fund. Only if the Fund was satisfied that these conditions were met could it consider what, from its obligations as Pension Fund holder, would be classed as ancillary benefits, such as furthering the Council's wider socio-economic objectives. Any decision as to the investment of the Pension Fund has to be made by the Council through its Investment and Pension Fund Committee upon receipt of proper independent advice.
- 9.4 Investments in property are a normal activity for pension funds. It is quite common for pension funds to hold a proportion of their assets in property. Generally speaking, property investment in the UK has performed well, taking a long-term view, combining the income received from the assets (e.g. rents) and the capital growth. However, a core principle of investment should be to diversify the asset classes invested in. This helps to mitigate exposure to the risk of a significant downturn in one particular class of assets. Hence any pension fund will tend to have a proportion invested in property, a proportion in equities, in fixed income securities and so on. Within each asset class there will be geographic diversification, so for example a proportion of any equities invested might be in UK stocks, a proportion in emerging markets and so on.
- 9.5 In terms of property, pension fund investments would tend to be diversified between, for example, commercial, industrial and residential portfolios, and within each to be spread between different geographic locations. All of these would be standard risk mitigation strategies, to ensure that the fund as a whole would not be over exposed to particular risks within a particular sector.
- 9.6 Investment by the pension fund in housing in Lewisham would breach this fundamental principle. All of the investment would be in Lewisham, i.e. in a relatively small part of south-east London. The investment would therefore be significantly more high risk than is normally considered by the pension fund. Riskier investments can be considered by a pension fund, provided that the reward from them is correspondingly higher than for other asset classes. However, pension funds would not normally place any significant proportion of their asset base in a single high risk class of investments, because this would fail to diversify the risk appropriately.
- 9.7 In this case any investment by the pension fund would be high risk, by definition because the investment would solely be in residential property (whether private or social) within Lewisham. In order to make any significant difference to achieving the Council's policy objectives, given the scale of investment required outlined in this paper, a substantial proportion of the fund's assets would have to be invested in local housing. In addition, it is far from clear that investments in housing in any of the forms outlined in this paper would enable the fund to make an appropriate return on its investment. Certainly there are no compelling or even strong reasons to believe that house prices would rise very much faster in Lewisham than elsewhere.

## 10 Next steps

- 10.1 The appraisal set out in this report is complex. It is at this stage only high level. Whilst the basic framework of each option can be assessed reasonably easily the detail behind each can be substantial. The decision that will ultimately be required on this will be one that impacts on housing policy in the borough for many years, and it is therefore appropriate that it is fully researched before irrevocable commitments are entered into.
- 10.2 This cannot be undertaken without resourcing it appropriately, for which there is no currently identified budget. The kind of professional and other advice that might be required to undertake this would include (but not necessarily be limited to):
- Detailed stock condition surveys of the Lewisham Homes and sheltered/extra care housing stock to assess the decent homes backlog in more detail and the lifecycle maintenance costs over 30 years
  - Due diligence of the financial modelling by appropriately qualified financial advisers
  - External legal and tax advice on new corporate structures, the risks associated with them and related matters
  - Consultation with residents and other stakeholders including tests of opinion and a ballot when appropriate
  - Programme management and other ad-hoc specialist consultancy as required.
- 10.3 At this stage it is very difficult to estimate the actual costs associated with this advice. Officers recommend that, excluding a ballot, a sum of £0.5m would be sufficient to cover the costs of the external advice required to complete an initial options appraisal and bring a report to M&C on a recommended way forward. In the event that this sum proves insufficient further funding will be requested.

## **11 Comments from the Housing Select Committee**

- 11.1 Housing Select Committee received an outline report on the future housing challenges and opportunities at its December meeting. The main points raised at the meeting are included here for the consideration of Mayor and Cabinet. Those points are that
- Safeguards must be built into future service specifications of any future organisation to protect the interests of current and future tenants especially around rents and tenancy conditions;
  - The full range of options need to be presented to Members for consideration with detailed financial and risk modelling and legal advice;
  - Community consultation is of paramount importance and needs to start from the earliest stage.
  - Concerns exist about the potential for future de-mutualisation if a co-operative model was adopted and to therefore build in safeguards against this happening if a co-op model is pursued.
  - Increasing new supply of housing should be a main priority for the Council.
  - All reports on the future of housing must be available in the public domain, except where this information is commercially sensitive.
- 11.2 The issues raised above will be addressed as part of the options appraisal.
- 11.3 The Housing Select Committee was advised that all reports on the options going forward will be in the public domain unless there are legal grounds for excluding the press and public. The Committee was also reassured about the consultation process for any future housing transfer options. It was confirmed that the pattern adopted in previous options appraisals would be followed, including the use of a variety of methods including tests of opinion, and employing independent tenant advisers.

## **12 Financial implications**

- 12.1 This report is concerned with the financial implications of new national policy in respect of housing finance and its implications for the Council in light of identified policy objectives of its own. Except for the matters referred to below there are no direct financial implications in agreeing the recommendations of this report, as a final decision as to future borrowing or other housing delivery vehicles has yet to be taken. Any such decisions will be subject to normal due process at the appropriate time.
- 12.2 However, this report recommends that a budget of £0.5m be identified to fund the full option appraisal recommended in this report, and the report notes that this is only a broad estimate at this stage. If the Mayor agreed to pursue this appraisal this could be financed from corporate resources. It must however be noted that, as with any option appraisal, that the amounts spent could in time prove to be abortive, for example if the result of the appraisal was to remain with the baseline model.

## **13 Legal implications**

- 13.1 The Mayor is being asked to agree to a feasibility study being undertaken to explore the options for housing investment in the Borough set out in the Report . There are serious technical financial and legal issues to be determined in relation to each option before a formal decision which will have long term consequences can be reached. In these circumstances it would be reasonable for the resource being requested for such a study to be provided for a more detailed examination of the issues involved
- 13.2 Consultation with tenants and residents affected by the options will have to be undertaken when the Mayor has determined which options to proceed with and in relation to a transfer to an LSVT a ballot of tenants will be required.

## **14 Equalities implications**

- 14.1 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 14.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not
- 14.3 As was the case for the original separate duties, the new duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to

eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

- 14.4 The Equality and Human Rights Commission issued guides in January 2011 providing an overview of the new equality duty, including the general equality duty, the specific duties and who they apply to. The guides cover what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guides were based on the then draft specific duties so are no longer fully up-to-date, although regard may still be had to them until the revised guides are produced. The guides do not have legal standing unlike the statutory Code of Practice on the public sector equality duty, However, that Code is not due to be published until April 2012.
- 14.5 As part of the appraisal process proposed here, an equalities analysis assessment will be undertaken to identify the possible implications of each of the proposed options for the local community.

## **15 Environmental implications**

- 15.1 Bringing homes up to the Decent Homes standard will lead to greater energy efficiency, reduced maintenance costs and lower fuel bills for residents. It will also reduce the level of harmful gases being released into the atmosphere.

## **16 Crime and disorder implications**

- 16.1 The potential of each of the options set out above to deliver physical improvements, enhanced estate management and diversionary opportunities in order to reduce crime and antisocial behaviour would be considered in full during the proposed options appraisal.

## **17 Conclusion**

- 17.1 The Council faces significant housing challenges. The new self-financing system provides opportunities to respond to these creatively. However, this report has clearly shown that this will be an extremely important decision for the Council, with significant long-term consequences for the organisation and, more importantly, its residents. At this stage, therefore, the right conclusion to draw is that further option appraisal is required in the terms set out in this report.

## **18 Background papers**

- 18.1 There are no background papers to this report.
- 18.2 If you would like any further information on this report, contact Genevieve Macklin, Head of Strategic Housing on 0208 314 6800.

<b>Mayor and Cabinet</b>			
<b>Report Title</b>	Comments of the Housing Select Committee on Housing Challenges and Opportunities		
<b>Key Decision</b>	No	<b>Item No.</b>	
<b>Ward</b>	All		
<b>Contributors</b>	Housing Select Committee		
<b>Class</b>	Part 1	<b>Date</b>	18 January 2012

## **1. Summary**

- 1.1 This report informs the Mayor and Cabinet of the comments and views of the Housing Select Committee, arising from discussions held on the officer report on *Housing Challenges and Opportunities*, considered at its meeting on 10 January 2012.

## **2. Recommendation**

- 2.1 The Mayor is recommended to note the views of the Housing Select Committee as set out in section three of the report and agree that the Executive Director for Customer Services be asked to respond to the referral.

## **3. Housing Select Committee views**

- 3.1 On 10 January, the Housing Select Committee considered a report (a) outlining upcoming housing challenges and opportunities and (b) setting out the level of investment required in existing council owned housing and the significant shortfall in housing supply that Lewisham is currently experiencing and expected to continue to experience going forward.
- 3.2 The Committee noted that the Mayor would be asked, on 18 January 2012, to agree that a full technical and legal appraisal be undertaken on how these policy challenges might be addressed and agree to provide one-off funding of £0.5m from corporate resources to finance the appraisal.
- 3.3 The Committee would like to make the following comments:

### **Scrutiny involvement**

- 3.4 Given the scale, importance and corporate/cross-cutting nature of any decisions concerning the options that will become available through the new self financing regime, the Committee would like pre-decision scrutiny to occur at every stage of the process; and the full overview and scrutiny committee to be involved as necessary, taking into account the capacity and limited remit of the Housing Select Committee.

## **Timing of the appraisal and variables**

- 3.5 The Committee is concerned about the timing of the full technical and legal appraisal, given the number of variables still to be pinned down and suggests that consideration is given to carrying out more internal research before external expertise is sought.

## **The scope of the appraisal**

### **(a) The options**

- 3.6 The Committee would like to recommend that:
- The Council does not consider any form of PFI in the delivery of decent homes or new build as part of the appraisal.
  - The Council does not consider transferring ownership of the stock through a large scale stock transfer (LSVT) to an existing Housing Association / RSL as part of the appraisal.

### **(b) The pension fund**

- 3.7 The Committee would like further consideration to be given to the use of the Council's pension fund as a source of investment finance, including the possibility of linking with other London boroughs or pursuing national collaboration via the Local Government Group.

### **(c) Additional information**

- 3.8 As part of the appraisal the Committee would like each option being considered to include assurances around protecting (a) social rents and (b) security of tenure; and confirmation that the Council will have 100% of nominations to any new vehicle that might be created and access to accommodation for the purposes of housing homeless applicants.
- 3.9 The Committee recommends that options for homeless hostels, temporary accommodation and low cost home ownership, including options for self-build, are included within the scope of the appraisal.
- 3.10 The Committee recommends that the appraisal includes projections for the number of new builds that each option could potentially support over the 30 year business plan period and an assessment of the Council land available for new builds.
- 3.11 In terms of options involving the transfer of stock to another organisation, absolute clarity on what the Council would transfer is required; and the consequential cost to the Council in terms of loss of assets, impact on other council services and ability to borrow (as the Council will no longer be able to borrow against the stock) needs to be quantified. With regard to the co-operative model option, consideration needs to be given as to how protection against demutualisation can be guaranteed.

### **The budget for the appraisal**

- 3.12 In light of the Committee's recommendations concerning the reduction in options to be appraised and the need for more internal research prior to the appraisal commencing, the Committee hopes that the use of internal expertise can be maximised and the use of external expertise minimised; and consequently, the budget for the appraisal reconsidered and reduced.

### **4. Financial Implications**

- 4.1 There are no financial implications arising out of this report per se; but there are financial implications arising from carrying out the actions proposed by the Committee.

### **5. Legal Implications**

- 5.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).

## **BACKGROUND PAPERS**

Housing Challenges and opportunities – Officer Report to Housing Select Committee (10.01.12)

If you have any queries on this report, please contact Charlotte Dale, Scrutiny Manager (0208 3149534), or Kevin Flaherty, Head of Business & Committee (0208 3149327).

# Agenda Item 7

<b>Chief Officer Confirmation of Report Submission</b>		
<b>Cabinet Member Confirmation of Briefing</b>		
<b>Report for: Mayor</b>		<input type="checkbox"/>
<b>Mayor and Cabinet</b>		<input checked="" type="checkbox"/>
<b>Mayor and Cabinet (Contracts)</b>		<input type="checkbox"/>
<b>Executive Director</b>		<input type="checkbox"/>
<b>Information</b>	<input type="checkbox"/>	<b>Part 1</b> <input checked="" type="checkbox"/>
	<input type="checkbox"/>	<b>Part 2</b> <input type="checkbox"/>
		<b>Key Decision</b> <input type="checkbox"/>

<b>Date of Meeting</b>	18 <sup>th</sup> January 2012
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<b>Title of Report</b>	Regeneration of Excalibur Estate – Update & Section 105 Consultation
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<b>Originator of Report</b>	Genevieve Macklin	<b>46057</b>
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	X	
Legal Comments from the Head of Law	X	
Crime & Disorder Implications	X	
Environmental Implications	X	
Equality Implications/Impact Assessment (as appropriate)	X	
Confirmed Adherence to Budget & Policy Framework	X	
Risk Assessment Comments (as appropriate)		
Reason for Urgency (as appropriate)		

Signed: Susan Wise Executive Member

Date: 30th December 2011

Signed: [Signature] Director/Head of Service

Date: 9/1/2012

**Control Record by Committee Support**

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	



<b>Mayor and Cabinet</b>			
<b>Report Titles</b>	Regeneration of Excalibur Estate – Update & Section 105 Consultation		
<b>Key Decision</b>	Yes		
<b>Ward</b>	Whitefoot		
<b>Contributors</b>	EXECUTIVE DIRECTOR FOR CUSTOMER SERVICES, EXECUTIVE DIRECTOR FOR REGENERATION, EXECUTIVE DIRECTOR FOR RESOURCES, HEAD OF LAW		
<b>Class</b>	Part 1	Date	18 January 2012

## **1. Summary**

- 1.1 On 17th September 2010, Mayor and Cabinet agreed that the Council proceed with the regeneration of Excalibur in partnership with L&Q. This followed on from the positive ballot of residents that took place in July 2010 and also following the subsequent statutory Section 105 consultation that was carried out in September 2010. Progress since then has been on re-housing tenants and buying back freeholders in Phases 1 and 2, steps which were approved by Mayor and Cabinet on 17<sup>th</sup> November 2010 and 23<sup>rd</sup> February 2011. The latter of these reports saw Phases 1 and 2 rolled together and these Phases now together constitute the current decant phase.
- 1.2 Since this time, L&Q have been undertaking further detailed work on the master plan. This has led L&Q and the Council to believe that the scheme would be improved if there was a change to the existing phasing arrangements. This change would see 3 prefabs brought forward from later phases into the current decant phase (Phase 1 and 2) As this would constitute a change to the proposals on which residents were previously consulted, the Council has undertaken further statutory Section 105 consultation with secure tenants as a way of formally obtaining residents' views on the changes. This report informs Mayor and Cabinet of the residents' comments received as a part of this consultation. Furthermore it seeks approval to re-house the 3 additional households within the current decant phase under the same terms that were set out in the consultation in September 2010.

## **2. Purpose of Report**

- 2.1 To ask the Mayor to consider the responses from residents to the formal Section 105 consultation.

2.2 To seek approval to implement the change set out and re-house the affected tenants in the current decant phase.

2.3 Note the financial implications set out in paragraph 10.1.

### **3. Policy Context**

3.1 The re-development of the Excalibur estate contributes to key national objectives, particularly in meeting the decent homes standard and increasing the supply of affordable housing.

3.2 The scheme supports Lewisham's Sustainable Community Strategy by setting out a framework for improving residents quality of life. This approach is borne out in the innovative design proposals of this scheme, especially towards the 'Clean green and liveable' priorities to increase the supply of high quality housing to accommodate the diverse needs of the population.

3.3 The Council has outlined ten corporate priorities which enables the delivery of the Sustainable Community strategy. The proposals for the re-development of the Excalibur Estate addresses the corporate priorities to provide decent homes for all, to invest in social housing and affordable housing in order to increase the overall supply of new housing. The scheme would also develop opportunities for the active participation and engagement of people in the life of the community.

3.4 The scheme supports the aims of Lewisham's Housing Strategy 2009-2014 'Homes for the future, raising aspirations, creating choice and meeting need' and would deliver on its main themes of 'People, homes and places and Quality and sustainability'

3.5 The scheme would increase local housing supply and by introducing a range of housing types and tenures for a range of income households, the scheme would help to widen housing choice. By obtaining funding from the HCA and using Council owned land for the purposes set out here, the Council is engaging with delivery partners and making the best use of available resources. The current proposals would deliver 61% affordable units and 40% family sized units (including 2 bed 4 person houses) across the scheme. A key principle of the scheme is to make the new development a desirable place to live, supporting the strategic objectives around design quality and safety, accessibility and improving environmental performance.

### **4. Recommendations**

It is recommended that the Mayor:

4.1 notes the content of this report and the responses to the statutory Section 105 consultation carried out with secure tenants on the Excalibur Estate;

- 4.2 having considered the content of this report and the responses to the statutory Section 105 consultation, agrees that 2 Ector Road (currently in Phase 3), 14 Baudwin and 7 Ector Road (currently in Phase 4) are brought forward into the current decant phase (Phase 1 and 2) as shown on the plan at Appendix 1;
- 4.2 agrees that where necessary, Notice of Seeking Possession is served and possession proceedings brought against secure tenants of the three additional properties under Ground 10 of Schedule 2 to the Housing Act 1985;
- 4.3 agrees that secure tenants of the three additional properties are re-housed in line with paragraph 7.6 of this report; and
- 4.4 agrees that home loss and disturbance payments are made to displaced secure tenants where appropriate in accordance with the Land Compensation Act 1973.

## **5. Background**

- 5.1 At the Mayor & Cabinet meeting on March 24 2010, the unprecedented decision was taken to offer residents a ballot on the regeneration proposals. Residents were informed that, in the event of a 'yes' vote, the Council and L&Q would work together to deliver the regeneration of Excalibur. In the event of a 'no' vote, residents were informed the regeneration proposals put forward by L&Q would not go ahead.
- 5.2 In July 2010 Lewisham Council, through the independent Electoral Reform Services Ltd, conducted a confidential ballot of residents. The Ballot was offered to resident tenants and freeholders whose primary home would be demolished in the proposals. In total, 224 ballot papers were sent out.
- 5.3 Residents eligible to vote were asked 'Are you in favour of the regeneration of the Excalibur estate as proposed by L&Q?' Residents were given two options to answer. Out of the 224 possible votes, 203 (90.6%) were returned. This means that if the 21 who did not vote, had voted 'No', there still would have been more residents that wanted the re-development to go ahead.
- 5.4 The ballot followed a long history of consultation around achieving decent homes on the Excalibur Estate. A short summary of this work since L&Q's selection as the preferred partner is outlined below:
- April 2007 – L&Q recommended as preferred RSL partner by residents for redevelopment through stock transfer and appointment by M&C.
  - July & August 2008 – stage 1 consultation on offer document

takes place.

- October 2008 – Ballot deferred following imminent listing decision.
- March 2009 – DCMS list 6 properties
- April 2009 – February 2010 - scheme redesign in order to accommodate listed properties and economic downturn, funding sought to make revised scheme deliverable.
- February 2010 – HCA confirm that funding could not be made available to a stock transfer, only a regeneration scheme. Residents are consulted, results of which are fed back in a report to Mayor and Cabinet.
- March 2010 – Mayor and Cabinet decide that residents should be offered the unprecedented option of a ballot on the regeneration proposals. Officers are instructed to prepare for a ballot, and to explain to residents the impact of a yes and no vote.
- July – September 2010 – 90% of residents take part in the ballot, 56.2% vote yes to the redevelopment proposals and these results are reported to Mayor and Cabinet in September 2010.
- November 2010 – Mayor and Cabinet asked to consider responses to the Section 105 consultation and recommended to agree to progress the redevelopment of the Excalibur Estate.

## **6. Scheme Update**

- 6.1 The Council has been focusing on re-housing residents in the current decant phase which is a combined Phase 1 and Phase 2. 13 secure tenants out of 30 have now moved with another 2 households under offer of accommodation. One of the households that has moved was re-housed with L&Q permanently away from the borough and L&Q continue to work with other residents in the phase that are interested in this option. The dedicated Decant Officer continues to work closely with the remaining tenants and with L&Q to identify housing options and ensure a smooth move process for all tenants.
- 6.2 There were 7 freeholders on Phase 1 and 2 and to date 2 of these have been bought back by the Council. The Council's Valuer continues to negotiate with the remaining freeholders or their professional representatives. A further freehold property was bought back by the Council on 31<sup>st</sup> January 2011 in accordance with Mayor and Cabinet approval when it was in Phase 1 however this now sits outside of the current development. It is intended to use this property for a household in the current phase decant.
- 6.3 There are 16 void properties on Phase 1 and 2. All properties have been secured and have had the gas disconnected and rubbish cleared. The Council is working towards obtaining vacant possession of this site by autumn 2012 to enable the building works to start.
- 6.4 L&Q were granted a resolution to grant planning permission by the Lewisham Planning Committee on 21<sup>st</sup> April 2011. This was then agreed by the GLA. L&Q and Lewisham Planners are finalising the

Section 106 agreement and upon completion there will be a full planning permission in place with outline approval for the master plan and detailed approval for decant phases 1, 2 and 3.

- 6.5 The national funding system for new affordable housing and regeneration schemes has changed under the new coalition Government and funding streams were cut as the Government reduced budgets. L&Q have been negotiating with the HCA since these changes came into place and now have an agreed grant allocation for their overall programme. Council Officers have been working closely with L&Q to identify what this means for the regeneration of Excalibur and ensure that there is a robust financial and legal agreement in place between the Council and L&Q.

## **7. Scheme proposals and the proposed change**

- 7.1 The current estate with proposed phasing is shown in Appendix 1. The development proposals are shown in Appendix 2.
- 7.2 The change would see three prefabs move into the current decant phase. The 3 properties are 2 Ector Road (which is currently in Phase 3), 14 Baudwin and 7 Ector Road (currently in Phase 4) and the affected households have been contacted individually. One of the prefabs is now void and the Council is seeking to secure it. The two remaining households are both keen to move early and have no objection to the change.
- 7.3 The reasons for seeking to bring these 3 properties into the current decant phase are:
- The new road in Phase 1 requires land from one of the gardens in order to be built.
  - 9 additional properties for sale will be built in Phase 1 which will benefit the Phase 1 financial model.
  - The original phasing plan leads to the creation of a dog leg building which finished on a party wall which would require waterproofing until the next phase was commenced. By including these additional prefabs in the site possession it eliminates the requirement for waterproofing the party wall so enables a more logical build programme.
  - Retaining the dog leg means there would be significant disturbance to the home which shares a party wall throughout the build period that could be avoided by changing the phasing.
  - The changed build programme will benefit the layout of central heating arrangements across the phase.
- 7.4 As L&Q have demonstrated that the proposed change would benefit the overall scheme, Council Officers proceeded with consultation in order that the proposal may be formally considered by Mayor and Cabinet.

7.5 The majority of the scheme proposals are unchanged from the report that was agreed by Mayor and Cabinet on 15th September 2010. Some key points are:

- A mix of homes and bed sizes including bungalows.
- Affordable homes will meet code for sustainable homes level 4.
- Affordable homes will be built to Parker Morris Space Standards plus 10%.
- All homes will meet lifetime homes standards.
- 49 (13%) of the homes will be for wheelchair users.
- Residents who wish to remain in the new development would be offered a bungalow or 2 bed house as a minimum and every child in a household could be allocated their own bedroom (up to a maximum of 4-bed properties) on the new estate. In accordance with Lewisham's Allocations policy there is scope for a local lettings plan to be set up for these kind of exceptional circumstances.
- Housing on the new estate to be offered/ preference advertised for Excalibur decants/residents exercising their request to return before being opened up to the wider community
- A bespoke L&Q Tenancy Agreement for the Excalibur estate.
- Resident Freeholders would still be able to access L&Q's 4 options of outright sale, equity and shared ownership (on the new estate and elsewhere in L&Q properties) and, outright sale and reverting to tenancy (as an L&Q tenant on the new estate or elsewhere)
- L&Q have been keen to maintain an offer to re-house any freeholders on a temporary basis that require it throughout the build process. In addition, L&Q wish to retain the commitment to pay the difference in any rent increase for tenants or freeholders during the decant / temporary move process.
- Sensitive inclusion of the 6 listed properties

7.6 It is proposed that the affected households will be offered re-housing on the same terms as other decant households in the same phase. That is that they will be re-housed in line with the Council's Allocations Policy either off estate or in void properties on Excalibur if properties are available and this is preferred by the household. If re-housed off estate, these households will be able to return to the new development in due course. One household has already moved however it is proposed to ensure the correct homeless payment is made.

## **8. Section 105 Consultation**

8.1 Section 105 of Part IV of the Housing Act 1985 makes it a requirement for a landlord authority to consult with those of its secure tenants who are likely to be substantially affected by a matter of

housing management. The Act specifically identifies a new programme of improvement or demolition to be a matter of housing management to which Section 105 applies.

8.2 On Monday 12<sup>th</sup> December 2011 a letter was hand delivered to all secure tenants on the Excalibur estate allowing 28 days for their observations or comments to be received. The letter set out the Council's and L&Q's proposals for the redevelopment of the estate, explained that the existing properties on the estate would need to be demolished and the process for obtaining possession, set out the predicted timetable for the scheme and re-housing (as far as these are known) and asked tenants for their views on the proposals.

8.3 At the closing of the consultation period a total of 3 responses had been received from secure tenants. A further letter was emailed to Officers on the 9<sup>th</sup> January and is included here. The full responses (with replies from Council Officers) have been made available in the Members room. The 4 responses represent a 6% response rate (of the total 140 secure tenants remaining on the estate).

8.4 Some of the responses received were questions about why other prefabs could not be brought forward in the programme as opposed to views on the actual proposal to redevelop the estate. However 3 of the queries also contained support for the changes. It is possible to categorise the responses as follows:

In favour of the changes: 3  
 Opposed to the changes: 0  
 Neutral to the changes: 1

8.5 The comments made by the three respondents in favour of the development include " I am in agreement with all changes and hope all goes to plan".

"I don't understand why my home can't be included in phase 2, we want to move out as soon as possible because they are cold and damp".

8.6 The comments from the tenant neutral to the changes included concerns about why another household would be decanted first, repair needs in their own home, concerns regarding a nearby void prefab and anti social behaviour in the area.

8.7 The key concerns with responses from Council officers are outlined below.

Issue raised	LBL Response
Resident would like to	The prefab mentioned is included in the revised

know their property could not also be brought forward in the programme	phase as the spine road being created through the development requires land from this property. This is not the case for the respondent, so their home remains in its current phase.
Resident has a query regarding the sentence in consultation letter “ The tenures provided may vary depending on grant conditions and the planning process” and wanted a clearer explanation.	The sentence is included in the letter because changes to tenures across regeneration schemes maybe required by grant conditions or by the Planning process.  The changes to the boundary line do not affect the tenure in any way. As per the offer document, all residents will be offered a home on the new estate, should they wish to return.
Why another household would be decanted first,	The prefab mentioned is in the same decant phase as the respondent so they will be re-housed during the same time period.
Repair needs in their own home,	Any repair needs are the responsibility of the TMO. If repairs are not undertaken then tenants are able to report this to the Council who will put follow up action in place.
Concerns regarding a nearby void prefab	The void referred to is the property of a private freeholder and so it is their responsibility to secure it. Officers are looking at possible enforcement action.
Concerns about anti social behaviour in the area	Council Officers are aware that there was an increase in anti social behaviour in this area during the summer 2011 and were involved in meeting with the TMO and Police representatives to discuss this. The Police confirmed in October 2011 that the problems were concentrated on a particular household and had come to an end. The respondent was asked to inform the Council of any additional concerns so that Officers could further liaise with the Police as necessary. In addition, the Council is not aware of any recent incidences of anti social behaviour concerning the decant void prefabs, however in addition to regular inspections from Council Officers, communication from residents is invaluable so the respondent was assured that the Council appreciates hearing about any concerns or reports of incidents you have.

8.8 A letter is to go out to each tenant that responded answering their specific questions.

8.9 The limited response from residents to the consultation has not



highlighted any concerns with the proposed change. As there would be a clear benefit to including the 3 additional properties within the current decant phase, Officers propose that this change to the phasing is implemented.

### **General Resident Consultation**

- 8.10 The S105 consultation has built on extensive consultation with estate residents that has taken place over many years. This has included meetings, development of a resident steering group, exhibitions, a regeneration forum and other subject specific sub groups, involvement of an independent tenant advisor and the ballot.
- 8.12 Officers will continue to communicate regularly with residents about the regeneration and how the scheme is progressing. Recent communications have focused on the monthly steering group meetings held with a group of residents, Council and L&Q Officers and Councillors and the newsletters sent to all residents and Councillors every 3 months.
- 8.13 Officers will continue to work with the regeneration steering group and TMO as necessary.

### **9. Legal implications**

#### **Statutory Section 105 Consultation**

- 9.1 Section 105 of the Housing Act 1985 provides that the Council must consult with all secure tenants who are likely to be substantially affected by a matter of housing management. Section 105 specifies that a matter of housing management includes a matter relating to the demolition of dwelling houses let by the authority under secure tenancies. Such consultation must inform secure tenants of the proposals and provide them with an opportunity to make their views known to the Council within a specified period. Section 105 further specifies that before making any decisions on the matter the Council must consider any representations from secure tenants arising from the consultation. Such consultation must therefore be up to date and relate to the redevelopment proposals in question.

#### **Decanting of Secure Tenants**

- 9.2 Section 84 of the 1985 Act provides that the Court shall not make a possession order of a property let on a secure tenancy other than on one of the grounds set out in Schedule 2 to the Act, the relevant ground in this case being ground 10.
- 9.3 Ground 10 applies where the local authority intends to demolish the dwelling house or to carry out work on the land and cannot reasonably

do so without obtaining possession. The demolition works must be carried out within a reasonable time of obtaining possession.

- 9.4 Where the Council obtains possession against a secure tenant it is required to provide suitable alternative accommodation to the tenant. This is defined in the 1985 Act and requires consideration of the nature of the accommodation, distance from the tenants' family's places of work and schools, distance from other dependant members of the family, the needs of the tenant and family and the terms on which the accommodation is available.
- 9.5 There is a more limited statutory re-housing liability for homeowners whose properties are re-acquired by the Council under CPO or shadow of CPO powers. The duty imposed by Section 39 of the Land Compensation Act 1973 is to secure that any person displaced from residential accommodation is provided with suitable alternative accommodation where this is not otherwise available on reasonable terms.
- 9.6 However, in order to facilitate early possession of properties which have been sold under the Right to Buy it is recommended that the Council should follow the same decanting and re-housing policies for displaced owner occupiers as those to be followed for displaced tenants.

### **Equalities Legal Implications**

- 9.7 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.8 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 9.9 As was the case for the original separate duties, the new duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful

discrimination, advance equality of opportunity or foster good relations.

9.10 The Equality and Human Rights Commission issued guides in January 2011 providing an overview of the new equality duty, including the general equality duty, the specific duties and who they apply to. The guides cover what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guides were based on the then draft specific duties so are no longer fully up-to-date, although regard may still be had to them until the revised guides are produced. The guides do not have legal standing unlike the statutory Code of Practice on the public sector equality duty, However, that Code is not due to be published until April 2012. The guides can be found at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/new-public-sector-equality-duty-guidance/>

## **10. Financial implications**

10.1 The costs arising from re-housing the additional tenants can be met from the budget agreed by Mayor and Cabinet on 23<sup>rd</sup> February 2011 for the re-housing of residents in Phases 1 and 2. There are no additional financial implications arising from this report.

## **11. Human Rights Act 1998 Implications**

11.1 The Human Rights Act 1998 effectively incorporates the European Convention on Human Rights into UK law and requires all public authorities to have regard to Convention Rights. In making decisions Members therefore need to have regard to the Convention. The rights that are of most relevance to local authorities are summarised in Appendix 3 to this report.

11.2 The rights that are of particular significance to the Mayor's decision in this matter are those contained in Articles 8 (right to home life) and Article 1 of Protocol 1 (peaceful enjoyment of possessions).

11.3 Article 8 provides that there should be no interference with the existence of the right except in accordance with the law and, as necessary in a democratic society in the interest of the economic well-being of the country, protection of health and the protection of the rights and freedoms of others. Article 1 of the 1<sup>st</sup> Protocol provides that no-one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law although it is qualified to the effect that it should not in any way impair the right of a state to enforce such laws as it deems necessary to control the uses of property in accordance with the general interest.

- 11.4 In determining the level of permissible interference with enjoyment the courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to affected persons is relevant in assessing whether a fair balance has been struck.
- 11.5 Therefore, in reaching his decision, the Mayor needs to consider the extent to which the decision may impact upon the Human Rights of estate residents and to balance these against the overall benefits to the community which the redevelopment of the Excalibur estate will bring. The Mayor will wish to be satisfied that interference with the rights under Article 8 and Article 1 of Protocol 1 is justified in all the circumstances and that a fair balance would be struck in the present case between the protection of the rights of individuals and the public interest.
- 11.6 It is relevant to the consideration of this issue, that should the scheme proceed all displaced occupiers would be offered re-housing in accordance with the Council's re-housing policy. Secure tenants will be entitled to home loss and disturbance payments. Freeholders will be entitled to receive market value for their properties as well as (for owners who have been resident for 1 year or more) home loss and disturbance payments.

## **12. Environmental Implications**

- 12.1 The proposed new homes to be built by London & Quadrant would exceed the requirements of the Decent Homes Standard; this means greater energy efficiency, reduced maintenance costs and lower fuel bills for residents. This would also reduce the environmental impact of the new homes.
- 12.2 As new landlord L&Q would develop minimum standards that tenants can expect from their home. A key part of that would be the affordability and sustainability of the energy usage. The homes are designed using principles of passive solar design and have been modelled by energy consultants to ensure high thermal comfort whilst keeping heat loss to a minimum. This includes making the home air tight through construction detailing and incorporating a heat recovery ventilation system to further reduce energy loss and provide homes with fresh air. The Greater London Authority requires this scheme to achieve 20% renewable energy and a Code for Sustainable Homes level 3-4, as a minimum; both pieces of legislation necessitate an energy efficient home.

## **13. Crime and Disorder Implications**

- 13.1 One of the key priorities of the TMO Resident Selection Committee in

selecting a preferred RSL was how it tackles crime and anti social behaviour issues. L&Q has a strong track record in dealing with crime and anti-social behaviour (ASB) and they are committed to adopting a robust approach at Excalibur if needed. L&Q plays its part as a member of Lewisham's Crime Reduction Partnership in meeting targets and actions in the Local Community Plan and the Crime Disorder Strategy. They would work in partnership with the police and other agencies to tackle crime and ensure that safety at Excalibur is maintained and improved.

13.2 The Regeneration Proposals document outlined the proposed physical improvements, enhanced estate management and the diversionary opportunities which L&Q would implement to help reduce crime and anti-social behaviour. Under stock transfer, the Offer Document also demonstrated L&Q's commitment to tackling race and hate crime, domestic violence and improving child protection, which the residents of Excalibur seek. These principles would be unaffected by the change from a stock transfer to a regeneration scheme.

13.3 There was an increase in crime during the summer months and there was some local concern about this. Council Officers have been participating in a partnership approach to monitoring crime and anti social behaviour with the Lewisham Community Safety Team, Police and TMO. The crime was not directly linked to the void properties and levels have now reduced. Council Officers will continue to participate in any such approach for as long as necessary.

#### **14. Equality Implications**

14.1 Officers have reported on the likely equalities implications for this scheme as below. The Equalities Impact Assessment (now known as an Equalities Analysis Assessment (EAA)) was updated and presented to M&C on 17<sup>th</sup> November 2010.

14.2 There are equalities implications in the decanting and re-building process and equalities benefits would accrue from the completed scheme.

#### **Equalities implications: during the process**

14.3 From extensive door knocking, L&Q staff have begun to build up a database of households that have English as a second language and as a result key information would be translated for them, if needed. In addition, a number of residents have also been identified who suffer from a visual impairment, so literature for them is routinely produced in larger print. These are exercises that would continue to be monitored and repeated.

14.4 The decant process involves the provision of an individual service, where decant officers visit tenants at home and get to know them and

their needs on an individual basis. Any special requirements are identified and taken into account in planning the move, factors such as language, mobility and other support needs often need to be considered. It is recognised that decanting is a very stressful time and decant officers would offer as much support as required to minimise the anxiety to residents.

### **Equalities implications: the completed development**

- 14.5 The scheme would provide thermal and security improvements, with all new properties more than meeting the decent homes standard.
- 14.6 All new affordable units in the development would meet lifetime homes standards. A Lifetime Home incorporates 16 design features that together create a flexible blueprint for accessible and adaptable housing in any setting, so that the unit can be adapted when required to suit residents changing needs.
- 14.7 In line with GLA and Council policy, more than 10% of units across the development would be wheelchair accessible or easily adapted for those using a wheelchair.

### **15. Conclusion**

- 15.1 This reports back on the statutory consultation that Mayor is required to consider before the Council is able to formally agree the proposed change to the phasing of the re-development. As L&Q have demonstrated that the change would benefit the scheme and there were no concerns raised by residents in the formal consultation undertaken Officers support the proposal.

### **16. Background documents and Report author**

- 16.1 There are no background documents to this report.
- 16.2 If you would like any further information about this report please contact Genevieve Macklin on 0208 314 8146.

**Summary of human rights most relevant to local authorities**

Article 2 - The right to life

Article 3 - The right not to be subjected to torture or to inhuman or degrading treatment or punishment

Article 5 - The right to liberty and security

Article 6 - The right to a fair trial

Article 8 - The right to respect for private and family life, the home and correspondence

Article 9 - The right to freedom of thought, conscience and religion

Article 10 - The right to freedom of expression

Article 11 - The right to freedom of peaceful assembly and to freedom of association with others

Article 14 - The right to freedom from discrimination on any ground such as sex, race, colour, language, religion, or political opinion

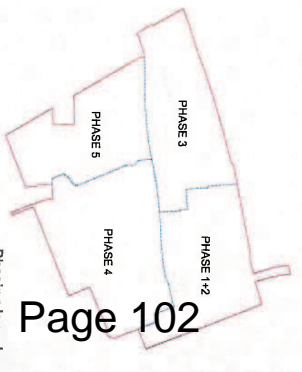
Article 1 of Protocol 1 - The right for every person to be entitled to the peaceful enjoyment of their possessions

Article 2 of Protocol 1 - The right to education



SCHEDULE	Unit Size / Feature Type	No. of Units
One/Two Bed (over 55 sqm) (Senior Accessible Apartment)	68.0	46
Two Bed (over 55 sqm) (Senior Accessible Apartment)	67.1	30
Two Bed House	79.0	11
Two Bed Apartment	66.9	86
Three Bed House	88.0	4
Three Bed Apartment	87.9	20
Four Bed House	106.7	13
Two Bed Apartment	67.6	188
One Bed Apartment	46.8	41
Totals		388
WHEELCHAIR UNITS	7.5 Units (1.9% Wheelchair Accessible) (Compliance with the Accessibility Act)	
DISABLED PARKING	44 Designated Disabled Parking Spots (12.2%)	
GENERAL PARKING	0.8 x 300 Units = 300 Parking Spaces	
SITE AREA	6.8 Hectares (-0.1 Hectares = 6.5 Hectares)	
DENSITY	163.1 Habitable Rooms Per Hectare	
CHILD PLAY STATION	286.5 Children x Team = 2.865 sqm of play space required. 5.048 sqm of "Floor Slab Play Space" is currently shown. Shaded area designated with horizontal contours.	
HOME ZONES	Shaded area designated with horizontal contours.	
PARKING BOUNDARY		

accommodation schedule



Phasing key plan



view of spine road

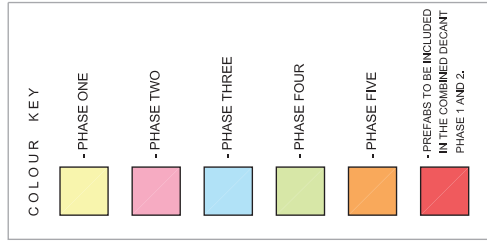
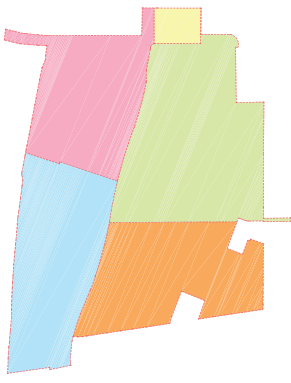
**L&O**  
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26/11/2018  
L&O  
26/11/2018

**ESKALIBUR ESTATE**  
SUBDIVISION OF ACCOMMODATION  
DATE: 14/09/2018  
SCALE: 1:500  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
DATE: 14/09/2018  
SCALE: 1:500  
DRAWN BY: [Name]  
CHECKED BY: [Name]

26/11/2018  
L&O  
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project name: EXCALIBUR ESTATE, CATFORD  
drawing reference: PHASING PLAN

date: DECEMBER 2011

sheet: MBP

drawn: MBP

checked: JW

scale: 1:1250@A3

revision: A

drawing number: ASK002

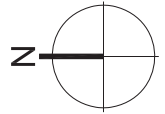
job number: M7617

status:

Use figured dimensions only. All levels and dimensions to be checked on site. This drawing is to be read in conjunction with all other relevant drawings and specifications.

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cad ref: M7617 - ASK002 PHASING PLAN OVERLAY - EXCALIBUR ESTATE - 1-1250@A3.dwg



Revision

# Agenda Item 8

<b>Chief Officer Confirmation of Report Submission</b>		
<b>Cabinet Member Confirmation of Briefing</b>		
Report for: Mayor		<input type="checkbox"/>
Mayor and Cabinet		<input checked="" type="checkbox"/>
Mayor and Cabinet (Contracts)		<input type="checkbox"/>
Executive Director		<input type="checkbox"/>
Information <input type="checkbox"/>	Part 1 <input checked="" type="checkbox"/>	Part 2 <input type="checkbox"/>
		Key Decision <input type="checkbox"/>

Date of Meeting	18 <sup>th</sup> January 2012
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Title of Report	Setting the Council Tax Base & Discounts for Second Homes and Empty Properties
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Originator of Report	Selwyn Thompson	Ext. 46932
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal Comments from the Head of Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Crime & Disorder Implications	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Implications	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Equality Implications/Impact Assessment (as appropriate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Confirmed Adherence to Budget & Policy Framework	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Risk Assessment Comments (as appropriate)	<input type="checkbox"/>	<input type="checkbox"/>
Reason for Urgency (as appropriate)	<input type="checkbox"/>	<input type="checkbox"/>

Signed:  Executive Member (nominee)

Date: 9/1/2012

Signed:  Director/Head of Service

Date: 9/1/2012

Control Record by Committee Support	
Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

<b>MAYOR &amp; CABINET</b>			
<b>REPORT TITLE</b>	Setting the Council Tax Base & Discounts for Second Homes and Empty Properties		
<b>KEY DECISION</b>	Yes		<b>ITEM NO.</b>
<b>WARD</b>	All		
<b>CONTRIBUTORS</b>	Executive Director for Resources; and Executive Director for Customer Services		
<b>CLASS</b>	Part 1	<b>Date</b>	18 January 2012

## **1 EXECUTIVE SUMMARY**

- 1.1 This report sets out the statutory calculation required in order to set the Council Tax Base for 2012/13, in accordance with the Local Authorities (Calculation of Council Tax Base) regulations 1992, as amended. In addition, the report recommends that the Council Tax Base for 2012/13 be agreed at 89,419.04, based on an assumed collection rate of 96.25%.

## **2 RECOMMENDATIONS**

The Mayor is recommended to agree:

- 2.1 To recommend that the Council at its meeting on 1 February 2012, agree a Council Tax Base of 89,419.04 for 2012/13; and
- 2.2 To continue the current local policy on discounts, with the minimum discount of 10% for second homes and 0% for empty dwellings for 2012/13.

## **3 POLICY CONTEXT**

- 3.1 The Council is required to inform the Greater London Authority of its 2012/13 Council Tax Base by 31 January 2012.

## **4 COUNCIL TAX BASE**

- 4.1 Calculation of the Council Tax (the tax) is governed by the Local Government Finance Act 1992 (LGFA 1992) and various regulations there under. In particular, Section 33(1) of the Act requires the basic (Band D) tax to be calculated by applying the formula:

$$(R - P) / T$$

R is the Council's 2012/13 Budget Requirement

**P** is the estimate of the amounts payable to the Council in 2012/13 in redistributed non-domestic rates, revenue support grant, any additional grant and any estimated net surpluses (or deficits) on the Collection Fund

**T** is the Council's 2012/13 Tax Base

- 4.3 Although the Council's net budget requirement (R above) cannot yet be determined, the 'tax base' (T) can and is subject to the Local Authorities (Calculation of Council Tax Base) Regulations 1992, made under section 33 of the Act and the Local Authorities (Calculation of Council Tax Base) (Amendment) England Regulations 1999. Regulation 8 of the 1992 Regulations requires the calculation to be made some time between 1 December 2011 and 31 January 2012.
- 4.4 The Council's Tax Base is a measure of the Authority's ability to raise revenue from local taxation, the remainder of the Council's budget being funded by Central Government through Formula Grant (Revenue Support Grant and National Non-Domestic Rates). Prior to the commencement of the year, Formula Grant is calculated so as to compensate Local Authorities for differences in their taxbase. If the taxbase is reduced for any reason, Lewisham's budget requirement will be divided over a smaller nominal number of taxpayers, resulting in a higher Council Tax.
- 4.5 The calculation of the Council's Taxbase 'T' can be expressed as the 'Relevant Amounts' (known as 'A') for each valuation band multiplied by the collection rate (known as 'B'). In summary, 'Relevant Amounts' are to be calculated as the number of dwellings on the valuation list supplied by the Inland Revenue adjusted for discounts, disabled person reductions and anticipated changes to the list during 2012/13. The detailed calculation of the 'Relevant Amount' for each valuation band for 2012/13 has been set out at Appendix A.
- 4.6 The proportions applicable to the various council tax bands (the 'basic' band being D) are as follows:-

<b>Band</b>	<b>Proportion (ninths)</b>
A	6
B	7
C	8
D	9
E	11
F	13
G	15
H	18

- 4.7 The Council's basic tax is calculated in respect of Band D. Therefore, Band A properties pay 6/9 of the basic tax, Band B properties 7/9 of the basic tax and so on, up to Band H where the tax is 18/9 or twice the tax at Band D.
- 4.8 The 'Relevant Amounts' for each Band for 2012/13 are summarised in the table below. This is based on the number of chargeable dwellings being 114,573 . This is an increase of 1,005 properties from the 113,568 chargeable dwellings recorded for 2011/12.

Band	Relevant Amount
A	3,762.2
B	20,611.9
C	31,783.8
D	22,699.8
E	8,022.4
F	3,716.6
G	2,004.2
H	302.0
<b>Aggregate of Relevant Amounts</b>	<b>92,902.9</b>

- 4.9 The aggregate of 'Relevant Amounts' expressed as a Band D equivalent for 2012/13 is therefore 92,902.9.
- 4.10 To set a 96.25% collection rate, the statutory calculation of the 2012/13 Council Tax Base is:

<b>A</b>	Aggregate of Relevant Amount	92,902.9
<b>B</b>	multiplied by the Collection Rate	x <u>96.25%</u>
<b>T</b>	equals the Council Tax Base	<b><u>89,419.04</u></b>

## 5 DISCOUNTS

- 5.1 The Council has local discretion, granted under the Local Government Act 2003 (LGA 2003), in setting the discount for homes counted as long term empty and second homes. These are currently:-

Discount category	Percentage awarded	Local / statutory
Single Person	25%	Statutory
All except one household member disregarded	25%	Statutory
All persons in household disregarded	50%	Statutory
Second Home	10%	Local
Long-term empty	0%	Local

- 5.2 The Council has the power under the LGA 2003 to have other local discounts. The Government is currently consulting on changes to the percentage of discount and time limit awarded. However, these changes will not come into effect until 2013/14.
- 5.3 Currently, discounts can be granted either to individuals or to classes of individuals. However, there are financial implications to awarding any discounts other than those currently available. Not only would there be an increase in the general level of Council Tax for other payers, but the complication and cost of administering Council Tax would increase.
- 5.4 It is recommended that the Council only award discounts to the categories listed in the above table.

## **6 FINANCIAL IMPLICATIONS**

- 6.1 When considering an assumed collection rate of 96.25% for 2012/13, officers have undertaken a review of the accrued collection rates from 2004 to 2011. The results of this review are attached at Appendix B.
- 6.2 As in previous years, officers remain vigilant with regards to the current economic climate. Whilst it was difficult to predict the scale of the ongoing impact, it remains inevitable that Councils and residents across the country continue to be affected in some way by the current economic climate.
- 6.3 Residents continue to be concerned about their household finances with many still experiencing financial difficulties and the prospects of further redundancies and property repossessions during 2012/13.
- 6.4 The Council Tax section will continue to apply a firm but fair approach when dealing with customers who fall into arrears, in line with the Corporate Collection Policy.
- 6.5 The bad debt provision for 2012/13 has been reviewed and a decision has been taken to maintain an appropriate level of provision as a result of the current economic climate. Officers believe that a collection rate of 96.25% for 2012/13 is reasonable, based on the actual debt that has been collected since 2004.
- 6.6 Attached at Appendix B, is a detailed summary of the collection result since 2004. As illustrated, it takes approximately 6 years on average to attain the budgeted percentage. This 6 year period is still considered as a realistic target based on past performance.

## **7 LEGAL IMPLICATIONS**

- 7.1 Under the Local Government Finance Act (LGFA) 1992 and Regulations made under it, the Authority is required to decide its Council Tax Base for 2012/13, by no later than 31 January 2012. Section 67 of the 1992 Act reserves to full Council, the decision on the level of the Council Tax.
- 7.2 The Local Government Act 2000 and Regulations made under it say that the responsibility of the Executive in connection with the discharge of the function of calculation of the Council Tax under Sections 32 to 37 LGFA 1992 is limited to the preparation of estimates of the amounts to be taken into account in the Tax Base calculation for consideration by the Authority in fixing that Tax Base.

## **8 CRIME AND DISORDER IMPLICATIONS**

- 8.1 There are no specific crime and disorder implications directly arising from this report.

## **9 EQUALITIES IMPLICATIONS**

- 9.1 Every effort will be made to ensure that Council Tax payers, particularly those who are from traditionally disadvantaged groups, receive prompt and accurate Council Tax bills, and that those who are eligible for exemptions and discounts, such as the disabled, single people, those on low incomes, are encouraged to claim them.

## **10 ENVIRONMENTAL IMPLICATIONS**

10.1 There are no specific environmental implications directly arising from this report.

## **11 CONCLUSION**

11.1 The recommended Council Tax Base takes account of the 'relevant amounts' for each Council Tax band and a considered view of the likely collection rate.

**For further information on this report, please contact Selwyn Thompson, Group Manager Budget Strategy on 0208 314 6932 or Lorraine Richards, Revenues Manager on 0208 314 6047.**

**Calculation of Council Tax Base for Formula Grant Purposes**

Please e-mail to : [ctb.statistics@communities.gsi.gov.uk](mailto:ctb.statistics@communities.gsi.gov.uk)  
Please enter your details after checking that you have selected the correct local authority name

Please select your local authority's name from this list

Lancaster
Leeds
Leicester
Lewes
<b>Lewisham</b>
Liverpool
Lichfield

Check that this is your authority: **Lewisham**

Local authority contact name:	Lorraine Richards
Local authority telephone number:	020 8314 6047
Local authority fax number:	020 8314 3155
Local authority e-mail address:	Lorraine.Richards@lewisham.gov.uk

**CTB(October 2011) form for : Lewisham**

Completed forms should be received by CLG by Friday 14 October 2011

Dwellings shown on the Valuation List for the authority on Monday 12 September 2011	Band A entitled to disabled relief reduction COLUMN 1	Band A COLUMN 2	Band B COLUMN 3	Band C COLUMN 4	Band D COLUMN 5	Band E COLUMN 6	Band F COLUMN 7	Band G COLUMN 8	Band H COLUMN 9	TOTAL COLUMN 10
1. Total number of dwellings on the Valuation List		7,205	32,324	41,427	25,206	7,164	2,753	1,298	177	117,564
2. Number of dwellings on valuation list exempt on 3 October 2011 (Class A to W exemptions)		296	1,038	967	453	152	37	28	4	2,975
3. Number of demolished dwellings and dwellings outside area of authority on 3 October 2011 (please see notes)		1	0	3	0	0	0	0	2	6
4. Number of chargeable dwellings on 3 October 2011 (treating demolished dwellings etc as exempt) (lines 1-2-3)		6,908	31,286	40,457	24,753	7,012	2,716	1,270	171	114,573
5. Number of chargeable dwellings in line 4 subject to disabled reduction on 3 October 2011		6	35	90	103	45	23	14	10	326
6. Number of dwellings effectively subject to council tax for this band by virtue of disabled relief (line 5 after reduction)	6	35	90	103	45	23	14	10		326
7. Number of chargeable dwellings adjusted in accordance with lines 5 and 6 (lines 4-5+6 or in the case of column 1, line 6)	6	6,937	31,341	40,470	24,695	6,990	2,707	1,266	161	114,573
8. Number of dwellings in line 7 entitled to a single adult household 25% discount on 3 October 2011	4	5,058	18,631	17,927	7,439	1,518	422	156	8	51,163
9. Number of dwellings in line 7 entitled to a 25% discount on 3 October 2011 due to all but one resident being disregarded for council tax purposes	0	39	323	466	282	77	20	6	0	1,213
Explanation has been added										
10. Number of dwellings in line 7 entitled to a 50% discount on 3 October 2011 due to all residents being disregarded for council tax purposes	0	1	5	13	26	27	43	40	15	170
11. Number of dwellings in line 7 classed as second homes and so treated for Formula Grant purposes as being entitled to a 50% discount on 3 October 2011 (even if a lower discount has been granted in practice).		38	198	217	104	28	4	6	1	596
198										
12. Number of dwellings in line 7 classed as long-term empty and receiving a 50% discount on 3 October 2011		0	0	0	0	0	0	0	0	0
13. Total number of dwellings in line 7 entitled to a 50% discount for Formula Grant purposes on 3 October 2011 (lines 10+11+12)	0	39	203	230	130	55	47	46	16	766
14. Number of dwellings in line 7 classed as long-term empty and receiving zero% discount on 3 October 2011		83	295	281	189	56	18	15	3	940
Explanation has been added										
15. Number of dwellings in line 7 classed as long-term empty and receiving between zero% and 50% discount on 3 October 2011. Please enter % discount here (please see notes):	0.0	0	0		0	0	0	0	0	0
16. Number of dwellings in line 7 where there is liability to pay 100% council tax (lines 7-8-9-13-15)	2	1,801	12,184	21,847	16,844	5,340	2,218	1,058	137	61,431
17. Total equivalent number of dwellings after discounts, exemptions and disabled relief (to 2 decimal places) [(line 8 x 0.75) + (line 9 x 0.75) + (line 13 x 0.5) + line 15 x ((100 - % discount)/100) + line 16]	5.00	5,643.25	26,501.00	35,756.75	22,699.75	6,563.75	2,573.00	1,202.50	151.00	101,096
18. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
19. Number of band D equivalents (to 1 decimal place) (line 17 x line 18)	2.8	3,762.2	20,611.9	31,783.8	22,699.8	8,022.4	3,716.6	2,004.2	302.0	92,905.7
20. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2011-12 (to 1 decimal place)										0.0
21. Tax base for Formula Grant purposes (to 1 decimal place) (line 19 col 10 + line 20)										92,905.7



**COUNCIL TAX COLLECTION RATES 2004/05 TO 2010/11**

**APPENDIX B**

<b>Relevant Council Tax Year</b>	<b>Total Collected</b>	<b>Gross Debit</b>	<b>Percentage Collected</b>	<b>Percentage Budgeted</b>
	<b>£'000</b>	<b>£'000</b>	<b>%</b>	<b>%</b>
2010/11	118,110	122,902	96.10	96.25
2009/10	117,387	121,956	96.25	96.25
2008/09	116,313	119,095	97.66	96.25
2007/08	111,463	115,876	96.19	96.25
2006/07	107,347	111,982	95.86	96.25
2005/06	103,366	106,364	97.18	96.18
2004/05	98,011	101,215	96.83	96.18

The above amounts represent the rates of collection over a number of years.

# Agenda Item 9

**1 Chief Officer Confirmation of Report Submission**

**2 Cabinet Member Confirmation of Briefing**

**3 Report for:**

**Mayor**

**Mayor and Cabinet**

**Mayor and Cabinet (Contracts)**

**Executive Director**

**Information**  **Part 1**  **Part 2**  **Key Decision**

<b>Date of Meeting</b>	18 <sup>th</sup> January 2012
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<b>Title of Report</b>	Proposed Music Education Hub for Lewisham
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<b>Originator of Report</b>	Peter Hayward, Head of Lewisham Music Service	Ext 46450
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	√	
Legal Comments from the Head of Law		X
Crime & Disorder Implications		X
Environmental Implications		X
Equality Implications/Impact Assessment (as appropriate)	√	
Confirmed Adherence to Budget & Policy Framework		
Risk Assessment Comments (as appropriate)		
Reason for Urgency (as appropriate)		

Signed: *Helen Khin* Executive Member

Date: 9<sup>th</sup> January 2012

Signed: *Steve* Executive  
Director Service

Date 10<sup>th</sup> January 2012

## Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

## MAYOR AND CABINET

<b>Report Title</b>	Proposed Music Education Hub for Lewisham		
<b>Key Decision</b>	Yes		Item No.
<b>Ward</b>	All		
<b>Contributors</b>	Executive Director of Children and Young People		
<b>Class</b>	Open	18 January 2012	

### 1 Executive Summary

- 1.1 *The Importance of Music* - A National Plan for Music Education was published on 25 November 2011. The Plan sets out the commitment by both the Department for Education (DfE) and the Department for Culture, Media and Sport (DCMS) both to recognise the importance of music in young people's lives and to ensure they receive music education of the highest quality.
- 1.2 At the heart of the Plan is the assertion that no one organisation can do this alone. It is through organisations working together in new music education hubs that opportunities reaching beyond school boundaries can be developed, drawing in the expertise of a range of education and arts partners.
- 1.3 The Plan sets out what this change will mean for schools, local authorities, local authority music services, music and arts organisations, and music teachers.
- 1.4 The DfE will continue to fund music education in the three years from April 2012. In the summer term 2012 Lewisham Music Service's DfE funding will remain in place under the same terms as now. Funding for the new hub from September 2012 will be subject to an open process run by Arts Council England. The deadline for bids is 17 February 2012, with the new hubs taking forward the work formerly carried out by local authority music services from September 2012.
- 1.5 The Arts Council Prospectus sets out the expectation that there will be fewer music education hubs than local authority areas and therefore we will be continuing to work towards closer collaboration with neighbouring hubs/LAs.

### 2 Recommendations

That the Mayor agrees:

- 2.1 Lewisham Music Service be the lead applicant in the borough bid because of its reach in schools, range of established partnerships and the breadth of our of school projects, ensembles and events across Lewisham; and
- 2.2 Lewisham Music Service be the lead organisation to take forward the hub bidding process on behalf of Lewisham Council and that authority to sign off the final bid be delegated to the Executive Director for Children and Young People.

### **3 Background**

- 3.1 Lewisham Music Service was formed in 2000 and currently provides tuition and music ensemble programmes in 68 Lewisham schools and academies, in after school music centres and in a Saturday Music Centre for over 4,500 children age 7 to 18.
- 3.2 Over 2,500 KS2 children have their first experience of learning a musical instrument through our *Tune Up* whole class programme.
- 3.3 Our school projects and events support school-based choirs and ensembles in exciting performance opportunities across the borough such as *Lewisham Live*, which next March will include 13 concerts involving over 1,500 children.
- 3.4 Our teacher networks provide invaluable opportunities for school music staff across Lewisham to access CPD, to meet and to exchange ideas and resources.
- 3.5 Our partnerships with professional arts organisations such as the London Symphony Orchestra offer invaluable progression routes for gifted and talented children.
- 3.6 We manage a stock of over 3,000 musical instruments which are made available to children and young people in Lewisham.
- 3.7 We provide concessions of up to two-thirds for fees for lessons, for ensembles and for instrument hire for children on Free School Meals.
- 3.8 The new Music Education Hub will build on and develop the existing impact and reach of our programmes.
- 3.9 Through more formal and strategic work with partners, the hub will deliver good value for money, quality and consistency across a range of key areas as set out in the National Plan for Music Education. (See Appendix 1).
- 3.10 We anticipate a strengthening of our existing relationships with the London Boroughs of Greenwich, Lambeth and Southwark through the newly formed South London Music Collaborative. Although all four boroughs are proposing to submit individual bids, we anticipate that, if they are agreed, over the three year period closer working relationships

will deliver cost efficiencies in areas such as Continuing Professional Development (CPD) and instrument loans.

- 3.11 The Arts Council recognises that the timeline for bids to be formulated and submitted is such that it may not be possible to have formal partnership arrangements in place at the point at which applications are submitted. We intend to demonstrate in our bid how established our partnership arrangements are and how we propose they should develop over time. We also anticipate continuing the process of shaping and developing the Hub over the next two terms before it comes into effect in September 2012, should the recommendations be agreed and if our application is successful.

#### **4 Procurement**

- 4.1 The Music service has conducted a series of open meetings with existing and potential partners.
- 4.2 The new Music Hub operations will include commissioning services from partner and associate organisations (See Appendix 2).
- 4.3 Some partner organisations may enter into formal partnership agreements as required and these arrangements will be governed by Service Level Agreements as appropriate.

#### **5 Financial Implications**

- 5.1 Lewisham Music Service currently receives £357,030 from DfE (Music Education Grant) and £456,000 in income from schools and parents. We receive £2,500 from the Council Arts Service for projects and performance events, but no other direct Council funding apart from in-kind support for office accommodation.
- 5.2 The amount of available funding for Summer Term 2012 is £110,715.
- 5.3 The amount of funding available for the proposed Lewisham Music Education Hub is the £221,431 (Sept 2012 to April 2013), £286,573 (2013-2014) and £291,529 (2014 – 2015).
- 5.4 As the lead organisation, Lewisham Music Service would be responsible for managing the application and any grant funding that is awarded on behalf of the Music Education Hub.
- 5.5 The Music Education Hub will be managed within the grant resources available with no call upon the General Fund resources of the Council.

#### **6 Legal Implications**

- 6.1 As the lead organisation, Lewisham Music Service will be responsible for managing partnership arrangements, service level agreements and monitoring quality of delivery on behalf of the Music Education Hub.

## **7 Crime and Disorder Implications**

7.1 None.

## **8 Equalities Implications**

8.1 If a proposal is not put forward to the Arts Council Lewisham Music Service will lose all its core funding and will cease to exist in its current form.

8.2 This will disadvantage and disrupt the music education of over 4,500 children and young people in Lewisham as well as remove a thriving music support network for schools including Free School Meals children, children in special schools and gifted and talented children.

8.3 The *Tune Up* whole class programme which provides an opportunity for every child in KS2 to learn a musical instrument could only be provided in those schools willing to take on responsibility for the programme themselves without access to specialist Music Service support.

## **9 Environmental Implications**

9.1 None.

## **10 Conclusions**

10.1 Lewisham Music Service is well placed to put forward a proposal on behalf of the Council. This will secure funding for a music education hub for the borough which will support a wide, diverse range of organisations to work together to meet the core and extended areas of activity as set out in the National Plan for Music Education.

## **BACKGROUND PAPERS**

Appendix 1 - *The Importance of Music: A National Plan for Music Education* (DfE, Nov 2011)

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=2118>

Music Education Hubs – Prospectus for applicants (DfE and Arts Council, Nov 2011)

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=2118>

Appendix 2 - Lewisham Music Education Hub, Draft Plan, January 2012

# The Importance of Music

A National Plan for  
Music Education

*Music has a power of forming the character and should therefore be introduced into the education of the young.*

(Aristotle)

*Music is a moral law. It gives soul to the universe, wings to the mind, and life to everything... Without music, life would be an error.*

(Plato)



# Foreword

England is a world leader in music education, but Darren Henley's excellent review published in February showed there is more that we can do.

We have a long heritage in this country of creating some of the greatest music the world has ever heard. In every musical genre, composers and performers from England have made their mark. From Thomas Tallis and William Byrd in Elizabethan times, via Edward Elgar and Ralph Vaughan Williams in the 20th century, through to Peter Maxwell Davies, Thomas Adès and Howard Goodall today. In rock, pop and dance music, England has consistently led the way, whether in the 1960s when The Beatles and the Rolling Stones were at the height of their worldwide success, or today with younger artists such as Adele and Tinie Tempah dominating sales worldwide. We have also achieved notable success in jazz, folk and world music on the international stage.

England's music achievement has, however, not just been limited to performance and composition. We would not have scaled the heights of artistic greatness in the first place without our pre-eminence in music education. Much of the credit for this success goes to the highly committed and highly professional teachers, who instil in our young people a passion for music, the skills to perform and compose, and an understanding of the dedication and hard work necessary to achieve meaningful success in this subject.

We have both seen many examples of great teachers and great teaching over the past few years, but Darren Henley's review suggested ways of addressing the inequalities in provision across England. So, for the first time, the Government is publishing a National Plan for Music Education. The very existence of this plan underlines the unswerving commitment by both the Department for Education and the Department for Culture, Media and Sport to recognise the importance of music in the lives of young people and to ensure that we consistently give young people a music education that is of the highest quality.

Great music education is a partnership between classroom teachers, specialist teachers, professional performers and a host of other organisations, including those from the arts, charity and voluntary sectors. For this reason the creation of a National Plan is necessary to help us to bring together all of this expertise in a focussed way for the benefit of children and young people across the country.

Most children will have their first experience of music at school. It is important that music education of high quality is available to as many of them as possible: it must not become the preserve of those children whose families can afford to pay for music tuition. While music touches the lives of all young people, the disadvantaged can benefit most.

Music helps bind pupils into the wider life of the school. Schools cannot do everything alone: they need the support of a wider local music structure. Central to our proposals is the creation of new music education hubs to take forward the work of local authority music services from September 2012. More children will experience a combination of classroom teaching, instrumental and vocal tuition, opportunities to play in ensembles and the chance to learn from professional musicians. Hubs will provide opportunities that reach beyond school boundaries and draw-in the expertise of a range of education and arts partners.

The Department for Education (DfE) will continue to fund music education at significant levels during difficult economic times: £77m/£65m/£60m will be available in the three years from April 2012. The vast majority of this will be invested in hubs that will also supplement and draw-in local and national funding for music - from local authorities, cultural organisations, businesses, trusts, foundations and philanthropists.

Funds for music education hubs will be awarded following an open application process run by Arts Council England, which will focus on outcomes for pupils, partnership working and economies of scale. We are moving toward a per-pupil national funding formula, weighted for free school meals, which will turn around the historical imbalance in funding for music services between areas, with protection to guard against large losses in any one area.

As part of this DfE investment, National Youth Music Organisations (such as the National Youth Orchestra and National Youth Brass Band) will continue to be funded to support pupils from lower income families to join elite ensembles; and further funding will support the expansion of the *In Harmony, Sistema England* programme, inspired by the success of the Venezuelan *El Sistema* model. We will also continue to invest in the highly successful Music and Dance Scheme so that exceptionally talented young people have opportunities to progress to high levels of musical excellence through specialist music and dance schools, Conservatoires and Centres of Advanced Training.

From summer 2012, the Teaching Agency will develop a teacher training module to boost new teachers' skills and confidence in teaching music. The Arts Council will facilitate development of a music educator qualification by 2013, ensuring the wider music workforce is more professionalised.

*The Importance of Music* provides a flexible template for high quality music provision throughout a pupil's education. When young people make music together, they work toward a common goal that has the potential to change lives profoundly for the better. This is the first time that a National Plan for Music Education has set out a central vision for schools, arts and education organisations to drive excellence in music education. This National Plan is clear about the importance of music: it will ensure not just that more children have access to the greatest of art forms, but that they do better as a result in every other subject.



MICHAEL GOVE  
Secretary of State for Education



ED VAIZEY  
Minister for Culture, Communications and  
Creative Industries

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## **What *The Importance of Music* means for ...**

### **... Schools (including academies and free schools)**

- To draw on music education hubs to fulfil schools' primary responsibility for delivering the music curriculum.
- To examine their own school's music curriculum to determine how this meets the needs of different groups of pupils.
- To recognise the important role that music plays in children's academic and social development and in improving the ethos of the school.
- To be aware that music education hubs will take forward the work of local authority music services from September 2012.
- To be ready to work closely with the new music education hub in their area to identify pupil and school needs in music education, and establish how the school (or cluster of schools) and hub can work together to meet these.
- To assess how best to make the most of school-to-school support in music education within this new delivery framework.
- To ensure that those teaching music in schools have adequate professional development opportunities and support networks.

### **... Local authorities / local authority music services**

- To consider whether, and if so how, they wish to lead or be involved in new music education hubs, and where relevant to apply for hub funding.
- If they are planning to be involved in hubs, to advance their partnership working, perhaps through forming a hub with neighbouring local authorities.
- To consider how to maximise local authorities' investment in services currently delivered by their music services, in the context of new music education hubs from September 2012.

### **... National, regional and local music/arts organisations**

- To consider whether and how they wish to lead or be involved in new music education hubs, and where relevant to apply for hub funding.
- To consider how to utilise their existing funding streams for the benefit of the wider hub.
- Where relevant, to be ready to work constructively in partnership with music education hubs as described in this National Plan.

### **... Private music teachers and other music educators**

- To consider how they can best work in the new landscape of music education hubs.
- To make the most of professional development opportunities emerging from hubs and elsewhere.

### **... New music education hubs (from September 2012)**

- To carry out the core roles, and where possible extension roles, as described in this National Plan.
- To have partnership working at their core.

# Executive summary

## What will our new National Plan for Music Education achieve?

- Children from all backgrounds and every part of England should have the opportunity to learn a musical instrument; to make music with others; to learn to sing; and to have the opportunity to progress to the next level of excellence if they wish to.
- Music education is patchy across the country and change is needed to ensure all pupils receive a high quality music education.
- Teachers will have wide freedom in how they teach music in schools, but all schools should provide high quality music education as part of a broad and balanced curriculum.
- New music education hubs will take forward the work of local authority music services from September 2012, helping improve the quality and consistency of music education across England, both in and out of school.
- A National Plan monitoring board will hold to account those responsible for national-level delivery.

## What will children experience?

- Music education across the age range and supported both in and out of school.
- National Curriculum music in all maintained schools for all five to fourteen year-olds (subject to the outcome of the National Curriculum review).
- Whole-class ensemble teaching programmes for ideally a year (but for a minimum of a term); opportunities to play in ensembles and to perform; clear progression routes available and affordable; and for a singing strategy to ensure every child sings regularly.
- Music technology used to enable, deliver, support and extend the good teaching of music.

## Driving progression and excellence in music education

- Music education hubs audit local needs and in collaboration with schools, formulate plans with opportunities that are well-communicated to parents/carers.
- A mixed model of first access for all and progression routes to the highest level.
- Music and Dance Scheme and the National Youth Music Organisations remaining the pinnacle of musical achievement to which all children and young people can aspire.
- In Harmony Sistema England enabling children from areas of exceptional deprivation to achieve their full potential and have a positive impact on their communities.

### Improving skills and leadership among music educators

- A new primary Initial Teacher Training add-on module to boost new teachers' skills and confidence in teaching music.
- Hubs and school-to-school support providing opportunities for continuing professional development and strengthening leadership practice, including acting as a gateway to sources of expertise, and local networks to prevent professional isolation.
- Music educator qualification under development by 2013 ensuring the wider music workforce is better skilled, and properly recognised for their role in and out of school.
- High quality leadership of hubs sought as part of the hub application process, to develop productive local partnerships and deliver high quality music education.

### Ensuring greater quality and accountability

- New music education hubs covering every local authority area, helping improve the quality and consistency of music education across England, both in and out of school.
- Partnership working and local innovation within a framework of core and extension roles that ensure consistency of provision and equality of opportunity for all children.
- Hubs to focus on assessing and meeting local needs of children, drawing on a range of local, national and regional music and arts provision in each area.
- A Department for Education (DfE) national funding formula on a per-pupil basis, with a weighting for free school meals, to ensure parity of government funding across all areas by 2014-15, with protection to guard against large losses in any one area.
- Funding 1 April 2012 – 31 July 2012 to current providers (largely existing local authority music services) for an interim period.
- Funding 1 August 2012 – 31 March 2015 to new music education hubs following an open application process, alongside a range of other resources.
- Arts Council England (reporting to Department for Culture Media and Sport (DCMS) / DfE) to act as fund holder, inviting applications for hub leaders; assessing applications; and awarding funds.
- Accountability via the fund holder monitoring performance of hubs; a revised focus for Ofsted music inspections; and the views of children, parents/carers and schools taken into account.
- Hubs and schools holding one another to account against locally-developed standards for delivery of music education, where relevant drawing on Ofsted's music-specific guidance for inspectors, core hub roles and National Plan benchmarks.

# 1. A National Plan for Music Education

## The vision

1. The value of music as an academic subject lies in its contribution to enjoyment and enrichment, for its social benefits, for those who engage in music seriously as well as for fun. High quality music education enables lifelong participation in, and enjoyment of, music, as well as underpinning excellence and professionalism for those who choose not to pursue a career in music.
2. **Our vision is to enable children from all backgrounds and every part of England to have the opportunity to learn a musical instrument; to make music with others; to learn to sing; and to have the opportunity to progress to the next level of excellence.** Music teaching starts in the early years, and we want the vision to extend across all five to eighteen year-olds, both in and out of school, in both formal and informal settings.
3. This National Plan extends to 2020, although the medium-term funding announcements cover a shorter period, to 2015.

## Why a National Plan for Music Education?

4. England is a world leader in music education<sup>1</sup>. Provision has existed locally for over 50 years. Recent developments have added national funding to the picture so that all pupils have the opportunity to learn a musical instrument. The number accessing regular weekly instrumental tuition has grown from 438,772 (8.4%) in 2005 to a projected figure of over 1.15 million (17.4%) in 2011<sup>2</sup>. New partnership working is starting to develop in many areas of the country. However, as Darren Henley recognised in his report<sup>3</sup>, music education is patchy across the country, and change is needed to enable all pupils to receive a high quality music education.
5. **This National Plan provides a flexible template for high quality music provision throughout a pupil's education.** It aims for equality of opportunity for all pupils, regardless of race; gender; where they live; their levels of musical talent; parental income; whether they have special educational needs or disabilities; and whether they are looked after children.
6. The first opportunity many pupils will have to study music will be at school: it is on this foundation that broader opportunities and progression routes to the highest level rest. Teachers rightly have wide freedom in how they deliver music teaching in schools. Music is currently a statutory part of the National Curriculum in maintained primary and secondary schools for all five to fourteen year-olds. Each school can decide how to organise their local curriculum to fulfil the statutory programmes of study for music which set out what is to be taught.
7. All schools should provide high quality music education as part of a broad and balanced curriculum. Schools will want to review how they do this in light of this National Plan and following proposals from the National Curriculum review early in 2012. **Schools, however, will be expected to provide high quality music education.**

## Music education hubs

8. Schools cannot be expected to do all that is required of music education alone: a music infrastructure that transcends schools is necessary. **Building on the work of local authority music services, this will be provided by music education hubs from September 2012, following recommendations in the Henley review.**
9. Hubs will augment and support music teaching in schools so that more children experience a combination of classroom teaching, instrumental and vocal tuition and input from professional musicians<sup>4</sup>. Hubs will be able to deliver an offer to children that reaches beyond school boundaries and draws in the expertise of a range of education and arts partners, such as local orchestras, ensembles, charities and other music groups.
10. Local areas will develop their own pattern of music education, within a broad framework set by this National Plan. **Music education hubs in every area will help drive the quality of service locally, with scope for improved partnership working, better value for money, local innovation and greater accountability.**
11. Many hubs will link with work in the early years, in some cases with hub partners drawing on funding from, for example, trusts, foundations or Youth Music that has recently launched a funding module supporting music in the early years. Work may include structured music making with parents/carers and staff to enhance the health and communication skills of children in their early years through music.
12. Hubs have an important role in supporting first access, as well as giving broader opportunities and progression routes, in and out of school. Through hubs, every child should be able to experience enjoyment and success from the earliest stages of musical learning. Class teachers and specialist instrumental teachers working together will be able to offer well-planned progressive experiences with high expectations. These will enable all pupils to succeed, including those who do not have the encouragement or support from their parents/carers, or who need additional support for other reasons.
13. A unique challenge of music education is the number of different specialisms, instruments, genres and styles, compositions, and technologies. Although many teachers in schools (particularly secondary schools) are music specialists, they may not have the expertise to develop pupils' skills across a range of instruments or experiences. This is where the role of hubs is so crucial in liaising with schools in order to provide teaching and progression routes for those children who need provision beyond what individual schools can offer.
14. **Music benefits the wider life of the school, and so each should have a choir and aspire to having an orchestra or large scale ensemble.** Where schools and hubs work in partnership, they can ensure that what schools offer and what the hub offers complement each other, providing for different needs and providing routes of progression. By hubs drawing on partners to offer experiences for pupils outside schools, pupils will be able to take part in broader and more challenging opportunities, including area ensembles. Such opportunities should not just be one-offs but rather reflect the continuous and ongoing nature of progression. Pupils engaging with these activities would be expected to support their school ensembles and be an inspirational role model for younger pupils.



15. Singing can improve pupils' learning, confidence, health and social development. It has the power to change lives and build stronger communities<sup>5</sup>. **This is why we are asking hubs to develop singing strategies, in and beyond schools, to ensure that every child sings regularly and that choirs are available.** Such strategies will widen singing opportunities for all pupils, drive up quality and give routes for progression such as access to chorister programmes, area/county choirs and the National Youth Choir.
16. Sing Up has shown what can be done to raise the status of singing and increase opportunities for school children throughout the country to enjoy singing as part of their everyday lives. In the spirit of partnership working, hubs may wish to draw on expertise from organisations such as Sing Up or the Voices Foundation to develop and deliver their singing strategies. (See case studies 1 / 3 in Annex 4).
17. **Music education hubs will have partnership working at their core.** This will enable them to establish sustainable provision with adequate breadth and capacity. Such partnership working should see arts-based and education-based organisations working much more closely together, pooling their resources through a shared interest in improving children's music education.
18. While encouraging local innovation, **Government will set core roles for hubs to ensure national consistency and equality of opportunity.** These core roles are to:
  - a) Ensure that every child aged 5-18 has the opportunity to learn a musical instrument (other than voice) through whole-class ensemble teaching programmes for ideally a year (but for a minimum of a term) of weekly tuition on the same instrument.
  - b) Provide opportunities to play in ensembles and to perform from an early stage.
  - c) Ensure that clear progression routes are available and affordable to all young people.
  - d) Develop a singing strategy to ensure that every pupil sings regularly and that choirs and other vocal ensembles are available in the area.

### Funding

19. As funding becomes tighter, it is important we make the most of the resources available. **Funding allocations covering 1 April 2012 to 31 March 2015 are announced alongside this National Plan.** Allocations are based on a national funding formula which distributes funds by local authority area on a per-pupil basis, with a weighting for free school meals. By 2014-15 the historical imbalance in funding between areas will have been completely turned around, with protection preventing large losses in any one area in 2012-13 and 2013-14.
20. **Funds will be distributed to hubs following an open application process. This will be conducted by Arts Council England (the Arts Council) operating as a fund holder for DfE funding and operating under criteria set out and monitored by DfE and DCMS.** Reporting to Government, the Arts Council will allocate funds in an impartial way to relevant governmental, education or arts-based organisations. The funding environment presents new opportunities for joint working. Innovative hub working will help drive the best value for money by aligning existing projects more coherently with local needs, and within the context of children's music education. The arrangements for funding are outlined in Annex 1.

## Workforce

21. The music education workforce is fundamental to ensuring all pupils experience high quality music teaching, both in and out of school. Alongside school-to-school support, hubs will provide opportunities for continuing professional development and strengthening leadership practice. **From summer 2012, the Teaching Agency will develop a new Initial Teacher Training add-on module to boost new teachers' skills and confidence in teaching music, and in networking with hubs.** This new module also has potential to be delivered as continuing professional development for serving teachers, thereby increasing its reach and impact.
22. A large proportion of the music education workforce, such as peripatetic music teachers, are based outside school. These professionals need to be recognised for their work and have opportunities to develop their practice. To facilitate this, **the Arts Council will support Creative and Cultural Skills to develop a suite of independently assessed and accredited qualifications including a music educator qualification by 2013** to ensure the wider music workforce is properly recognised for their role in and out of school.

## Accountability

23. **Formal accountability for DfE funding will be via the Arts Council**, which as fund holder, will monitor hubs and hold them to account for delivery against agreed plans. **Ofsted also has a role to play, and has already sharpened the focus of its music inspections on the contribution that external music organisations make to the quality of music in each school.**

## National Plan Monitoring Board

24. This National Plan has been developed jointly by DfE and DCMS, working with important stakeholders. This is the first time ever that a National Plan for Music Education has set out a central framework for schools, arts and education organisations alike to work to, and to drive excellence in music education. **To ensure that progress is made in implementing these reforms, we will establish a National Plan monitoring board.** This will include a small number of impartial experts, who will hold those responsible for delivery across the National Plan to account, and will be chaired by and answerable to Ministers.

## 2. Children's experience

### Introduction

25. Primary schools play an important role in fostering pupils' interest in music, and secondary schools in developing that interest further. It is on this foundation that broader opportunities in music, including those delivered by music education hubs, rest. This is why high quality music education, as part of the school curriculum, is so vital.
26. The Early Years Foundation Stage requires that children in early years settings, including reception classes, are provided with opportunities to explore music, using a variety of songs and musical instruments, and to match movements to music. Music is currently a statutory part of the National Curriculum in primary and secondary schools for all five to fourteen year-olds. It sets out the basis of pupils' experience and therefore how music must be taught in all maintained schools. It includes opportunities to play musical instruments, to sing, to listen and appraise, to compose, to read and write music and to perform. Each school can decide how to organise their local curriculum to fulfil the programmes of study for music which set out what is to be taught at each key stage.
27. The Government is currently reviewing the National Curriculum with a view to making it slimmer with a greater focus on the key knowledge that all pupils should be taught. The review is considering the place of a number of current National Curriculum subjects, including music, and expects to bring forward proposals early in 2012. While we cannot pre-empt the outcomes of that review, we are clear that **all schools, including academies and free schools, should provide high quality music education as part of a broad and balanced curriculum.** Schools will want to review how they do this in light of this National Plan and following the conclusion of the National Curriculum review.

### What every child can expect

28. Music education needs to be spread across the age range and be supported both in and out of school. The following table sets out what pupils should expect from schools and hubs at each age and key stage.

#### **Benchmarks at different ages<sup>6</sup>**

##### ***Early years / pre-school (in formal and informal settings)***

By the end of the Early Years Foundation Stage, pupils should:

- Express and communicate their ideas, thoughts and feelings by using a widening range of ...movement... and a variety of songs and musical instruments.
- Recognise and explore how sounds can be changed, sing simple songs from memory, recognise repeated sounds and sound patterns, and match movements to music.
- Use their imagination in art and design, music, dance.

This can be achieved through:

- Music for parents/carers and babies, which can be a key element of, and often the basis of, children's play.

- Music for children in pre-school settings.
- Performance/sharing opportunities.

**Key Stage 1 – ages 5-7 (in and out of school)**

- Schools make their own decisions about how they teach music, based on the statutory National Curriculum (subject to outcome of the National Curriculum review).
- The school music curriculum will provide all pupils with opportunities for singing and playing simple melodic instruments, tuned and un-tuned percussion; exploring sounds; and active and passive listening.
- Hubs provide opportunities for all pupils to learn instruments from specialist instrumental music teachers as part of a whole-class ensemble in and/or out of school.
- Performance/sharing opportunities available within individual schools (ideally at least once per term) and jointly for clusters of schools for all pupils (ideally at least once per year).
- Inspirational input from professional musicians available at Key Stage 1 and/or Key Stage 2 for all pupils.
- Curriculum advice and support to schools for the workforce including continuing professional development available from most hubs.

**Key Stage 2 – ages 7-11 (in and out of school)**

- Schools make their own decisions about how they teach music, based on the statutory National Curriculum (subject to outcome of the National Curriculum review).
- The school music curriculum will provide all pupils with opportunities for increasing their knowledge and understanding and developing their skills, confidence and expression in music through singing and playing simple melodic instruments, tuned and un-tuned percussion; exploring sounds; and active and passive listening.
- Hubs provide opportunities for all pupils to learn instruments from specialist instrumental music teachers as part of a whole-class ensemble in and/or out of school. Hubs ensure that enhanced experiences are available through ensembles including, for example, wind and brass or other instruments that, physiologically, are more appropriate at KS2<sup>7</sup> while providing opportunities, for those who so wish, to continue with instruments learned in KS1. These opportunities and others are available through ‘in school’ and strategically organised extended school activities, including those at local secondary schools or area music centres.
- Hubs draw on informal provision to complement school provision in identifying pathways for pupils.
- Schools and hubs work together in the identification of and pathways for talented young musicians, some of whom have small group and individual tuition. Exceptionally talented young musicians join one of the Music and Dance Scheme schools or Centres for Advanced Training.
- Performance/sharing opportunities available within individual schools (ideally at least once per term) and jointly for clusters of schools for all pupils (ideally at least once per year).
- Performance/sharing opportunities available through out of school and/or informal routes.
- Accreditation routes available through instrumental/vocal examinations and Arts Award.
- Inspirational input from professional musicians will be available at Key Stage

- 1 and/or Key Stage 2 for all pupils.
- Curriculum advice and support for the workforce including continuing professional development will be available from most hubs.

**Key Stage 3 – ages 11-14** (*in and out of school*)

- Schools make their own decisions about how they teach music, based on the statutory National Curriculum (subject to outcome of the National Curriculum review).
- The school music curriculum provides all pupils with opportunities for performing, composing, listening, participating, collaborating and working with others as musicians. Pupils will be taught staff notation and other relevant notations in a range of musical styles, genres and traditions.
- Pupils will be able to develop their cultural understanding of music; and they will improve their critical understanding through analysing music, developing views and justifying opinions drawing on a wide range of musical contexts and styles.
- Hubs provide enhanced experiences through ensembles and small group or individual tuition. Pupils are able to access opportunities that can only be offered on an area or regional basis. Opportunities continue to be provided for those who wish to continue with instruments learned in KS2.
- Schools and hubs work together in identification of and pathways for talented young musicians, some of whom have small group and individual tuition. Exceptionally talented young musicians join one of the Music and Dance Scheme schools or Centres for Advanced Training.
- Performance opportunities available within individual schools (ideally at least once per term) and jointly for clusters of schools for all pupils (ideally at least once per year).
- Performance/sharing opportunities available through out of school and/or informal routes.
- Accreditation routes available through instrumental/vocal examinations and Arts Award.
- Inspirational input from professional musicians available for all pupils.
- Curriculum advice and support for the workforce including continuing professional development will be available from most hubs.

**Ages 14-19** (*provided in collaboration with youth services*)

- Undertake further study of music through courses such as GCSE, BTEC, graded music examinations or Arts Award, which will enable them to consider music related careers such as: teaching; composing; performing; journalism; instrument manufacture and repair; or becoming a recording engineer or music theatre technician.
- Most continue with further music making as a rewarding and worthwhile pastime.
- Schools and hubs provide further identification of pathways for talented young musicians.
- Participate in performance opportunities promoted by themselves or with others, in the local area, regionally or nationally. Exceptionally talented young musicians join one of the Music and Dance Scheme schools or Centres for Advanced Training.
- Performance opportunities available within individual schools (ideally at least once per term) and jointly for clusters of schools for all students (ideally at least once per year).
- Curriculum advice and support including continuing professional development will be available from most hubs.

### The importance of quality

29. High quality teaching is fundamental to pupils' music experiences. In 2008 Ofsted reported that achievement and standards in music in the schools subject to specialist inspection are good or outstanding in over half of primary schools and slightly less than half of secondary schools. Those schools with strengths in their curriculum give good coverage to the statutory requirements; give opportunities to extend musical skills and interests through extra-curricular activities; and provide opportunities to learn an instrument as a whole class<sup>8</sup>.
30. Music education hubs will be able to collaborate with schools and structure activity in line with the current National Curriculum and teaching in schools. Most will provide continuing professional development to schools on the music curriculum to help them develop good teaching strategies, with clear steps for progression and high expectations for all. Hubs will support schools in offering opportunities to extend musical skills through extra-curricula activities, and will help teachers to better embed music teaching within a school's overall strategy.
31. In the context of a needs audit, **hubs and schools (or clusters of schools) will work together to determine what high quality music education looks like in a local context, and who will be responsible for the delivery of each aspect.** To do this, they may wish to draw upon Ofsted's music-specific guidance for inspectors<sup>9</sup>, the core hub roles (box following paragraph 75) and benchmarks (box following paragraph 28) set out in this National Plan. Schools will want to hold hubs to account for the services they arrange, and at the same time hubs will be able to challenge and support schools to improve their music curriculum.

### Music technology

32. Music technology is developing at a fast pace and is often under-used<sup>10</sup>. Schools can improve music teaching through (a) the use of technology; and (b) their teaching of music technology. This will improve music outcomes for all pupils – including those in rural areas who cannot access specialist tuition, and those with special needs and disabilities who are unable to use more traditional instruments.
33. Working with a range of stakeholders, the Training and Development Agency for Schools has undertaken work to scope the types of music technology available and look at how it can best enable, support and extend the good teaching of music. Annex 2 to this National Plan should support schools to make better use of music technology to contribute to improved teaching outcomes. In addition, where there is evidence of need, hubs may wish to offer continuing professional development to music educators and teachers in schools in their area on making the best use of music technology.

### 3. Progression and excellence

#### Meeting the music education needs of all children

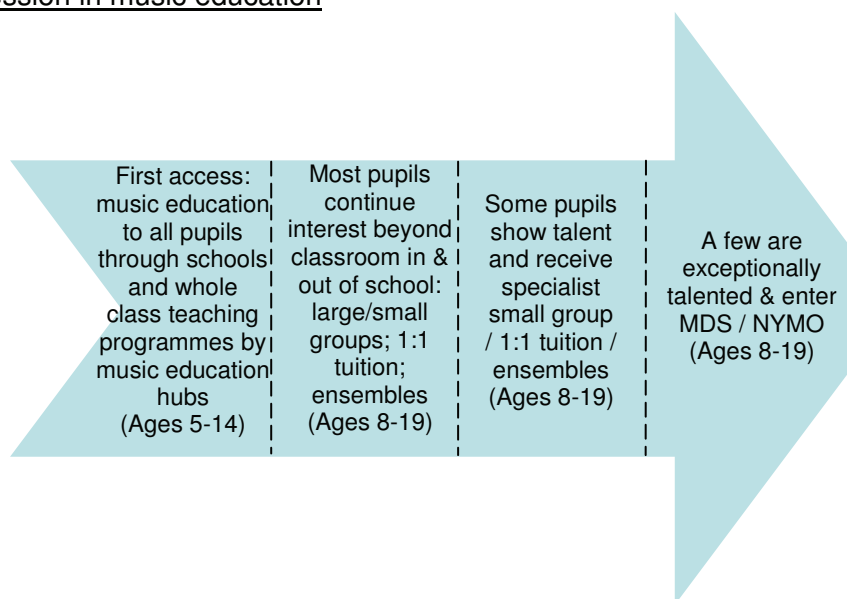
34. Due to a variability in music provision between schools / other providers and across the country, the respective roles of hubs and schools will vary. Both schools and hubs will have an important role to ensure equality of access to opportunities. To support this, hubs will undertake a regular needs analysis across all children and state schools (including academies and free schools) in their area. This should look at the range of opportunities and resources currently available in schools and beyond, and how these fit with the needs of all pupils. Working in collaboration with schools and other local delivery partners, hubs will develop their offer based on this analysis, so that the music education provided is relevant and responsive to changing demand across the range of musical genres.
35. Pupils' needs might be assessed by looking at what they currently achieve in different schools, as well as directly asking for their views on what musical opportunities they wish to pursue. Assessing needs, however, requires more than applying a test of musicianship or asking what pupils wish to learn. Through live music experiences, in and out of school, and participating in music making in a range of genres, pupils will be inspired and motivated to engage further with music. It is important that realistic opportunities for access and progression follow these experiences. Needs audits will focus on how hubs, schools and other partners can best meet the requirements, and how to target resource most efficiently.

#### A range of needs – overcoming potential barriers

36. Pupils' circumstances will be many and varied.
37. First, their abilities and level of engagement will be different. Some may not yet have engaged with music; others may be interested but not fully informed or inspired about how they can progress further; and others may be involved in school/local/regional orchestras but could benefit from national opportunities provided by routes such as the Music and Dance Scheme / National Youth Music Organisations (such as the National Youth Orchestra and National Youth Brass Band). All children can benefit from music, and based on the audit process, hubs will need to consider how to engage and inspire them across this spectrum, to foster their interests and then stretch their boundaries so they experience a range of musical genres and activities which they might not otherwise have explored.
38. Second, without adequate planning, children's personal circumstances can inhibit the type of engagement they have with music education. For example, barriers prevent some pupils with special educational needs or disabilities from making music. We know, for instance, that pupils with special educational needs are under-represented in the GCSE music cohort<sup>11</sup>: under 15% of those entered have special educational needs compared with the GCSE cohorts for art & design and drama which respectively have almost 21% and more than 19% of pupils with special educational needs. Hubs and schools need to break down barriers to music through innovative approaches to teaching and making music. Music technology (see Annex 2) may be a helpful enabler here.

39. Similarly hubs will need to consider how children who are looked after; those who are Gypsy, Roma or Travellers; those who are carers; those not in education employment or training (NEET); or those who are educated from home can have access to music education. In some cases, hubs may be able to access additional funding for capacity-building to meet the needs of such pupils. This might come from local authorities, trusts, foundations or Youth Music that has recently launched a funding module focused on children in challenging circumstances including those who are NEET, in the youth justice system, in pupil referral units, or who are looked after.
40. Many pupils, particularly those who have progressed beyond the initial first access, may not be able to afford to pay for musical opportunities, tuition, travel or instruments. In delivering their services, hubs will need to take account of this, and where necessary offer free or subsidised provision to pupils who do not have the ability to pay.
41. Good quality musical instruments can be expensive, but they are necessary for pupils who are progressing in music education. **The Arts Council's Take it Away scheme provides interest free loans via retailers for the purchase of instruments for 18-25 year-olds, and makes the purchase of instruments financially easier for parents/carers. To extend the benefits to school-age pupils, the Arts Council has very recently extended the scheme to 5-18 year-olds alongside 18-25 year-olds.**

Progression in music education



42. Partnership working will help hubs to promote next steps in musical progression to pupils and their parents/carers, by drawing on a range of local, regional and national organisations. Such organisations have the potential to contribute, for example by engaging children in regional orchestras, bands, groups or choirs. (See case study 2 in Annex 4). Other partners will have more targeted roles, such as the National Skills Academy for Creative and Cultural, one of the Arts Council's National Portfolio Organisations, who will be able to work with hubs to promote progression routes to the creative and cultural industries. Progression looks different for different pupils: some progress to county level opportunities or further while others progress moderately well to a level that allows them to enjoy playing or singing music in an amateur or semi-professional capacity for the rest of their lives.



43. The availability of progression opportunities can increase levels of aspiration among younger pupils who are able to identify with older role models. Some secondary schools may also be involved in offering ensemble opportunities to primary school pupils. (See case study 3 in Annex 4). Some schools and hubs may wish to harness social media to signpost live music making opportunities and performances and promote next steps in musical progression to children and their parents/carers.
44. The Schools Proms at the Royal Albert Hall and the broader festival series run by Music for Youth play a valuable role in showcasing the high quality of achievement in music making by young people of all ages. They provide nationally renowned opportunities for pupils to be inspired by others, including those on their first access to learning an instrument. They also give opportunities to perform at prestigious venues and to collaborate with others. DfE will therefore continue funding Music For Youth.

#### The Music and Dance Scheme and the National Youth Music Organisations

45. As part of a continuum of musical experience, the National Youth Music Organisations (NYMOs, which include the National Youth Orchestra, the National Youth Brass Band, and the National Youth Choir) and those that operate the Music and Dance Scheme (MDS) act as an important pinnacle of musical achievement to which all children and young people can aspire. It is important to support those reaching such levels of musical excellence and who may wish to go on to become professional musicians. DfE's MDS, which represents good value for money, pays bursaries to around 2000 exceptionally talented young people, of whom 25% come from families with income below £16,000. They attend either one of the eight internationally recognised residential schools (four music, four dance); 21 Centres of Advanced Training (CATs) across the country; or the top Choir Schools. They receive the highest possible quality of tuition from top professionals. DfE will continue to fund the NYMOs via Youth Music. It will also continue to fund the MDS, ensuring continuing value for money.
46. **Music education hubs will have an important role to play in promoting the MDS / NYMOs as a potential progression route.** This might, for example, come about by hubs recognising those with particular talent in county ensembles, and making sure that opportunities to access the MDS / NYMOs have been highlighted. Hubs should support pupils to audition for entry to these organisations, and in doing so recognise how positively this reflects on the work of the hub.

#### In Harmony Sistema England

47. In Harmony Sistema England is a programme which offers children from deprived areas the opportunity to achieve their full potential through an intensive music experience based on the symphony orchestra which also has positive impact on their communities. The programme, based on the Venezuelan El Sistema - which produced the world famous Simon Bolivar Orchestra and is credited with steering young people away from drugs and crime - is currently based in Lambeth, Liverpool and Norwich. It has provided an intensive music experience for around 1,000 children in three of the 25% most deprived wards in the country.

48. In two and a half years the projects are starting to show the benefits of intensive music tuition as a method of narrowing the gap between children from deprived backgrounds and their peers, in terms of attitude, aspiration, attainment and behaviour. A 2010 Ofsted inspection of Faith School in Liverpool reported that “The school’s involvement in [In Harmony] is reaping exceptional rewards, especially in how it engages pupils in their learning and motivates them... By its success in musical performances the school is raising the self-esteem and pride of pupils and their parents and carers”.
49. Funding for In Harmony, Sistema England will increase, with government funding augmented by equivalent funding from Arts Council England. The programme will be expanded to enable children from across the country to benefit from the programme’s success, to support existing projects to become self-sustaining, and to ensure alignment with the work of hubs. To reduce exclusive dependence on central government support and as a base for further expansion, projects may also be able to draw on charitable/business support or on Lottery funds.

## 4. Workforce and leadership

### Introduction

50. The hugely diverse music education workforce ensures that children experience high quality music teaching, both in and out of school. Many music educators are versatile musicians, who can apply their expertise in different contexts.
51. Music educators range from full time school music teachers, those teaching music in schools for only part of the time, staff running music services and hubs, through to peripatetic music teachers and musicians for whom music education may make up only part of a portfolio career. Wherever on this spectrum music educators sit, music education needs to be seen as a rewarding and structured career, with opportunities for both personal and professional growth. Music educators should be supported and recognised throughout their careers.
52. The work set out in this chapter addresses the call for more specialism and expertise amongst music educators, regardless of where in the music education field they work, or which phase in a music, teaching or portfolio career they might be.

### Initial Teacher Training (ITT)

53. While a large proportion of those teaching music in secondary schools hold music-related degrees<sup>12</sup>, much of the primary school classroom teaching of music is provided by non-specialist teachers. Many music teachers are professionally isolated<sup>13</sup> and many lack confidence<sup>14</sup> in teaching music.
54. **Building on the work started by the Training and Development Agency for Schools the Teaching Agency, through work with ITT providers, will trial new primary music ITT modules in summer 2012 to boost new teachers' confidence and skill in teaching music, and better enable them to network and get support from developing music education hubs.**  
These optional modules will be designed to be taken toward the end of ITT courses, at which point many primary teachers will know the location of their first job and whether they will be teaching music themselves.
55. The modules will include trainees experiencing excellent music teaching in schools, and will be aimed at two distinct audiences - those without musical expertise; and those with musical proficiency who are likely to want to be involved beyond their own classrooms early in their careers. They would gain an understanding of the best way to use resources/opportunities available beyond the school (including the expertise to be found within hubs), and how to use their own music education skills across school boundaries.
56. Taking the new modules will help build knowledge and confidence in primary teachers entering the profession, increasing their job prospects, giving a mark of recognition and adding value to the participating teachers' CVs. Providers, including Teaching Schools, delivering in-service professional development might also offer these modules as continuing professional development (CPD) for serving teachers, thereby increasing the reach and impact of the work.

57. We know that some teachers and music educators lack knowledge and confidence in using technology to support the delivery of music education. Hubs may want to address this as part of broader CPD (see paragraph 33). In addition, we anticipate that the new ITT modules will include advice and exposure to how technology can contribute to excellence in music teaching.

#### Continuing professional development (CPD)

58. The 2008 Ofsted report told us that many music teachers lack support to develop their teaching and professional development opportunities to discuss music<sup>15</sup>. Schools hold ultimate responsibility for developing their workforce, but hubs can play an important role. Some schools and teachers, for example, will need support to develop their school music curriculum and pedagogy; some may need help on music technology; while others will need support in working across hubs and drawing in services from across school boundaries. (See case study 4 in Annex 4).
59. Many schools will buy-in relevant CPD, from the hub or elsewhere, where they feel their expertise in music would benefit from additional support. Hubs and CPD providers will be able to draw on the new modules, developed for ITT, to meet local training needs. In a number of cases, hubs may provide CPD to groups of schools on a subsidised basis in response to local priorities and a needs audit.
60. Hubs will also need to arrange provision to meet the CPD needs of their own workforce, and that of their delivery partners. This is crucial to ensure that staff have musical fluency and high educational standards, while sharing and coordinating expertise across the team.

#### School-to-school support, including in leadership

61. School-to-school support in music education will become increasingly important. Work on music ITT will underpin this by training teachers to draw-in external expertise and use their own music education knowledge across school boundaries. This will enable leading practitioners in music education to support less experienced colleagues and to deepen knowledge throughout schools.
62. Some music teachers in primary schools can lack skills, while those in secondary schools can become professionally isolated. To address this, some secondary schools, particularly those in academy chains or school federations, have found it valuable to partner with their feeder primary schools to provide curriculum support, CPD or ensemble opportunities. As well as supporting professional development, some secondary schools see this as a valuable opportunity to market their school to parents/carers of children moving up from primary and to support pupils' transition from primary to secondary. Similarly state schools and independent schools may choose to partner on music opportunities or the two-way sharing of good practice.
63. Through their day-to-day work with schools, many music education hubs will be able to highlight knowledge and opportunities between schools. Hubs may wish to nurture an advocacy role for successful head teachers whose schools provide high quality music services, demonstrating to other head teachers how their leadership has benefitted pupils' musical progression, their

behaviour and their social skills. In many cases, academy chains and federations of schools will be able to deploy a specialist music teacher across the chain, giving scope for greater expertise in music teaching to be spread to more schools and children.

64. Another opportunity for school-led support is through Teaching Schools which will give outstanding schools the role of leading the training and professional development of teachers and head teachers. Teaching Schools are starting to nominate specialist expertise within their school or strategic partnership. We anticipate that the national or regional leads for music will be able to work with the national network of Teaching Schools to spread best practice across the system. These individuals and their schools will have a key contribution to make to their local hubs.
65. Within schools, Ofsted tells us that the quality of subject leadership is a vital factor in improving provision<sup>16</sup>. The National College is developing the specialist leaders of education (SLE) designation, with a focus on the best middle and senior leaders below headteacher level. Designated by Teaching Schools, SLEs will become an important means of sharing effective leadership practice across the system, including potentially in music. As a result, middle leaders in schools should increasingly become better able to arrange high quality music teaching in schools, with access to opportunities outside the school, through closer work with hubs and their partners. The National College plan to develop a national directory of expertise containing details on designated SLEs with their specialisms, which will help to spread access to SLEs' expertise nationwide.

#### Qualifications for the broader music workforce

66. A large proportion of the music education workforce, such as peripatetic music teachers, are based outside school boundaries. It is important that these professionals are recognised for their work and that hubs ensure they are aware of, and taking up, professional development opportunities.
67. **The Arts Council, working with Creative and Cultural Skills (CCS), key stakeholders across the cultural sector, the Training and Development Agency and further education providers, are facilitating the development of qualifications for creative practitioners, including those in music.** This work builds on an audit of qualifications for practitioners, and the resultant qualifications will be independently assessed and accredited and are likely to be modular. The Arts Council/CCS stakeholder group will look at whether those obtaining a certain mix of modules could be accredited as music educators. When complete in 2013, these developments will help to ensure the wider music workforce is better skilled and properly recognised for their role in and out of school.

#### Leadership of music education hubs

68. Leaders of new music education hubs will develop productive partnerships that improve the music provision offered to children. The leadership of hubs will need to demonstrate high quality skills in management, negotiation, influencing, advocacy, fundraising, organisation and prioritisation to achieve the best value for money, while delivering excellent musical opportunities.

69. To ensure such skills are in place, when hub applications are made, we will expect applicants to demonstrate leadership capacity and track record. Evidence will be sought of how the hub intends to address any training or recruitment needs here, perhaps drawing on the expertise of partners in the hub (such as local businesses), or on relevant management training schemes such as the Federation of Music Services' "rising with the tide" programme.

# Annex 1: The funding process for music education hubs

## Introduction

70. Local areas need the freedom to develop their own delivery of music education bottom-up, within a broad framework set by this National Plan. This annex sets out the role of hubs, the sorts of partnerships they will want to develop, and the process for hubs to come about, be funded and be held to account. Their development will build on the foundations of existing local authority music services and partnership working to move to a new way of delivering high quality music education from September 2012 that gives scope for all pupils to progress and to reach the next level of excellence.

## The importance of partnership working

71. The cultural sector has been at the forefront of partnership working for the benefit of pupils' education, with partnerships in music education developing in many areas of the country. These have played an important role in establishing sustainable provision with adequate breadth and capacity to deliver a high quality service, at the same time as meeting local and national priorities. We want good partnership working to become more universal and better focussed on all pupils' needs.

72. Each partnership will be unique and will depend on many factors including geography, target audience, the individual organisations and their collective aims. Genuine partnerships – where all partners are able to invest in a collaborative approach with outcomes for pupils at its core – are what Government is looking to fund. The most successful are likely to be mutually beneficial for partners while collectively avoiding unnecessary duplication and providing better, wider and more diverse opportunities for pupils. There is also scope for improved value for money, including by aligning resources, drawing in a range of local and national funding streams, and by making back-office cost savings. (See case study 5 in Annex 4).

73. Key principles for effective partnership working<sup>17</sup> include:

- Trust, goodwill and commitment among members.
- Clear and consensual objectives.
- Good alignment with local context.
- Being inclusive of all those who have the skills and knowledge to usefully contribute.
- Recognition that all partners have something to contribute, and willingness to share success.
- Regular assessments made of progress.
- Governance (see paragraphs 88-95) with periodic review to assess whether the partnership is meeting its full potential.

74. We recognise the considerable challenges to effective partnership working. Such working requires good communication, time, leadership, mutual trust, clarity of roles and responsibilities and the support of senior and operational management<sup>18</sup>. The early stages of partnership working can involve considerable workload in understanding the roles, drivers, and language of each organisation and negotiating the parameters of the partnership. Some of this work may need to take place as hubs bed in. Maintaining individual

organisational identity whilst working in an honest and trusting way with other partners can take time to develop. These challenges are worth overcoming to deliver a more coherent music education to all children in England.

### The role of music education hubs

75. We expect all hubs to focus on pupil outcomes and to carry out the core roles set out below, based around DfE funding. We also expect most to be able to carry out the extension roles, based around DfE funds not spent on the core roles; together with other resources drawn-in. Some hubs will also be able to innovate further and offer other provision to meet local needs - for example, becoming a centre of local expertise in music education for the entire local population. In delivering their services, hubs will need to take account of the benchmarks set out in chapter 2.

#### **Core roles**

- a) Ensure that every child aged 5-18 has the opportunity to learn a musical instrument (other than voice) through whole-class ensemble teaching programmes for ideally a year (but for a minimum of a term) of weekly tuition on the same instrument.
- b) Provide opportunities to play in ensembles and to perform from an early stage.
- c) Ensure that clear progression routes are available and affordable to all young people.
- d) Develop a singing strategy to ensure that every pupil sings regularly and that choirs and other vocal ensembles are available in the area.

#### **Extension roles**

- a) Offer CPD to school staff, particularly in supporting schools to deliver music in the curriculum.
- b) Provide an instrument loan service, with discounts or free provision for those on low incomes.
- c) Provide access to large scale and / or high quality music experiences for pupils, working with professional musicians and / or venues. This may include undertaking work to publicise the opportunities available to schools, parents/carers and students.

### Music education hubs meeting local needs

76. Because of variability in music provision between schools and across the country, the roles of hubs and schools will vary in different areas. We will expect hubs will take account of this as part of a regular needs analysis and an audit of provision in the area to get a sense of what the 'assets' are on which they can draw (also see paragraphs 34-35). They will use this to plan their services and partnerships around pupils' needs, both in school and more widely. A process of auditing local needs will help give greater accountability and transparency for schools, parents/carers and pupils. We will expect hubs to undertake such audits in dialogue with Arts Council-funded Bridge organisations, which also provides an opportunity to link music education to the wider cultural education offer.



77. The relationships that hubs develop with schools and clusters of schools will be key to effective provision. Collaboration has potential to balance empowerment and accountability, as well as enabling excellence and celebrating diversity alongside the more classical traditions. Without duplicating the opportunities already available, hubs will need to assess the progression routes and opportunities required across groups of schools, the locality and the region. The audit process should help identify the sorts of children whose musical ability and interest demands extension, including to national opportunities for exceptionally talented young people.
78. Through consultation and discussion, the hub will need to build its shared local vision and 'offer' to schools based around each school's needs and ethos. This may include helping schools with broader school improvement through music. Hubs may choose to provide a service directly or link the needs of the school to appropriate organisations, ranging from a local freelance musician through to a nationally funded organisation (including Arts Council's National Portfolio Organisations) that works in an area. Whether these activities are funded nationally or locally via the hub/school or a combination of sources will be a matter for local priorities and decisions. Better strategic forward planning will ensure all schools and young people can benefit from the sum of opportunities available rather than a small number of schools getting several opportunities and others getting none at all.

### Funding

79. Funding allocations, set out at local authority area level and covering the period 1 April 2012 to 31 March 2015 are announced alongside this National Plan. Allocations are based on a national funding formula which will distribute funds by local authority area on a per-pupil basis, with a weighting for deprivation (based on free school meals). By 2014-15 the historical imbalance in funding between areas will have been completely turned around, with protection preventing large losses in any one area in 2012-13 and 2013-14.
80. Funding for 1 April 2012 – 31 July 2012, representing one-third of funds available in financial year 2012-13, will be made to current providers (largely existing local authority music services) for an interim period, before hubs are in place. The Federation of Music Services will allocate this funding and will publish details separately.
81. Funding from 1 August 2012 will be routed to new music education hubs following an open application process. Funding starts from 1 August 2012 rather than 1 September 2012 to enable setup to take place. Funds covering 1 August 2012-31 March 2013 will represent two-thirds of funds available in the 2012-13 financial year. Subsequent funding will be on a financial year basis, and grants to hubs will extend to 31 March 2015. DfE funding to hubs is to be used primarily on the core hub roles in the context of delivery to children aged 5-18 in all state funded schools, including academies and free schools. Provided that the core roles are being met, DfE funding can also be used on extension roles and other innovations that respond to local need and the benchmarks following paragraph 28. Funding to hubs does not replace funds allocated to schools to deliver the music curriculum, although hubs may provide services/teachers to schools on a chargeable basis.

82. In most cases, DfE funding will only be one of several funding sources available in a local area that the hub, and their partner organisations, will draw upon. Local authorities will continue to be key players in delivering and funding music education, and hubs will also be able to draw-in and align funding streams from elsewhere to best meet the local needs of pupils' music education. Some of these funding streams may come from other public, charitable and private funding sources and the National Lottery.

#### The fund holder and the application process for music education hub funding

83. Hub leaders will be chosen following an open application process. This will be conducted by the Arts Council operating as a fund holder for DfE funding. Reporting to Government, Arts Council will allocate funds in an impartial way to relevant governmental, education or arts-based organisations. This will ensure the fund holder role delivers the best outcomes for hubs, and thereby the education and music provision offered to children.
84. The Arts Council's role as fund holder will be to: develop the application process using criteria agreed with DfE/DCMS based on this National Plan; give guidance to applicants; receive applications; assess applications; make decisions on funding; encourage the development of partnerships; put grant agreements in place with successful applicants; to solicit proposals for any areas not covered by successful hub applications; make payments to hubs; monitor performance; report to DfE; and where necessary offer advice to extend opportunities or improve performance. The Arts Council will seek to minimise unnecessary administrative burdens on hubs/hub applicants, at the same time as ensuring robust, effective and accountable delivery.
85. The Arts Council's Bridge organisations will be fully operational from 1 April 2012, and their work will align with and support the Arts Council's fund holder role and cultural education more widely. Bridges will help hubs to: improve signposting; connect with the wider cultural landscape; audit needs for music education (including through work with schools); assess the supply of provision; and spread good practice by helping to build networks between hubs.
86. The following table summarises the process and timescales for applications, assessment and fund award.

<p><b>Application, assessment and fund award timescales and process</b></p>
<p><b>25 November 2011 - The Arts Council publishes hub application process</b></p> <p>The Arts Council will issue a detailed application prospectus for funds from August 2012 to March 2015 alongside this National Plan, including an application form and assessment criteria. <b>It is important that applicants refer to this prospectus for full details of requirements and for information on how to draw up their applications.</b></p>
<p><b>17 February 2012 - Deadline for applications to be made to the Arts Council</b></p> <p>The application process is to appoint <b>leaders</b> of hubs who will be awarded DfE funds and will be accountable for delivery. These will need to be organisations (or formal partnerships of organisations) who are able to draw together a wider range of local, regional, and national partners in order to deliver the core (and where possible extension) hub roles.</p> <p>At the stage of applying, we would expect key partners to be signed up with the hub leader and for applications to provide evidence of this, but we acknowledge that it may not be possible to get formal sign up from all partners at the point applications are submitted. Applications and planning need to be based around the sum of a hub's proposed work, and not just that funded by DfE monies. This is particularly important to get a sense of the 'value added' a hub brings beyond the DfE funding.</p> <p>We anticipate that many of the applicants to be hub leaders will be local authorities / local authority music services, or include them within a formal partnership, although we expect a range of organisations to come forward. The Arts Council will welcome applications from organisations including local authorities; national, regional or local music/arts organisations; social enterprises; commercial bodies or chains of schools – or some combination of bodies working in formal partnership / joint venture with one another to deliver the lead hub role.</p>
<p><b>Mid February-Mid March 2012 - The Arts Council assess applications</b></p> <p>The Arts Council will check applications for eligibility, and assess all eligible applications both on their individual strength, and considering the wider context, for example deciding between two applications proposing to cover the same local authority area. (See paragraph 87 on what the Arts Council will be assessing applications against).</p>
<p><b>Late April 2012 - Announcement of successful hub applications</b></p> <p>The Arts Council makes all final decisions on funding, and it will be accountable for its decisions to the National Plan monitoring board (see paragraph 24).</p> <p>All successful hub applications will be announced, together with a small number of local authority areas (if any) that are not covered by a successful hub application.</p>
<p><b>April-September 2012 – Solicitation of proposals by the Arts Council for any areas not covered by successful hub applications</b></p> <p>The network of hubs will need to achieve England-wide coverage, meet the core roles as a minimum in every local authority area, and demonstrate value for money.</p> <p>Following the conclusion of the open application process and announcement of successful</p>

applicants, the Arts Council will ensure that national coverage by music education hubs is achieved. This might include encouraging partnership applications between neighbouring areas or negotiating for a neighbouring hub applicant to increase its geographic coverage. We anticipate that such approaches will only be necessary in a small minority of cases.

#### **May-August 2012 - Negotiation / agreement of hub funding agreements & business plans**

The Arts Council will negotiate final details of business plans with hub leads and set out grant funding terms. Grant arrangements will run from 1 August 2012 (to enable setup to take place) until 31 March 2015.

This period also provides an opportunity for hub leaders to prepare for delivery, including finalising and further developing partnership arrangements to deliver upon their application; building relationships with Bridge organisations; recruiting any workforce required; and carrying out needs analysis and audit of provision if these have not already been conducted.

#### **1 August 2012 – Hub funding commences**

The Arts Council will distribute funds to hubs three times each year. Payments will generally be made in advance, based on evidence of need, with payments for the next period being triggered by evidence of acceptable delivery.

#### **September 2012 onwards - Ongoing monitoring, practice sharing and follow-up**

The Arts Council will develop a set of aims and outcomes expected of hubs. These will be built in to grant agreements, and the Arts Council will conduct ongoing monitoring of hubs against them, three times each year.

Bridge organisations and the Arts Council will spread good practice, facilitate shared intelligence with hubs and help build networks between hubs. Other organisations, such as the Federation of Music Services, may also choose to undertake a role in spreading best practice.

Over time, and in negotiation with the Arts Council as part of the monitoring process, hub leaders will need to be flexible and make it easy for new partners to 'come in to the fold'. This is necessary so the hub partnership can grow and adapt to reflect any changing landscapes locally or nationally.

#### What the fund holder will look for in high quality hub applications

87. The detailed application process, and how applications will be assessed, will be set out by the Arts Council in its application prospectus. We anticipate all applicants will bid for the full amount of DfE funding available for the pupil population they are seeking to serve. Applications will be assessed against the quality and scope of provision offered and the projected outcomes for children as well as value for money. We have consulted music stakeholders about the criteria that the Arts Council should use when judging the quality of applications. They will draw upon the following list to define the exact criteria they set out in their application prospectus:

### **Evidence expected in applications for hub leader**

- a) Evidence of being able to deliver the core roles, extension roles where possible, and other innovative roles identified locally, and to act as a strategic leader in music education for pupils aged 5-18 years locally.
- b) Provide a business plan through to March 2015 setting out how value for money will be achieved, including realistic targets for drawing in money/services from elsewhere.
- c) Evidence of appropriate financial probity of applicant.
- d) Evidence that the applicant will spend at least 80% of DfE funds on front line delivery or continuing professional development. (This will be important to ensure value for money, to reduce bureaucracy, and to ensure back-office cost savings are made).
- e) Evidence of track record in providing music education (however broadly or narrowly), and of working with proposed partners.
- f) Evidence of partnerships forged or proposed. This needs to evidence buy-in to applicant's plans by formal and informal partners (particularly with head teachers, nationally funded organisations, local business and voluntary organisations); what each partner has agreed to bring to the partnership thus far; and to show how engagement will be sustained and grown (eg through head teachers sitting on hub governance).
- g) Demonstrate how applicant would draw together funding sources so that these align to meet the music education needs of the children in their area. Sources might include Lottery funding, schools' own funding, or money from private, charitable / philanthropic and industry sources.
- h) Evidence of an existing or proposed regular local needs analysis and audit of provision in the area. This should indicate how the applicant plans to develop services and partnerships around the needs of children in the area, both in school and more widely. This should also include evidence of how the hub will collect the views of schools and parents/carers and the advocacy on music education that the hub will undertake with local schools.
- i) Demonstrate a strategy for collecting/analysing/evaluating uptake of musical opportunities/progression routes provided, and the views of schools and parents/carers. We would expect hubs to use this to ensure equality of opportunity amongst all children, regardless of the school they attend, their background or personal circumstances – both in the context of ability to pay, their level of musical aptitude, as well as across the spectrum of special educational needs and disabilities, looked after children, race and gender. (Such data and how it is planned to be used to inform future policy and practice forms a key part of monitoring and evaluation of the hub's work, and would be collected by the Arts Council as part of their monitoring process. It will be used to provide an accountability route and, assuming requirements are met, to trigger the release of funding payments, in advance, due to the hub leader. We would also expect hubs to have an effective complaints process in place).
- j) Demonstrate plans for quality assurance and the identification of training and professional development needs together with costed plans to address these.
- k) Demonstrate evidence of business/organisational skills, and of relevant training plans to meet any skills gaps in the hub lead or its partners.
- l) Where necessary, demonstrate how they will manage the transition from the incumbent music education service, and how the hub will operate flexibly in future.

## Hub governance, geographic boundaries and academy chains

88. While taking account of the views of other organisations, it will be for hub leads to decide which other organisations they wish to partner with to meet the needs of children in the area. Some partnerships may be formally constituted, some less so. Hub leaders will be accountable for the allocated DfE funding, and we will expect them to have appropriate governance processes in place, particularly in cases where they are in formal contractual relationships with delivery partners.
89. Lessons from the formal partnerships between academies and from Trust Schools (between partnerships of maintained schools) suggests that cementing partnerships through charitable trusts can take the partnership to a higher level. For example, a shared trust between a secondary school and its feeder primaries which may have been set up just to improve pupil transition, often finds itself working for much wider and deeper purposes to benefit what becomes their shared pupil population, rather than just to benefit the pupils at a particular school.
90. Less formal arrangements may include memoranda of understanding across hub partners which explicitly state what each organisation will offer and what individual responsibilities should be. Hubs will wish to establish steering groups to develop the vision of the hub, provide input on local needs, and to hold delivery partners to account. The exact make up of steering groups will vary from area to area, but key members might be schools, young people and parent/carer representatives, key music education organisations in their area, nationally funded organisations, local business and voluntary organisations.
91. If they wish, hub leaders will be able to delegate DfE funds to other partners (including schools or neighbouring/home local authorities) to undertake delivery, but the hub leader will still be held to account for delivery. The hub will therefore need a clear process to monitor that the money will be used effectively by partners to deliver on the relevant hub requirements leading to outcomes for children.
92. The application and financial allocation process for hub funds will be aligned to local authority pupil populations and cover all the pupils within a local authority area. However, this does not stop hub leaders applying to cover more than one local authority area, provided all the children within the local authority areas are covered by the application, including those attending academies and free schools.
93. Indeed, we are keen to encourage multi-local authority area applications, and to have fewer hubs than there are local authorities, although we do not want to prescribe local solutions. Multi-area applications are likely to be more appropriate where the geography supports them, for example in linked conurbations. Hubs that cover more than one local authority area will have scope to develop services (particularly specialist services or ensembles) that might not otherwise have been possible had the hubs been of smaller size. They also have potential to generate economies of scale and better value for money. The overall opportunities and benefits to children in one local authority area must be proportionate to the financial resources granted to the multi-area hub for that area. In other words, a hub covering areas X and Y could not decide to spend all its funding just on the children in area X. Rather, the resources need to be spread across the children in areas X and Y so that

children in both areas receive equivalent benefits. This is necessary to ensure equity for all children.

94. Hub partners will be able to work across local authority boundaries or in only part of a local authority area – but the lead hub applicant must undertake to deliver service in the entire geographic local authority area(s), and this is how their grant will be allocated and monitored. Some hubs may wish to collaborate with neighbouring hubs to share access to ensemble opportunities and to central services such as IT, human resources, procurement or delivery of continuing professional development.
95. It is up to the hub leader if they wish to come to an arrangement with a partner to deliver part of the hub's work in a sub-area. This may be the case, for example, with some academy chains who wish to apply for hub status. If such chains are able to deliver to (or arrange delivery to) all children in one or more local authority areas, then they can apply to become leaders of hubs. However, if they are only able to deliver to some of the children in a local authority area (or some of the children across a number of local authorities) they will not be able to apply to lead hubs. Hub leaders, however, while ensuring full coverage of their local authority area(s), may wish to commission academy chains to deliver services to schools within the chain, and work directly (or use other partners) to deliver services to schools outside the chain.

#### Partnerships and music education hubs in practice

96. There is unlikely to be a standard model for all music education hubs – all will be different, reflecting local circumstances and needs. However, we would expect most hubs to involve local authorities, relevant nationally funded organisations (such as any of the Arts Council's National Portfolio Organisations involved in music education, which the Arts Council will expect to work constructively with hubs); local music societies/choirs; local, regional and national arts organisations; local community and voluntary organisations; and local businesses. We anticipate that hubs will work productively with the Arts Council's Bridge organisations to build shared understanding of local needs, and to promote effective collaboration between hubs and the wider local cultural offer. It will also be important that the hub collaborates with all schools in the area – both in terms of delivering services to pupils, as well as advocating the importance of music education to school leaders.
97. Local ensembles, and music provision more generally, can help to develop an important sense of civic, local or school identity. Regardless of who leads a music education hub from September 2012, it is important that this sense of identity is retained, perhaps through ongoing local authority involvement, in order to give schools and communities a sense of pride in their achievements and to help children to build their musical aspirations. Hub leaders will therefore wish to work with their partners to ensure civic pride is retained and strengthened, even if the local delivery or funding landscape has changed.

#### Accountability & ensuring quality

98. As we establish a new funding route, it is important that we put in place systems to ensure high quality delivery, equity for all children and best value for money. Accountability will be achieved in a variety of ways. Formal accountability for DfE funding will be via the Arts Council, which as fund

holder will monitor hubs and hold them to account for delivery against agreed plans. The Arts Council will reserve the right to withhold funds if agreed plans, particularly the core roles, are not being met.

99. Other accountability routes are:

- Parents/carers will hold hubs to account through money paid for personal tuition (which currently represents over half of music services' overall income), possibly sitting on hub governance, and through pressure on schools which gets passed on to hubs.
- Schools will input to needs audits and have clarity on the core roles they can expect to receive from hubs. Some schools will sit on hub governance arrangements as a route to hold hubs to account. At the same time, hubs will be able to challenge and support schools to improve their music curriculum (see paragraph 31).
- Ofsted has sharpened the focus of its music inspections on the contribution that external music organisations, including hubs, make to the quality of music in each school.
- Hub leaders will hold their local delivery partners to account through local hub governance arrangements.
- Conversely, there is also scope for local delivery partners to hold hub leaders to account through these governance arrangements.

Further information about these routes are set out below.

100. Often, pupils do not access opportunities to participate in music because their parents/carers are unaware of the full range of activities offered by many different providers. As schools are the focus of a pupil's teaching, it is sensible for their websites to be the place to provide information about music education available to pupils in that school. Alongside hubs, most schools will also choose to put information on their websites about the sum of music education opportunities in their local area. By providing this information, parents/carers will be clearer about what they can expect, and better able to hold delivery partners to account.

101. Arts Council's revised Artsmark scheme enables schools and arts organisations to benchmark their arts and cultural offer, including music, at each key stage and to assess the quality of the offer. This can provide evidence and reference points for Ofsted, supporting the inspection process. Artsmark is also being developed as a quality kite mark for organisations focussed on delivering musical opportunities for pupils in and out of schools, and will aid schools in recognising the quality of commissioned work.

102. As an important route of accountability via schools, and based upon guidance for inspectors published in 2010<sup>19</sup>, Ofsted has sharpened the focus of its music inspections on the contribution that external music organisations (including hubs) make to the quality of music in each school. While Ofsted will not be making separate judgements on the music service / hub provision, the contributions of the music service / hub to the judgements made about the school will be written clearly in the feedback letter posted on the Ofsted website. From September 2011, in all primary, secondary and special school music subject survey inspections, they will:



- Ask the head teacher, during the pre-inspection telephone call, to inform the local authority music service / hub that the subject inspection is taking place.
- Offer the head of music service / hub the opportunity to meet the inspector.
- Ask for details of all music service / hub activity taking place in the school, including during the inspection.
- Observe, if at all possible, at least one individual or small group instrumental or vocal lesson and at least one whole-class instrumental lesson, where these are provided by the local authority music service / hub.
- Judge these lessons against Ofsted's teaching criteria for music, and include them in the evidence leading to the overall judgement for teaching of music in that school.
- Consider curriculum planning for instrumental/vocal/whole-class teaching, and assessment strategies for this learning alongside other curriculum planning in music.

103. We have asked Ofsted to go further, and produce a short report based on the 2011/12 subject survey programme to highlight good practice and pitfalls experienced by schools buying and/or receiving music education services from external providers. The report, which we anticipate will be published by the time hubs start operating in September 2012, will provide a useful tool for schools in identifying whether the services on offer provide a good level of music education which fits well with the school's other music provision, particularly classroom curriculum programmes. This will help schools better engage with external providers, including hubs, and thereby have a positive impact on school performance.

104. As described earlier, the Arts Council as fund holder will monitor and review the performance of hubs on a regular basis. The process will enable the Arts Council to challenge cases of poor quality delivery or poor value for money. In some cases, the Arts Council will offer advice to help a hub improve. The Arts Council will also be able to withdraw grant from hubs in cases of unacceptable delivery and to determine other solutions to deliver hub services in an area. Although we expect instances of grant withdrawal to be rare, it will be necessary for the Arts Council to take this action in extreme cases where the purpose of the grant is not being fulfilled with reasonable care, thoroughness, competence and to an appropriate standard.

## Annex 2: Music technology<sup>20</sup>

### *Introduction*

105. Technology plays an important role in supporting, extending and enhancing the teaching of music. It can help connect communities in ways that rely less on location; be used to inspire, motivate and stretch pupils, including those reluctant to engage with music; help extend musical experiences; and help children with additional needs to further engage in music making. It complements other music teaching, while encouraging wider communication and collaboration with other pupils<sup>21</sup>.
106. Although some schools make very effective use of music technology, it is underused<sup>22</sup> and there is scope for schools to improve their teaching of music by using general information communication technologies as well as through music-specific resources and software. Technology can be used to support teaching, and to enable pupils to compose, make, record and perform music. It can also remove barriers for groups who might not otherwise be able to access music. This annex aims to support music educators in developing pupils' skills and experience in music. It sets out types of technology available, and provides examples of how information communication technology, consumer technologies and specialist music software / hardware can be used to support the good teaching of music.
107. It should assist schools to make more effective use of resources and contribute to positive outcomes in music for all children, including how to share effective practice; how to ensure both new and existing teachers are equipped with the necessary skills, knowledge and understanding; how to provide more opportunities for schools to access specialist support and provision; and how to resolve any technical, institutional and resourcing issues. The practical examples provided are not exhaustive and it is for hubs and schools to make decisions on the approaches to follow in their varying local contexts.

### ***Enhancing music teaching with technology***

#### Appropriate and effective use

108. Technology is used most effectively when it supports a clearly defined musical outcome and adds intrinsic value to teaching and the creative process. The most appropriate use of technology is when music educators are clear about why they are using technology to teach musical skills, knowledge and understanding, and consequently which devices are most appropriate to use.
109. The wide range of music technology available enables pupils to work in a variety of contexts that encourages imaginative thought, reflection and engagement in the musical process. Technology should be integrated within such activities to enhance and support teaching, without becoming a barrier or a distraction to music making. It is often not appropriate to use technology to teach music and teachers will need to decide whether technology adds value to the teaching of each of their music classes.

<b>Technology within the three traditional areas of teaching<sup>23</sup></b>			
	<b>Understanding (LISTENING)</b>	<b>Expressing (PERFORMING)</b>	<b>Creating (COMPOSING)</b>
<b>Elements</b>	<ul style="list-style-type: none"> <li>○ musical mechanics ("theory")</li> <li>○ aesthetics &amp; culture</li> </ul>	<ul style="list-style-type: none"> <li>○ technique and skill with a device</li> <li>○ interpretation with subtlety</li> </ul>	<ul style="list-style-type: none"> <li>○ unique sonic combinations</li> <li>○ evoking meaning with sound</li> </ul>
<b>Related Technical Processes</b>	<ul style="list-style-type: none"> <li>○ searching/sharing/streaming audio</li> <li>○ viewing/reading online resources</li> </ul>	<ul style="list-style-type: none"> <li>○ visual recording of performances</li> <li>○ interacting with sequencers</li> </ul>	<ul style="list-style-type: none"> <li>○ sound recording</li> <li>○ sampling, synthesising and sequencing</li> </ul>

### Supporting teaching

110. Teachers can use technology to model musical concepts they teach; to enhance the assessment process by including sound recordings; and to seek, access and communicate a wide variety of sounds, factual musical information and teaching resources. It can support listening, performing and composing<sup>24</sup> using a wide variety of software, web-based resources and discrete musical technologies.
111. There is a wide range of hardware available to support the development of musical skills, knowledge and understanding. For example, foot controllable looping hardware allows students to develop, sequence, layer and modify ideas without interrupting the creative process to record or notate. Similarly, portable hub rehearsal devices<sup>25</sup> enable pupils to create and rehearse collaborative compositions simultaneously in whole-class sessions without disturbing other pupils. Such devices facilitate expression and composition, and can capture the created layers of sound before importing the result into software for further structuring and processing. It is also possible to bring a much larger range of sounds into classrooms by using sampling, sound processing and sequencing in live performance and composition.
112. There is an extensive range of software, applications and web-based activities available to support the teaching of music. These can provide pupils with access to a variety of formal and informal means of representing musical annotation; allow them to compose, record, layer and store tracks; enable independent practice and teaching of musical instruments; and give access to a wide repertoire of multimedia resources to support the music curriculum. Software also enables pupils to manipulate pitch and experiment with different timbres, dynamics, tempos and durations.
113. Schools can use online learning environments to share resources and children's work between pupils, teachers, and peers within and beyond school. This provides an effective way of facilitating remote teaching and is particularly important for those pupils living in more isolated communities, without regular access to specialist tutors.

### Capturing, sharing and reflecting on performance

114. Hand held digital recording devices and digital media players offer affordable and simple methods for recording and listening to music; for working with electronic sounds or environments and for exploring alternatives for comparison and evaluation. They allow pupils and teachers to share, analyse and reflect on performance and suggest and implement strategies for improvement.
115. Video is an effective means of capturing lessons to create a permanent resource for subject areas to be revisited by pupils at the point of need. Once shared via school learning platforms, this is particularly effective as an aid to revision and a means of reinforcing difficult concepts. Similarly, pupil-led video work is a practical way for children to demonstrate and record their progress, and inform teacher assessment.
116. Online music and video sharing sites such as NUMU allow schools and pupils to showcase work and share performances and compositions with family, friends and the wider community. The presence of an authentic audience enthuses and encourages children to refine their performance to produce polished work to the best of their ability.

### Instrumental teaching

117. A wealth of video tutorials to suit all levels of ability are available online and can be effective as teaching aids or to support self-directed instrumental teaching and practice. In a similar way, instrumental practice software or apps on mobile devices can provide a useful teaching tool that allows pupils to progress at their own pace and continue learning remotely. Software can adapt to a pupil's deliberate or unintended changes in tempo; provide feedback and record performances for reflection, analysis and improvement. (See case study 6 in Annex 4).
118. There is a huge variety of free and low-cost smartphone apps to assist with instrumental teaching. For example, some help pupils to recognise intervals and scales, and others act as a tuner for instruments such as guitars, woodwinds, brass and pianos. Another app will slow down music tracks if pupils want to listen in greater detail and another turns the phone into a music studio.

### Technology and singing

119. Technology can increase opportunities for children to enjoy singing as part of their everyday lives. The online Sing Up Song Bank is used by many schools to make singing lessons more engaging and accessible. It provides targeted resources and activities for teachers to use with their pupils. Similarly, karaoke software and web-based resources such as Kindergarten Karaoke allow young children to improve their ability to sing together and in time to music.
120. Online music streaming sites can be used to widen pupils' musical exposure and listening habits. Such sites allow access to the extensive back catalogue of recording artists across a range of musical styles and genres, and can motivate and engage pupils of varying musical tastes and singing abilities. Annotating recorded music pieces on video streaming sites can help develop aural perception.

### ***Meeting the music education needs of all children***

121. Music technology can inspire and motivate pupils to engage with music who may not have done so previously, and can facilitate wider participation. It can also help improve the lives of those children who live in challenging circumstances, and benefit those moving on to the creative industries by giving early exposure to industry standard equipment and processes. (See case study 7 in Annex 4).
122. Technology has a key role in supporting children with special educational needs and disabilities (SEND). There is a range of assistive technologies that provide opportunities for children with disabilities to participate in music education. Touch screen and tablet devices allow pupils to express themselves musically and to control sounds. Other devices use motion sensing technology such as eye-tracking to facilitate motion-to-sound interfacing and to enable musical composition<sup>26</sup>. (See case study 8 in Annex 4).
123. Soft or virtual synthesisers and sound modules can be triggered from different types of midi controller to engage pupils with diverse needs, and simple sound files can be activated using switches or touch screen technologies that already exist in many schools. This can enable access to whole-class singing and group ensembles.
124. Music and the Deaf<sup>27</sup> have also worked closely with Sing Up to train leaders for their Signed Song initiative. They have created signed songs, videos which can be accessed from the Song Bank, and a dedicated YouTube channel. The Training and Development Agency for Schools' SEND training toolkit<sup>28</sup> recommends that teachers look at the potential of a range of specific music hardware and software for pupils with autistic spectrum disorders; physical disabilities; sight impairments; and behavioural, emotional and social difficulties.
125. Compared with those in urban areas, some children in rural schools may have reduced access to a diverse range of music teaching. With the support of hubs, schools may be able to address this through the use of video technology. Video has long been accepted as a powerful tool for teaching, although in the past some have found it too expensive, fiddly and time consuming to use regularly as a teaching tool. Things have moved on considerably in the past few years and cheap instant video cameras are now widely available<sup>29</sup>. Many classrooms now also have an interactive whiteboard, providing a quick and easy way to watch videos just moments after they were filmed. The technology has now evolved to the point where it can step out of the way, and allow the teaching to come to the forefront.
126. Video links through desk top video/audio conferencing technology may be a solution for many. Video conferencing facilities and software applications that allow users to make voice and video calls over the internet can provide face-to-face access with tutors, other schools and wider music education providers. This can reduce the cost and necessity for travel and can enable more children to access diverse music teaching opportunities. (See case study 9 in Annex 4).

## ***Technology supporting wider developments***

127. To ensure that all pupils have the best musical experience, this section gives examples of how schools and hubs can use technology to share practice, develop professional practice and overcome technical problems.

### Sharing effective practice

128. To deliver the best music education for pupils, music education hubs and schools will benefit from working together to identify and scale-up effective practice. Hubs working with clusters of schools and teachers could usefully identify local champions for music technology.
129. School-to-school support is an important and effective means of improving music education, and technology can act as an enabler here. TeachMeets are a means of sharing effective practice. They are a user generated, self-help means of professional development<sup>30</sup> and are flourishing in many areas. The purpose of a TeachMeet is for 'those curious about teaching'<sup>31</sup> to share stories with fellow teachers. Anyone can discuss ideas they have tried in their classrooms, ask questions or simply sign up to take part in teaching-related conversations. Hubs could consider working with local schools and other providers to facilitate music technology focused TeachMeets.
130. There is also a clear role for technology in helping to develop teachers' skills and confidence. Many organisations and individuals share their resources and ideas freely through digital media. Video tutorials and exemplar lessons can be shared online alongside teaching resources and on-going professional support using area-wide or school learning platforms.
131. Video conferencing technologies can also provide an effective means of sharing expertise across schools in geographically diverse locations. Music specialists can work with schools to provide curriculum support and CPD. Hubs might consider working with schools to use video conferencing technologies to share effective practice between schools and provide external expertise.

### Workforce Development

132. Some teachers remain unfamiliar with how to use technology to uncover the best new resources and technological innovations. Formal networks and communities have developed using subject specific websites such as Teaching Music<sup>32</sup> to nurture a community of music educators and experts. With a focus on CPD, lesson development, and resource sharing, subscribers benefit from peer support and advice that can help avoid professional isolation.
133. Although web-based communities and resources can help overcome professional isolation, teachers still need training in specific technical aspects of devices and software, along with pedagogical training on how and when effectively to integrate technology into their teaching. Although some initial training may be available from the manufacturers, hubs will wish to work collaboratively with schools to address any CPD-related barriers to the effective use of technology.

134. Technology can help facilitate affordable CPD for music teachers who may otherwise find it difficult to access opportunities for professional training and development. Schools may wish to consider accessing online or blended learning CPD in music to meet the needs of their teachers.

#### Overcoming technical problems

135. Many teachers and music departments do not receive dedicated music technology support. This means that when technology fails, there is often a lack of expertise and urgency in providing a solution. A lack of confidence in the robustness of music technology equipment, and the processes in place to address technical problems, can dissuade teachers from utilising technology.
136. Schools may wish to consider whether bespoke technical support needs to be provided to music departments. There may also be opportunities for hubs and school clusters to contribute by offering work placements to music technology graduates who understand how technology works and could support schools in using it effectively to teach music.
137. Institutional barriers can sometimes limit those teachers who wish to expand children's experiences and enliven music lessons by using technology. It is clear that unfiltered access to the internet is inappropriate, and decisions have to be made to safeguard children from unsuitable content accessed via the internet. However, schools should consider implementing measures that enable teachers and pupils to benefit from accessing the multitude of effective resources (for example, YouTube channels on music education such as <http://www.youtube.com/user/SingUp>) to support music teaching and instrumental instruction, including rich multimedia content, in a safe and responsible way.

#### More for less

138. Although the costs of technology can sometimes be seen as a barrier, web-based technologies can deliver low cost or free access to browser-based applications which bring a wide range of sounds and resources into classrooms. Such applications can be accessed from home to provide wider access to music education, reducing the reliance on technical expertise and support.
139. Keyboard synthesisers and virtual keyboard software offer an affordable alternative to pianos where cost or space is an issue, and can replicate many other instruments and sounds. Many computers can be utilised using software to provide high quality multi-track recording facilities when studio recording equipment is unavailable or the cost is prohibitive. Such software also contains a large selection of authentic and usable loops that are recorded from an extensive array of instruments to enable the creation of vibrant compositions using many different sounds.
140. Pupils can benefit from the use of consumer technologies such as tablet devices that provide access to low cost or free applications to support the teaching of music. Applications are available that simulate keyboards and other instruments, that tutor pupils and allow them to compose, record, practise and refine their music without the need for additional equipment.

## **Annex 3: The benefits of music (academic literature review)**

### Introduction

141. Music can make a powerful contribution to the education and development of children, having benefits which range from those that are largely academic to the growth of social skills and contribution to overall development. It is a unique form of communication that can change the way pupils feel, think and act. Ofsted say that children's involvement in music engages and re-engages pupils, increasing their self esteem, and maximising their progress in education and not just in music<sup>33</sup>.
142. Music education is not just for those who go on to have careers in music. Some schools place a greater emphasis on music's importance than others. For example, 65% of pupils in independent schools and 62% of pupils at grammar schools achieved A\* or A in GCSE music, compared with just 26% in maintained mainstream schools. This means that while all pupils are receiving some music education, many are not realising the full benefits which music can deliver.

### The academic value of music – the evidence

143. Research has shown a direct link between music and improved reading ability in children. It shows that pupils who were given certain types of music instruction had improved reading comprehension compared to those who did not<sup>34</sup>. Greatest improvement was seen when teaching was tailored to pupils' existing skills and abilities – for example if reading and language skills are of a high standard initially, more advanced musical education may be needed to have an impact on it<sup>35</sup>. There is also evidence that music education can have a significant effect on the reading ability of pupils who had been experiencing difficulties<sup>36</sup>, particularly teaching associated with rhythm. In addition, studies have shown that music instruction improved pupils' ability to remember words and so improve their vocabulary<sup>37</sup>, and also enhance language development<sup>38</sup>.
144. Evidence also suggests a link between mathematics and music, but there needs to be a stronger match between the skills being used – for example some types of music education can encourage improvement in some elements of maths more effectively than others. Studies have also shown a connection between music and increased scores in IQ<sup>39</sup>. In both cases it is rhythmic music training that has been shown to make the greatest improvement<sup>40</sup>. Other studies have demonstrated a link between music and creative skills, particularly musical improvisation and lessons which require children to be imaginative<sup>41</sup>.

### The social value of music – the evidence

145. A number of studies have demonstrated the positive impact music can have on personal and social development, including increased self reliance, confidence, self-esteem, sense of achievement and ability to relate to others<sup>42</sup>.



146. Other studies have shown different benefits from participating in music groups and needing to work together towards a common goal, for example school bands. These include discipline, teamwork, cooperation, self-confidence, responsibility and social skills<sup>43</sup>.

147. These studies have focused on young people who are already engaged and enjoying music, rather than those who are not. There are a number of other factors which might determine whether involvement in music is a positive experience for children that enables them to realise these benefits, including quality of teaching, the type of music studied and whether or not it is a successful and rewarding experience<sup>44</sup>.

#### What this means for teaching

148. The evidence suggests that for children to get the most from music education, it needs to be enjoyable, challenging and also achievable. It needs to be supportive and provide space for children to be creative, and include group activity to help build social skills.

149. Music is a valuable academic subject, as well as being important for the wider benefits outlined above, for those who will go on to have careers in music and for those who pursue it for enjoyment.

## Annex 4: Case studies

### 1. Success in boys' singing

It can be particularly difficult to motivate boys to sing when they reach secondary school. However, some schools avoid this problem by recognising that boys can be embarrassed about singing while their voices are changing, especially in front of girls. These schools understand that boys' voices do not "break" but change gradually, a process that is sometimes referred to as the *cambiata* principle.

Guildford County School in Surrey, and Dowdales School in Dalton-in-Furness in Cumbria, both recognise how untrained boys' voices can "crack" or flip between the former child register and the emergent lower register that will become the adult voice. They provide separate singing opportunities for boys and girls which enables the boys to develop their new voices in a safe environment. This also benefits girls by removing any impatience generated by the boys' seeming slow progress.

Guildford's approach has been so successful it now has a 160-strong boys' choir made up of 11 to 16 year-olds. While the school has a number of other choirs, bands and orchestral ensembles, including a large parallel girls' choir, it is the boys' choir that has attracted most interest. It was featured in Gareth Malone's TV series *The Choir: Boys Don't Sing*. The head of music, who stresses the importance of singing in the normal KS3 curriculum as well as the choir, has been skilful in selecting repertoire that can be sung in a range accessible to both new baritone voices and *cambiata* voices an octave apart. This understanding of the vocal range is crucial to the boys' enjoyment of their singing and the distinctive sound of young male voices.

At Dowdales, the *cambiata* principle is explored in class music lessons, where the head of music has arranged a number of popular songs in parts that are appropriate to the different stages of voice change. As well as a lively culture of house singing, performances in assemblies and informal concerts in school, there is also a four part boys' choir that has performed with considerable success around the local community.

Both Guildford and Dowdales have found that their boys' choirs have become ambassadors for their schools and provided role models for younger pupils. Another example is the 70-strong boys' choir from four primary schools in North Yorkshire - Swainby & Potto CofE Primary School, Osmotherley Primary School, Ingleby Arncliffe CofE Primary School, and Mill Hill Community Primary School. This involved several professional male singers, which in the words of one head of music "was such an experience for all the children, but for the boys it endorsed that male singing could be really cool". Even though they did not have a male music teacher, the younger boys felt secure when they were surrounded by older boys and young men singing.

The *Boys Keep Singing* Project ([www.boys-keep-singing.org](http://www.boys-keep-singing.org); free registration required) in collaboration with the National Youth Choirs of Great Britain has produced comprehensive guidance on how best to promote boys' singing.

## **2. Area ensembles leading to excellence: Northamptonshire**

In Northamptonshire, a county with a large rural and urban population, music partners work together to provide all under-19s with access to local and national music making opportunities in ensembles from beginners to the highest levels of performance.

This work is supported by a culture of music in schools and the local community, fostered through the local authority's commitment to the music service, local theatres and the voluntary sector, including amateur orchestras and bands, choral societies, all enriched with links/residencies from visiting professional groups. The Castle Theatre in Wellingborough, Light House Theatre in Kettering, and the Core at Corby Cube all contribute to the opportunities available in terms of space and initiatives.

While ensemble work in school is considered important, the county has also established 15 regional music and performing arts centres specifically to support "in-school" activity with an additional offer of ensemble work. These centres in turn feed 38 county ensembles, ensuring there are appropriate and wide ranging opportunities within easy reach of all children offering the potential of progression through to music making of a higher standard than any one individual school or local centre can offer.

A three-level programme of progression from Junior through to Youth has proved extremely effective in meeting the needs of talented and committed young people, developing them to the highest standards. Many students go on to join National Youth Music Ensembles while retaining their membership of Northamptonshire groups.

Celebration is at the heart of what is achieved. Many collaborative activities such as the annual music or carol festivals and joint concerts mean that nearly every child in Northamptonshire currently has the opportunity to take part in a performance every year. Northamptonshire's youth ensembles have consistently achieved professional levels of performance, with walls full of awards as evidence. For example, 15 county-organised music groups were invited to the National Music for Youth Festival in Birmingham in July 2011, and nine of them received awards in recognition of their quality.

The trumpet player from this year's youth orchestra has just been appointed principal cornet of the Grimethorpe Colliery band at the age of just 17. And this year's youth orchestra harpist is principal harp in the National Youth Orchestra at the age of 16.

The progression can foster a sense of ambition and commitment from young people and have a major stabilising effect on their lives. For example, one boy in the youth orchestra had been excluded from school and was heavily involved with drugs. The only secure and positive thing in his life was coming to the youth orchestra practice every Saturday morning. The music service worked with him and he now has a career in music having won a place at the Birmingham Conservatoire as a bass player.

### 3. Schools working together: Sing Up music clusters

Working in partnership with ContinYou, Sing Up supported 119 secondary schools to lead innovative singing projects with their feeder primary schools, adding value to their music education and building staff and pupil confidence. The work trained and inspired young singing leaders, and enabled schools to work positively on transition issues.

The North Yorkshire 'super-cluster' project involved Bedale, Wensleydale and Allerton Secondary Schools, with Northallerton College and The Dales (Special) School, all working with their feeder primary schools – 14 in total. The project brought together 700 children to perform at Ripon Cathedral. "The main aim was to sing together," said Emily Smith who, with Rosi Keatinge, was the main singing leader on the project. "The fact that we also attracted over 100 parents despite most being at work at 10.30 on a Friday morning, and several parents having to travel considerable distances, seems to suggest support from all quarters for this approach".

Central to the approach were 40 young singing leaders from secondary schools who, with their parents' permission, worked with children from the primary schools to lead rehearsals. "They had a very good learning experience and by being good ambassadors helped promote the school," said Graham Turner, headteacher of Bedale High School. Zena Bentley, the school's head of music commented that "several pupils who were not obvious musicians got a great deal out of it. One girl had a bad reputation in school. We saw a completely different side of her on the project".

"The impact on their self-esteem and self-confidence has been remarkable," said Mike Sissons, head of music at Dale. "I was convinced one student would just not manage it – but he did. One girl who was often in tears with nerves in normal situations – but who has a great sense of rhythm – managed to count in the choir of 700 on the opening song using a microphone: a very moving achievement".

"I liked first learning the songs and then figuring out how best to teach them," said Sam in Year 8 while Tori, also Year 8, was excited by "seeing how much the kids had practised and how they enjoyed the final concert." The primary school staff were full of admiration for the young singing leaders. "They were fabulous role models", said one. "They showed our Years 5 and 6s that singing was an okay thing to do".

The experience of the project and the final concert seems to have been universally appreciated. "It was fantastic to be surrounded by such a buzz in the Cathedral," said one teacher. "The affirmation that 700 are doing the same thing just gave it a tremendous wow factor," said another, "particularly when we're such a small rural school". "My staff were very under-confident to start with but through the practices became really enthusiastic," said one head.

The cluster has continued to work together, with plans to develop their large scale performance ideas further, and through Sing Up's existing relationship with the British Council, the cluster is connecting with a performing arts and education organisation in Brazil.

#### **4. Brookfield Community School: Support for Continuing Professional Development**

Hampshire County Council's music service has worked in partnership with Brookfield Community School for over 10 years, and the impact on music teaching has been dramatic. At the start, music in the school was struggling: participation in extended curriculum activities was very low: there were less than 10 students in the wind band and just 5% of pupils opted for music at GCSE.

The school music department bought-in significant support from the music service's County Inspector. This included direct, one-to-one support covering lesson planning and observations, schemes of work (at both KS3 and KS4) and assessment procedures. Much of this was with the school's new and strategically appointed director of music, but included specific support for other members of the music department, including newly qualified teachers.

The school engaged with county-wide music curriculum groups and conferences on the best ways to teach music in the national curriculum and at GCSE. Each involved taught sessions with the music service, liaison with other music departments in the county, and direct visits from the County Inspector to offer advice. The school has been part of a working party on KS2-KS3 transition in music, and the music service both trained local teachers in transition issues and offered technical support for primary / secondary playing days and festivals.

In part due to the leadership of the school director of music, and in part to the continuing professional development offered by the music service, music teaching in the school has been transformed. The quality of teaching at KS3 and KS4 is now consistently good or better, and pupils opt in large numbers for GCSE music courses (approximately 10% of the cohort each year). KS4 results in music are now outstanding: this year the school achieved 100% A\*-C in GCSE music with over 75% of pupils gaining the highest A\*/A grades.

The development of the music department has impacted hugely on the ethos and life of Brookfield, enhancing and enriching students' learning experience in music and beyond. Students' attitudes to learning and achievement are positive, the school's profile with parents and the local community has improved, and music has further strengthened the existing partnership with feeder primaries.

The school's music department enjoys an excellent reputation both locally and beyond. Of particular note is the international dimension (with a particular focus on South Africa) which has been life-changing for all those involved. As OFSTED stated in its October 2010 report: '*The global voice music project promotes good links with young people... Its positive impact is recognised by the staff, students and parents and carers alike*'.

Music has become a life-blood of the school.

## 5. Local music planning: Durham & Darlington

County Durham and Darlington developed a three-year strategic plan to ensure all young people had access to the best quality music education, while using resources as efficiently as possible. The plan was aligned to local provision and partnerships, and described relevant targets, milestones, timelines and the people responsible for developing a particular area of work. Led by the music service, a broad range of partners (including schools, other education interests, arts teams, regional music projects, and colleges of music) were involved in its construction, which helped them form a clear picture of music-making opportunities and progression routes available in the area.

Partnership working has enabled diverse opportunities to be made available through world-class organisations that regularly work with the music service. In terms of musical outcomes, the value added is greater than the sum of the parts: the teaching is linked in a contextualised way rather than through isolated situations or one-off performances.

School partnerships are strong, and network meetings at secondary and primary school level enable best practice to be shared. The work has had a major impact on the relationship between the music service and school music departments. It has facilitated good practice, methodology and dialogue between the instrumental and classroom lessons to raise levels of attainment.

The plan also made reference to national and local programmes developed by the local authority such as those for the gifted and talented, for looked after children or for young people with special educational needs. This enables data to be collected to assess the levels of achievement for the young people in these groups, and to look at how any gaps can be addressed.

*“The impact of partnership work with the music service for us (as a primary school) is threefold: it ensures we provide high quality music education to our pupils in a fun and exciting way, it supports staff development (crucial in an area where many teachers may feel vulnerable) and finally music service involvement helps us to showcase the talents of our children to parents and the wider community.”*

(Sandra Whitton, Headteacher, Finchale Primary School)

*“We have fantastic opportunities to learn and perform with some top world class musicians. I’ve played in the festivals for the past 4 years, and gained more experience every time. Performers such as Pee Wee Ellis, Abrham Wilson and the Soul Rebels have given tips about performance skills that I use all the time now. I can’t wait to see what the festival has to offer this time”* (Sixth form student)

## **6. Practising and building confidence for a solo**

Annie, a promising young clarinet player, was asked to perform a solo item in her school's end of term concert. She and her peripatetic teacher had browsed the SmartMusic library repertoire and chose to prepare 'Maria' from Bernstein's 'West Side Story'. After she had been learning the piece for a couple of weeks, Annie started to practice with the SmartMusic software.

The software provided a professional-sounding accompaniment that adapted to her occasional mistakes and hesitations as well as her intentional tempo variations. Annie found this way of working enjoyable and was very keen to practise and improve her performance.

As the date of the concert drew near her teacher filmed Annie's performance. They were able to review the video together and discuss ways of improving her recital still further. She used a web cam to capture her recital while she practised at home and posted a recording on YouTube. She received positive messages of encouragement from her friends in the area youth orchestra.

## 7. Better educational outcomes for looked after children

Educational outcomes among looked after children remain significantly lower than those for all children. Their involvement in learning outside the classroom and in after-school activities is a key element in increasing the level of progress they make<sup>45</sup>.

Working in partnership with Surrey local authority, Rhythmix, a music education charity focussed on young people in challenging circumstances, initiated an after-school project to enable wider access to music education and deliver better educational outcomes for children in care. Most of the children involved had not engaged with music in school, and were non instrumentalists. Technology provided a means by which the children could create original music in a variety of styles, using a medium they were both familiar with and enthused by.

*“Some of our young people have learnt DJ skills and many have enjoyed using music technology and producing interesting and exciting music.”*

(Youth worker)

During weekly sessions the young people created and recorded their own composition using a combination of traditional and electronic instruments, and learnt how to use music technology software to arrange and edit their work. They mixed and refined the final composition at a professional recording studio using industry standard techniques, and also worked with a professional film maker to create and produce a video to accompany their composition. The final stage of the project required the young people to write strings parts and collaborate with a forty-piece Youth Orchestra which they then performed with at a large regional arts festival.

As well as gaining musical and production experience, the project also instilled important social, educational and personal skills such as team work, personal confidence, positive self-expression and decision making.

*“I like working as a group. It’s so much fun – I have learnt how to work as a team, about talking and listening to each other and singing with each other... I like to meet new people in the care system. I look up to them because they have their future – it’s an inspiration for me.”*

(Child in care)

In addition, all the young people participating passed a nationally recognised OCN qualification as part of the project, and received a Bronze Arts Award in recognition of their work.

*“The hard work and focus the young people invested over the ten weeks was rewarded here with great audience applause. These young people can hold their heads high at achieving such great results.”*

(Course tutor)

*“This work has been a huge step towards embedding music and the arts into the services provided by our colleagues in social services”*

(Local authority arts service)



## **8. Singing for children facing physical and communication barriers**

Drake Music is a national charity working with teachers, children and young people to break down disabling barriers to music through innovative approaches to teaching and making music.

One initiative focused on physical and communication barriers to singing. It has involved work with Sing Up to develop teaching approaches using touch-screen and switch technology to enable pupils to communicate and participate in class singing lessons.

One pupil used a touch-screen voice output communication aid (VOCA) to enable her to join in with classmates during a singing session, by playing sound files at appropriate points during the song 'A Sailor Went to Sea'. In another example, a small group of pupils each used a different method to sing the song 'Alice The Camel' together; one pupil singing the 'call' using switch activated computer software, other pupils singing the 'responses' using a microphone with an echo effect, Makaton sign-language and their own voices.

To facilitate this, Drake Music created singing set-ups for accessible computer software, as well as for a range of both hi-tech and lo-tech VOCAs. The resources do not require specialist music technology but instead use existing technology that is already owned by either the schools or the pupils, and are used for other school activities. To accompany the software resources, Drake Music also published a series of information documents containing ideas for including children with a range of SEND in singing activities.

Feedback from teachers and speech & language therapists identified a number of benefits. The resources enabled pupils who would otherwise be unable to do so to participate actively in singing and this became a powerful means of motivating them to learn to use the communication devices. As their ability to interact developed, this in turn improved the quality of the pupils' involvement in other areas of the curriculum, and enabled them to communicate more effectively with teachers and their classmates.

All of the accessible singing resources and ideas for accompanying activities have been made available to schools via the Sing Up Song Bank.

## **9. Widening access for rural schools**

Dumfries and Galloway council initiated a project to improve access to instrumental lessons for children from rural primary schools. Weekly brass music lessons were provided to groups of pupils in participating schools using video conferencing technology to link with a remote tutor based in Dumfries. In addition, some pupils also experienced live video conference lessons with the principal trumpet player from the London Symphony Orchestra.

The evaluation of the project by Warwick University<sup>46</sup> found that pupils progressed at the same rate as, and in some cases better than, those children tutored in person. The project also led to considerably more pupils learning to play a musical instrument than would otherwise have been the case, and enabled increased participation from pupils unable to travel to the nearest secondary school, where instrumental tuition traditionally took place.

The increased provision made possible by technology also meant that pupils could be chosen on the basis of their enthusiasm and commitment rather than their musical aptitude, therefore widening opportunities for more children to participate.

The project has since been extended to provide pupils in more schools with opportunities to learn instruments remotely, with the addition of woodwind, string and guitar lessons. Improvements in broadband infrastructure have also reduced connectivity costs, and provided schools with a higher quality and more robust video link.

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<sup>1</sup> For example, those involved in English music education are regularly visited by international delegations and asked to present at international conferences; English graded music examinations are routinely recognised and used worldwide; training on Wider Opportunities has been used internationally; and English practice on joining up in- and out-of school provision is being followed internationally. Jonathan Savage of the Manchester Metropolitan University has said "music education in the UK is, in my opinion, world leading".

<sup>2</sup> *National Music Participation Director report*, October 2010. <http://www.thefms.org/wp-content/uploads/2010/12/nmpd-music-data-report-october-2010-final.pdf>

<sup>3</sup> *Music Education in England: A review by Darren Henley for the Department for Education and Department for Culture, Media and Sport*, 7 February 2011.

<sup>4</sup> All references to professional musicians include community musicians; freelance musicians and those employed by professional organisations such as orchestras and opera companies who also work in education.

<sup>5</sup> Ashley, M. (2002) Singing, gender and health: perspectives from boys singing in a church choir, *Health Education*, 102(4), 180-186 ; Clift, S. & Hancox, G. (2001) 'The perceived benefits of singing: Findings from preliminary surveys of a university college choral society'. *The Journal of the Royal Society for the Promotion of Health*, 121(4), 248-256.

<sup>6</sup> These benchmarks are aligned with the current Early Years Foundation Stage and current National Curriculum for music.

<sup>7</sup> Introductory whole-class instrumental experiences will ideally be for a full year but funding will provide for a minimum of one term. Schools should be able to decide which instruments to offer. For example, whether to offer stringed instruments to young children or wait to offer wind and brass instruments to older children.

<sup>8</sup> *Making more of music: an evaluation of music in schools 2005/08*, Ofsted, February 2009.

<sup>9</sup> *Music Survey Visits: Generic grade descriptors and supplementary subject-specific guidance for inspectors on making judgements during visits to schools*, Ofsted, September 2010.

<sup>10</sup> *Making more of music: an evaluation of music in schools 2005/08*, Ofsted, February 2009.

<sup>11</sup> 2010 figures.

<sup>12</sup> 73% of publicly funded secondary school music teachers hold a degree or higher qualification in the subject. (School Workforce Census, 2010).

<sup>13</sup> *Making more of music: an evaluation of music in schools 2005/08*, Ofsted, February 2009.

<sup>14</sup> *Training Key Stage 1 Primary School Teachers (2010-2011)*, EMI Music Sound Foundation / Institute of Education, 2011.  
[http://www.emimusicfoundationsound.com/images/uploads/Executive\\_Summary\\_IOE\\_2011.pdf](http://www.emimusicfoundationsound.com/images/uploads/Executive_Summary_IOE_2011.pdf)

<sup>15</sup> *Making more of music: an evaluation of music in schools 2005/08*, Ofsted, February 2009.

<sup>16</sup> *Making more of music: an evaluation of music in schools 2005/08*, Ofsted, February 2009.

<sup>17</sup> Based upon *Partnering for school improvement*, National Audit Office, July 2009.

<sup>18</sup> Richard Hallam, *Effective Partnership Working in Music Education: Principles and Practice*, *International Journal of Music Education*, May 2011, vol. 29 no. 2 155-171.

<sup>19</sup> *Music Survey Visits: Generic grade descriptors and supplementary subject-specific guidance for inspectors on making judgements during visits to schools*, Ofsted, September 2010.

<sup>20</sup> The case studies and examples in this annex are intended to support schools and music education hubs to teach pupils effectively using music technology. They are not intended to represent the entirety of provision available, and schools/hubs will wish to look across the spectrum of provision available when planning their approach.

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- <sup>21</sup> QCA (2005) *Futures: Meeting the challenge*
- <sup>22</sup> *Making more of music: an evaluation of music in schools 2005/08*, Ofsted, February 2009
- <sup>23</sup> From [ABRSM](#).
- <sup>24</sup> Liz Mellor (2007) reports primary children improved their creativity in composing using technology regardless of their previous musical backgrounds in *Musicae Scientiae* 11(1), 61-88 similar results were found for secondary pupils the following year in *Music Education Research* vol 10, No 4 December 2008, 451 - 472.
- <sup>25</sup> A device that allows multiple users to create, rehearse and record music by connecting a number of electric instruments together. Each pupil uses headphones to focus on their own instrument, or listen in to the collective performance. This avoids disrupting other children working in the same classroom.
- <sup>26</sup> <http://dera.ioe.ac.uk/1565/>
- <sup>27</sup> [www.matd.org.uk](http://www.matd.org.uk)
- <sup>28</sup> [http://www.tda.gov.uk/trainee-teacher/support-and-tools/sen-and-disability/sen-training-resources/one-year-itt-programmes/~media/resources/teacher/sen/primary/music.ashx?keywords=music](http://www.tda.gov.uk/trainee-teacher/support-and-tools/sen-and-disability/sen-training-resources/one-year-itt-programmes/~/media/resources/teacher/sen/primary/music.ashx?keywords=music) (page 12)
- <sup>29</sup> Cross, J. (2012) *Digital Media in the Music Classroom*, Rhinegold Education.
- <sup>30</sup> David Price OBE <http://davidpriceblog.posterous.com/>
- <sup>31</sup> See <http://teachmeet.pbworks.com/w/page/45032039/hullteachmeet>
- <sup>32</sup> [www.teachingmusic.org.uk](http://www.teachingmusic.org.uk)
- <sup>33</sup> *Making more of music: an evaluation of music in schools 2005/08*, Ofsted, February 2009.
- <sup>34</sup> Hallam 'The power of music: its impact on the intellectual, social and personal development of children and young people'
- <sup>35</sup> Hallam 'The power of music: its impact on the intellectual, social and personal development of children and young people'
- <sup>36</sup> Nicholson, 1972; Long, 2007; Thomson, 1993 and Overy, 2000
- <sup>37</sup> Chan et al, 1998
- <sup>38</sup> Sylvain Moreno et al, *Short-Term Music Training Enhances Verbal Intelligence and Executive Function*, Psychological Science, September 2011, 0956797611416999.
- <sup>39</sup> For example, Schellenberg, 2004
- <sup>40</sup> Rauscher, 2009
- <sup>41</sup> Koutsoupidou and Hargreaves, 2009
- <sup>42</sup> Spychiger, et al, 1993; Zulauf, 1993; Harland, 2000
- <sup>43</sup> Brown, 1980; Hallam and Prince, 2000
- <sup>44</sup> Hallam 'The power of music: its impact on the intellectual, social and personal development of children and young people'
- <sup>45</sup> *Looked after children – good practice in schools*, Ofsted, 2008.
- <sup>46</sup> [http://wayback.archive-it.org/1961/20100804145036/http://www.flatprojects.org.uk/Images/ITVC%20Project%20Final%20Evaluation%20Report\\_tcm4-450615.pdf](http://wayback.archive-it.org/1961/20100804145036/http://www.flatprojects.org.uk/Images/ITVC%20Project%20Final%20Evaluation%20Report_tcm4-450615.pdf)

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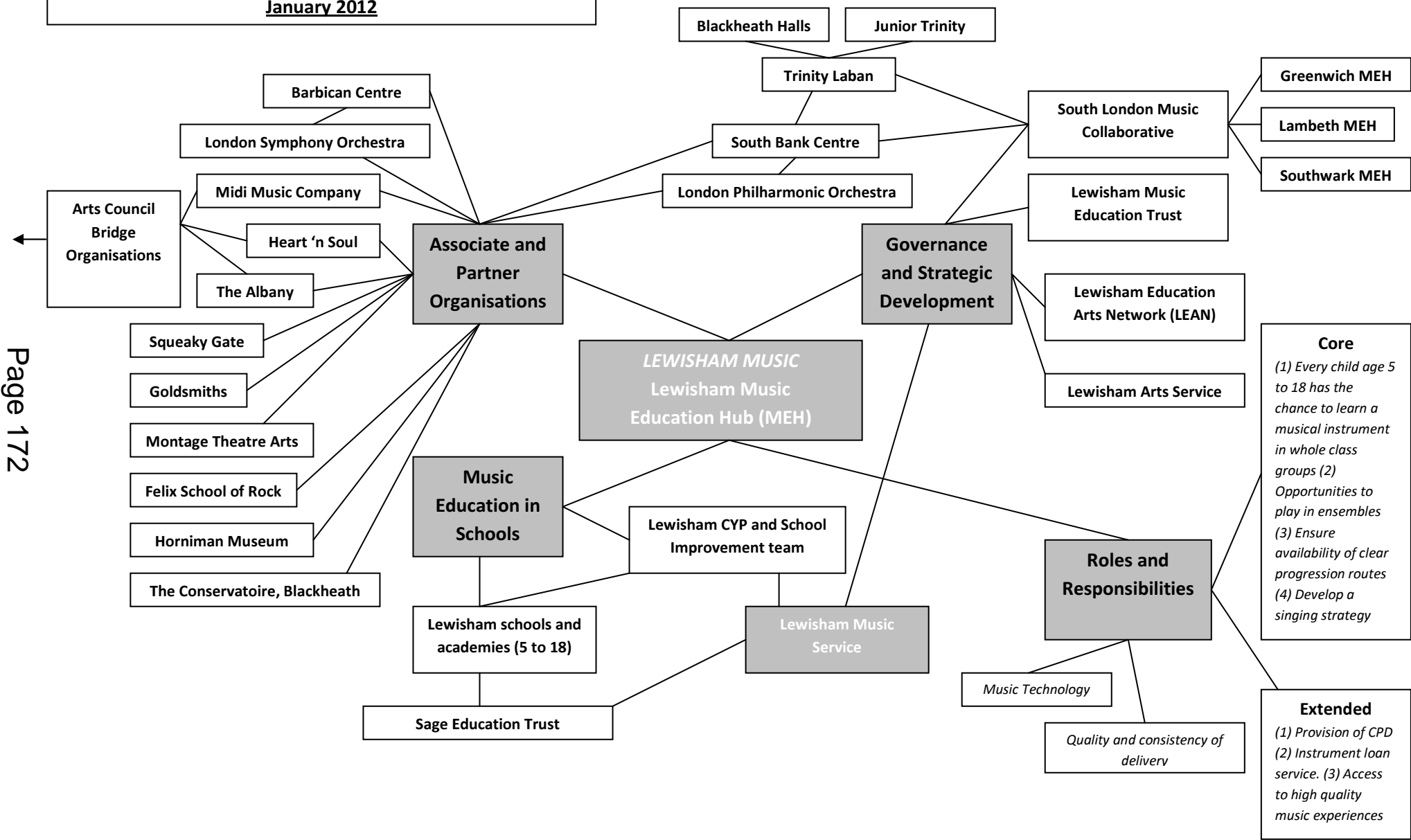
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**Lewisham Music Education Hub: A Draft Plan**  
**January 2012**



# **Music education hubs**

## **Prospectus for applicants**

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## SECTION ONE – INTRODUCTION

### Welcome

This prospectus is published and should be read alongside the Government's recently published [\*The Importance of Music: A National Plan for Music Education\*](#).

A key recommendation of this plan was the establishment of a network of music education hubs.

Music education hubs will consist of partnerships of organisations working together in a local area to create joined up, high quality music education provision for children and young people, in and out of school.

Arts Council England is operating as fund holder for the new music education hubs on behalf of the Department for Education. As fund holder, we will be responsible for providing advice, assessment, decision-making and monitoring the performance of music education hubs against agreed delivery plans.

Taken together, *The Importance of Music: A National Plan for Music Education* and this prospectus give you the information you need to apply to lead a music education hub. Please read them carefully before you fill in the online application form. Please check the [music education hubs section](#) on our website for further information and sources of advice.

The open and competitive application process will ensure that music education hubs are operating in each local authority area and provide quality and consistency of music education across England. Successful applicants will be offered funding from September 2012 to March 2015 to lead the new music education hubs. Please see *The Importance of Music: A National Plan for Music Education* for more background and context on music education hubs.

Applications to lead a music education hub will need to provide evidence of leadership and delivery of music education directly or through secure partnership arrangements.

If you decide to make an application, we wish you every success.

## Available budget

Applications should be for funding for activity from 1 August 2012 – 31 March 2015. £50 million is available for activity taking place between September 2012 and March 2013; £63 million in 2013-14; £58 million in 2014-15. Funding allocations for 2012-13 are for two terms' activity from 1 September 2012, with preparatory work from 1 August 2012.

The Arts Council is delivering these funds through a ring fenced grant from the Department for Education. This funding is in addition to the money we receive through our funding agreement with Government and from the National Lottery.

Funding will be aligned to the local authority pupil populations and cover all the children aged 5 to 18 within one or more local authority areas. These allocations have been calculated by the Department for Education according to a national funding formula, which they are publishing alongside *The Importance of Music: A National Plan for Music Education*. Please refer to this funding formula when making your application.

## Other sources of funding

In most cases, this funding for music education hubs will be one of several funding sources available in a local area that the hub will draw upon.

We expect hubs to draw in and align funding streams from elsewhere to best meet the local needs of pupils' music education and deliver the core and, where possible, extension roles laid out in *The Importance of Music: A National Plan for Music Education*. These can include:

- Income earned from your activities.
- Contributions from parents and schools.
- Funding from public organisations such as local authorities.
- Grants from trusts and foundations.
- Sponsorship, commercial or industry donations and contributions.
- A contribution from your own organisation's resources.
- Lottery funding such as through Youth Music.

Our website has some advice about [other sources of funding](#).

## Contact us

We will schedule national briefing events for prospective applicants and partners during the application period. More details of these will be published on our website. Please contact our Enquiries team to register your interest in attending these events.

You can also discuss your application directly with us. Before contacting us:

- First read this guidance and *The Importance of Music: A National Plan for Music Education*.
- Decide in which area(s) you intend to operate as a music education hub and check The Department for Education's published funding formula for the amount allocated.
- Consider which partners you will work with.
- Consider the outline of your proposal, including your approach to the core and, where possible, extension roles.

You should then contact our Enquiries team who will put you in contact with a member of staff who will offer advice and support on your application.

- Tel: 0845 300 6200
- Fax: 0161 934 4426
- Textphone: 020 7973 6564
- Online enquiry form: [www.artscouncil.org.uk/about-us/contact-us](http://www.artscouncil.org.uk/about-us/contact-us)

## SECTION TWO – MUSIC EDUCATION HUBS

### The Importance of Music: A National Plan for Music Education

Ensuring that children and young people have the opportunity to experience the richness of the arts is at the core of the Arts Council's 10-year vision for the arts – [\*Achieving great art for everyone\*](#).

We are delighted to be working with the Department for Education in making the vision set out in *The Importance of Music: A National Plan for Music Education* a

reality. The arts contribute to the development and well-being of children and young people, so it is vital that children engage with the arts early in their lives. Music education hubs will play a key role in ensuring that every child has the opportunity to experience the richness of the arts.

### **The role of music education hubs**

Music education hubs will act as a gateway for local areas to create music education provision that works in a local context, both in and out of school. They will help drive the quality of service locally, with scope for improved partnership working, better value for money, local innovation and greater accountability.

By September 2012, music education hubs will be established to serve every local authority area. We do not anticipate that there will be a standard model for all music education hubs – all will be different, reflecting local circumstances and local needs. Their development will build on the foundations of existing local authority music services and on partnership working to move to a new way of delivering high quality music education that gives scope for all pupils to progress and to reach the next level of excellence.

Music education hubs will provide opportunities for children to learn instruments, play and sing with others and for musical talent to be developed. Hubs will have an important role in supporting first access to music education, providing a range of opportunities, ensuring clear progression routes, and enabling talent and excellence to develop. Hubs will ensure that every child can experience enjoyment and success from the earliest stages of musical learning.

The Department for Education funding will augment and support schools' music curriculum provision. Music education hubs will work in partnership with a range of organisations, determined by the local needs of children and young people, to deliver high quality music education that gives scope for all children to progress and to reach the next level of excellence. In delivering their services, hubs will need to take account of the benchmarks set out in chapter two of *The Importance of Music: A National Plan for Music Education*.

We expect most hubs to involve local authorities. Other partners are likely to include relevant nationally funded organisations (such as any of the Arts Council's National portfolio organisations involved in music education, which the Arts

Council will expect to work constructively with hubs); local music societies/choirs; local, regional and national music organisations; local community and voluntary organisations; and local businesses. We anticipate that hubs will work productively with the Arts Council's [Bridge organisations](#) to build shared understanding of local needs, and to promote effective collaboration between hubs and the wider local cultural offer. It will also be important that hubs collaborate with all schools in the area – both in terms of delivering services to pupils, as well as advocating the importance of music education to school leaders.

The new music education hubs will receive funding from September 2012 to March 2015 to ensure that all children in state schools (including academies and free schools) will have access to music education in and out of school. They will work innovatively to meet local needs and draw in other resources. It is expected that all hubs will focus on pupil outcomes and carry out the **core roles** set out below:

1. Ensure that every child aged five to 18 has the opportunity to learn a musical instrument (other than voice) through whole-class ensemble teaching programmes for ideally a year (but for a minimum of a term) of weekly tuition on the same instrument.
2. Provide opportunities to play in ensembles and to perform from an early stage.
3. Ensure that clear progression routes are available and affordable to all young people.
4. Develop a singing strategy to ensure that every pupil is singing regularly and that choirs and other vocal ensembles are available in the area.

It is also expected that many hubs will be able to carry out extension roles, alongside the core roles. These **extension roles** will include some or all of the following:

1. Offer Continuous Professional Development (CPD) to school staff, particularly in supporting schools to deliver music in the curriculum.
2. Provide an instrument loan service, with discounts or free provision for those on low incomes.

3. Provide access to large scale and/or high quality music experiences for pupils, working with professional musicians and/or venues. This may include undertaking work to publicise the opportunities available to schools, parents/carers and students.

## **Partnership working**

Partnership working plays an important role in establishing sustainable provision with adequate breadth and capacity to deliver a high quality service, at the same time as meeting local and national priorities. Whilst we expect the network of music education hubs to serve every local authority area, we expect fewer music education hubs to be established than the number of local authority areas.

The appointed leaders of the new music education hubs will need to demonstrate how they will be able to draw together a wide range of local, regional, and national partners in order to deliver the core and, where possible, extension roles as effectively and efficiently as possible. Some hubs may wish to collaborate with neighbouring hubs to share access to ensemble opportunities and to central services such as IT, human resources, procurement or delivery of continuing professional development.

It will be for music education hub leads to decide which organisations they wish to partner with, although approaches should start with the needs of all children in the area.

Partnerships might include a local authority, schools, other hubs, national, regional or local arts/music organisations, Arts Council Bridge organisation or National portfolio organisations, Youth Music-funded organisation and community or voluntary organisations. We acknowledge that it may not be possible to have formal partnership agreements in place at the point applications are submitted; also, that hub partnership arrangements may evolve over time. However, all lead partners in music education hubs, and any partners involved in delivering core and/or extension roles must be committed to entering into a formal partnership agreement with each other and show a firm commitment to joint working.

The music education hub leads will be accountable for the funding and we expect them to have appropriate governance processes in place, particularly in cases

where the hub is led by a partnership, or where they are in formal contractual relationships with delivery partners. We will also look for governance that demonstrates how a hub partnership reflects local needs.

Multi-area bids are likely to be more appropriate where the geography supports them, for example in linked conurbations. Hubs that cover more than one local authority area will have scope to develop services and progression routes (particularly specialist services) that may not otherwise be possible if the hubs are of smaller size. They also have potential to generate economies of scale and better value for money.

Before applying, we expect organisations in a local area to work together to identify who will take the lead hub role including the appropriate local area that a music education hub could cover. Applications must be aligned with one or more local authority boundaries.

We have provided additional guidance on the different sort of partnerships, and matters to consider in drawing up a partnership agreement, [here](#).

## **Aims and outcomes**

We will assess the success of the new delivery of music education via music education hubs through the following aims and outcomes.

The aims of the funding:

- Every child experiences enjoyment and success from the earliest stages of musical learning.
- Expertise should be available in every local area to drive up the quality and consistency of music education across England.
- Improved partnership working and local innovation, within a framework of core roles that provides equality of opportunity for all children.
- Local needs are met through drawing on a range of local, national and regional music and arts provision in each area.
- Effective partnership working delivers better value for money, local innovation and greater accountability.
- Extension roles meet local needs through drawing in and aligning local activity and income streams.

The outcomes expected from the funding:

- Effective first access to provision.
- Effective progression routes exist.
- Musical talent and excellence are developed/thriving.
- Improved quality and consistency of music education in England.
- Local music education is coherently coordinated.
- Local, regional and national resources for music education are aligned.
- Value for money and back-office cost savings.
- The horizons of both children and the music workforce are widened.
- Other sources of funding are levered in to support the extension roles of the hubs.
- Wider community needs are met.

We will report against these aims and outcomes to the monitoring board being established by the Department for Education to oversee the delivery of *The Importance of music: A National Plan for Music Education*.

## **SECTION THREE – HOW TO APPLY**

### **Four steps to applying for funding**

There are four steps to applying for funding for music education hubs:

1. **Read *The Importance of Music: A National Plan for Music Education*, the local authority allocations spreadsheet with the funding formula, the terms and conditions and this guidance carefully.**  
*The Importance of Music: A National Plan for Music Education* and the local authority allocations spreadsheet with the formula are published on the [Department for Education website](#).

This guidance gives you information on how to apply for funding and answers some common questions. Please check the [music education hubs section](#) on our website for further information and sources of advice.



Once you have developed the outline of your proposals with your partners, we recommend that you contact our Enquiries team before making an application.

**2. Fill in the online application form**

Use the online application to tell us about your organisation and how you plan to operate as a music education hub.

You must apply online from our website ([www.artscouncil.org.uk](http://www.artscouncil.org.uk)). Printed applications will not be accepted. If you have difficulty applying online please contact our Enquiries team.

**3. Include any relevant extra information**

The application form asks for various pieces of extra information, such as information on your organisation and its activities, financial documentation and evidence of your governance and partnership arrangements.

Make sure you have given us all the information we are asking for. We will not consider any additional information you send after you have submitted your application, unless we have specifically asked for it. If your application does not include all the information specified, we will contact you and ask you to submit the missing documentation within five working days.

We will not consider any additional information you supply beyond that specified in this prospectus.

**4. Submit your application online at [www.artscouncil.org.uk](http://www.artscouncil.org.uk)**

Once you have registered online you can start your application, save your work and come back at any time to complete it. Applications must be submitted no later than **5pm on Friday 17 February 2012**. Applications submitted after this time will not be considered.

## Who can apply

To be eligible for funding, you must meet the following criteria:

1. Be properly constituted as an organisation and applying to deliver the lead hub role for a local area. We welcome applications for hubs led by a partnership, although you will need to name a single organisation as the lead applicant.

This lead applicant will be responsible for managing the application and any grant that is awarded.

The kinds of organisations that are eligible to apply include:

- Statutory bodies including local authorities.
- Limited companies registered at Companies House (or equivalent, if outside the UK).
- Community Interest Companies registered with the CIC Regulator.
- Charities or trusts registered with the Charity Commission.
- Limited Liability Partnerships registered at Companies House.
- Partnerships established under a Deed of Partnership.
- Industrial and Provident Societies or Community Benefit Societies subject to regulation by the Financial Services Authority.
- Organisations established by Royal Charter or other legislation.

Unless you are a statutory body or you are established by Royal Charter your application must include a copy of your governing documents showing how you are constituted. In addition, you will be asked to confirm that your application is supported by the governing body of your organisation.

If you are a local authority, you should send evidence that your application is supported by the chief executive or authorised signatory.

If you are applying as a newly constituted organisation or partnership, please send us details of your planned governance arrangements, together with your current governing documents.

If you are unclear about what you should send, then please contact us.

2. Applying for funding for activity from 1 August 2012 - 31 March 2015.
3. Applications must be aligned with one or more local authority boundaries. Applications are encouraged to cover more than one local authority area, provided all state educated children within local authority areas (including academies and free schools) are covered by the application.
4. Applying for the amount allocated for the relevant [local authority area\(s\) boundaries](#).
5. Demonstrate you are working in partnership with a range of local, regional, and national partners in order to deliver the core, and where possible, extension hub roles. We have published an advice sheet about partnerships available [here](#).

If you have a partnership agreement in place, then please send it. If not, you will need to supply relevant letters of support completed according to our published [template](#).

Your partnership might include one or more local authorities, schools, other hubs, national, regional or local arts/music organisations, National portfolio organisations, Youth Music-funded organisations and community or voluntary organisations.

We acknowledge that it may not be possible to have formal partnership agreements in place at the point applications are submitted; also, that hub partnership arrangements may evolve over time. However, the lead partners in any music education hub application must be committed to entering into a formal partnership agreement with each other and show a firm commitment to joint working. Applicants must provide, as part of their application, evidence of partnerships: either copies of existing or draft partnership agreements, or letters of support completed according to our supplied [template](#).

If you are successful, you will be asked to provide us with appropriate documentation detailing the partnership arrangements for delivery of the core and extension roles of your hub. These will include:

- Formal partnership agreements between the hub partners, including where a hub leads are working with one or more other organisations or hubs to deliver core and/or extension roles funded through Department for Education funding. You will be asked to provide a copy of this as a condition for the release of the first payment.
- Any further partnership documentation such as Memoranda of Understanding; or contracts covering the delivery of extension roles where non-Department for Education funding will be used.

Please note that we reserve the right to request changes to your partnership documentation in accordance with your funding agreement and agreed programme of activity.

### **Who cannot apply**

You cannot apply:

1. If you are based outside the European Union.
2. As an individual, unless you apply as a director of your own company. We will not accept applications from people applying in a purely personal capacity.
3. To deliver in only part of a local authority area.
4. For more than the [allocations for each local authority](#).
5. To deliver activity that ends before 31 March 2015.
6. If you are unable to offer music education provision from 1 September 2012.
7. If you do not have expertise and a track record in music education delivery.

### **When you can apply**

Applications must be made online at [www.artscouncil.org.uk](http://www.artscouncil.org.uk) by **5pm on Friday 17 February 2012**.

## **When you will know**

We will tell you by **late April 2012** whether you have been successful.

## **After you apply**

You will receive an email within 15 minutes of submitting your application. This will include a PDF version of your application as an attachment.

We will perform further eligibility checks on submission of your application. If you do not hear from us after the receipt of this email, your application is in the process of being assessed and you will be notified of the decision in accordance with the published timetable.

## **What your application must include**

All applicants will be asked to include details of:

1. Your mission or purpose.
2. A copy of your governing documents showing how the lead organisation or partnership is constituted. If you are a local authority, you should include evidence that your application is supported by the chief executive or authorised signatory. If you are applying as a newly constituted organisation or partnership, please send us details of your planned governance arrangements, together with your current governing documents.
3. Which local authority area(s) you intend to cover and therefore how much funding you are applying for.

The online application asks you to say how much funding you are applying for in each of the three financial years 2012-13, 2013-14 and 2014-15. Please take these figures from the Department for Education's published funding allocations. Funding allocations for 2012-13 are for two terms' activity from 1 September 2012, with preparatory work from 1 August 2012. Please note that for 2013-14 and 2014-15 these figures are indicative only and may be subject to some change to reflect changes in pupil numbers. More details about this are published in the local authority allocations spreadsheet published by the Department for Education alongside *The Importance of Music: A National Plan for Music Education*.

4. Your partners, including evidence of partnership (either existing or draft partnership agreements, or letters of support completed according to our supplied [template](#)).
5. Your proposal demonstrating how you meet the criteria for music education hub funding (please see the section 'How we will make our decision').
6. Your outline budget for the period (August 2012-March 2015).

Your budgets should include details of all of the anticipated hub's activity and sources of funding. We will consider how you plan to use the Department for Education grant within the context of your overall budget. Your budgets should show that from August 2012, at least 80% of Department for Education funding will be spent on front line delivery (any activity directly involving children and young people) or continuing professional development of music educators engaged in delivering the hub's core and extension roles to children and young people. Please note that the majority of Department for Education funding should be spent on front line delivery.

The Department for Education funded core activities should be readily identifiable in the financial information provided.

If you are a local authority, please provide financial information that shows clearly how The Department for Education funding will be used (with cost centres that are distinct from the rest of the authority).

7. A copy of your most recent financial statements, prepared to the relevant legal standard for an organisation of your size and legal status. If you are a new organisation and do not have relevant financial statements, or if you are unclear what you should supply, you should contact us.

If you are a local authority, please provide your most recent financial statements, which clearly show details of operational activity against relevant cost centres.

We reserve the right to ask any applicant to provide additional information to clarify any of the above information that they have provided to us.

## How we make our decision

When we receive your application we will first check whether it is eligible, and whether it includes all the information specified. If it does not, we will contact you and ask you to submit the missing documentation within five days.

All eligible applications will then be considered against the same set of criteria. Our decision-making will be in two distinct stages.

The **first stage** is an assessment of the application itself on its own merits and its ability to meet the following four criteria:

1. Proposed music education hub delivery.
2. Value for money.
3. Leadership, governance and management.
4. Track record in high quality music education delivery.

The **second stage** will look across the applications received to ensure a balance of high quality education music provision is achieved across the country. The second stage will also make recommendations where there is more than one application to lead hub activity in a local authority area.

We will make our decision solely on the basis of the information you provide in your application, together with any further clarification regarding that information that we may require.

### Stage one: assessing your application

The first stage makes a judgement about how well the application meets the criteria.

The body of your application will be a proposal set out under the headings based on the four criteria. The following section tells you the information we need under each of these headings. If appropriate to your application, you can emphasise some points more than others, and add further points of your own.

Identifying and considering the level of risk in your application, and what plans you have to mitigate these, is an important part of our assessment.

## Criteria

### 1. Music education hub delivery

We will make an assessment of how each hub plans to deliver the requirements of the music education hubs.

Your application needs to tell us how you plan to deliver the core roles, including who you will work with to do this, and how you will ensure that all children have the opportunity to learn a musical instrument; to make music with others; to learn to sing; and to have the opportunity to progress to the next level of excellence.

You will also need to tell us which extension roles you are undertaking and how you propose to deliver them. We want to understand which delivery partners you are working with and how, what progression routes are in place or planned over the three-year period, and (if this is only part of your work) how music education hub delivery will fit with the rest of your work.

We want to hear about the total planned activity of the hub, not just that funded by Department for Education funds.

You should provide details of:

- Evidence of an existing or proposed regular (at least annual) local needs analysis and audit of provision in the area, including how you plan to develop services and partnerships around the needs of children in the area, both in school and more widely.

We will expect hubs to use this to ensure equality of opportunity amongst all children, regardless of the school they attend, their background or personal circumstances – both in the context of ability to pay, as well as across the spectrum of special educational needs and disabilities, looked after children, race and gender.

We will also expect hubs to feed in and make use of the scoping activity that [Bridge organisations](#) will undertake.



- A strategy for collecting/analysing/evaluating uptake of musical opportunities/progression routes provided, and the views of schools and parents/carers.
- What partners you will work with, and how the activities of the music education hub will be resourced.
- How you will engage with schools and teachers in your area, and how many schools will engage with your hub.
- The range of genres and ensembles that you will provide for young people at different stages.
- How you will ensure every child aged 5 to 18 has the opportunity to learn a musical instrument (other than voice) through whole class ensemble teaching programmes for ideally a year (but for a minimum of a term) of weekly tuition on the same instrument.
- How you will provide opportunities to play in ensembles and to perform from an early stage.
- How you will ensure that clear progression routes are available and affordable to all young people.
- How you will develop a singing strategy to ensure that every pupil sings regularly and that choirs and other vocal ensembles are available in the area.
- Which extension roles you are undertaking, and how you will deliver them. You should tell us how you will approach any of the following that are in your plans:
  - offering CPD to school staff, particularly in supporting schools to deliver music in the curriculum
  - providing an instrument loan service, with discounts or free provision for those on low incomes
  - providing access to large scale and/or high quality music experiences for pupils, working with professional musicians and/or

venues. This may include undertaking work to publicise the opportunities available to schools, parents/carers and students

- The risks you have identified in the delivery of hub activity, and how you will manage them.

## **2. Value for money:**

You should set out how you will ensure value for money is achieved, including through partnership working, local innovation and greater accountability, and your approach to delivering extension roles and offering other provision to meet local needs.

In assessing value for money, we will consider: likely ability to bring in additional funding; levels of spend on employees; and efficiencies enabled through partnership.

You need to demonstrate how your offer ensures the most effective use of resources. We want to understand what controls are in place to ensure appropriate financial management, and how your budget is realistic in relation to the proposed activity.

You should provide details of:

- How you will draw together funding sources so that these align to meet the music education needs of the children in your area including other public funding (such as local authority funding), schools' contributions, parental contributions, charitable/philanthropic donations, sponsorship, industry sources and Lottery funding through Youth Music grants.
- How you will reach the widest possible range of schools within the local area.
- How you will coordinate your work to maximise impact and avoid unnecessary duplication in an area or between hubs.
- How you plan to ensure that from August 2012, at least 80% of Department for Education funding will be spent on front line delivery or continuing

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professional development of music educators engaged in delivering the hub's core and extension roles to children and young people. Please note that the majority of Department for Education funding should be spent on front line delivery.

- Any intentions to use or share assets and resources to create new revenue streams or to achieve back office cost savings.
- How you may take on extension roles, alongside offering other provision to meet local needs.
- The risks you have identified in ensuring value for money, and how you plan to manage them.

### **3. Leadership, governance and management**

We will make an assessment of the lead hub organisation or partnership's knowledge and experience of music education to reach a judgement on your ability to lead the work of the proposed music education hub.

Your application needs to demonstrate your proposed governance structure. The leadership of the hub needs to be clear, and to demonstrate the appropriate range of skills and experience. Within your proposed partnership, collaborative or any other joint working arrangements please tell us about arrangements to ensure quality, accountability and reporting.

You should provide details of:

- Your leadership experience, including your knowledge and previous experience of music education, managing change and strategic planning to ensure effective targeting of resources.
- Your governance model and any plans for changing or strengthening it to better achieve the role of music education hubs and reflect local needs.
- Your track record in forming effective partnerships locally, regionally and nationally and how you will share expertise and develop networks with other hub leaders.

- How you will engage with schools.
- How the partnership will be sustained and grown over the funding period.
- How you are financially sustainable, have appropriate financial controls in place and have experience of leveraging in support from other sources.
- How you plan to promote and develop diversity and equality throughout your organisation and more widely in the work of the music education hub.
- Your plans for monitoring and evaluating the work of the hub.
- The risks and how you would manage these in carrying out the hub role.

#### **4. Evidence of track record in high quality music education delivery**

We will make an assessment of the lead organisation and its partners' track record in delivering a range of high quality music education.

Your application needs to provide evidence of the expertise, qualifications and relevant training of teachers and delivery partners. You should provide evidence of the learning outcomes for young people that you have achieved to date, and illustrate the range of provision that you already deliver and how it responds to the needs of your local area.

You should demonstrate your approach to partnership delivery and show how you will draw together a wide range of local, regional, and national partners to deliver a range of high quality music education experiences to all children and young people in the area.

You should provide details of:

- Who you are working with and what each partner has agreed to bring to the partnership thus far.
- The skills and experience of your staff and/or your confirmed partners in delivering similar services to those expected of music education hubs to children and young people, in and out of school, including all of the core roles expected of music hubs and, where possible, extension roles. This

should demonstrate your commitment to ensuring that a diversity of musical experiences will be available that will respond to local needs.

- Your track record in forming productive partnerships with a range of primary and secondary schools.
- Your experience of engaging partners in delivering music education.
- Your approach to quality assurance in the delivery of music education.
- What the current range of workforce skills are, what assessment has been made of the workforce needs to meet the requirements of the music education hubs, and how you will address any identified skills gaps.
- How you will ensure that the music programme is inclusive and accessible for all children and young people.
- The risks you have identified in ensuring the quality of your hub's activity, and how these will be managed.

## **Stage two: National overview of applications**

The **second stage** will look across the applications received to ensure a balance of high quality education music provision is achieved across the country. The second stage will also make recommendations where there is more than one application to lead hub activity in a local authority area.

Value for money will also be considered, including how many applications cover more than one area.

### **If you are successful**

Any decision to offer funding will be subject to discussing and finalising a detailed funding agreement. This process could result in agreed changes to your planned activities and budgets.

## **If you are unsuccessful**

We will write to you giving reasons why your application was unsuccessful and telling you who to contact if you would like more detailed feedback.

## **Complaints procedure**

If you are not happy with the way we have dealt with your application, please contact us and we will discuss this with you. If you are still unhappy, you can ask us for a copy of our complaints procedure.

## **SECTION FOUR – IF YOU ARE OFFERED A GRANT**

Our relationships with music education hubs will be conducted through our regional teams, which will act as a first contact point for information and advice supported by our Head office. Our monitoring relationship will primarily be with music education hub leaders.

All successful applicants will be allocated a relationship manager as their main point of contact.

### **The funding agreement**

You will receive an offer letter together with a copy of our conditions for grants, which everyone who receives a grant from us must accept. A copy of our conditions for grants is published alongside this prospectus.

We will normally make a first payment in August 2012 on agreement of a signed funding agreement and acceptance of conditions. The funding agreement is the document that governs our relationship with music education hubs. It will cover the delivery of activity between 1 September 2012 and 31 March 2015. It will include any special conditions and include details on how we will pay the grant. The first conditions of funding necessary to release the first grant payment in August 2012 will include, but not be limited to, providing:

1. A business plan through to March 2015, which will include an audit of local needs (or an approach to undertaking this), objectives and how you will know if you are meeting them, details of delivery of core and extension roles, other activity, budgets including details of how you will draw together income sources, and any skills gaps you have identified and how you will address them.
2. Partnership agreements between hub leaders and other partners as follows:
  - Formal partnership agreements between the partners, and also where the hub leads are working with one or more other organisations or hubs to deliver core and/or extension roles funded through Department for Education funding. You will be asked to provide copies of these as a condition for the release of the first payment.
  - Any further partnership documentation, such as a Memoranda of Understanding or contracts covering the delivery of extension roles where non-Department for Education funding will be used.

The business plan and partnership agreements should be confirmed as acceptable to the Arts Council before any funding is released.

The final funding agreement will include details of any additional terms and conditions that the Arts Council might require and also any further details of what monitoring information we will expect from you.

Further payments will be made termly in advance subject to a satisfactory progress report and evidence of delivery. Funding is confirmed until March 2015, subject to the will of Parliament.

We will make all payments straight into your bank account when you have met any conditions associated with payment. You must also continue to meet our standard conditions of grant. It may take up to 15 working days to process payments.

## Monitoring

A copy of our terms and conditions is published alongside this prospectus.

Monitoring will be undertaken by Arts Council staff in your region. The funding agreement will include data requirements for termly and annual reporting, and we will also talk to you regularly and at least on a termly basis about your progress. Data requirements are likely to include regular submission of quantitative data linked to the delivery of core and extension roles such as the number of children taking up different activities in different age groups, and what progression opportunities have been taken up in your area.

Arts Council England also recognises the value of self-evaluation and will encourage Music Education Hubs to reflect on their own performance to inform planning, development and to measure the impact of provision on outcomes for children and young people. Arts Council England will also consider how these self-evaluations might be used as part of independent, external monitoring and evaluation of music hubs, including through Ofsted music survey inspections.

Organisations will also be monitored for risk. This allows Arts Council England to identify where we believe there is a degree of risk to the delivery of a funding agreement and therefore, to our investment.

The Arts Council in turn is required to report to the Department for Education on a termly and annual basis. This will include a report on hubs' individual and collective progress, and a data report compiled from the information supplied by hubs.

The Arts Council will also be held to account by the monitoring board to be established for overseeing *The Importance of Music: A National Plan for Music Education*. We will report to them on the success of the delivery of music education via music education hubs against the aims and outcomes outlined in Section two.



## **SECTION FIVE – FREEDOM OF INFORMATION ACT**

The Arts Council is committed to being as open as possible. We believe that the public has a right to know how we spend public funds and how we make our funding decisions.

We are also listed as a public authority under the Freedom of Information Act 2000. By law, we may have to provide your application documents and information about our assessment to any member of the public who asks for them under the Freedom of Information Act 2000.

We may not release those parts of the documents which are covered by one or more of the exemptions under the Act. Please see the [Freedom of Information website](#) for information about freedom of information generally and the exemptions.

We will not release any information about applications during the assessment period, as this may interfere with the decision-making process. However, we will, after completion of the process, publish a list of all successful applicants.

## APPENDIX A – ARTS COUNCIL REGIONAL OFFICES

The Arts Council has nine regional offices which cover the following areas:

[www.artscouncil.org.uk/about-us/regional-offices](http://www.artscouncil.org.uk/about-us/regional-offices)

- Our **East** office covers Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk.
- Our **East Midlands** office covers Derbyshire, Leicestershire, part of Lincolnshire, Northamptonshire, Nottinghamshire and Rutland.
- Our **London** office covers the greater London region of 33 boroughs.
- Our **North East** office covers County Durham, Northumberland, Tees Valley and Tyne and Wear.
- Our **North West** office covers Cheshire, Cumbria, Greater Manchester, Lancashire and Merseyside.
- Our **South East** office covers Berkshire, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Kent, Oxfordshire, Surrey and West Sussex.
- Our **South West** office covers the counties of Cornwall, Devon, Dorset, Gloucestershire, the Isles of Scilly, Somerset and Wiltshire and the unitary authorities of Bath & North East Somerset, Bristol, South Gloucestershire, Swindon, North Somerset, Bournemouth, Poole, Plymouth and Torbay.
- Our **West Midlands** office covers Herefordshire, Shropshire, Staffordshire, Warwickshire, Birmingham, Coventry, Dudley, Solihull, Wolverhampton, Walsall and Sandwell and Worcestershire.
- Our **Yorkshire** office covers Yorkshire and the Humber, which includes North and North East Lincolnshire.

**1 Chief Officer Confirmation of Report Submission**

**2 Cabinet Member Confirmation of Briefing**

**3 Report for:**

**Mayor**   
**Mayor and Cabinet**   
**Mayor and Cabinet (Contracts)**   
**Executive Director**

**Information**  **Part 1**  **Part 2**  **Key Decision**

<b>Date of Meeting</b>	18 <sup>th</sup> January 2012
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<b>Title of Report</b>	Measures to increase the provision of places in primary schools
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<b>Originator of Report</b>	Margaret Brightman	Ext 48034
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	√	
Legal Comments from the Head of Law	√	
Crime & Disorder Implications		X
Environmental Implications		X
Equality Implications/Impact Assessment (as appropriate)	√	
Confirmed Adherence to Budget & Policy Framework		
Risk Assessment Comments (as appropriate)	√	
Reason for Urgency (as appropriate)		

Signed: *Helen Khan* Executive Member

Date:

Signed: *[Signature]* Executive Director Service

Date: *10/1/12*

**Control Record by Committee Support**

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

<b>MAYOR AND CABINET</b>		
<b>Report Title</b>	Measures to increase the provision of places in mainstream primary schools	
<b>Key Decision</b>	Yes	Item No.
<b>Ward</b>	Forest Hill/ All	
<b>Contributors</b>	Executive Director of Children and Young People Head of Resources (Children and Young People) Head of Law	
<b>Class</b>	Part 1	Date: 18 January 2012

## **1. Purpose of report**

- 1.1 This report requests the Mayor's agreement to proposals to increase the supply of permanent places in mainstream primary schools in 2012 and to his agreement to move to stakeholder consultation on two further proposals with the potential to add places in 2013.
- 1.2 A further report will be brought in February 2012 outlining two further opportunities where there will be further discussions with governors during early January
- 1.3 The report also describes why it will be necessary to extend the current Framework agreement for the procurement of the buildings and ancillary works required to enlarge schools on either a permanent or temporary basis

## **2. Recommendations**

- 2.1 That the Mayor notes the responses to the statutory notices for the enlargement of Kelvin Grove Primary School and the establishment of a 16 place SEN Resource base at Kelvin Grove Primary School received during the representation period.
- 2.2 That the Mayor agrees that the following enlargements should be taken forward to increase permanently the supply of primary school places from September 2012:
  - Expand Kelvin Grove Primary School from 2 to 3 forms of entry.
  - Establish a 16 place SEN resource base at Kelvin Grove Primary School.
- 2.3 That the Mayor agrees that the following projects should be taken forward to consultation in order to increase permanently the supply of primary school places from September 2013:

- Subject to agreement from the governing body and subsequent consultation for implementation in 2013, extend provision at Prendergast Ladywell Fields College so that it becomes an all-age school offering 2 forms of entry in the primary phase whilst retaining its current 8 forms of secondary entry.
- Subject to agreement from the governing body and subsequent consultation for implementation in 2013, establish 2 permanent forms of entry on the site of the Mornington Centre as an enlargement of Torridon Junior School , initially with 2 Reception “bulge” classes in 2013 with admissions to either site based on home to school distance to the nearest site .

- 2.4 That the Mayor notes the measures taken to ensure that sufficient places are available to meet the projected demand for Reception places in 2012 .
- 2.5 That the Mayor agrees that an OJEU notice should be published to invite contractors to tender for a further Framework agreement for the provision of modular buildings , ancillary building works and internal re-modeling works.

### 3. Background

#### 3.1 *School expansion*

- 3.1.1 The Mayor and Cabinet have received a number of reports detailing the pressure on Primary School places and the measures taken to increase supply. The following table summarises the additional places that have been opened since 2008:

Year	Places opened
2008/09	60 (2FE)
2009/10	255 (8.5FE)
2010/11	555 (18.5 FE)
2011/12	564 (19 FE)

- 3.1.2 These places have been added as temporary increases (“bulge” classes). The allocation of £12.7m to meet Basic Need in 2011/12 has meant that the authority has been able to launch a programme to increase the supply of places on a permanent basis, particularly using sites such as Kilmorie Primary School and Kelvin Grove where existing Council-owned buildings can be re-commissioned.
- 3.1.3 Projections are reviewed at least annually as the information on live births, applications to schools and the uptake of places across each year becomes available.
- 3.1.4 The most recent update (August 2011) indicates that the demand for places will remain high and measures continue to be required to increase the supply of places through a mixture of permanent and temporary enlargements tailored to meet the needs of each area. Figures are set out in the following table.

	Reception Places	Reception Demand	Y1	Y2	Y3	Y4	Y5	Y6
2011/12	3152	3663	3568	3301	3074	2939	2767	2634
2012/13	3302	3914	3668	3575	3291	3056	2927	2765
2013/14	3302	3783	3936	3691	3581	3288	3060	2943
2014/15	3302	4026	3816	3970	3708	3587	3302	3087
2015/16	3302	4029	4062	3854	3989	3717	3602	3331

\*shading denotes demand in excess of supply of permanent places

### 3.2 Additional Requirement – Borough Wide

	Additional Requirement
2011/12	541 (18 forms of entry)
2012/13	612 (20.4 forms of entry)
2013/14	481 (16 forms of entry)
2014/15	724 (24 forms of entry)
2015/16	727 (24 forms of entry)

3.2.1 The following table sets out the schools which have opened additional temporary classes

School	2008/09	2009/10	2010/11	2011/12
Adamsrill		√	√	√
Christ Church			√	
Dalmain		√	√	√
Fairlawn			√	
Horniman				√
Kelvin Grove			√	√
Kilmorrie		√	√	√
Perrymount			√	
Rathfern				√
St William of York				
Brindishe Lee			√	
John Ball		√		√
Lee Manor			√	
Ashmead			√	
Brockley	√			
Edmund Waller			√	
Gordonbrock				√
Holbeach	√			
John Stainer		√		
Lucas Vale				√
Myatt Garden				√
Turnham				√
Athelney			√	√
Baring			√	
Coopers Lane				√
Forster Park		√	√	
Rushey Green			√	√

Sandhurst		√	√	√
Torridon			√	
Deptford Prk		√	√	
Grinling Gibbons				√
Kender			√	√
St Josephs				√
Good Shepherd				√
Launcelot			√	
Rangefield				√

### 3.3 Additional Requirement – Forest Hill & Sydenham

3.3.1 Primary Place Planning Locality 1 (Forest Hill & Sydenham) shows a continuing increase in the numbers of young children in the population.

Births September 1 <sup>st</sup> 2000 to August 31 <sup>st</sup> 2001	912
Births September 1 <sup>st</sup> 2008 to August 31 <sup>st</sup> 2009	1,228
Births September 1 <sup>st</sup> 2009 to August 31 <sup>st</sup> 2010	1,297
Increase 2000/01 to 2009/10	42%
Increase 2008/09 to 2009/10	6%

3.3.2 It is anticipated that this will translate into the following demand for places in the area:

Reception	Projection	Additional Requirement
2012/13	943	135 (4.5FE)
2013/14	932	124 (4 FE)
2014/15	984	176 (6FE)
2015/16	987	179 (6FE)

3.3.3 Kilmore Primary School will be enlarged from 1.5 FE to 3 FE in 2012, and the Governing Body of Dalmain have agreed to enlarge from 1.5 to 2.0. Additional provision will need to be secured to meet the anticipated demand.

3.3.4 The Governing Body of Kelvin Grove Primary school agreed to open temporary additional classes in 2010/11 and 2011/12. The closure of the neighbouring Kirkdale Centre offers the opportunity to expand the school on a permanent basis.

### 3.4 SEN resource base development

3.4.1 On 3 October 2007, the Mayor received a report on the public consultation for the Lewisham programme 'Strengthening Specialist Provision' (SSP). This identified a range of proposals aimed at improving the educational experience of pupils with Special Educational Needs (SEN) by increasing opportunities for them to be educated locally and in mainstream schools where possible and in line with parental preference.

- 3.4.2 One of the key objectives of the programme is to develop a range of SEN resource bases in mainstream schools. The development of an ASD resource base at Kelvin Grove Primary School will contribute towards achieving this objective.
- 3.4.3 The proposal for Kelvin Grove Primary School is to develop a resource base with sixteen places for children of primary school age with a statement of SEN and a diagnosis of ASD. The first intake is proposed for September 2012 for up to four pupils, and the number of places would increase gradually by approximately four places per academic year.
- 3.4.4 An internal review of the SSP programme, designed to monitor progress and set new targets, found that the local authority's policy of developing resource bases in mainstream schools is resulting in positive outcomes for children with special educational needs. This review was undertaken in March 2011 and was undertaken with input and feedback from local authority and health teams. In particular, the programme is delivering an enhanced range of local specialist provision, increased opportunities for mainstream inclusion and strengthened support, in particular for statemented children with Autistic Spectrum Disorder (ASD).

#### **4. Policy context**

- 4.1 The proposals within this report are consistent with *'Shaping Our Future: Lewisham's Sustainable Community Strategy'* and the Council's corporate priorities. In particular, they relate to the Council's priorities regarding *young people's achievement and involvement*, including *inspiring and supporting young people to achieve their potential*, the *protection of children and young people* and *ensuring efficiency, effectiveness and equity in the delivery of excellent services to meet the needs of the community*
- 4.2 The Local Authority has a duty to ensure the provision of sufficient places for pupils of statutory age and, within financial constraints, accommodation that is both suitable and in good condition.
- 4.3 In aiming to improve on the provision of facilities for primary education in Lewisham which are appropriate for the 21<sup>st</sup> century, the implementation of a successful primary places strategy will contribute to the delivery of the corporate priority *Young people's achievement and involvement: raising educational attainment and improving facilities for young people through partnership working..*
- 4.4 It supports the delivery of Lewisham's *Children & Young People's Plan* (CYPP), which sets out the Council's vision for improving outcomes for all children and young people, and in so doing reducing the achievement gap between our most disadvantaged pupils and their peers. It also articulates the objective of improving outcomes for children with identified SEN and disabilities by ensuring that their needs are met.
- 4.5 The Government's SEN Green Paper contains many important elements for the LA to respond to over the coming months and years. Of particular



relevance for this report is the focus on ensuring that there is a range of educational settings available to meet the needs of all children with SEN and a clear local offer is understood by parents and families living in Lewisham. The proposal to develop an SEN resource base at Kelvin Grove Primary School is in line with this focus.

## **5 Results of the consultation to expand Kelvin Grove Primary School from 2 forms of entry to 3.**

### **5.1. Consultation Process**

Having received Mayor & Cabinet approval on 13<sup>th</sup> July 2011 to proceed with consultation, the Local Authority developed the proposal for a formal consultation and in line with DfE school organisation guidance. The consultation took place over a five week period between 5<sup>th</sup> September and 7<sup>th</sup> October 2011.

5.1.1 The following stakeholder groups received copies of the consultation documents:

- Staff and governors at Kelvin Grove Primary School
- Parents of pupils at Kelvin Grove Primary School

5.1.2 The following stakeholder groups were notified of the proposal by letter

- Neighbouring authorities of Greenwich, Southwark and Bromley
- Headteachers and Chairs of Governors of local schools
- Councillors
- Lewisham's Members of Parliament
- Diocesan bodies
- Trade Union representatives

5.1.3 The following stakeholder meetings were held:

- Parents of children attending Kelvin Grove Primary school (14<sup>th</sup> & 20<sup>th</sup> September 2011)
- Kelvin Grove governors; (12<sup>th</sup> February )
- Kelvin Grove staff; (14<sup>th</sup> September 2011)
- The School Council (20<sup>th</sup> September 2011)
- Staff unions

### **5.2 Publication**

5.2.1 Having received Mayor & Cabinet approval (October 26<sup>th</sup> 2011 ), the Statutory Notice was published in the Lewisham edition of the *Mercury* on November 16<sup>th</sup>. It was also placed on the Lewisham web-site and displayed in the school and around the perimeter of the school site.

### **5.3 Representation**

5.3.1 The representation period for the enlargement of a school is 4 weeks. The representation period for this proposal ran until December 14<sup>th</sup>. In that time no responses were received .

5.4 An Equality Impact Assessment of the enlargement of Kelvin Primary school is attached as Appendix 9 .

5.5 Work has continued with the Governing Body of the school to develop the feasibility study for the expansion of the accommodation. The Governing Body is fully supportive of the proposals both for enlargement and for the development of the site.

5.6 It is recommended that the Mayor agrees the proposal to enlarge Kelvin Grove Primary School from 2 FE to 3FE with effect from September 2012. Guidance on the factors to be taken into account when making this decision are attached at Appendix 1.

## **6 Results of the consultation to establish a 16 place resource base for pupils on the Autistic Spectrum at Kelvin Grove Primary School.**

### **6.1. Consultation Process**

6.1.1 Having received Mayor & Cabinet approval on 13<sup>th</sup> July 2011 to proceed with consultation, the Local Authority developed the proposal for a formal consultation and in line with DfE school organisation guidance. The consultation took place over a five week period between 5<sup>th</sup> September and 7<sup>th</sup> October 2011.

6.1.2 The following stakeholder groups received copies of the consultation documents:

- Staff and governors at Kelvin Grove Primary School
- Parents of pupils at Kelvin Grove Primary School

6.1.3 The following stakeholder groups were notified of the proposal by letter

- Neighbouring authorities of Greenwich, Southwark and Bromley
- Headteachers and Chairs of Governors of local schools
- Councillors
- Lewisham's Members of Parliament
- Diocesan bodies
- Trade Union representatives

6.1.4 The following stakeholder meetings were held:

- Parents of children attending Kelvin Grove Primary school (14<sup>th</sup> & 20<sup>th</sup> September 2011)
- Kelvin Grove governors; (12<sup>th</sup> February )
- Kelvin Grove staff; (14<sup>th</sup> September 2011)
- The School Council (20<sup>th</sup> September 2011)
- Staff unions

### **6.2 Publication**

6.2.1 Following the decision of the Mayor, and in accordance with section 19(1) of the Education and Inspections Act 2006, a statutory notice for the prescribed alteration to Kelvin Grove Primary School was published on 16 November 2011. Details of how to obtain a full copy of the proposal were also provided and the proposal was published on the council website.

### **6.3 Representation**

6.3.1 This was followed by a six week statutory representation period (16 November 2011 to 28 December 2011) during which time anyone could comment on or object to the proposal.

6.3.2 No comments were received during this period

6.4 It is recommended that the Mayor agrees the proposal to establish a resource base at Kelvin Grove Primary School with effect from September 2012. Guidance on the factors to be taken into account when making this decision are attached at Appendix 1.

**7 Proposal to extend provision at Prendergast Ladywell Fields College so that it becomes an all-age school offering 2 forms of entry in the primary phase whilst retaining its current 8 forms of secondary entry**

7.1 This was last considered by Mayor & Cabinet at the meeting held April 20<sup>th</sup> 2011, when it was agreed that the project should be put on hold for subsequent review pending the receipt of information about future capital funding from 2012.

7.2 Whilst the funding announced to date is still short of the amount needed to meet projected future demand in full, officers are confident that sufficient will be available to deliver 2 forms of primary phase entry at Prendergast Ladywell Fields College from September 2013.

7.3 The proposal will extend the diversity of schools available to parents by establishing an all-age school to serve the Lewisham and Brockley population. It will also extend the influence of the Leathersellers Federation of schools,.

7.4 Prendergast Ladywell Fields College is located in Primary Place Planning Locality 3 (Lewisham, Brockley & Telegraph Hill).

7.5 The number of births to families living in this area have risen over the decade.

**Births**

Births September 1 <sup>st</sup> 2000 to August 31 <sup>st</sup> 2001	877
Births September 1 <sup>st</sup> 2008 to August 31 <sup>st</sup> 2009	1083
Births September 1 <sup>st</sup> 2009 to August 31 <sup>st</sup> 2010	1181
Increase 2000/01 to 2009/10	34%
Increase 2008/09 to 2009/10	9%

7.6 As a consequence, demand for school places has risen. The borough can expect further demand as proposed housing developments in the area are completed.

**Demand for Reception**

Reception	High	Additional
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	Projection	Requirement
2012/13	810	105 (3.5FE)
2013/14	809	104 (3.5FE)
2014/15	883	178 (6 FE)
2015/16	888	183 (6 FE)

- 7.7 There are currently 15 Primary schools in this area, including Prendergast Vale. 8 schools are 1 Form of Entry and 4 of these are Voluntary Aided schools on constrained sites. 5 are two forms of entry and 2 offer three forms of entry. Occupancy at Key Stage 1 is just above the borough level of 97%. Some schools are oversubscribed at KS1 through admission after appeal.
- 7.8 One and a half forms of entry have been added locally through the expansion of Gordonbrock & Brockley Primary schools. The borough is developing feasibility studies for the expansion of 2 further primary schools which have the potential to add a further 2 forms of entry subject to the availability of capital funding. The proposal to add a further 2 forms of entry for Primary age pupils through lowering the age of entry to Prendergast Ladywell Fields College will make a valuable contribution to meeting projected demand within the area
- 7.9 A feasibility study and design proposal have been undertaken. Prendergast Ladywell Fields College was built through a Private Finance Initiative, therefore the feasibility & design have been discussed with the Special Purposes Vehicle (SPV) to ensure that they are compatible with the Private Finance contract. The accommodation will be located on retained estate. It will link at one point to the secondary phase building and there will need to be links into services/utilities.
- 7.10 The proposal has been discussed with the Governors of the Leathersellers Federation of Schools who welcome the proposal subject to further development of the revenue budget model and security with regard to capital funding.
- 7.11 It is now timely to launch a stakeholder consultation with the aim of including the places in the 2013 Admissions booklet. A further report on the outcomes of the consultation will be brought to Mayor & Cabinet on April 18<sup>th</sup> 2012.
- 8 Proposal to establish 2 permanent forms of entry on the site of the Mornington Centre as an enlargement of Torridon Junior School ,**
- 8.1 It was agreed by the meeting of the Mayor & Cabinet held July 13<sup>th</sup> 2011 that the Executive Director, Children & Young People should continue to work to identify a high-performing school to enlarge through opening 2 forms of entry on the site of the Mornington Centre.
- 8.2 At a full Governing Meeting held December 7<sup>th</sup> 2011, subject to satisfaction about the Revenue budget being offered to support the new provision, the Governing Body of Torridon Junior School unanimously agreed the following resolution:

*That the governing body of Torridon Junior School agree in principle to the progression of the scheme to expand Torridon Junior School to the Mornington Centre as an all age Primary School. The school and governing body welcome this exciting and unique opportunity to manage one school on two sites serving two communities.*

- 8.3 Discussions have continued with the school and agreement has been reached on a financial package to support the transition period and the opening of 2 forms of entry on the Mornington Centre site from September 2013.
- 8.4 Torridon Junior School was last inspected by Ofsted In April 2009. They found that “Torridon Junior is a good school. It provides a good quality of education and level of care for its pupils”. The report commented that “The leadership and management of the school are good. The headteacher and staff work very well as a team and share the common aim of providing the very best for pupils.” Subsequent monitoring by the Local Authority School Improvement Team confirms that the school continues to offer a high quality of education to its pupils.
- 8.5 The Admissions criteria will be consulted on as part of the stakeholder consultation and will offer two points for measurement. Children who do not qualify for entry on the grounds of Looked After Children, Sibling or Medical Reasons will be offered a place at the site closest to their home address.
- 8.6 The Mornington Centre is currently occupied by the Primary phase of Prendergast Vale. The school should move to its new buildings in Autumn 2012. This will enable some of the more disruptive work to commission the building as permanent Primary accommodation to be completed before new provision is opened in September 2013.
- 8.7 The Mayor’s agreement is requested to launch further consultation with a wide range of stakeholders, including the school community and residents of New Cross. A further report will be brought to the April 18<sup>th</sup> 2012 meeting of Mayor & Cabinet which will present the outcome of those consultations.

## **9 Measures taken to ensure that sufficient places are available to meet the projected demand for Reception places in 2012 .**

- 9.1 The current projections indicate that the borough will need an estimated 3,820 Reception places to meet demand in September 2012. The first indication of actual demand will be available after the closing date for on-time applications (January 15<sup>th</sup> 2012). It is likely that approximately 200 applications will be received after this date from families who are unfamiliar with the process or who are newly arrived in the borough.
- 9.2 The permanent expansions of Brockley, Gordonbrock, Kilmorie, Kender & Dalmain Primary Schools and Sandhurst Infant & Junior Schools means that the borough will have 3,304 places. If approved, the expansion of Kelvin Grove Primary will increase that total to 3,334. This leaves a shortfall of 486 places, or 16.5 forms of entry for September 2012.

- 9.3 A high proportion of that provision has been secured and the Local Authority is grateful to those Governing Bodies who have again agreed to expand their intake.
- 9.4 Forty five places will be available in September 2012 by admitting bulge classes to schools where feasibility studies are in hand to expand the schools permanently with a target date of 2013. The permanent expansions are subject to further discussions with the Governing Bodies & Southwark Diocesan Board of Education and also subject to sufficient capital funding being available. The next announcement on additional Basic Need is expected before the end of this financial year 2011/12. Discussions will continue during the Spring term and the outcome will be reported to Mayor & Cabinet in April 2012.

## **10 Requirement to retender the current Framework agreement**

- 10.1 In 2010 Mayor & Cabinet gave approval to establish a Modular Buildings and Ancillary Building works Framework for delivery of the Primary Places Programme 2011-14 for Bulge classes. Since that time further information has been received about the levels of capital funding which will be available. Revised projections now suggest that rather than dropping within 10 years, pupil numbers will increase further after 2014 and will remain high. The Framework has proved successful, being used by Lewisham and 4 other London Boroughs. Costs of both procurement and build have been driven down and savings achieved by intelligent packaging of works, also on a like for like design basis. The modular construction technology used by Lewisham is at least 50% more cost effective to deliver than traditional construction built schools, whilst still achieving excellent sustainability and environmental targets.
- 10.2 The original OJEU financial threshold will have been reached in September 2012. Therefore in order to continue effective procurement of the permanent expansions and additional classes required this report seeks Mayor & Cabinet approval to procure a further framework to meet this demand.
- 10.3 The framework agreement will cover the provision of modular educational buildings and ancillary building works. Contractors on the framework agreement will provide a mixture of building works and ancillary services as part of the Primary Places Programme (2012 -16). These services pertain to the provision of Modular buildings, ancillary building works and internal remodelling where required in Primary Schools
- 10.4 Officers propose to establish a framework agreement with a minimum of 4 suitable contractors to provide the modular buildings and ancillary works required. An OJEU notice will be published for a Framework Agreement for a period of 4years to run from October 2012 to October 2016.
- 10.5 In order to establish the framework, a restricted OJEU process will be followed. A prequalification questionnaire (PQQ) will be sent out and assessed to shortlist potential contractors. Once short listing has been completed, tender documents will be sent to short listed contractors to bid against.

- 10.6 The PQQ will establish suitable contractors to be shortlisted for tender utilising a quality based assessment. Further quality criteria and commercial criteria will be utilised at tender stage to select the final contractors. These contractors will be appointed to the framework under an appropriate contract.
- 10.7 The proposed works could be procured on an individual project by project basis, with separate individual tenders being issued to prospective suppliers for each school. This would require separate tender documents to be prepared for each project and separate contracts for each project. This would be time consuming for those involved in the procurement of the works (including the associated expense) in addition to the loss of potential buying power generated by aggregating the projects together as a single contract.
- 10.8 Given the similar nature of the proposed works at the various schools, together with the volume involved, the procurement of these works lends itself to the adoption of a framework agreement with one or more suppliers to provide the works. This will enable the Council to call off under the framework agreement for individual pieces of work. Officers will be able to call off either by going direct to one supplier under the framework agreement or by undertaking a mini tender.
- 10.9 In addition contracting authorities that act as Central Purchasing Bodies may set up and advertise framework agreements on behalf of other contracting authorities. Where the EU rules have been followed by such Central Purchasing Bodies, other contracting authorities may use the framework agreements as required so long as they have been covered in the OJEU notice.
- 10.10 This is particularly relevant as LB Lewisham have been approached by other London Authorities who want to 'roll out' and share this framework with Lewisham taking the lead role

#### 10.11 **Establishing the Framework**

- 10.11.1 In order for the framework to commence at the beginning of September 2012, we would propose that the following programme and key dates are adopted:.

Publish OJEU Notice	2nd February 2012
Period for requesting PQQs (32 days)	5th March 2012
Evaluation of PQQs	26th March 2012
Approval of Shortlist	11th April 2012
Issue Invitation to Tender	24th April 2012
Tender Period (35 days)	29th May 2012
Tender assessment	29th June 2012

Contract Award M&C (Contracts)	11th July 2012
Inform tenderers	12th July 2012
Standstill (Alcatel) Period (10 days)	24th July 2012
Contract Start	1st October 2012

10.12 This proposed timescale is indicative. Account will be taken of the Authority's executive and scrutiny processes. However officers are confident that the target date can be achieved.

## **11. Financial implications**

### **Capital Finance Implications**

11.1.1 Approximately £6.5m will be carried over from 2011-12 Basic Need allocation of £12.6m announced on 13<sup>th</sup> December 2010

11.1.2 In July 2011 the Government announced that a further £500m would be allocated nationally to meet the demand for pupil places. In November 2011 the borough was notified of an allocation of £12.8m.

11.1.3 On December 13<sup>th</sup> 2011 the DfE announced capital allocations for 2012/13. Lewisham received £12.657m for Basic Need and £5.404m for capital maintenance.

11.1.4 A further £600m is to be allocated to authorities facing school place pressures. Amounts are expected to be announced before the end of the financial year.

### **11.2 Available Capital Resources**

On the basis of known Government announcements the total basic needs allocation available to 31 March 2013 is £31.955 million including £6.5 million of the 2011-12 allocation not yet applied. The estimated cost of the projects to deliver additional places for September 2012 is £17.2million including the estimated costs of the Kelvin Grove project leaving a balance of £14.755 million towards September 2013 needs. However it is estimated that the costs of meeting the demand for places in September 2013 may exceed £26million.

11.3 The projects at Torridon New Cross and Ladywell Fields proposed for consultation would become commitments against those resources available for September 2013 needs if supported in consultation. The costs have been assumed in the estimate of £26 million. When determining the September 2013 projects the authority should have details of any allocation made as part of the January 2012 additional basic need allocation.

### **11.4 Framework Agreement**



11.4.1 The current Modular and Ancillary Building works Framework has proved a success for both Lewisham and other joining Boroughs. The Framework has allowed delivery of 18 schemes, both individual and packaged works. The tendered framework rates have been used to obtain best value and all costs are validated by an appointed Quantity Surveyor. Economies of scale have been achieved on the procurement of these schemes, by obtaining favourable rates that better the original Government Contracts works framework. Further savings have been made on procurement by packaging the works in a smarter way. It is anticipated that savings of approximately £175,000 will be achieved this year on the original estimates for Employers Agents/Quantity Surveyors fees . This coming year the construction cost estimates are £14,052,698.00 and the proposed Employers Agents/Quantity Surveyors fees are £375,000.00 or 3.0% of construction value. Last year the construction costs were £5,766,671.61 and the Employers Agents/Quantity Surveyors fees were £112,199.12 or 2.0% of construction value, these works were also packaged to achieve economies of scale and best value.

11.4.2 The equivalent costs under the GC works Framework for the services of similar roles would have been significantly higher at 4.90% , the lowest tendered rate by a consultant for a project of over £3m

11.4.3 We are currently achieving cost per m<sup>2</sup> of around £1,400 compared with £2,800 for traditional construction and the £2,500 suggested by DfE as a construction cost guideline. Against this background it is appropriate that a new framework is procured to continue and build on this good practice. It will also provide a sound basis for securing further reductions in the cost per m<sup>2</sup>

## 11.5 Revenue Finance Implications

11.5.1 The additional revenue costs for the expansion of Kelvin Grove Primary School from 2fe to 3fe will be funded from the Dedicated Schools Grant as part of the school's formula budget allocation. Similarly the revenue costs of the new resource base will be funded through the school's formula budget allocation. Finance will be allocated to the school progressively as the provision is developed. As a consequence there will be no additional burden on the revenue resources of the Council's General Fund.

11.5.2 ASD Resource Base Revenue costs, mainly for staffing and resources will be identified and built into the LA's school funding scheme. All revenue costs will be met from the Dedicated Schools grant.

11.5.3 The initial and continuing revenue costs of the projects at Torridon New Cross and Ladywell Fields would be met from the Dedicated Schools Grant with no costs falling upon the general fund resources of the Council.

## 12. Legal implications

- 12.1 The Human Rights Act 1998 safeguards the rights of children in the Borough to educational provision, which the Council is empowered to provide in accordance with its duties under domestic legislation.
- 12.2 Section 14 of the Education Act 1996 places a general duty on local authorities to ensure that there are sufficient schools to provide primary and secondary school education, and requires them, in particular, to have regard to the need to ensure that special educational provision is made for pupils with special educational needs. Section 315 of the Education Act 1996 requires local authorities to keep their arrangements for special educational needs provision under review. The local authority is not itself obliged to provide all the schools required, but to secure that they are available.
- 12.3 In exercising its responsibilities under section 14 of the Education Act 1996 a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice. Section 9 of the Education Act 1996 places a general duty on local authorities and funding authorities to have regard to the general principle that children are educated in accordance with their parents/ carers' wishes, so far as that is compatible with the provision of efficient education and training, and the avoidance of unreasonable public expenditure.
- 12.4 The Education and Inspections Act 2006 places requirements on local authorities to make their significant strategic decisions concerning the number and variety of school places in their localities against two overriding criteria:
- to secure schools likely to maximise student potential and achievement;
  - to secure diversity and choice in the range of school places on offer.
- 12.5 Section 19 of the Education and Inspections Act 2006 provides that where a local authority or the governing body of a maintained school proposes to make a prescribed alteration to a maintained school and it is permitted to make that alteration, it must publish proposals. The Education and Inspections Act 2006 gives local authorities the responsibility for determining school organisation proposals in the first instance.
- 12.6 As set out in this report, in reaching a decision on the expansion of Kelvin Grove Primary School from 2 to 3 forms of entry and to establish a 16 place resource base, the Mayor must have regard to statutory guidance prepared by the Secretary of State. The relevant section of the Guidance is Appendix 1 to this report. In deciding whether to agree the recommendations in this report, the Mayor must be satisfied that to do so is a reasonable exercise of his discretion on a consideration of all relevant matters and disregarding irrelevant considerations and must not reach a decision which no reasonable authority could arrive at.
- 12.7 The Mayor, before making any decision regarding prescribed alterations of a school, must ensure that capital funding is in place, interested parties have been consulted, the statutory notice is published and there has been compliance with the required period for representations.
- 12.8 Departmental guidance requires that when proposals are developed for re-organising or altering SEN provision Local Authorities or proposers will need to

show how they will improve standards, quality and/or range of education provided for children with Special Education Needs.

- 12.9 If the local authority fails to decide proposals within two months of the end of the representation period the local authority must forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision within one week of the end of the two month period.
- 12.10 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.11 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 12.12 As was the case for the original separate duties, the new duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 12.13 The Equality and Human Rights Commission issued guides in January 2011 providing an overview of the new equality duty, including the general equality duty, the specific duties and who they apply to. The guides cover what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guides were based on the then draft specific duties so are no longer fully up-to-date, although regard may still be had to them until the revised guides are produced. The guides do not have legal standing unlike the statutory Code of Practice on the public sector equality duty, However, that Code is not due to be published until later in 2011. The guides can be found at:  
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/new-public-sector-equality-duty-guidance/>

### **Procurement and Contractual Arrangements.**

- 12.14 Paragraph 10 sets out the need to establish a new Framework as the estimated value of contracts to be called off under the existing Framework is expected to exceed that advertised in OJEU when the Framework was tendered. Although it is not always necessary to undertake a fresh procurement simply because the original estimate of the value of the contract

has been exceeded, if the increase is such as to affect competition, then it is prudent for both legal and commercial reasons to undertake a fresh exercise to ensure that the prices remain competitive.

- 12.15 Framework Agreements cannot exceed 4 years in term under EU law although an individual contract called off from a Framework can extend beyond the original term of the framework provided it too does not exceed 4 years.
- 12.16 Paragraph 11 of this Report explains how Framework Agreements work. The terms and conditions of the Framework Agreement must not be altered when bidders from the Framework Panel are called off for individual projects. The mini tenders enable Panel members to bid competitively improving upon their prices but the terms and conditions of the Agreement should remain the same apart from any minor amendments required to fit the project specific needs. However, such amendments should not affect the commercial balance of risk as set out in the Framework Agreement.
- 12.17 In making decisions the Mayor must have regard to all relevant considerations disregarding all irrelevant considerations and must not reach a decision which no reasonable authority could arrive at.

### **13. Crime and disorder**

- 13.1 There are no direct implications arising from this report.

### **14. Equalities**

- 14.1 This report supports the delivery of the Council's Equalities programme by ensuring that all children whose parents/carers require a place in a Lewisham school will be able to access one.
- 14.2 Recent research indicates that greater progress can often be made by pupils with SEN if they have access to specialist teaching in a resourced unit within mainstream provision. This proposal seeks to increase opportunities for pupils with SEN to access mainstream provision.
- 14.3 An Equalities Impact Assessment (EIA) has been completed for the SSP programme and approved by the corporate equalities board.
- 14.4 In common with all aspects of education in Lewisham, close equalities monitoring is undertaken in relation to children with SEN. As the proposal is developed following consultation, the impact on equalities will be actively considered, and highlighted issues responded to.
- 14.5 The proposal in this report supports the achievement of the LA's goals as set out in its Access Plan. It will assist significantly in the improved access to the curriculum for children with disabilities.

### **15. Environmental implications**

- 15.1 There are no direct implications arising from this report, although consideration will be given to the environmental impact of the building works as part of any future tender process used for the project. The design and specification of the resource base will be sympathetic to environmental issues and contractors will be expected to give a statement on their environmental policy.
- 15.2 Every effort will be made to enhance rather than detract from school environments in the solutions to providing additional primary places.

## **16. Risk assessment**

- 16.1 A decision to consult on the projects at Prendergast Ladywell Fields College and Torricon New Cross needs to be taken now if the projects are to deliver on time. However the projects will deliver in the financial year 2013/14. At this stage there is funding of £16.5m of the £27.6m potential commitments (of which the two projects form part) in that financial year. That is based upon the fact that no capital allocations have yet been made for 2013/14 by central government. The probability is that across the additional allocation for 2012/13 and an allocation for 2013/14 the commitments will balance with resources but this will not be known until December 2012. At that point there would be time to review the projects for September 2013 and to produce a balanced programme to meet the resources available. This might mean that insufficient places would be made available for predicted demand.
- 16.2 If the Mayor and Cabinet agree to the proposals for the ASD Resource Base, but not the proposed expansion of Kelvin Grove to three forms of entry, it may no longer be viable to continue with plans to develop the Kirkdale site. In order to ensure that both proposals are considered alongside one another, approval timescales have been planned with the Pupil Places Team to ensure that reports are submitted to the same Mayor and Cabinet agendas.
- 16.3 If broader consultation does not take place in Spring Term 2012, there will be risks to the target dates to lower the age of entry to Prendergast Ladywell Fields and to enlarge Torricon Junior School by 2 forms of entry for entry in 2013.
- 16.4 Procurement of the buildings in support of the additional places required beyond 2012 will be less effective if it is not possible to meet the timeline to relet the Framework agreement. This will create a financial risk for the Authority because of the increased cost of procuring projects individually and the loss of "buying power".

## **17 Conclusions**

### **17.1 School expansion**

- 17.1 On the basis of the positive responses to the consultation on the enlargement of Kelvin Grove Primary school it is recommended that the Mayor agrees that the school should be enlarged from 2 forms of entry to 3 with effect from September 2012 .

- 17.2 The report describes the progress made on options to increase permanently the supply of primary school places to meet the changing demographic profile of the borough. The overall response has been that there is a general recognition that the borough is changing and that additional permanent places must be secured . There is however a concern that this should be managed without jeopardising current provision. The Council recognises this and will work to ensure that specific issues raised by the school community are addressed in planning for new provision. These proposals have the potential to increase permanently the supply of school places by 1 form of entry in 2012 and by 4 forms of entry in 2013.
- 17.3 The future demand for places is kept under constant close review. Based on weighted average projections by the end of the decade the Council will need to add at least 18 forms of entry to its Primary provision. Demand is projected to fluctuate across areas. Therefore provision should be made through a mix of permanent and temporary enlargements.
- 17.4 It is recommended that the Mayor agree
- to extend provision at Prendergast Ladywell Fields College so that it becomes an all-age school offering 2 forms of entry in the primary phase whilst retaining its current 8 forms of secondary entry.  
*And to*
  - to establish 2 permanent forms of entry on the site of the Mornington Centre as an enlargement of Torridon Junior School, initially with 2 Reception “bulge” classes in 2013 with admissions to either site based on home to school distance to the nearest site
- 17.5 **Resource base development**
- 17.5.1 On the basis of the positive responses to the consultation on the ASD resource base, the ability of the LA to support the school both financially and educationally in the introduction of the resource base, and the staff and governors support of the scheme, it is recommended that the Mayor agrees to the development of an ASD resource base at Kelvin Grove Primary School.
- 17.6 The proposal to develop an ASD resource base at Kelvin Grove Primary School supports the objectives of the Lewisham programme, ‘Strengthening Specialist Provision’, which aims to improve the outcomes of pupils with special educational needs by increasing opportunities for them to be educated locally and in mainstream provision where possible.

## 18 Originators

- 18.1 Margaret Brightman, Pupil Places Manager, 3<sup>rd</sup> Floor, Laurence House, 1, Catford Road, SE6 4RU, Tel: 0208 314 8034, Email: [Margaret.brightman@lewisham.gov.uk](mailto:Margaret.brightman@lewisham.gov.uk).
- 18.2 Kerry Hookway, Project Manager, Strengthening Specialist Provision Programme, 3<sup>rd</sup> Floor, Laurence House, 1 Catford Road, SE6 4RU, Tel: 020 8314 8482, Email: [kerry.hookway@lewisham.gov.uk](mailto:kerry.hookway@lewisham.gov.uk).

18.3 Mike Miles, Senior Project Manager 3<sup>rd</sup> Floor, Laurence House, 1, Catford Road, SE6 4RU, Tel: 0208 314 7017, Email: [mike.miles@lewisham.gov.uk](mailto:mike.miles@lewisham.gov.uk).

## **19 Appendices**

19.1 Appendix 1 Factors to be considered by decision makers

19.2 Appendix 2 Expansion consultation leaflet

19.3 Appendix 3 Full responses to expansion consultation

19.4 Appendix 4 Response from the Kelvin Grove Primary School governing body

19.5 Appendix 5 Proposed Statutory Change Notice for the school expansion

19.6 Appendix 6 Kelvin Grove Primary School resource base consultation document (long and website version). Note: A shorter version of the consultation was only produced and is available on request.

19.7 Appendix 7 Full written responses to the resource base consultation

19.8 Proposed Statutory Change Notice for the ASD resource base.

19.9 Equalities Impact Assessment

If there are any queries on this report, please contact Chris Threlfall, Head of Education Development on extension 49971

## APPENDIX 1

### Factors to be considered by decision makers making changes to a maintained mainstream school

These decisions are taken in accordance with the requirements of Part 2 of Schedule 5 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (SI:2007 No.1289) (as amended) and the Mayor must have regard to the Secretary of State's guidance in reaching a decision on the current proposal. The relevant guidance is provided in Appendix 3 of this report. Before reaching a decision the Mayor must be satisfied that the requirements have been complied with and that regard has been paid to considerations listed.

- 1 Comprehensive information** – The Mayor must be certain that all the information required is available to make a decision on the proposal.

*Commentary:* All the information, as specified in the Secretary of State's guidance, is contained in this report and the appendices attached.

- 2 Does the published notice comply with statutory requirements?**

*Commentary:* The statutory notice complies with The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended by The School Organisation and Governance (Amendments) (England)) Regulations 2007

- 3 Has the statutory consultation been carried out prior to the publication of the notice?** The Mayor must be satisfied that the consultation meets statutory requirements. If the requirements have not been met, the Mayor may judge the proposals to be invalid and should consider whether he can decide the proposals. Alternatively the Mayor may take into account the sufficiency and quality of the consultation as part of his overall judgement of the proposals as a whole.

*Commentary:* Statutory consultation was planned and delivered in accordance with DCSF guidance, The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended). Full details of the consultation process are contained in the proposal included in this report as Appendix 2. Copies of consultation documents were sent to stakeholders specified in the DCSF statutory guidance. The statutory consultation allowed respondents adequate time in which to respond to the consultation document.

- 3 Decision on the quality of the Consultation** - The guidance states that, '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.'

*Commentary:* The consultation process was planned and delivered by Council officers in line with the Council's own guidelines on consultation and



*in accordance with DfE guidance, “the Education and Inspections Act 2006 (EIA 2006)” and “The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (Amended).”*

*The process has enabled the Mayor and Cabinet to consider the views of all stakeholders, both for and against aspects of the proposal, in the widest and most transparent manner. All care was taken to ensure no one was omitted from the process. The analysis of the consultation enabled the Mayor and Cabinet to understand the views of the different groups affected by the proposal.*

**5 Are the proposals related to other published proposals?** The Mayor must decide the related proposals together

*There are no related proposals*

**6 Standards** – The Mayor must be satisfied that the proposal for a change will contribute to raising local standards of provision, and will lead to improved attainment for children and boost opportunities for young people. He 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.

**Commentary** *An Ofsted inspection of Kelvin Grove took place in December 2010. It judged Kelvin Grove to be a good school. “It is very successful in ensuring that pupils do well, both academically and personally”. The Local Authority is confident that the school’s Governing Body will ensure that the school plans effectively for an increased number of so that standards are not jeopardized and the school continues to make progress*

*As identified in the Mayor and Cabinet report of 3 October 2007, there is a lack of choice in the borough’s educational provision for children with SEN. A range of proposals were identified to improve the educational experience and choice for pupils with SEN. One of the main proposals was the development of SEN resource bases in mainstream schools. The development of an ASD resource base at Kelvin Grove Primary School will assist in the achievement of this.*

*The main benefits of resource bases are:*

- *They encourage a positive understanding of difference in the school community;*
- *They encourage staff to develop knowledge and best practice in a particular area and to share that with the whole school, including the children;*
- *They give children with SEN more opportunity to work and develop socially within a mainstream school;*
- *They increase the range of education provided so that children who need a mixture of specialist provision and mainstream experience can regularly have access to both.*

*Specialist training in educating and supporting children with ASD will be provided to staff working in the resource base.*

- 7 **Diversity** – The Mayor should consider how the proposed changes will contribute to local diversity, in particular the range of schools in the area and how they will impact on the aspirations of parents and help raise local standards and narrow attainment gaps.

**Commentary:** *Enlarging the provision at Kelvin Grove Primary School will ensure that there are range of sizes of schools in the locality. The proposal builds on local experience and nationally recognised good practice of establishing specialist resource bases in mainstream schools. The resource base will provide an alternative to attendance at a separate special school, offering additional choice to parents of children with ASD. Children with ASD will be able to link into the activities and learning of mainstream classes as appropriate..*

- 6 **‘Every Child Matters’** – The Mayor should consider how the proposals will help every child and young person achieve their potential in accordance with ‘Every Child Matters’ principles.

**Commentary:** *The proposal will ensure that children are able to access a school place which will help them achieve their potential Experience shows that opportunities for children with SEN, to work and develop socially within a mainstream school, can help them stay safe, enjoy their learning, and achieve well. A report by Ofsted found that mainstream schools with specialist resource bases were particularly good at supporting the social, personal and educational needs of children with specific learning difficulties (‘Inclusion: does it matter where pupils are taught?’, Ofsted: 2006). Additionally, children in resource bases can learn about how barriers to their participation in society can be overcome, enhancing their potential for achieving long-term economic well-being in mainstream society. There is also evidence that children without SEN can benefit from having a specialist resource base in their school. All the children will benefit from the extra knowledge and skills gained through the resource base, as well as developing their personal and social skills, and learning about difference and the world around them.*

7. **Equal Opportunity Issues** - The Mayor should consider whether there are any sex, race, or disability discrimination issues that arise from the changes being proposed. Similarly there needs to be a commitment to provide access to a range of opportunities which reflects the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

**Commentary:** *The proposals in this report support the achievement of the LA’s goals as set out in its Access Plan. It will assist significantly in achieving improved access to the curriculum for children with SEN, and increase their ability to participate in their local community. Equalities are considered in full in section 11. An EIA has been conducted with regard to this proposal and is attached to this report at Appendix 9*

- 8 **Community Cohesion and Race Equality** - 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.

**Commentary:** *The admissions criteria will remain as at present, and therefore there will be no detrimental effect on community cohesion. See the Equalities Impact Assessment at Appendix 9*

- 9** The Decision Maker **should** consider whether there is a need for the expansion and **should** consider the evidence presented for the expansion such as planned housing development or demand for provision. 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 places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools **should not** in itself prevent the addition of new places.

**Commentary** *There has been a significant demand for additional places in the area as a result of new developments and an increased birth rate. Projections taking into account the age profile of the population and proposed future development locally indicate that this level of demand will be sustained for the next decade. There is no significant surplus capacity in local schools.*

- 10** **Travel and accessibility for all** – The Mayor should be satisfied that accessibility planning has been properly taken into account.

*The resource base will be fully accessible to all, in line with the LA's long term accessibility strategy. See section 7.12.5 for further details. Specifically designed for children with SEN, the resource base will increase their ability to participate in their local community, as well as potentially reducing the distance they need to travel to school. Transport will be provided where necessary in line with the LA's transport policy. A mini-bus drop off point has been included in the design, reducing the need for individual taxis' in line with the LA's duty to promote the use of sustainable travel and transport to school. The impact on travel will be kept under review through the School's Travel plan*

- 11** Where the school has a religious character, or follows a particular philosophy, the Decision Maker **should** be satisfied that there is satisfactory evidence of sufficient demand for places for the expanded school to be sustainable.

**Commentary** *The school does not have a religious character.*

- 12** **Provision for displaced pupils/surplus places**

**Commentary:** *There are no displaced pupils as a result of this proposal*

- 13.** **Funding for proposal** – The Mayor should be satisfied that any capital required to implement the proposals will be available.

Capital funding is available and is detailed in paragraph 12. Revenue funding will come from the DSG, and is also included in paragraph 12

- 14 Views of interested parties** - The Decision Maker should consider the views of all those affected by the proposals or who have an interest in them including 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.

*Commentary: Views expressed during the consultation have been taken into account, and concerns have been addressed  
No views were received during the period of the statutory public notice*

**15 Specific considerations regarding SEN provision which form the “SEN Improvement Test”**

- 15.1 Parental preference** - The Mayor should consider whether the proposal takes account of parental preferences for particular styles of provision or education settings.

*Commentary: The 3 October 2007 Mayor and Cabinet report identified a lack of choice in the borough’s educational provision for children with SEN, with choice largely restricted to mainstream or special schools. The development of specialist resource bases within mainstream schools will increase parental choice. The largely positive responses received by parents to the consultation for Kelvin Grove Primary School resource base indicate that parents would appreciate having the option of a specialist resource base within a mainstream setting for their child.*

- 15.2 Range of provision** - The Mayor should consider whether the proposal increases the offer of 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.

*Commentary: The new provision, being in a mainstream school, will fit into the LA’s collaborative arrangements, increasing opportunities within the school’s collaborative group to respond to the individual needs of children. It will also link with other local specialist provision, including therapy and outreach services. As detailed above, specialist resource bases in mainstream schools increase the range of educational provision available for children in Lewisham with SEN. 3*

- 15.3 Consistency with the LA’s Children and Young People’s Plan** – The Mayor should consider whether the proposal is in line with the LA’s CYP plan.

**Commentary:** *The proposal actively contributes to several elements of the CYP plan, including Priority BH6: 'Promote mental and emotional well-being', Priority EA2: 'Close the attainment gap between underachieving groups and their peers', and Priority EA5: 'Meet the needs of pupils with SEN and disabilities'.*

- 15.4 **Providing a broad and balanced curriculum in a healthy and safe environment** - The Mayor should consider whether the proposal ensures a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe.

**Commentary:** *The resource base will provide a structured learning environment, a modified curriculum, and behaviour support for children with ASD, without being isolated from the rest of the school. Specialist facilities will include a sensory room for curriculum and therapy use and a dedicated outdoor area for replication of the curriculum in an outdoor environment. Depending on their level of need, children in the resource base will also take part in some or all of the activities of the mainstream school, with additional support, and individual or small group work as appropriate.*

- 15.5 **Supporting the LA's accessibility strategy and promoting equality of opportunity for disabled people** - *The Mayor should consider whether the proposal is in line with the LA's accessibility strategy.*

**Commentary:** *This proposal reflects the LA's long-term accessibility strategy which was further defined by the overall 'Strengthening Specialist Provision' programme. It will assist significantly in achieving improved access to the curriculum for children with SEN, demonstrably promoting equality of opportunity.*

- 15.6 **Promoting access to appropriately trained staff** - The Mayor should consider whether the proposal provides access to appropriately trained staff and access to specialist support and advice.

**Commentary:** *Specialist training will be provided for staff at the school in supporting the needs of children with ASD, building on the experience the school already has in working with children with SEN. A training plan is being developed with the school, the Communication and Interaction Team and Therapies Team which will include strands for teachers and support staff across the school to ensure that all the staff are fully supported in their roles. Further in-depth training will be provided for staff working within the resource base itself and support from the Communication and Interaction Team will continue beyond the initial implementation of the resource base.*

**Kelvin Grove Primary School**  
**Options for the future**  
**Tell us your views**

**What is this leaflet about?**

In order to meet the huge increase in demand for Reception places, which is predicted to continue to at least the end of the decade, the Local Authority wishes to consult on how it can best increase the supply of permanent primary school places across the borough.

As part of this, we are considering whether existing schools can be enlarged to offer additional places. Kelvin Grove Primary School has been identified as a possible site and we want to hear your views on a proposal to increase the school's admissions number so that it can admit more children each year.

This leaflet explains:

- why we need to increase the number of primary school places across the borough
- how your school might help meet this demand
- what will happen next after this consultation

It is important to us to gain the views of pupils, parents/carers, governors, school staff, pupils, the local community and other interested parties about this proposal. There is a form at the back of this leaflet for you to fill in and return to share your thoughts. Your feedback will help us to shape possible developments at Kelvin Grove Primary School.

Completed forms need to be returned by **October 7<sup>th</sup> 2011**

e-copies of this form are available on the Kelvin Grove School Website

To return the form:

- Email to: [kelvingroveconsultation@lewisham.gov.uk](mailto:kelvingroveconsultation@lewisham.gov.uk)
- Send to: Suzette Nicol, Executive Director's Office, 3<sup>rd</sup> Floor, Laurence House, Catford Road, London, SE6 4RU 1
- Leave it in the box provided in Kelvin Grove Primary School reception

You can also call Suzette Nicol on 0208 314 9974 if you have any questions or comments.



## **The Proposal**

The Mayor has asked us to look at the feasibility of expanding Kelvin Grove Primary School from its current 2 forms of entry to 3 forms of entry. This would mean that from September 2012 the maximum number of children in Reception would rise from 60 to 90. The school offered 30 additional places in 2010 and will do so again in 2011 so some year groups are already 3 forms of entry. Eventually all age groups would have a maximum of 90 children and the maximum number of the children in the school, (excluding the Nursery) would grow to 630.

## **Why do we need additional places in Lewisham primary schools?**

The number of births in Lewisham has increased by over 30% since 2000/2001. This has been a consistent trend and means that we need to provide more permanent school places. We know too that major planned housing regeneration schemes will attract new people into the borough and a proportion of them are likely to be families with children. We estimate that we need to add about 540 permanent school places across the borough and these need to be concentrated in the areas where we expect to see population increases.

We will be able to provide many of these places through enlarging existing schools where there is sufficient room on the site to add new classrooms and the other areas that a school needs. This might be through adding new classrooms or by modifying existing buildings.

We will be monitoring our projections very carefully to ensure that - as far as possible - we get the right number of places in the right locations.

We want to be able to educate as many as possible of our young people close to their homes in Lewisham. We also know that with increasing numbers of young people in the population we need to increase the opportunities for many young people with special educational needs to be educated close to home.

## **Why enlarge this school?**

The population in Forest Hill and Sydenham is increasing. There has been a 35% increase over the last decade from 919 births in 1998/99 to 1,228 in 2008/09. Our projections, which include information on planned housing developments, indicate that there will be a sustained demand for additional places in schools in the area until beyond the end of the decade.

In order to meet local demand, and avoid expecting children to travel long distances, we need to add 135 places (4.5 forms of entry) as permanent expansions in the area as well as some additional temporary expansions to cover the years of peak demand (children entering school from 2012 to 2014. We would like Kelvin Grove Primary School to offer 30 additional places (1 additional form of entry).

### **How could the school increase its size?**

The Mayor has agreed that the nearby Kirkdale Centre should close as an Adult Education centre. The building has a long history of delivering education in Sydenham. English Heritage are currently considering listing it as having special architectural interest and history. Maintaining it as a school would be in keeping with the ideas of the founders of the centre. If the decision is taken to expand Kelvin Grove, the building will be re-modelled inside to create Key Stage 2 classrooms and other facilities. The programme includes proposals to re-configure parts of the existing school such as the Dining Room so that it is big enough to cope with more children

### **Will the education of the children already in the school be compromised?**

There is no reason why expansion of the school should compromise the education of children already in the school. The challenge of needing rapidly to expand existing schools has meant that other Councils have looked at whether there is a relationship between school size and school effectiveness.

Lewisham has many successful schools of all sizes and also has effective local networks which spread expertise throughout the borough.

Educational Research repeatedly finds that school leadership, ethos and the quality of teaching and learning are the key factors which influence school effectiveness. The Local Authority is aware of the challenge that it is setting schools being considered for expansion and will tailor the support that it is able to give to ensure that they are not disadvantaged.

### **What funding will the school receive for the additional pupils?**

The Local Authority will fund the costs of the building works required and will equip the new classes as they open from 2012.

In addition to the set-up costs, the school will be funded for each child who joins the school.

### **How do I find out more?**

**September 14<sup>th</sup>:** Margaret Brightman will be at the school gate in the afternoon if you would like to ask questions

**September 19<sup>th</sup>:** We will run a drop-in session in the school from 2.00pm to 6.00pm

### **What will happen next after this consultation?**

We will report back to Mayor & Cabinet at the end of October, and the Mayor will make a decision on whether to proceed to the next stage of consultation which is the publication of a Statutory Notice. The final decision would be taken in January before the offers of 2012 Reception places are made.

## **Feedback form**



It is important to the local authority and the school to hear your views on this proposal. Please fill in the form below to share your thoughts with us. You can also call Suzette Nicol at Lewisham Council (020 8314 9974) if you have any questions or comments.

**To return the form:**

- Email to: [kelvingroveconsultation@lewisham.gov.uk](mailto:kelvingroveconsultation@lewisham.gov.uk)  
Send to: Suzette Nicol, Executive Director’s Office, 3<sup>rd</sup> Floor, Laurence House Catford Road, London, SE6 4RU
- Leave it in the box provided in Kelvin Grove Primary School reception

e-copies of this form are available on the Kelvin Grove Primary School Website

**The deadline for returning the form is October 7<sup>th</sup> 2011**

**Your views**

**Do you support the permanent expansion of the school from 2 to 3 forms of entry? [Please tick one box]**

YES

NO

UNSURE

**Please indicate the reasons for your views**

**Please could you provide us with some information about yourself overleaf...**

## Your details

I am representing an organisation in making this response *(please tick and specify)*

Name of organisation: .....

How would you best describe yourself in relation to this consultation? *(please tick one)*

Parent/carer       Governor       School staff       Pupil       Member of local community

Other *(please specify)*:.....

**Equalities monitoring** is the collection of information which helps services ensure that they are providing a fair and inclusive service. The information that is provided on this form will remain strictly confidential in accordance with the Data Protection Act. If you are unhappy about answering a particular question you do not have to.

**Are you male or female?**  Male  Female

**Please select your age group**

Under 18     18-24     25-29     30-34     35-39     40-44  
 45-49     50-54     55-59     60-64     65+

**To which of these groups do you consider you belong?**

- White - British
- White - Irish
- Any other White background, *please state:* .....
- Mixed - White & Black Caribbean
- Mixed - White & Black African
- Mixed - White & Asian
- Any other Mixed background, *please state:*.....
- Asian or Asian British - Indian
- Asian or Asian British - Pakistani
- Asian or Asian British - Bangladeshi
- Any other Asian background, *please state:*.....
- Black or Black British - Caribbean
- Black or Black British - African
- Any other Black background, *please state:*.....
- Chinese
- Other ethnic group, *please state:*.....

**Thank you for taking the time to read this leaflet. We look forward to hearing from you.**

<p><b>If you have difficulty understanding this document in English please call the number below.</b></p>	<p>Sidii aad u hesho macluumaad ku saabsan dokumentigaan fadlan soo wac lambarka hoos ku qoran. Somali</p>
<p>Për të marrë informacion mbi këtë dokument, ju lutemi telefononi numrin e mëposhtëm. Albanian</p>	<p>இப் பத்திரத்திலுள்ள தகவல் தேவையானால் தயவுசெய்து கீழேயுள்ள எண்ணில் தொடர்புகொள்ளவும். Tamil</p>
<p>Pour plus d'informations sur ce document, veuillez appeler le numéro ci-dessous. French</p>	<p>Bu doküman hakkında bilgi için lütfen aşağıdaki numarayı arayınız. Turkish</p>
<p>更多有关本文件的信息，请拨打如下电话。 Mandarin</p>	<p>Để biết thêm thông tin về tài liệu này, quý vị hãy gọi số điện thoại sau. Vietnamese</p>

**020 7253 7700** Also call this number for other formats, including Braille, large print, audio tape, BSL or computer disc.  
 Email: [lewisham@pearllinguistics.com](mailto:lewisham@pearllinguistics.com) Typetalk: 18001 020 7253 7700

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**Response to consultation to expand Kelvin Grove Primary School from 2 FE to 3FE**

<b>COMMENTS</b>	
	<b>In Favour</b>
1.	More children will get a place closer to home. The number of children in the area and the amount of primary school places are not equal
2.	I agree with the decision of the school being expanded as I found very hard getting my son into school at the beginning. I also have another young child awaiting school placement and having a larger school mean his chances will be greater. On one down side effect I do believe it will have a large effect in the wrong way on our children's education, meaning less staff to teach
3.	I support the enlargement of the school because it will be nice to have a school at neighbourhood that will meet the demand of all the parents that wants their children to be educated locally
4.	I believe that it is a good proposal because it allows more children within the local community the opportunity to attend school. I highly rate Kelvin Grove school, and have continued to hold pride knowing that all of my children have attended this Primary school. My two eldest daughters,(now aged 18 and 22 years) also speak highly of this school. My youngest daughter (aged 10 years) also attends Kelvin Grove at present and enjoys, looks forward in attending school daily . These experiences should be given to others to experience. I hope the proposal is agreed and takes place.
5.	It is important that all have schools close to home. I know people in class of my son that have to do kilometres to come to school every morning
6.	Kelvin Grove is a good school and this will allow more children to attend There is the possibility of more physical space for the school to support the expansion
7.	It will help provide opportunity for many children
8.	As a parent with four children (3 of which are in school and one that is about to start) I know how hard it is to find a placement for your child and so I therefore believe that permanent expansion would highly benefit us all as a community and will most definitely benefit our children.
9.	This will improve the social status of the school within Lewisham Council. This will also allow children in and around the area to attend the school which they would otherwise have not because the school is not able to take a large number of pupils due to its size
10	Yes, we need expansion. Because of other children that they are still joining the school there will be a space for them as well.
11	Kelvin Grove as far as I know is a very good school. I have seen a lot of improvement in my child and her cousin. Staffs are very friendly and helpful and I really think this expansion is a very good idea for the school to have 2 to 3 forms of entry. As I would like my younger one to attend the primary section once the place is available to her. As a parent I am looking forward to this expansion as soon as possible. Thank you
12	I think this is a good idea to expand the school so parents will not need to wait longer (or travel far) bring children at local school. I am really happy to see that Kelvin Grove school will have more class and more space for our children to receive their education. Also Reception class will have more space for children started in September or will be able to take more children in class in September 2012.
13	Since I came into the Sydenham area in 2002, my children attended Kelvin Grove. From 2003 all my 4 children have and still attend the school and my last child is in year 5. The support and close relationship our family have formed with the school far precedes any other. Having the

	school extended will boost the community of having such an excellent school expanded so others can benefit from the wonderful teaching and service they provide for our children.
14	Overcrowded classes
15	Education is needed plus more jobs if people need these things and it can be provided with no distortion of what all ready stands then why not. My daughter's comment 5 year old answer to, how would you feel if your school got bigger with more children in your class and school? "Happy, Great I will like that"
	<b>Against</b>
16	1) Present assembly hall too small for the existing 2 forms of entry during functions so there will be a problem for 3 forms of entry 2) Also children already queue for the existing toilet facilities. Should 3 forms of entry [be] permitted, are you increasing the toilet facilities in the present building to cater for when the 3 forms of entry come together for things such as dining, whole assembly etc 3) This will affect performance as well as increase behaviour problems which is already an issue - distruction [sic] of lessons in class 4) This will surely compromise children's education. There is no way you can say that school size, re-modelling or reconfiguring the school will not affect effectiveness or quality of teaching / education our children are entitled to.
17	I do not agree with a permanent expansion to Kelvin Grove. I already believe that staff and resources at the school are already stretched enough as it is. Although more children means that they bring more funds, the funds cover the new children, it is not more funds for the children attending the school, meaning it is not extra money going into the school. The reason additional places are needed is because Sure Start centres have been closing down and the number of children born in the UK at the moment are going up because of the way the British benefit system works. Most children in the Lewisham borough are being born by foreign parents looking for free education. I myself work with small children in the Lewisham borough and see the effects this has on not only schools and nurserys but on the housing. If parents worked for a living they could afford to send their children into private and day nurserys, like I did with my children. Lewisham could set up a home schooling web-site so parents who have the luxury of sitting at home during the day could teach their own children. Kelvin Grove teachers, children and parents do a lot of fund-raising to help pay for things for the school , and the children achieve well. If more children are admitted to the school I think the existing children may suffer, but then that's my opinion
18	I believe it will compromise my childs education as it will surely stretch the teaching staff and funds further
	<b>Unsure</b>
19	Whilst I understand and appreciate the argument for a 3 form of entry, I believe that the warm and intimate nature of Kelvin Grove school will be diluted as a result of too many pupils.
20	Yes, on the one hand more spaces are needed and therefore more should be provided. My daughter was in Reception last year and maybe wouldn't of gotten a space had you not taken an extra class but I want to make sure as more students are taken in that they still get the support that they need and that they don't get forgotten by lack of support because teachers don't have time having said that so far I have been very happy

## **Appendix 4**

### **Response from Kelvin Grove Governing Body to the proposal to extend the school to a three form entry using the Kirkdale Centre**

The Governing Body of Kelvin Grove strongly supports the proposal to expand the school to a three form entry utilising the Kirkdale Centre on the understanding that the London Borough of Lewisham will fully fund the set up costs and building works. We are confident that we have a strong and committed team in place to make this work. The proposal is also strongly supported by our parents and carers, staff and the school council.

Kelvin Grove has, over the past two years, responded to the need to provide extra school places for the increasing number of children in the borough. Temporary classrooms have been built and extra classes have been provided. These additional children will need accommodation as they progress through the school. The Kirkdale Centre, which is situated next door to Kelvin Grove, provides an ideal opportunity for the school to expand. It is an historic building which, rather than falling into disrepair, can be used for the greater good of the community. As with any old building, arrangements will have to be made for it compliant with legislative requirements for accessibility.

Our comments below relate to some specific areas:

#### **Our ambitions for the school**

Kelvin Grove has ambitions for the personal and academic success of pupils with the support of parents. Governors were pleased that this was recognised in the most recent Ofsted report (January 2010) where it states: "An exceptional strength of the school is the care, guidance and support it provides for its pupils, described by a parent as 'second to none'" and "The school promotes community cohesion well, with the governing body playing an important role. It has reached out extremely well to its own community in many ways."

The extra space will enable the school to meet the diverse needs of our community better. Some 30 languages are spoken in school. Albanian is the widest spoken language and the school has hosted a Saturday morning school for parents for a number of years. There could be scope to extend this to other families and interested groups.

The expansion of the school together with the inclusion of the Resource Centre will enhance the skills of the staff to address all the pupils' needs and their abilities across the diverse school community. This will, we believe, lead to a better understanding of each other between the children accessing the Resource Base and mainstream pupils.

We are also excited about the school having guardianship of such an historic building. There will be numerous opportunities to use its history as part of the children's learning and to strengthen links with the local community. In addition, there is also scope to host a resource for local history accessible to pupils, parents and the community.

The space in the art room could also be utilised by local artists who would be invited into the school to work with the children as artists in residence exploring art, architecture and photography.

### **What the school community will look like**

The school, in terms of pupil demographics and pupil attainment, should reflect the community in which it operates. Kelvin Grove is already catering for several children with varying degrees of special needs so the establishment of a resource centre will only seek to formalise what Kelvin Grove is already doing.

The catchment area of the school has expanded by the inclusion of the bulge classes. The intake of new pupils has added to the diversity of the school population and is proving popular with prospective parents.

### **The opportunities there will be to reconfigure accommodation and outdoor learning area**

Kelvin Grove already has four venues – the nursery, reception (two new bulge classrooms), the children's centre and the main school. There is also a large and well established community garden behind the children's centre and the main school. Bringing the Kirkdale Centre into the Kelvin Grove complex will unite the site and provide better access to the garden which is used by the children and a large number of parents.

Upper Key Stage 2 children will use the new space. This will be an important part of their personal development as moving to a new location will be a step towards the changes they will make at the end of year 6. They will have the opportunity to design

a garden area for their use as pupils have in other areas of the school. There will also be space to provide secure accommodation for bikes so that the older pupils, if they so wish, can cycle to school. They will also be part of the process of deciding on a name for the new building.

The extra space and increased pupils numbers will also present logistical challenges. The school will ensure that ways are found to integrate everyone and stay as one school, for example, through cross phase assemblies.

As a result of expanding the school the existing play space must be enhanced.

There is an option to convert the current car park into a playground for the Kirkdale building. This space will be needed as an additional outdoor area for PE to ensure the school has the capacity to provide the curriculum requirement of two hours a week.

The catchment area of the school has expanded by the inclusion of the bulge classes. The intake of new pupils has added to the diversity of the school population and created a balance that new and prospective parents find appealing.

Kelvin Grove will benefit significantly as premises earmarked for the resource base will undergo an upgrade which will not only benefit the special needs pupils but also Kelvin Grove mainstream as they too will be able to utilise the new facilities.

The additional space, particularly until the first classes move in, could be offered as a venue for course or events such as twilight professional development training.

### **The local community**

The area served by Kelvin Grove is gradually expanding with its catchment area. The school already has strong links with existing parents and looks forward to working with a broader range. We are particularly excited about using the history of the building to develop links with our diverse local communities in some of the areas described above.

The school will eventually have responsibility for the education of almost 700 children from pre-school to eleven. This will make the school a major landmark in the community and Governors look forward to creating further opportunities for working with local groups and organisations for the betterment of our young people.

**The Governing Body of Kelvin Grove**  
**5 October 2011**



## Appendix 5

### Proposal to enlarge Kelvin Grove Primary School

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that London Borough of Lewisham intends to make a prescribed alteration to Kelvin Grove Primary School (Community) Kirkdale SE26 6BB from 01 September 2012.

Following a period of consultation, the Local Authority proposes to enlarge Kelvin Grove Primary School so that 90 pupils will be admitted each year to Reception. The proposal is in response to the increased demand for pupil places in the area.

The school will grow incrementally with 90 pupils admitted to Reception in each year. The school opened additional classes in 2010 and 2011. It will therefore reach full capacity by 2016.

The current capacity of the school is 411 and the proposed capacity will be 630. The current number of pupils registered at the school is 445. The current admission number for the school is 60 and the proposed admission number will be 90.

The additional accommodation required will be provided through the conversion of the Kirkdale Centre which is immediately adjacent to the current school site. The building has recently been awarded a Grade Two Listed status by English Heritage. The proposals to convert the building have taken this into account and the Local Authority will work closely with English Heritage.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Margaret Brightman (Pupil Place Manager) 3rd Floor Laurence House 1, Catford Road London SE6 4RU 020 8314 8034

Within four weeks from the date of publication of these proposals, any person may object to or make comments on the proposal by sending them to Margaret Brightman (Pupil Place Manager) 3rd Floor Laurence House 1, Catford Road London SE6 4RU 020 8314 8034.

Signed: FRANKIE SULKE

Publication Date November 16<sup>th</sup> 2011



## Tell us your views

### Consultation on the development of a resource base at Kelvin Grove Primary School for children with Autism Spectrum Disorder (ASD)

Lewisham Council is improving the education support available to children with special educational needs in Lewisham. As part of this, we are developing specialist resource bases for children with special educational needs in a number of Lewisham's primary and secondary schools. Kelvin Grove Primary School has been identified as a possible site for one of these resource bases, and we want to hear your views on this proposal.

#### What is this leaflet for?

This leaflet will explain what a specialist resource base is and why they are being developed, before outlining plans for a resource base at Kelvin Grove Primary School. It is important to us to gain the views of parents/carers, pupils, governors, school staff and other interested parties about this proposal. There is a form at the back of this leaflet for you to fill in and return to share your thoughts. Your feedback will help us to shape possible developments at Kelvin Grove Primary School.

Completed forms need to be returned by **30 September 2011**.

To return the form:

- Leave it in the box provided in Kelvin Grove Primary School's reception area
- Email to: [kelvingroveSENconsultation@lewisham.go.uk](mailto:kelvingroveSENconsultation@lewisham.go.uk)
- Send to: Kerry Hookway, Strengthening Specialist Provision Programme, 3rd Floor, Laurence House, Catford, London, SE6 4RU

You can also call if you have any questions or comments:

- Kerry Hookway, Strengthening Specialist Provision Project Manager, on 020 8314 8482

## What is a resource base?

A resource base is a specialist facility within a mainstream school to support children with special educational needs who may need extra support to access mainstream classes. It is an alternative to a separate special school or to a child being supported by a Learning Support Assistant within a mainstream school. Kelvin Grove resource base would be specifically for children with a statement of special educational need and a diagnosis of Autistic Spectrum Disorder (ASD).

Depending on their level of need, children using the resource base would also take part in some or all of the activities of the mainstream school. The resource base would provide a structured learning environment, a modified curriculum and behavioural support, without being isolated from the rest of the school.

A resource base usually involves the construction of a new teaching area or the adaption of a space that already exists within the school. It would be supplied with additional staff and specialist material and equipment. Staff would receive extra training and assistance to support the needs of children using the resource base.

## Why have a resource base?

There is currently a high number of children in Lewisham with special educational needs who are placed at schools outside the borough, or who are educated in special schools within the borough. Choice is largely restricted to mainstream or special schools.

Because of this, the local authority wants to increase the range of specialist education provision in the borough. This will give parents more choice about the type of provision available for their child and will mean that fewer children would have to travel outside the borough to go to school. Resource bases in mainstream schools will help to achieve this.

The main benefits of resource bases are:

- They can encourage a positive understanding of variation in the school community;
- They can encourage staff to develop knowledge and best practice in a particular area of special educational needs and to share that with the whole school;
- They give children with special educational needs more opportunity to work and develop socially with their peers in the mainstream;
- They increase the range of education provided so that children who need a mixture of specialist provision and mainstream experience can have access to both.

## What is Autism Spectrum Disorder (ASD)?

Autism is sometimes referred to as 'Autism Spectrum Disorder', 'Autism Spectrum Condition' or 'ASD'. The word 'spectrum' is used because, while all people with autism share three main areas of difficulty, social communication, social interaction and social imagination, their condition will affect them in very different ways. Some are able to live relatively 'everyday' lives; others will require a lifetime of specialist support. People with autism can often have other learning disabilities but everyone with the condition shares a difficulty in making sense of the world (The National Autistic Society).

## The proposal

Establish a resource base at Kelvin Grove Primary School which would have 16 places for children of primary-school age with Autism Spectrum Disorder (ASD). The number of places would increase from 4 to 16 children, going up by approximately 4 each year. We would plan for the first intake to be in September 2012.

## Who would use the resource base?

Not all children with an Autism Spectrum Disorder need to be educated in a special school or a resource base. Children currently in the school who may have ASD won't automatically have a place in the resource base.

It is likely that the resource base at Kelvin Grove Primary School would cater for children whose statement of special educational need indicates that they would benefit from the environment, resources and teaching methods available in the resource base. Places would be allocated in the same way as they are for special schools, through discussion between parents, the local authority 'Special Educational Need Provision and Placement Panel' and the school.

## Would the resource base be part of the school?

The resource base would be part of Kelvin Grove Primary School - it would be located in a specialist facility within the school, utilising currently under-used space. No existing teaching or play areas would be lost.

Children using the resource base would take part in the activities and learning of the mainstream classes alongside the support they receive from the resource base. However, the resource base would provide a calming and supportive environment away from the main activities of the school to provide additional support when needed for children with ASD.

## Why don't all children with ASD go to a special school?

The most important factor in determining the best outcomes for children with special educational needs is not the type but the quality of the education they receive.

A recent report by Ofsted found that mainstream schools with specialist resource bases were particularly good at supporting the social, personal and educational needs of children with specific learning difficulties ('Inclusion: does it matter where pupils are taught?', Ofsted: 2006).

One of the reasons for this is that it gives children with special educational needs the opportunity to work alongside their peers in the mainstream school. Another reason is that parents often prefer their children to attend school in their local community rather than having to travel further away.

There is also evidence that children without special educational needs benefit from having a specialist resource base in their school. All the children in the school will benefit from the extra knowledge and skills gained by the school through the resource base. It will also help them develop their personal and social skills, and learn about difference and the world around them.

## What training and support will staff receive to support the children in the resource base?

The resource base would build on the experience that staff already have in working with children with special educational needs. Specialist training in educating and supporting children with ASD will be given to staff who work with the children in the resource base and in the rest of the school. Additional staff will be recruited so that learning in the resource base will not reduce staff available elsewhere.

## What benefits would the resource base bring to children in the school who don't have ASD?

The additional specialist knowledge and skills gained by the school through the resource base will bring benefits to other pupils, both with and without special educational needs. There is evidence that having a resource base in their school can help children develop their personal and social skills, and learn about difference and the world around them.

## How would a resource base be paid for?

The resource base would be paid for by the local authority. This would include funding for adapting current school space, as well as revenue (ongoing) costs, such as staffing the resource base, training and equipment.

Funding for the resource base will be calculated separately to funding for the rest of the school. There will not be less funding given to the rest of the school because of the resource base.



**Do you agree with the proposal to set up a resource base at the school?**

**Do you have any other comments about this proposal?**

Please could you provide us with some information about yourself...

### Your details

How would you best describe yourself in relation to this consultation? *(please tick one)*

Parent/carer       Governor       School staff       Pupil       Member of local community

Other *(please specify)*:.....

I am representing an organisation in making this response *(please tick and specify)*

Name of organisation:  
.....

**Equalities monitoring** is the collection of information which helps Lewisham Council ensure that they are providing a fair and inclusive service. We need to know who our customers are to check that everyone in the borough is accessing the services they are entitled to, and that nobody is discriminated against unlawfully.

Any information provided by you will be treated **confidentially** and in accordance with the Data Protection Act. All questions are voluntary and you do not have to answer them. However, by answering the questions you will help us to ensure that our services are fair and accessible to all.

### How would you describe yourself?

<b>Age</b>	<input type="checkbox"/> Under 18
	<input type="checkbox"/> 18-65
	<input type="checkbox"/> Over 65

	<input type="checkbox"/> Prefer not to say
--	--

<b>Ethnicity</b>	<input type="checkbox"/> White British background
	<input type="checkbox"/> Other White background
	<input type="checkbox"/> Black and minority ethnic background
	<input type="checkbox"/> Prefer not to say

<b>Disability</b> Are you disabled?	<input type="checkbox"/> Yes
	<input type="checkbox"/> No
	<input type="checkbox"/> Prefer not to say

<b>Gender</b>	<input type="checkbox"/> Male
	<input type="checkbox"/> Female
	<input type="checkbox"/> Prefer not to say

<b>Transgender</b>	<input type="checkbox"/> Yes
	<input type="checkbox"/> No
	<input type="checkbox"/> Prefer not to say

**Thank you for taking the time to read this leaflet. We look forward to hearing from you.**



## Appendix 7

### Written responses to the resource base consultation.

COMMENTS	
	<b>In Favour</b>
1.	ASD children experience a mainstream school. Other classes experience mixing with children with ASD.
2.	I feel it is very important for children with 'ASD' to have a fair chance at having a good education and for the families to feel supported in assisting their children's learning. Also, to help teach others about 'ASD' in order to break stereotypes or educate others about 'ASD' in order for people and children to understand more about it.
3.	My 4 year old daughter has autism and fortunately had the statement and is going to a special school, but I also know that many children do not have the statement and therefore can not attend a special school but these children have to find the best trained staff to work with them. This is a benefit for them, for staff and for the other children non Autistic. I'll be very happy if this will be.
4.	It would benefit a lot of children that are leaving the borough to get educated somewhere else. The children that are having to find specialist schools, I think it would boost their confidence in learning. I have concerns – will it interfere with the learning of other children? How will it affect their confidence in learning?
5.	It will be very good for all who attend the school. As long as the level of work at the school don't change or affect children already going.
6.	Resource base for children with ASD will be immensely helpful and will go a long way in giving these children the special support they need.
7.	As far as I am concerned it could only better the school, in my opinion every school should have a resource base for children with learning difficulties. Every child should be able to learn and adapt in a setting that can cater to all their individual needs, and feel cared for, and be happy in their surroundings. I don't have any concerns, I think it is a much needed resource for Kelvin Grove. The school do as much as they can for the children with learning difficulties, but with new teachers with the proper training and resources the children can achieve the right learning goals, I also think that it is a lovely idea that the children can go to a main stream school and mingle with the other children, not only is it good for the children with learning difficulties, but for the other children to learn that all children are different but still very special as individuals. It's a great idea, and Kelvin Grove would be a perfect school for a resource base. Both the teachers and children are very caring and thoughtful. Every parent should have a choice of where their children could go to school, and if Kelvin Grove could take on children with disabilities and give them the same opportunity as every other child, it could only better the school.
8.	A greater awareness from the children regarding ASD. I do not want to see children sent to 'special school', mainstream is better for everyone (children, parents, staff).
9.	The resource base would be (in my opinion) very beneficial for all of those children with learning difficulties and require special needs, attention, extra support. It being introduced would promote the awareness of those needing SEN support. I like the idea of it being an alternative of separate schools. Not only will the individual children benefit, but it extends to parents/carers and families knowing of this availability. Brilliant proposal, well done!
10.	I agree but with caution. 1. A resource base and a specialist teacher will be good for children with ASD as they can benefit from education because their way of teaching and learning is a bit different from children without ASD. 2. It will be fair on children without ASD as they will have lessons with less behaviour problems from ASD. My only concern is how many of such children are enrolled in each class as well as the whole school figure permitted to enroll. On the whole,

	is there a limit to the number of children with ASD that the school is allowed to admit? The higher the number, the more behaviour problems leading to less quality of education for all. My concern is that children without ASD do not know that ASD is characterized with behaviour problems. They may turn to copy certain behaviour from children with ASD knowingly or unknowingly. Unfortunately, they can not be told that such children have disabilities. So we got to be careful how they are included, their number in the whole school, staff ability to have knowledge in ASD and be able to handle appropriately such children to minimize disruption so all can benefit.
11.	It will attract everybody to the school. It is a good initiative.
12.	The benefits of having a resource base for children with ASD would be mainly, the children with ASD getting the right kind of help and attention to help them to succeed and excel academically to receive the best grades of their ability. A resource base at eth school would be highly beneficial.
13.	It would open up the choice for parents of children with ASD as to where they can send their children. If it is separate, specially built space that does not encroach on the schools resources then I have no concerns. I think it is an interesting proposal for children with ASD to be able to continue their education at mainstream schools so that they get to interact with others who do not share their conditions. I am wondering how the result of the proposal to increase Kelvin Grove School from a 2 form to 3 form entry would impact the proposal for the ASD resource base. Are the two proposals intrinsically linked – I'm guessing yes as without the extra space of the adult education centre then this would probably never have come up.
14	I think it is important to have special support for special needs. If my daughter had special needs I would feel relieved and grateful if the school had resources in place. I think it's a great idea. My only concern would be that non special needs kids would get less attention and the school taking on too much – with 3 entry level classes and so on I would want to make sure there is enough staff so that every child has a chance to shine and doesn't get lost or forgotten in the shuffle.
15	We need expansion because of the other children that they are still joining the school, there will be space for them as well.
16.	Give more opportunities for children who suffer from ASD a chance to learn. Get more children with ASD to meet others with the same problem. Could be helpful for parents also. Get the pupils to mix with the ASD sufferers so they can learn to except them and to know they aren't 'weird' or 'scary'. Concern that some of the pupils of the school may not accept the ASD students? I think it's a good use of the space that has been left and think it will benefit the ASD pupils as well as the rest of the school.
17.	I am in favour of children with special needs being integrated into mainstream schools where appropriate and I think making ASD provision at Kelvin Grove will be beneficial in terms of the development of the children with ASD and of the understanding of the condition by other children at the school. Resource bases sited locally mean less distance to travel for the children concerned, of course, and I understand will entail less expenditure than having to make out of Borough provision. No concerns, provided all costs will be met by Lewisham. As a governor of Kelvin Grove I would not want there to be a detrimental financial effect on the rest of the school. I agree with the proposals wholeheartedly. I think the closure of the Adult Education Centre has provided an ideal opportunity for this to happen.
	<b>Against</b>
18.	Kelvin Grove would benefit from more recognition in Lewisham and London. It would bring more technical equipment and boost improvement in the play areas. I have concerns – this could potentially reduce the amount of time and commitment towards non-SEN children in the school. The SEN kids would automatically gain unequalled priority leaving the rest of the children working not at their optimum level. It may also lead to a school life of us and them

	between the children. I think the school should go through some kind of ballot system before its approval.
19.	There are no benefits at all for my child. I have concerns about the behaviour of the ASD children and the ability of the teaching staff to handle any situations of violent or abusive behaviour. Funds and staff hours are stretched to much as it is.
20.	I agree with the proposal, but no with Autism Spectrum Disorder at this (5-6) children's age. I don't like it now.
.	<b>Unsure</b>
21.	I'm not sure what the benefits will be although parents with children who have ASD would be able to express what benefits this would have for them. I have concerns because I do not have complete knowledge of ASD and do not know what impact this may have on my child at school. I can only be honest that I feel this way (have my personal concerns) until I research more about these SEN. Please consider all views and concerns before making a final decision.

## Appendix 8

### Statutory Notice for Prescribed Alterations

#### **Kelvin Grove Primary School - A new resource base for children with Autistic Spectrum Disorder (ASD).**

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that London Borough of Lewisham intends to make a prescribed alteration to Kelvin Grove Primary School, Kirkdale, Sydenham, SE26 6BB.

The proposed alteration involves the refurbishment of part of the adjacent Kirkdale Centre to create a specialist resource base for up to 16 pupils with a statement of Autistic Spectrum Disorder (ASD) to enable them to learn alongside peers within a mainstream setting.

Completion of the building work is planned for August 2012, with the resource base opening in September 2012, for approximately 4 children initially. The number of places will increase gradually each year up to a total of 16.

The proposed full refurbishment to the Kirkdale Centre would include the specialist facilities required for the resource base on part of the ground floor. The remaining space within the building would provide space required for the proposed school expansion from two to three forms of entry. A separate Notice is to be published regarding this proposal.

It is intended that the school will make provision for the following type(s) of special educational needs:

- Autistic Spectrum Disorder (ASD)

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from Kerry Hookway at the address below.

Within six weeks from the date of publication of this proposal, that is by noon on 19 December 2011, any person may object to or make comments on the proposal by sending them to: Kerry Hookway, Project Manager, Strengthening Specialist Provision, Special Educational Needs, Directorate for Children & Young People, 3rd Floor, Laurence House, Catford, London, SE6 4RU

**Signed: Frankie Sulke**  
**Executive Director for Children & Young People**

**London Borough of Lewisham**  
**Publication date: 8 November 2011**



## **Appendix 9**

### **Proposal to enlarge Kelvin Grove Primary School from 2FE to 3FE**

**Equalities Impact Assessment**  
January 2012

## Contents

- 1 Introduction
- 2 Management of the EIA
- 3 Identification of the aims and objectives
- 4 Scope / focus of the EIA and assessment of relevance
- 5 Relevant data and research
- 6 Consultation
- 7 Assessment of impact and outcomes
- 8 Action Plan
- 9 Formal agreement
- 10 Publication of results
- 11 Monitoring

## **1. Introduction**

This impact assessment was undertaken using the methodology and approach set out in Lewisham's Equalities Impact Assessment (EIA) toolkit. Every new service or one undergoing organisational change or review requires the undertaking of such an assessment to ensure that the proposals address equalities and that implementation meets both the aspirations set out in the Council's equalities policies AND statutory requirements.

This assessment has considered the content of the proposals and analysed whether these are likely to have a positive or negative impact on different groups within the local community. Having made this assessment it sets out the action to be taken to prevent direct and indirect discrimination and positively promote positive and harmonious community relations.

## **2. Management of the EIA**

This assessment was undertaken by the Children and Young People's Pupil Place Manager. The methodology used for this EIA has been to:

- Collate and analyse relevant data in relation to the proposal
- Review relevant consultations undertaken on the proposal that relate to equalities
- Present a draft EIA to the Directorate Management Team of the Children & Young People's directorate for recommendation of changes

## **3. Identification of aims and objectives**

The overall aim of the proposal is to increase the supply of primary places serving the Forest Hill and Sydenham communities through the enlargement of Kelvin Grove Primary School from 2 FE to 3FE

The key elements to the proposal are to:

- ❖ Make permanent the temporary arrangements whereby Kelvin Grove Primary school has admitted an additional 30 Reception pupils since 2010
- ❖ Through incorporation of the Kirkdale Centre enlarge the school to 3 forms of entry and offer a 16 place ASD Resource base

The objectives of the proposal are that :

- Kelvin Grove Primary School would become an outstanding school serving the local community

- The planned Year R admission number will be 90 pupils as from September 2012 and the school will build incrementally to 3 forms of entry over the next 5 years.
- A Resource Base providing 16 places for Primary age pupils on the Autistic spectrum will be established as part of Kelvin Grove Primary school

**4. Scope / focus of the EIA and assessment of relevance**

The main aim of this EIA is to determine the answer to the following two questions:

Does the proposed enlargement of Kelvin Grove Primary School discriminate against or adversely impact on individuals or groups learning or working in the school, or who are living, working or learning in the local community?

Can the proposed enlargement be delivered in a way that further promotes equal opportunities?



#### 4.1. Assessment of the proposal

Below is an initial assessment of the proposal that looks at the potential impact and relevance on the six equality strands: gender, race, disability, age, sexual orientation, and religion and belief systems.

Equalities category	Equalities legislation	Assessment of POTENTIAL impact – positive AND negative High, Medium, Low, Nil	Reason for this assessment
<b>Gender</b>	Sex Discrimination Act (SDA) 1975 Equal Pay Act 1970 Equality Act 2006 / 2010	Low	<p>The SDA prohibits sex discrimination against individuals in the areas of employment, education and the provisions of goods, facilities and services in the disposal or management of premises. The Equality Act gives local authorities and schools duties to promote gender equality as employers and as providers of services.</p> <p>The proposed enlargement ensures that due consideration to men/boys as well as to women /girls in terms of their educational and employment needs will be retained within the new arrangements</p> <p>Additional staff who will be required as the school enlarges will be employed on agreed Local Authority terms and conditions.</p>
<b>Race</b>	Race Relations Act 1976 Race Relations (Amendment) Act 2000 Equality Act 2010	High (positive)	<p>The Race Relations Act 1976 makes it unlawful to treat a person less favourably than others on racial grounds; it also provides protection from race discrimination in employment, education, training, housing and the provision of goods, facilities and services.</p> <p>The RRAA 2000 places local authorities and schools under a general duty to publish a Race Equality Scheme setting out how the organisation will plan to (1) eliminate race discrimination (2) promote equality of opportunity and (3)</p>

			<p>promote good race relations between people of different racial groups.</p> <p>Lewisham's population is ethnically diverse and this is reflected in Forest Hill. One of the main aims of the proposal is to ensure that there are sufficient places for children in local schools which will develop greater understanding amongst the local community</p>
<b>Disability</b>	Disability Discrimination Act 1995 / 2005 Equality Act 2010	Medium (positive)	<p>The DDA 1995 places a duty on service providers and employers not to treat disabled people less favourably, to implement reasonable adjustments and to amend their policies and practices. The Disability Equality Duty (part of the DDA 2005) placed a duty on public authorities (and schools) to promote equal opportunities for disabled people.</p> <p>The re-modelling of the building will include measures to ensure that people with a disability have reasonable access throughout.</p>
<b>Age</b>	Employment Equality (Age) Regulations 2006 Equality Act 2010	High (positive)	<p>The Regulations make it unlawful to discriminate directly or indirectly on the grounds of a person's age: the regulations have a wide impact on other areas of employment law including unfair dismissal and redundancy provisions.</p> <p>The proposed merger will have no impact upon employment practises relating to age: There will be no redundancies or reduction in number of posts as a result of the proposed enlargement. Additional staff, both teaching and non-teaching will be required.</p>
<b>Sexual Orientation</b>	Employment equality (Sexual orientation) Regulations 2003 Equality Act 2006 / 2010	Low	<p>The Employment Equality Regulations 2003 make it unlawful to discriminate directly or indirectly or to harass an employee on the grounds of their sexual orientation. The Equality Act</p>

			<p>makes it unlawful to discriminate on the grounds of sexual orientation in the provision of goods, services, education, the use and disposal of premises and the exercise of public functions.</p> <p>The proposal will not result in any change in provision and support to staff and pupils who are LGBT.</p>
<b>Religion and belief</b>	<p>Employment Equality (Religion or belief) Regulations 2003          Equality Act 2006 / 2010          Racial and Religious Hatred Act 2006</p>	Low	<p>The Employment Equality Regulations 2004 make it unlawful to discriminate directly or indirectly or to harass an employee on the grounds of their religion or belief. The Equality Act makes it unlawful to discriminate on the grounds of religion or belief in the provision of goods, facilities and services, education, the use or disposal of premises, and the exercise of public functions.</p> <p>Kelvin Grove Primary School meets these requirements and will continue to do so.</p>
<b>Socio-economic</b>		High (positive)	<p>Kelvin Grove Primary School is located in Forest Hill ward. Data from 2007 shows that 22 Super output areas fall within the top 10%-20% of the most deprived areas within England. The proposal to expand Kelvin Grove will enable more local children to access a high quality education without excessive travel. This will support their parents work and/or education and ultimately support their own economic well-being.</p>

## 5. Relevant data and research

### **Kelvin Grove Primary School**

Kelvin Grove Primary school is located in the south-west of the borough in Kirkdale SE26 6BB

An Ofsted inspection of Kelvin Grove took place in December 2010. It judged Kelvin Grove to be a good school. "It is very successful in ensuring that pupils do well, both academically and personally". The report listed the following key improvement objectives:

- Improve the proportion of pupils attaining Level 5 in writing so that it is at least in line with the national average by July 2011 by:
  - Giving pupils more opportunities to write at length
  - Involving pupils more fully in understanding how they can improve their written work
- Accelerate pupils' progress in reading and writing in Key Stage 1 by teaching letters and sounds in a more systematic way
- Build on the excellent links with parents to improve attendance further

The school has developed an Action Plan in response to the Ofsted recommendations.

### **5.1. Local demographic data**

Kelvin Grove Primary School is situated in Forest Hill. Although there are some pockets of deprivation, the demographic profile of the area suggests that the area is relatively prosperous. Average annual earnings (£33,854) are slightly above the average for Lewisham (£28,865) and life expectancy at birth (76 years) is the average for Lewisham. The proportion of employed (52.8%) and self-employed (10.4%) people is higher than for Lewisham as a whole and there is a higher percentage of people whose educational qualifications are level 4 or higher (35.2%)

#### *a) Forest Hill – ethnicity*

The most recent data on the numbers of people from different ethnic groups in Forest Hill is from the national census in 2001. <sup>1</sup>

	<b>Ward %</b>	<b>Lewisham %</b>	<b>London %</b>
<b>White</b>	<b>70.5%</b>	<b>65.9%</b>	<b>71.2%</b>

<sup>1</sup> Forest Hill Ward Profile

Black or Black British	19.2%	23.4%	10.9%
Mixed	4.6%	4.2%	3.2%
Asian or Asian British	3.2%	3.8%	12.2%
Chinese or other ethnic group	2.5%	2.7%	2.7%

The ethnicity profile of the neighbouring wards of Sydenham and Perry Vale reflect a similar overall ethnicity profile but with a slightly higher proportion of white people, and slightly fewer Black or Black British.

*b) Forest Hill – Religion and Belief*

The 2001 Census recorded the following information:

	Ward %	Lewisham %	London %
Christian	59.2.0%	61.2%	58.2%
Buddhist	0.8%	1.1%	0.8%
Hindu	1.4%	1.7%	4.1%
Jewish	0.5%	0.3%	2.1%
Muslim	4.5%	4.6%	8.5%
Sikh	0.1%	0.2%	1.5%
Other Religions	0.6%	0.5%	0.5%
No Religion	22.1%	20.4%	15.8%
Not Stated	10.8.%	10.1%	8.7%

Neighbouring wards reflect a similar profile.

**5.2. Kelvin Grove Primary School and local primary schools data**

*a) Kelvin Grove Primary School*

Kelvin Grove Primary School is a two form entry community primary school. The school has admitted an additional 30 pupils each year since 2010 as part of the Local Authority's response to the increased demand for places in the area. It also has a nursery with places for up to 100 children to attend part-time and there is also Surestart provision on site.

**Kelvin Grove**

	Number of applicants	Distance of last child offered
2007/08	106	1212m
2008/09	116	2195m
2009/10	142	839m
2010/11	172	641 (for published admission number)

As a Community School, Kelvin Grove Primary School's criteria for admissions are those of all Lewisham community schools. Where oversubscribed, priority is given in the following order to:

- 1) Children in public care
- 2) Children with exceptional acute medical or social need
- 3) Siblings
- 4) Children living closest to the school

The school has a balanced roll in terms of gender (figures from school roll Spring 2011):

Male	Female	Total
259	227	486

In the Ofsted Inspection of Kelvin Grove School in December 2010 it was noted that the percentage of pupils eligible for free school meals was high at 34%, more than twice the national average compared to a Lewisham primary school average of 25% and a national average of 17%.

The Ofsted report also noted the following: "Most pupils are from minority ethnic backgrounds the largest of which are Eastern European, African and Caribbean"

Recent data on the ethnic categorisation of Kelvin Grove pupils (see chart below) reflects the comments from the Ofsted report and shows a considerable change from the local demographic data from the 2001 Census.

**Ethnic categorisation of Primary School pupils Kelvin Grove and all Lewisham – Spring 2011<sup>2</sup>**

Category	Kelvin Grove School %	All Lewisham primaries %
Black and minority ethnic total	72	75
White British	17	25
Gypsy Roma Traveller	0	0.1
<b>Total White<sup>3</sup></b>	<b>28.6</b>	<b>34.6</b>
Black Caribbean	23	16.2
African	17	15
Somali	2.6	1.6
Other Black African	14	13.3
Other black	7	7.9
<b>Total Black</b>	<b>47</b>	<b>39.1</b>
Asian	6	6.9

<sup>2</sup> LBL Children and Young People Performance Unit - 2010

<sup>3</sup> Total White category includes: British, Irish, Gypsy/Roma, White Other, Turkish / Cypriot and White European

Mixed Race	12	13.3
Other	2	4.1
Unclassified	4	2.3

*b) Other local primary schools.*

There are nine other Lewisham primary schools within a one-mile radius of Kelvin Grove School. They include the following  
Non-denominational community schools: Eliot Bank, Perrymount, Horniman Adamsrill, Gordonbrock *Haseltine*,  
Church of England Voluntary Aided: Holy Trinity, St Bartholomews, Christ Church St Michael's

The pattern of applications has been changing over the last 18 months. Statistics on on-time applications received in February of each year show that applications locally have increased.

<b>EXTRACT FROM LEWISHAM PRIMARY SCHOOL APPLICATIONS 2009/10 to 2010/11<sup>4</sup></b>					
<b>School</b>	<b>Places available</b>	<b>1<sup>st</sup></b>	<b>2nd</b>	<b>Total (1 - 4)</b>	
Kelvin Grove	45	37	42	164	<b>2010-11 on time applications</b>
	45	37	35	143	<b>2009-10 on time applications</b>
Eliot Bank	60	137	70	317	<b>2010-11 on time applications</b>
	60	114	80	274	<b>2009-10 on time applications</b>
Holy Trinity	30	17	36	96	<b>2010-11 on time applications</b>
	30	11	23	82	<b>2009-10 on time applications</b>
St Bartholomews	45	41	20	124	<b>2010-11 on time applications</b>
				162	<b>2009-10 on time applications</b>
Christ Church	30	29	15	76	<b>2010-11 on time applications</b>
	30	22	19	61	<b>2009-10 on time applications</b>
Perrymount	28	39	34	128	<b>2010-11 on time applications</b>
	28	42	34	120	<b>2009-10 on time applications</b>
Horniman	30	33	82	191	<b>2010-11 on time applications</b>
	30	37	75	177	<b>2009-10 on time applications</b>
St Michael's	30	43	43	154	<b>2010-11 on time applications</b>
	30	28	39	119	<b>2009-10 on time applications</b>
Adamsrill	60	67	51	192	<b>2010-11 on time applications</b>
	60	49	17	127	<b>2009-10 on time applications</b>
Gordonbrock	75	64	34	203	<b>2010-11 on time applications</b>
				190	<b>2009-10 on time applications</b>

<sup>4</sup> Lewisham CYP Admissions Team

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The January 2011 School Roll figures show that places have been taken up:

	Places	January 2011 roll	2010 1 <sup>st</sup> & Total applications
Kelvin Grove	60 +30 additional	88	62 (165)
Eliot Bank	60	60	137 (317)
Holy Trinity	30	30	17 (92)
St Bartholomews	45	45	49 (162)
Christ Church	30 +30 additional	58	29 (76)
Perrymount	28 +28 additional	55	39 (128)
Horniman	30	30	33 (191)
St Michael's	30	30	43 (154)
Adamsrill	60 +30 additional	88	67 (192)
Gordonbrock	75	75	66(190)

Places offered and accepted for Reception 2011 are as follows:

	Places	December 2011 roll
Kelvin Grove	60 +30 additional	89
Eliot Bank	60	60
Holy Trinity	30	30
St Bartholomew's	45	43
Christ Church	30	30
Perrymount	28	28
Horniman	30 +30 additional	55
St Michael's	30	30
Adamsrill	60 +30 additional	89
Gordonbrock	75+15 additional	80

The figures demonstrate the pressures on places in the area

The Ofsted report on Kelvin Grove noted that the percentage of pupils with learning difficulties and/or disabilities is high

<b>Children with Special Educational Needs – Spring 2011</b>				
<b>School</b>	<b>Non-statemented %</b>	<b>School Action %</b>	<b>School Action Plus %</b>	<b>Statemented %</b>
Kelvin Grove	85.6%	6.2%	2.3%	2.3%
Eliot Bank	79.6%	5.1%	14.7%	0.6%
Holy Trinity	78.3%	8%	13.7%	0%
St Bartholomew's	78.6%	16.7%	4.1%	0.7%
Christ Church	76.5%	15.6%	6.2%	1.6%
Perrymount	83.5%	5.3%	6.8%	4.5%
Horniman	82.8%	4.9%	10.3%	2%



St Michael's	65.6%	28.2%	4.6%	1.5%
Adamsrill	91.9%	4.8%	3%	0.2%
Gordonbrock	72.4%	13.8%	13.3%	0.5%

## 6. Consultation

Following an initial proposal from the Local Authority, the Governors at Kelvin Grove School agreed to take forward in principle the proposal to enlarge the school to 3FE and this was included in the report on Primary Provision taken to Mayor & Cabinet on July 13th 2011.

A public consultation exercise was carried out in September and October 2011 about the proposal to enlarge Kelvin Grove Primary School and to establish a resource base. This was published on the Lewisham Council website along with an on-line opportunity to complete the consultation response form.

Details of the proposals and invitations to respond were sent to :

Parents / carers and pupils at Kelvin Grove School  
 Headteachers and all staff  
 Trades Unions in Lewisham  
 All MPs for London Borough of Lewisham  
 All Councillors in Lewisham  
 Local dioceses for Church of England and Roman Catholic faiths  
 Neighbouring local authorities – Bromley and Southwark  
 All schools within a one mile radius of Kelvin Grove School

The consultation document was made available on request in a number of formats including Braille, large print and British Sign Language. A translation and interpretation service was also made available via Pearl Linguistics.

The following stakeholder meetings were held:

- Parents of children attending Kelvin Grove Primary school (14<sup>th</sup> & 20<sup>th</sup> September 2011)
- Kelvin Grove governors; (12<sup>th</sup> February )
- Kelvin Grove staff; (14<sup>th</sup> September 2011)
- The School Council (20<sup>th</sup> September 2011)

### Numbers of responses by category: School Enlargement

Category of Respondent	Numbers	For	Against	Not sure/ Mixed
Parent/Carer	21	16	3	2
Staff	0	0	0	0
<b>TOTAL</b>	<b>21</b>	<b>16</b>	<b>3</b>	<b>2</b>

#### For / Against numbers and percentages

All the written responses received were from parents/carers. Of these 76.5% were in favour of the enlargement of the school, 9.5% not sure/mixed and 14% against.

### Numbers of responses by category : Resource Base

Category of Respondent	Numbers	For	Against	Not sure/ Mixed
Parent/Carer	18	13	3	2
Governors	1	1	0	0
Member of local community	1	1	0	0
Local organisation	1	1	0	0
<b>TOTAL</b>	<b>21</b>	<b>16</b>	<b>3</b>	<b>2</b>

#### For / Against numbers and percentages

All the written responses received were from parents/carers. Overall 76% were in favour of the establishment of a ASD Resource base, 9.5% not sure/mixed and 14% against.

- **Consultation outcomes**
  - **School expansion: Summary of responses**
    - **Governing Body meeting**
      - The Governing Body has considered the proposal and supports the proposed enlargement of the school.
    - - **School Council meeting**
        - The School Council discussed the proposal and questioned officers at a meeting on September 19<sup>th</sup>, An assembly had previously been held to explain the proposed changes to the pupils. The School Council agreed that more children should have the opportunity to attend Kelvin Grove as it is a good school. They were concerned about the playground becoming crowded and the possibility of older children bumping into younger, smaller children. They suggested different play times as a solution. They were also concerned that children crossing

from one building to another might get wet. They suggested that there should be a link between the Kirkdale Centre and the present school buildings.

- **Staff meeting**

- Staff welcomed the proposal to enlarge the school through the use of the Kirkdale centre. They recognised that there would be a gradual cultural shift as the school grew but felt that this could also offer opportunities. The Senior Leadership Team has shared the proposals for the development of the site and staff were well informed about the plans.

- **Parents' meetings**

- Parents were offered two opportunities to discuss the proposal. A meeting was held after school on September 14<sup>th</sup> and officers were available at the school gates on September 19<sup>th</sup>. Five parents attended the meeting and a further
- 16 parents responded at the school gates and in the playground on the afternoon. All except two people had only positive responses to the proposals, with two people raising more general concerns about the school. The two people mentioned also thought the proposals could be positive, if concerns were addressed first.

- At the meetings, no specific objections were raised to the proposals to expand the school to three forms of entry. Comments included:

- I understand the population is growing. Kelvin Grove is really popular and is a really good school, so if it gets bigger more children can attend!
- Kelvin Grove is a good school to expand because of its geographical location. Because neighbouring boroughs are also in the catchment area it means parents who live in other boroughs have a better chance of getting a good local school place for their child.
- The school has done a great job with my child since he came, so I think it is a good school to expand.

- **Summative analysis of written responses**

- **In favour**
- Most responses in favour mentioned the pressure on school places and the opportunity to meet the needs of the local community. They felt that it was an endorsement of the quality of education provided by the school. Many parents had sent all of their children to Kelvin Grove and were confident in recommending the school to other parents.
- **Against**
- Parents who were against the proposal cited the pressure on the infrastructure of the school. They were also concerned about the

potential impact on behaviour and that staff would be over-stretched.

- **Unsure**
  - One parent commented that whilst understanding the argument for a 3 form of entry school, they were concerned about losing “the warm and intimate nature” of the current 2 form of entry school. The main concern from parents who are unsure is that the needs of some children may go un-noticed.
- These issues have been considered by the Local Authority in the report submitted to Mayor and Cabinet dated 26.10.2011 where each concern has been addressed.

## **7. Assessment of impact and outcomes and reducing any adverse impact**

Following the scoping of the assessment and identification of potential areas for discrimination, analysis of data, research and specific consultation, this assessment must check whether, in any of the areas identified:

- there is unlawful discrimination
- there is an adverse impact on one or more equality categories
- the service fails to promote equality of access or opportunity
- some equality categories are, or may be, excluded from service benefits
- some equality categories are disadvantaged

The overall assessment is that the proposal does not have any adverse impact upon any equality categories and that it will result in an improved educational resource accessible to pupils in Forest Hill and Sydenham.

The demand for places means that it is unlikely that the proposal will have a potential adverse on other local schools. Local population projections for the Forest Hill & Sydenham area indicate that a reduction in demand for other local schools is unlikely to occur as numbers of births in the area show an increasing trend. There has been a significant increase between 2006/2007 and 2007/2008 projections suggest that demand for places will increase., Demand will be highest levels in 2012/13 but demand is not expected to reduce during this decade.

Nevertheless it is recommended that the local authority continues to monitor numbers of applications and admissions at all local schools and particularly notes any significant changes. There appear to be no other equalities implications relating to this concern.

### **Implications for Kelvin Grove Primary School staff**

A majority of Members of Staff responding supported the proposal. There will be no change to terms and conditions of employment and more staff will be required as a result of the enlargement.

## **8. Action Plan**

The recommended actions below were identified during the assessment ; implementation of the Action Plan will be co-ordinated and monitored by the LBL Children & Young People’s Education Development division.

<b>Issue</b>	<b>Equality Category</b>	<b>Recommendation / Action</b>
Impact of proposal upon admissions to other local primary schools	All	LA to monitor admissions to schools within local area and note any significant changes further attention

## **9. Formal agreement**

The completed Equalities Impact Assessment will be signed off by Lewisham’s Mayor and Cabinet; the directorate representative for equalities in LBL Children & Young People’s directorate will also take the EIA to the Corporate Equalities Board for consideration of key findings.

## **10. Publication of results**

A summary of this EIA will be published on Lewisham Council’s website and the full assessment will be available on request.

## **11. Monitoring**

The achievement of changes, amendments and recommendations arising from the Equalities Impact Assessment will be monitored through the Education Development Service Plan.

# Agenda Item 11

<b>Chief officer confirmation of report submission</b>	
<b>Cabinet member confirmation of briefing</b>	
<b>Report for: Full Council</b>	
<b>Mayor and Cabinet</b>	<input checked="" type="checkbox"/>
<b>Mayor and Cabinet (Contracts)</b>	
<b>Executive Director</b>	
<b>Information</b>	<b>Part 1</b> <input checked="" type="checkbox"/> <b>Part 2</b> <input type="checkbox"/> <b>Key Decision</b>

Date of Meeting	18 <sup>th</sup> January 2012	
Title of Report	Catford town centre – CRPL business plan	
Originator of Report	Steve Gough, Director for Regeneration and Asset Management.	Ext. 48885

At the time of submission for the agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	Y	
Legal Comments from the Head of Law	Y	
Crime & Disorder Implications	Y	
Environmental Implications	Y	
Equality Implications/Impact Assessment (as appropriate)	Y	
Confirmed Adherence to Budget & Policy Framework	N/A	
Risk Assessment Comments (as appropriate)	N/A	
Reason for Urgency (as appropriate)	N/A	

Signed:  Executive Member

Date 09/01/12

Signed:  Executive Director

Date 9/1/12

## Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	

<b>Mayor &amp; Cabinet</b>		
Report Title	Catford town centre – Catford Regeneration Partnership Limited business plan	
Key Decision	No	Item No.
Ward	Rushey Green	
Contributors	Executive Director of Resources and Regeneration. Director for Regeneration and Asset Management.	
Class	Part 1	Date: 18 January 2012

## 1. Summary

This report presents the CRPL 2012/13 business plan to Mayor & Cabinet for information prior to its submission for approval by full Council as per the CRPL articles of association.

## 2. Purpose of report

- 2.1 To submit the business plan for Catford Regeneration Partnership Limited (CRPL), to be noted by Mayor & Cabinet prior to consideration by full Council on the 25<sup>th</sup> of January 2012.

## 3. Policy context

- 3.1 Lewisham's overarching sustainable communities strategy sets out a vision for the future of the borough. One of the priorities laid out in the strategy is to develop, build and grow communities that are *dynamic and prosperous – where people are part of vibrant communities and town centres, well connected to London and beyond*. This report supports the aims of the strategy.
- 3.2 This report is also in alignment with the Council's corporate policy. Lewisham's Asset Management Plan sets out the approach to using property effectively in order to achieve the Council's objective of making Lewisham the best place in London to live, work and learn. It acknowledges that the Council's assets have a key role to play in supporting the borough's regeneration aims.
- 3.3 The content of this report also supports the aims of Lewisham's Regeneration Strategy, 'people, prosperity and place', which links the Council's corporate priorities to the development and regeneration of Lewisham's communities, the local economy and the built environment.

## 4. Recommendation

The Mayor is recommended to:

- 4.1 agree that the attached report detailing progress made by CRPL in managing the Catford Centre in 2011/12 and projections for the coming financial year be presented to full Council on 25<sup>th</sup> January 2012 for approval;

## **5. Current Position**

- 5.1 Since the acquisition of the Catford centre in February 2010, CRPL has dealt with all operational and management issues to ensure that the centre is fit for purpose, meets quality standards, and that rent is collected in a timely manner. All health and safety standards are now being complied with and all of the major repair works identified have been completed.
- 5.2 The remodelling of 32 Winslade Way (formerly known as the Catford Mews) for letting as a single unit is now complete.
- 5.3 CRPL continues to work with Lewisham Council to further plans for the redevelopment of the centre.
- 5.4 The financial position of the company is set out in the CRPL business plan, which is attached as an appendix.

## **6. Financial and legal implications**

- 6.1 Financial and legal implications are included in the attached proposed report to full Council.

## **7. Equality implications**

- 7.1 There are no immediate equality implications associated with the recommendations of this report. A strategic equalities analysis has been carried out as part of the ongoing feasibility work for the regeneration of Catford town centre. Further equalities analysis will be carried out at the appropriate time.

## **8. Environmental implications**

- 8.1 There are no immediate environmental implications associated with the recommendations of this report. Environmental implications for the future regeneration programme will be considered at the appropriate time.

## **9. Crime and disorder implications**

- 9.1 There are no immediate crime and disorder implications associated with the recommendations of this report. Crime and disorder implications for the future regeneration programme will be considered at the appropriate time.

## **10. Conclusion**

- 10.1 Approval of this report by full council will allow CRPL to proceed with the activities, aims and objectives detailed in the business plan for 2012/13.

### Background papers

<u>Short title of document</u>	Date	File Location	Contact Officer
The Catford town centre – CRPL business plan	1 March 2011	Governance support	Eleanor Hoyle
The Catford town centre – CRPL business plan	23 February 2011	Governance support	Eleanor Hoyle
The Catford Centre Mayor & Cabinet Report	27 January 2010	Governance support	Eleanor Hoyle



Catford Town Centre update report – part 2	14 July 2010	Governance support	Eleanor Hoyle
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If you have any queries on this report, please contact Eleanor Hoyle, Capital Project Manager, 5<sup>th</sup> floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 9462.

**CATFORD**  
**REGENERATION**  
**PARTNERSHIP**  
**LTD**  
**BUSINESS PLAN**  
**2012/13**

## **Introduction**

Catford Regeneration Partnership Limited (CRPL) is a wholly owned subsidiary of Lewisham Council. The company was created in January 2010 to purchase the leasehold interests in and around the Catford centre in order to manage and regenerate the property to improve the economic, social and environmental wellbeing of the London Borough of Lewisham.

The purpose of this business plan is to set out the company's objectives, activities, and budget for 2012/13 for agreement by the Council as sole shareholder in accordance with the company's articles of association.

## **Structure and governance**

CRPL currently has two directors, Ralph Wilkinson (LBL Head of Public Services) and Conrad Hall (LBL Head of Business Management and Service Support). The directors are responsible for the day to day running of the company in line with the articles of association and have other statutory duties as defined by the Companies Act 2006. The directors must take account of the approved business plan when exercising their functions in the management of the Company. Directors are appointed and removed by the Council as sole shareholder.

Certain key decisions in relation to the company are classified as reserved matters, and must be approved by the Council as sole shareholder. The Mayoral Scheme of Delegation allows specific officers to take executive decisions in relation to the Company where appropriate. The complete list of shareholder reserved matters is included at Appendix A, with key matters including:

- the approval of each Business Plan;
- the approval of each Budget and in any financial year changes over £20,000 in any one amendment to the Budget and changes to the Budget exceeding £100,000 in aggregate in any financial year;
- the making of any acquisition or disposal by the Company other than in accordance with the then current Business Plan and Budget;
- the making of any application for planning permission;
- the implementation of any regeneration initiative other than in accordance with the then current Business Plan.

These reserved matters ensure that the Council retains control over the direction of future regeneration proposals. The Council's Catford Programme Board (CPB), chaired by the Chief Executive, has responsibility for setting the overall direction on the regeneration of Catford town centre. CRPL directors are represented at board meetings, which are used as the mechanism for updating the Council on progress against the company's objectives.

CRPL directly employs two centre management staff; a centre manager and a cleaning supervisor. Council officers also conduct work on behalf of the company, and officer time is recharged to the company as appropriate.

## **Objectives**

In line with the plans presented to the Council in 2010/11 CRPL has continued to develop an effective and efficient management approach for the operation of the property through a team of professional advisors. In addition CRPL has continued to work alongside the Council to build on the proposed delivery strategy and commercial approach for a regeneration programme for Catford town centre. CRPL directors proposed the following company objectives for the 2011/12 financial year:

- To continue the effective management of the Catford Centre, ensuring that the operational management standards remain high and that the full commercial potential of the centre is being realised through letting and renewal strategies.
- To enable the redevelopment of the Catford Centre by working with Lewisham Council to begin a masterplanning process and reach a commercial agreement with key stakeholders in the town centre, in order to contribute to the regeneration aims for the town centre as a whole.

These objectives will remain in place for the 2012/13 financial year.

## **Activities**

In order to achieve these objectives, CRPL continues to promote, commission, undertake or participate in a range of activities, including:

### Centre management

- Rent collection and arrears management
- Service charge administration; including reconciliations to tenants and the creation of future service charge budgets
- Tenant liaison; operational issues, lease issues and queries on wider regeneration aims.
- Health & safety; assessment and compliance of property, day to day implementation of H&S policies and practices
- Facilities management and maintenance; ensuring that all of the landlord's obligations are met, create and maintain a schedule of repairs, major works, improvements and comprehensive redecoration as required.
- Asset management including acquisitions and disposals, redevelopment and lease structuring
- Legal proceedings relating to leases and rental arrears
- Data management; maintenance of accurate records and accounts
- Lease renewals and Rent reviews
- New Lettings
- CRPL contracts; procurement and management of services provided to CRPL by outside parties. These include centre management, legal, accountancy and asset management services.

### Regeneration

- Procurement of a design team (in conjunction with LBL)
- Consultation (in conjunction with LBL)
- Commercial negotiation with other land owners
- Engagement with stakeholders (in conjunction with LBL)

- Retail element proposals
- Planning strategy (led by LBL)
- Milford Towers decant strategy (led by LBL)
- Council office design (led by LBL)
- Housing proposals (in conjunction with LBL)

Key professional services to assist CRPL in the delivery of these activities include:

- DTZ - Managing agents
- Mason Owen - Letting agents
- Johnson Fellows - Surveyors & rent review negotiators
- Russell Cooke - Solicitors

### **2011/12 Budget review**

The 2011/12 budget was developed by officers based on 2010/11 figures, projected CRPL running costs, the rental income from the Catford Centre and adjoining properties as well as the provisions of the service charging system. The majority of the costs of vacating and remodelling of the former Catford Mews (32 Winslade Way) were accounted for. This work is now complete.

As anticipated a CRPL will report net deficit in 2011/12. This is due, in part, to the vacating, converting and re-letting of 32 Winslade Way. A projected decrease in short term rental yields and an increase in maintenance costs were outlined in the 2011/12 business plan. Increased letting fees are expected to return to the baseline level in 2012/13. A larger than expected major repairs budget was required to complete the full conversion of the unit. Additionally, increased costs associated with empty units have also resulted in higher than anticipated insurance liability costs.

The amount for professional and other fees in the 2011/12 outturn is substantially higher than the amount set out in the original 2011/12 budget. This includes an amount paid to Deloitte for advice about VAT registration. Officers weighed the decision to register for VAT against the impact on non VAT registered small businesses and the costs associated with the remodelling work required to adapt 32 Winslade Way. The alteration of the unit and the subsequent reduction of the number small businesses weighed in the favour of registration. Following advice, the company has been registered.

### **2012/13 Budget**

CRPL is expected to return a net surplus in 2012/13. This will be achieved through a combination of increased income generated by rents received- including the letting of 32 Winslade Way as a single unit- and reduced expenditure. The allowance for letting and renewal fees has been balanced with figures from 2010/11 and adjusted in line with the schedule of expiries and renewals.

32 Winslade Way is due to produce the full anticipated rental, once the full amount is charged to the current occupier. There are rent free and part rent periods agreed in the lease terms, as per industry standards. The CRPL standard landlord redevelopment break clause is also in place for July 2014. Early information, based on footfall in the newly developed unit, indicates that there has been a significant increase in the level of custom in the centre, which is a promising sign for the short term sustainability of the centre and the longer term development plans for the site.

There are no plans to carry out any significant works to the property and as such there is no allowance in the budget for major repairs. All work to bring the property up to the required health and safety standard is now complete. There remains an amount for unscheduled repairs and maintenance to the property. This is set in accordance with advice from the managing agent.

The budget includes a projected reduction in the interest payments for the loan from LBL to CRPL. The initial agreement for the provision of the loan set the interest rate at 7% for two years, with the subsequent rate being determined by the lender on a commercial basis. Current analysis of the market suggests that an interest rate of 5% would be in line with market rates. A reduction in interest payments would have a substantial impact on the balance of the budget by reducing the company's most significant area of expenditure. Discussions with the Council are in their early stages but a reduction from either Lewisham or from a renegotiation with a commercial lender would have a substantial impact on the 2012/13 budget.

### **2013 onwards**

Outline projections for 2013 onwards indicate that the company would continue to produce a year on year surplus. This is due in part to the full rent on 32 Winslade Way being received in 2014/15 and subsequent years. In the event that the regeneration being led by Lewisham Council is significantly re-designed, stalled or cancelled the lettings strategy for the property could be realigned to maximise commercial income, without the requirement for landlord break clauses. Depending on the rationale and the timescale for the re-thinking of the regeneration, rents receivable would be expected to rise from 2014/15. However, a budget would need to be allocated for repairs and maintenance to keep the property in good condition.

Alternatively, the intended agreement of a development deal and the ensuing regeneration of the town centre would require the company to offer up vacant possession of the property for development in mid 2014. As such rents receivable and service charges would reduce to near zero in 2015/16. However, costs would still be incurred by the company in the form of insurance liabilities, fees and routine maintenance. The development deal, which should be resolved in 2014/15, would be expected to provide an alternative source of funds for the business.

### **Budget notes**

<b>Line</b>	<b>Note</b>
Letting fees	No major lettings are anticipated in 2012/13. Projections for future years take in`to account a number of lease surrenders which will not be re-let at the same rental level.
Empty property costs	The 2011/2012 outturn figure for empty property costs is substantially lower than the amount set out in the original 2011/12 budget. The this does not take into account the void period between the vacating of a property and the accrual of costs – which may be incurred in early 2012/13.  Empty property costs will increase towards July 2014 if the company enters into a regeneration development deal. A deal would likely require the company to offer up vacant possession of the property.
Repairs and maintenance	The anticipated level of responsive repairs and maintenance have not been incurred. A suitable contingency for future years is advised by DTZ and has been built into the business as usual costs for future

	projections.
Property insurance liability	This allows for an index linked increase in premiums in future budgets. CRPL is liable for all insurance costs not recharged to tenants.
<b>Service charges</b>	
	The main centre service charge is a separate cost to tenants and all expenditure must be reconciled with their payments at the end of the service charge year. The current service charge budget has been calculated using the actual spend figures for the previous service charge year, assumptions on increased costs and the renegotiation of service contracts.
Staff salaries	Salaries of the 2 centre staff and the associated costs are re-charged to the tenants. The decreased outturn figure for 2011/12 is due to the variation in staff working hours and a decrease in staff overtime. Salary costs are projected to increase marginally in future years.
Soft services	This includes security and cleaning.
Hard services	This includes mechanical/electrical services, lifts and standard repairs and maintenance.
Repairs and maintenance	No anticipated repairs and maintenance costs from the service charge budget.

#### **APPENDIX A - Shareholder reserved matters**

- 1 CRPL's articles of association identify the following items as shareholder reserved matters:
  - 1.1 the approval of each Business Plan;
  - 1.2 the approval of each Budget and in any financial year changes over £20,000 in any one amendment to the Budget and changes to the Budget exceeding £100,000 in aggregate in any financial year;
  - 1.3 the declaration and/or payment of any dividends by the Company save where such declaration and distribution is made in accordance with the Company's dividend policy;
  - 1.4 the approval of and any change to the Company's dividend policy;
  - 1.5 the increase in any indebtedness of the Company other than in accordance with the prevailing Budget;
  - 1.6 the commencement by the Company of any new business not being ancillary to or in connection with the Business or making any change to the nature of the Business;
  - 1.7 the Company participating in any activity which is detrimental to and/or incompatible with the Business;
  - 1.8 the making of any political or charitable donation;

- 1.9 the making of any acquisition or disposal by the Company other than in accordance with the then current Business Plan and Budget;
- 1.10 writing off a bad debt exceeding £25,000 provided that if debts of that person or organisation have been written off by the Company in the previous three years in an aggregate amount of £50,000 or more, the decision to write off any further bad debts for that person or organisation shall also be a reserved matter;
- 1.11 the making of any application for external funding;
- 1.12 the repurchase or cancellation by the Company of any shares, or the reduction of the amount (if any) standing to the credit of its share premium account or capital redemption reserve (if any) or any other reserve of the Company;
- 1.13 a change of name of the Company or location of its registered office;
- 1.14 any issue of new shares in the Company.
- 1.15 the devolution or transfer of all or part of the management of the Company or its business to persons who are not directors of the Company and, if approved, the terms of such devolution;
- 1.16 without limiting the generality of article 25.15, the appointment of any Chief Executive Officer or person holding a similar role and the terms of such appointment;
- 1.17 the appointment or removal of any director of the Company;
- 1.18 the engagement of (and terms of engagement of) any individual person as a consultant (but excluding for such purposes any firm/professional advisers) or employee;
- 1.19 the engagement of (and terms of engagement of) any company, partnership, individual person or other entity for the provision of services to the Company where the services provided are not contemplated in the then current Business Plan and Budget and/or where the value of the services is above the Official Journal of the European Union limit for services and/or where the services have not been tendered in accordance with the [Company's Contract Lettings Procedure];
- 1.20 any change to the terms of employment/engagement and/or remuneration of a person referred to in articles 25.18 and 25.19;
- 1.21 the letting of any contract for the provision of supplies to the Company where the supplies provided are not contemplated in the then current Business Plan and Budget and/or where the value of the contract is above the Official Journal of the European Union limit for supplies and/or where



the contract has not been tendered in accordance with the [Company's Contract Lettings Procedure];

- 1.22 the letting of any contract for the provision of works to the Company where the works provided are not contemplated in the then current Business Plan and Budget and/or where the value of the contract is above £200,000 and/or where the contract has been not tendered in accordance with the [Company's Contract Lettings Procedure];
- 1.23 the instigation of any court proceedings where the directors have not taken appropriate legal advice or where such proceedings would be against that legal advice;
- 1.24 the authorisation of the levying of distress against the occupants of land or property in arrears where the directors have not taken appropriate legal advice or where such actions would be against that legal advice;
- 1.25 the making of any application for planning permission;
- 1.26 the implementation of any regeneration initiative other than in accordance with the then current Business Plan;
- 1.27 the commencement of any winding-up or dissolution of or the appointment of any liquidator, administrator or administrative receiver of the Company or any of its assets unless it shall have become insolvent.

# Agenda Item 12

<b>Chief Officer Confirmation of Report Submission</b>			
<b>Report for:</b>	<b>Mayor</b>		<input type="checkbox"/>
	<b>Mayor and Cabinet</b>		<input checked="" type="checkbox"/>
	<b>Mayor and Cabinet (Contracts)</b>		<input type="checkbox"/>
	<b>Executive Director</b>		<input type="checkbox"/>
<b>Information</b>	<b>Part 1</b>	<input checked="" type="checkbox"/>	<b>Part 2</b>
		<input type="checkbox"/>	<b>Key Decision</b>
			<input checked="" type="checkbox"/>

<b>Date of Meeting</b>	18 January 2012
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<b>Title of Report</b>	London Borough Grants Scheme 2012-13 Expenditure
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<b>Originator of Report</b>	Sandra Jones	46579
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal Comments from the Head of Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Crime & Disorder Implications	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Implications	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Equality Implications/Impact Assessment (as appropriate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Confirmed Adherence to Budget & Policy Framework	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Risk Assessment Comments (as appropriate)	<input type="checkbox"/>	<input type="checkbox"/>
Reason for Urgency (as appropriate)	<input type="checkbox"/>	<input type="checkbox"/>

Signed *Shirley Best* Executive Member  
Date

Signed *S. Dart* Executive Director  
Date

### Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

<b>MAYOR AND CABINET</b>			
<b>Report Title</b>	LONDON BOROUGH GRANTS SCHEME - 2012/2013 EXPENDITURE		
<b>Key Decision</b>	Yes	Item No.	
<b>Ward</b>	All		
<b>Contributors</b>	EXECUTIVE DIRECTOR FOR COMMUNITY SERVICES/HEAD OF LAW, EXECUTIVE DIRECTOR FOR RESOURCES		
<b>Class</b>	Part 1	Date:	18 January 2012

## 1. Summary

The London Borough Grants Committee (LBGC) was established to provide funding for voluntary organisations offering London-wide services or operating in two or more London Boroughs. This report considers the recommendation of the Grants Committee of the London Councils on the level of expenditure for the London Boroughs Grants Scheme in 2012/13 and the proposed contribution by the London Borough of Lewisham. It also outlines the London Councils Grants consultation for 2013/15.

## 2. Purpose

To consider the recommendation of the Grants Committee of the London Councils on the level of expenditure for London Borough Grants Scheme in 2012/2013 and the proposed contribution by the London Borough of Lewisham.

## 3. Policy Context

- 3.1 The LBGC was established in 1985 to provide funding for voluntary organisations offering London-wide services or operating in two or more London Boroughs. The thirty-two London Boroughs and Corporation of London are required by statute to contribute to the funding of London Borough Grants.
- 3.2 Lewisham's contribution to the London Councils Grants Scheme funds voluntary sector activity in Lewisham that contributes towards the vision for Lewisham outlined in the Sustainable Community Strategy. London Councils Grants Scheme also supports infrastructure development of the third sector, which assists the council with delivering local public services.
- 3.3 The Council gives grant aid to a number of organisations in pursuit of the objectives of the Council's Community Strategy, specifically to "work with the voluntary and community sector to build their capacity and to facilitate their involvement in the development and delivery of local outcomes." The grant aid also assists with the objectives set out in the Council's ten corporate priorities, particularly "Community leadership and empowerment: Developing opportunities for the active participation and engagement of people in the life of the community".

#### **4. Recommendations**

The Mayor is recommended:

- 4.1 to agree the overall expenditure for the London Councils Grants Scheme in 2012/2013 of £12,500,000,
- 4.2 to agree a sum of £391,646 in respect of the London Borough of Lewisham's contribution as outlined in the London Councils' notification to Chief Executives on 16<sup>th</sup> December 2011, and
- 4.3 to note the London Councils grants consultation 2013/15 as set out in paragraph 9.

#### **5. Background**

On 17 October 1985 the London Borough Grants Scheme was set up in accordance with the requirements of Section 48 of the Local Government Act 1985. On 1 April 2000 the London Local Authorities established a joint committee under Sections 101 and 102 of the Local Government Act 1972 and resolved to delegate various functions to the Association of London Government Grants joint committee. This was then amended at the end of 2001 to take account of the new political management arrangements. The purpose of the scheme is to provide funding for voluntary organisations offering London-wide services or operating in two or more London Boroughs. The thirty-two London Boroughs and Corporation of London are required by statute to contribute to the funding of the London Boroughs Grants Scheme.

#### **6. Expenditure for 2012/2013**

- 6.1 On 13 December 2011 the London Councils Leaders' Committee agreed to recommend to constituent Council's a total expenditure of £12,500,000 for 2012/2013 comprising £11,845,000 for grant aiding, £595,000 for administrative expenditure and £60,000 for London Funders Membership fees. This would be financed by using European Social Fund grant of £1,000,000 and contributions from Boroughs of £11,500,000.
- 6.2 The budget includes provision for funding organisations until the end of their agreement with London Councils. It also provides funding to extend a number of commissions until March 2013, pending decisions to be made on the 2013/14 budget and programme going forward. These decisions will be taken in 2012 and will be informed by consultation on the principles and priorities of the Scheme going forward from 2013/14 onwards and an assessment of impacts on equalities groups in compliance with the Equality Act 2010.
- 6.3 Borough contributions are in proportion to member council's population and are calculated using the Office for Population and Census Statistics mid 2010 estimates. Although the Lewisham population has increased slightly (by 2,000) since the previous years estimate from 264,500 to 266,500 the overall population of London has increased from 7,753,200 to 7,825,300. This has led to the apportionment for Lewisham remaining at 3.41%. Lewisham's contribution in 2012/2013 will decrease by £85,519 from £477,166 to £391,646, which equates to a decrease of 17.92%.

## **7. Grants Review**

- 7.1 Every four years following London local government elections, Leaders' Committee sets new priorities for the programme of commissioning by London Councils Grants Committee. The review took place against a background of anticipated cuts in public sector spending, and in a context where constituent Councils would not be in a position to contribute to the grants budget at the same level as previously.
- 7.2 As a result of this review the London Councils Leaders' Committee agreed a budget of £17,691,000 in December 2010, which was subsequently increased to £20,767,000 after a judicial review. This allowed for those organisations that fell outside the new funding priorities to be funded up until 15<sup>th</sup> August 2011. From 2012/13 this will no longer be required and so it will be a saving on the 2012/13 budget.

## **8. Options**

- 8.1 Under Section 48 of the Local Government Act 1985 the Council is obliged to participate in the scheme as it is not possible for a single borough to unilaterally decide to pull out of the Scheme. Under statute two-thirds of the constituent boroughs must agree to set up the Scheme, two-thirds of the boroughs to agree the budget (with the Secretary of State's reserve power to set a budget as at current year level if boroughs fail to agree one by 31 January) and two-thirds to decide to end the Scheme.
- 8.2 If the Council no longer wanted to participate in the Scheme then it would also need to decide whether the Scheme should continue at all. If it felt that it should not then it would need to get formal agreement from two-thirds of the membership. If it feels that it does not want to contribute in 2012/2013 then it would need to get agreement from two-thirds of the membership by 31 January 2012.
- 8.3 The Council could decide that the level of the overall budget is not satisfactory. Again two-thirds of the membership is required to set the budget so the Council would need to get agreement from this proportion to set a budget at a level it sees fit. Given the time constraints it is unlikely that this will be done by 31 January 2012 and if no decision is made by this date then the budget level for 2012/2013 will remain the same as 2011/2012. It is recommended to agree the budget at the proposed level.

## **9. London Councils Grants consultation 2013/15**

- 9.1 London Councils have recently launched a public consultation about its future grants programme from 2013/15. There is an anticipation that the budget will further decrease from 2013/14, with an indicative figure of £8 million being included in the London Councils medium term budget proposals, although this is not a definitive amount. The outcome of the consultation exercise will be taken into account in setting the budget for 2013/14 and beyond. The timetable for the consultation process is:

- Launch of consultation - 21 December 2011
- Close of consultation - 5 p.m 23 March 2012
- Review of the initial equalities assessment – May 2012

- Recommendations to Grants Committee – May 2012 about:
  - a) Proposals for new principles and priorities in 2013/15, and
  - b) Transitional funding in 2012/13 (see paragraph 9.2 below)
- Invite proposals in summer 2012 to deliver services based on new commissions that could run for 2 years with an option to extend for a further 2 years to March 2015
- Assess proposals for services based on new service specifications (subject to agreement of resources) and recommendations to members in January 2013
- New services start on 1 April 2012 with funding agreements for financial years 2012/14 and 2014/15.

9.2 The budget being recommended for 2012/13 of £12.5million is sufficient to continue to fund each of the 105 commissions scheduled to be funded until the end of their fixed term current funding agreements in 2012/13 at a cost of £5.3million. It is also sufficient to fund approximately 80% of this current portfolio of commissions after the end of their fixed term agreements and until the end of the 2012/13 financial year.

## **10. Financial Implications**

- 10.1 This report recommends a contribution of £391,646 to the London Boroughs Grants Scheme (LBGS) for 2012/13.
- 10.2 The 2011/12 budget for LBGS is £900,850. A saving of £144,000 has already been agreed for 2012/13 and proposals will be brought to M&C in February for a further reduction to the budget in line with the reduced contribution sought.

## **11. Legal Implications**

The statutory framework for the London Councils grants scheme offering grant funding to voluntary organisations offering London-wide services or operating in two or more London Boroughs is set out at paragraph 8 of this Report. Lewisham cannot withdraw from the scheme without the formal agreement of two thirds of the constituent London Councils.

## **12. Crime and Disorder Implications**

A number of organisations that work within the crime and disorder field providing a service in Lewisham are funded by London Councils.

## **13. Equality Implications**

London Borough Grants funds an extensive number of services targeted at tackling the needs of individuals and groups excluded from mainstream economic, social and cultural opportunities. London Councils were responsible for undertaking equalities impact assessments on the decisions.

## **14. Environmental Implications**

A number of environmental organisations providing a service in Lewisham are funded by London Councils.

## **15. Conclusion**

The report outlines the background to the London Borough Grants Scheme, and details Lewisham groups funded in the current financial year and proposes that the Council approve the recommended budget as set out in the London Councils' notification to Chief Executives for the reasons outlined in paragraph 8 above.

### **BACKGROUND PAPERS**

None

If you would like more information on this report please contact Sandra Jones of Community Services Directorate's Community Sector Unit on 0208 314 6579.

**Borough Contributions 2012/13**

**Appendix 1**

ONS Mid-2009 Estimate of Population ('000)	%	2011/12 Borough Contribution (£)	Inner London	ONS Mid-2010 Estimate of Population ('000)	%	2012/13 Borough Contribution (£)	Difference from 2011/12 (£)
231.2	2.98%	417,092	Camden	235.4	3.01%	345,942	-71,150
11.5	0.15%	20,746	City of London	11.7	0.15%	17,194	-3,552
226.1	2.92%	407,891	Greenwich	228.5	2.92%	335,802	-72,089
216.0	2.79%	389,670	Hackney	219.2	2.80%	322,135	-67,536
169.7	2.19%	306,144	Hammersmith and Fulham	169.7	2.17%	249,390	-56,754
191.8	2.47%	346,013	Islington	194.1	2.48%	285,248	-60,765
169.9	2.19%	306,505	Kensington and Chelsea	169.5	2.17%	249,096	-57,409
283.3	3.65%	511,082	Lambeth	284.5	3.64%	418,099	-92,983
264.5	3.41%	477,166	Lewisham	266.5	3.41%	391,646	-85,519
285.6	3.68%	515,231	Southwark	287.0	3.67%	421,773	-93,458
234.8	3.03%	423,586	Tower Hamlets	237.9	3.04%	349,616	-73,970
286.6	3.70%	517,035	Wandsworth	289.6	3.70%	425,594	-91,441
249.4	3.22%	449,925	Westminster	253.1	3.23%	371,954	-77,971
<b>2,820.4</b>	<b>36.38%</b>	<b>5,088,084</b>		<b>2,846.7</b>	<b>36.38%</b>	<b>4,183,488</b>	<b>-904,596</b>
			<b>Outer London</b>				
175.6	2.26%	316,788	Barking and Dagenham	179.7	2.30%	264,086	-52,702
343.1	4.43%	618,962	Barnet	348.2	4.45%	511,712	-107,250
225.9	2.91%	407,530	Bexley	228.0	2.91%	335,067	-72,463
255.5	3.30%	460,929	Brent	256.6	3.28%	377,097	-83,832
310.2	4.00%	559,610	Bromley	312.4	3.99%	459,101	-100,509
342.8	4.42%	618,421	Croydon	345.6	4.42%	507,891	-110,530
316.6	4.08%	571,156	Ealing	318.5	4.07%	468,065	-103,091
291.2	3.76%	525,333	Enfield	294.9	3.77%	433,383	-91,951
225.5	2.91%	406,809	Haringey	225.0	2.88%	330,658	-76,150
228.1	2.94%	411,499	Harrow	230.1	2.94%	338,153	-73,346
234.1	3.02%	422,323	Havering	236.1	3.02%	346,971	-75,353
262.5	3.39%	473,558	Hillingdon	266.1	3.40%	391,058	-82,499
234.2	3.02%	422,504	Hounslow	236.8	3.03%	347,999	-74,504
166.7	2.15%	300,732	Kingston upon Thames	169.0	2.16%	248,361	-52,371
206.4	2.66%	372,352	Merton	208.8	2.67%	306,851	-65,501
241.2	3.11%	435,132	Newham	240.1	3.07%	352,849	-82,283
267.7	3.45%	482,939	Redbridge	270.5	3.46%	397,525	-85,414
189.0	2.44%	340,962	Richmond upon Thames	190.9	2.44%	280,545	-60,416
192.2	2.48%	346,734	Sutton	194.2	2.48%	285,395	-61,340
224.3	2.89%	404,644	Waltham Forest	227.1	2.90%	333,744	-70,899
<b>4,932.8</b>	<b>63.62%</b>	<b>8,898,916</b>		<b>4,978.6</b>	<b>63.62%</b>	<b>7,316,512</b>	<b>-1,582,404</b>
<b>7,753.2</b>	<b>100.00%</b>	<b>13,987,000</b>	<b>Totals</b>	<b>7,825.3</b>	<b>100.00%</b>	<b>11,500,000</b>	<b>-2,487,000</b>



<b>Mayor and Cabinet</b>			
<b>Report Title</b>	Comments of the Healthier Communities Select Committee on the Library and Information Service		
<b>Key Decision</b>	No	<b>Item No.</b>	
<b>Ward</b>	All		
<b>Contributors</b>	Healthier Communities Select Committee		
<b>Class</b>	Part 1	<b>Date</b>	18 January 2012

## 1. Summary

- 1.1 This report informs the Mayor and Cabinet of the comments and views of the Healthier Communities Select Committee, arising from discussions held on the officer report “Library and Information service” considered at its meeting on 14 December 2011.

## 2. Recommendation

- 2.1 The Mayor is recommended to consider the views of the Healthier Communities Select Committee as set out in section three of the report and ask that the Executive Director for Community Services prepares a response.

## 3. Healthier Communities Select Committee Views

- 3.1 On 14 December 2011, the Healthier Communities Select Committee considered an officer report outlining progress in implementing the changes in library services, agreed by Mayor and Cabinet on 11 May 2011. The Committee also took evidence from the three “anchor” organisations, currently supporting Lewisham’s 5 community libraries.
- 3.2 The Healthier Communities Select Committee makes the following comments:
- 1) The Committee wishes to record its thanks to the anchor organisations, their staff and many volunteers for all the hard work they have put into developing, and providing, a wide range of resources and activities for local people. The Committee was impressed with the progress already made in engaging local people, delivering improvements in the buildings and in delivering a wide range of activities and support at each location.
  - 2) The Committee notes that the library and information service is still in transition after its recent restructure, and that the community libraries are still developing. The Committee also notes that the anchor organisations consider they would benefit from further developing the supportive working relationships they are building across the three organisations.

- 3) The Committee urges the Mayor and Cabinet to continue to do all it can to keep all of the libraries operating fully, and to continue to support the close working relationships between the anchor organisations and the Council's library and information service.

#### **4. Financial Implications**

- 4.1 There are no financial implications arising out of this report per se, although the financial implications of accepting the Committee's recommendations will need to be considered.

#### **5. Legal Implications**

- 5.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).

### **BACKGROUND PAPERS**

Library and Information Services – Officer Report to Healthier Communities Select Committee (14.12.11)

If you have any queries on this report, please contact Salena Mulhere, Scrutiny Manager (0208 3143380), or Kevin Flaherty, Head of Business & Committee (0208 3149327).

<b>Mayor And Cabinet</b>			
<b>Report Title</b>	Comments of the Housing Select Committee on the Rent Setting Consultation (Lewisham Homes and Brockley PFI Areas)		
<b>Key Decision</b>	No	<b>Item No.</b>	
<b>Ward</b>	All		
<b>Contributors</b>	Housing Select Committee		
<b>Class</b>	Part 1	<b>Date</b>	18 January 2012

## 1. Summary

- 1.1 This report informs the Mayor and Cabinet of the comments and views of the Housing Select Committee, arising from discussions held on the officer reports on Rent Setting Consultation for the Lewisham Homes and Brockley PFI Areas, considered at its meeting on 8 December 2011.

## 2. Recommendation

- 2.1 The Mayor is recommended to note the views of the Housing Select Committee as set out in section three of the report and agree that the Executive Director for Customer Services be asked to respond to the referral.

## 3. Housing Select Committee Views

- 3.1 On 8 December, the Housing Select Committee considered a report outlining proposals for increasing the rent in the Lewisham Homes and Brockley PFI Areas.
- 3.2 The Committee felt that the proposed increase of 7.04% for 2012/13 (equating to an average rise of £5.76 per week over a 52 week period, raising the full year average dwelling rent for the borough from £81.73 to £87.49per week) was too high.
- 3.3 Members noted that 40% of Lewisham Homes residents (approximately 5,600 households) were not in receipt of housing benefit and paid their rent from their salaries. It is the Committee's opinion that these households are already struggling with rising living costs and an uncertain jobs market, and the proposed rent increase would represent a further strain on, already very strained, household incomes.
- 3.4 The Committee would like the Mayor to note its concern at the proposed rent increase and the impact that this will have on hard-working low-income households; and investigate the feasibility of introducing a lower rent increase, taking into account all relevant implications.

#### **4. Financial Implications**

- 4.1 There are no financial implications arising out of this report per se; but there may be financial implications arising from carrying out the actions proposed by the Committee.

#### **5. Legal Implications**

- 5.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).

### **BACKGROUND PAPERS**

Housing Revenue Account (HRA) – Rent Setting Consultation (Lewisham Homes and Brockley PFI Areas) – Officer Reports to Housing Select Committee (08.12.11)

If you have any queries on this report, please contact Charlotte Dale, Scrutiny Manager (0208 3149534), or Kevin Flaherty, Head of Committee Business (0208 3149327).

<b>Chief Officer Confirmation of Report Submission</b>		
<b>Cabinet Member Confirmation of Briefing</b>		
Report for: Mayor		<input type="checkbox"/>
Mayor and Cabinet		<input checked="" type="checkbox"/>
Mayor and Cabinet (Contracts)		<input type="checkbox"/>
Executive Director		<input type="checkbox"/>
Information <input type="checkbox"/>	Part 1 <input checked="" type="checkbox"/>	Part 2 <input type="checkbox"/>
		Key Decision <input type="checkbox"/>

<b>Date of Meeting:</b>	18 <sup>th</sup> January 2012
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<b>Title of Report:</b>	Mayoral response to the recommendations of the Public Accounts Select Committee's Fairness Review (Procurement)
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<b>Originator of Report:</b>	Procurement Strategy Manager	<b>Ext:</b> 48133
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At the time of submission for the Agenda, I confirm that the report has:

Category:	Yes	No
Financial Comments from Exec Director for Resources	X	
Legal Comments from the Head of Law	X	
Crime & Disorder Implications	X	
Environmental Implications	X	
Equality Implications/Impact Assessment (as appropriate)		
Confirmed Adherence to Budget & Policy Framework		
Risk Assessment Comments (as appropriate)		
Reason for Urgency (as appropriate)		

Signed:  Executive Member

Date: \_\_\_\_\_ 10 January 2012 \_\_\_\_\_

Signed:  Director/Head of Service

Date: \_\_\_\_\_ 10 January 2012 \_\_\_\_\_

**Control Record by Committee Support**

Action:	Date:
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

<b>Mayor and Cabinet</b>			
<b>Report Title</b>	Mayoral response to the recommendations of the Public Accounts Select Committee's Fairness Review (Procurement)		
<b>Key Decision</b>	No	<b>Item No.</b>	
<b>Ward</b>	All		
<b>Contributors</b>	Executive Director for Resources & Regeneration		
<b>Class</b>	Open	<b>Date</b>	18 January 2012

## 1. Purpose

- 1.1 In July 2011, the Public Accounts Select Committee held the first evidence session and discussions on their Fairness Review. This report sets out the response of the Executive Director for Resources & Regeneration to the recommendations that were made in respect to procurement in the the interim report of October 2011.

## 2. Recommendations

- 2.1 That the Mayor notes the responses attached as appendix 1 and agree that these responses are reported to the Public Accounts Select Committee.

## 3. Policy Context

- 3.1 Lewisham Council has an overarching vision, shared with the Lewisham Strategic Partnership (LSP). Our vision, set out in both the Sustainable Community Strategy and the Corporate Strategy is:

***'Together we will make Lewisham the best place in London to live, work and learn'***

- 3.2 To achieve this collective vision, the LSP and the wider community will help build and support sustainable communities that are:
- **ambitious and achieving** – where people are inspired and supported to fulfil their potential
  - **dynamic and prosperous** – where people are part of vibrant and creative local communities and town centres, well connected to London and beyond.

3.3 The Council has key priorities developed in the context of partnership working and designed to focus on delivering the Sustainable Community Strategy vision and priorities:

- **Community leadership and empowerment** – develop opportunities for the active participation and engagement of people in the life of the community.
- **Strengthening the local economy** – gaining resources to regenerate key localities, strengthen employment skills, and promote public transport.
- **Inspiring efficiency, effectiveness and equity** – ensuring efficiency, effectiveness and equity in the delivery of excellent services to meet the needs of the community.

#### 4. Background

4.1 At a meeting held on 14 June 2011, the Committee considered a scoping report outlining how an in-depth review into fairness might be carried out. The report included some information on Islington's Fairness Commission, set up in July 2010 to look into how to make that borough a fairer place. The Commission met seven times and produced a final report with 19 recommendations.

4.2 Following consideration of the scoping report, and the Islington Fairness Commission report, the Committee agreed to conduct an in-depth review into fairness in the Council's procurement policies and pay and employment practices.

4.3 The Committee also agreed that (a) it did not have sufficient time or capacity to scrutinise fairness in the Council's budget and (b) elements of the work of Islington's Fairness Commission other than the issues it would be scrutinising itself, were also worth considering. The Committee therefore requested that:

- 1) The Mayor give consideration to whether Lewisham could develop a fairness test, similar to the one developed by the Islington Fairness Commission, to test the fairness of budget proposals and their impact on residents; and consult the public on this issue via the local assemblies.

This request was presented to the Mayor on 13 July 2011.

- 2) Each Select Committee consider the recommendations made by the Islington Fairness Commission relevant to the remit of their committee and consider whether they might be applicable to Lewisham.

In response to this, officers completed a mapping exercise to identify the links between existing Select Committee work programmes and the recommendations arising from the Islington Fairness Commission. Most of the topics covered by the Islington recommendations mapped to existing Select Committee areas of work. A couple of potential gaps, however, were noted. Each Select Committee received the results of the mapping exercise at their September meeting.

- 4.4 The Committee agreed the following timetable for its review:
- 14 July 2011 – evidence session on procurement
  - 12 January 2012 – evidence session on pay and employment practices
  - 27 March 2012 – consideration of any work carried out by other Select Committees and any work carried out on developing a fairness test for the budget
  - First meeting of the 2012/13 municipal year – agreement of a final report and recommendations.
- 4.5 Rather than wait until the new municipal year to present the recommendations on procurement arising from the evidence session held on 14 July, the Committee produced an interim report in October 2011.

## **5. Financial Implications**

- 5.1 There are no specific financial implications arising out of this report. The impact of any changes in existing practices set out in appendix 1 will be contained within existing budgets.

## **6. Legal Implications**

- 6.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).

## **7. Equalities Implications**

- 7.1 The Council works to eliminate unlawful discrimination and harassment, promote equality of opportunity and good relations between different groups in the community and recognise and take account of people's differences.

## **8. Crime and Disorder/Environmental implications**

- 8.1 There are no specific implications.

## **BACKGROUND INFORMATION**

If you have any queries on this report, please contact Charlotte Dale, Scrutiny Manager (0208 3149534), or Kevin Flaherty, Head of Business & Committee (0208 3149327).



## Response

The Committee made the following recommendations:

### Encouraging Local Businesses

1. **Formal Targets:** The Committee notes that currently only 14.88% of Council suppliers are based in Lewisham but accepts that Lewisham is not a particularly industrial or commercial borough and the Council is limited by the number of companies based in Lewisham. However, the Committee would like officers to set a realistic target for increasing the proportion of its suppliers that are based in Lewisham and a more ambitious target for the percentage of suppliers based in the south east London sub region.

### Response :

The opportunity to increase the number of local vendors is linked to Recommendation 2a below, by making it mandatory to include local suppliers in the quotation process it is foreseen that this will lead to more commissions being placed locally. However, the quotation process will still be required to achieve 'value for money' for the Council in any decision to place a contract. Officers have reviewed practice in surrounding boroughs and this shows that formal targets are not set. Consideration will be given to setting an appropriate target for 2012-13 once baseline figures for 2011-12 are confirmed.

### 2. **Mandatory quotes from local suppliers:**

(a) The guidance issued on procurement and contained in the constitution should be amended (and re-issued to all staff able to let contracts) to require officers to obtain a quote from at least one local company in respect of all contracts under £40k and over £500, if a local supplier exists. This will include contracts under £10k where, currently, only one quote is required.

(b) In relation to this, the procurement team needs to offer guidance to officers in terms of finding appropriate local companies.

(c) Officers should also be encouraged to offer feedback to Lewisham companies in cases where they have been unsuccessful, so they can improve their chances in respect of future opportunities.

The Committee recommends that the e-procurement tool being developed by the procurement team is used for all Council procurement, including procurement under £10k, and incorporates recommendations (a), (b) and (c) above.

### Response :

Recommendation (a) requires the revision of the Contract Procedure Rules contained within the Constitution. Officers in Legal and Procurement are progressing this action, which will be included in the next version of the Constitution which will be presented to the Constitutional Working Party and then Council for approval.

Recommendation (b) officers in the Economic Development team together with the Business Advisory Service are collating a database of local suppliers.

This together with a web link to the South East London Chamber of Commerce membership database will form the basis of guidance to buyers within the Council to facilitate knowledge of local businesses. Recommendation (c) feedback is offered to all businesses that tender for work with Lewisham, this includes the strengths and weaknesses of their bids.

The Procurement team are currently assessing the e-tendering tools on the market and are planning to make a recommendation to the Director of Programme Management & Property in the new year.

- 3. Procure4london:** The Committee notes that the Greater London Authority (GLA) and all London local authorities are being encouraged to sign up to the *procure4london* portal which allows suppliers access to a single avenue for public procurement opportunities in the capital with standard procedures and policies. The Committee would like to be reassured that Lewisham is fully signed up, that a link to the portal is featured on the Council website and that the portal is actively promoted to local businesses.

**Response :**

Lewisham has registered with procure4london and a member of staff within the Procurement team has undertaken training as a 'Super User'. The portal is not yet fully functional but opportunities are being placed on the portal and the link to the portal has been added to the procurement page on the Lewisham website.

- 4. Data and events:** The Council should consider whether the data available on the website regarding spend above £500 can be made more useful for local businesses, to enable them to get a better idea of the type of Council contracts that are available, who lets these contracts and when they are up for renewal. Officers should also investigate ways of bringing together local businesses with Council buyers, including holding service based events.

**Response :**

Data is provided in CSV and PDF formats, which are the standard formats used by most Councils as the former can be manipulated and the latter is easy to read. Lewisham currently provides greater clarity in relation to its spend above £500 than other Council's, but will review content on a regular basis. In relation to the information regarding the contracts this has been included on the website for a number of years, but this is being reviewed in light of the Localism Act and the introduction of the 'Right to Challenge' (guidance awaited). On a number of procurement projects 'Supplier Days/Sessions' are held in advance of the formal tender period to raise the profile of the project and to engage with suppliers to ensure that the Council's requirements are understood. The Procurement team will ensure that colleagues consider the use of this activity, and the procurement guidance will be amended to incorporate this approach.

**Social Considerations in contracts**

- 5. More social considerations:** Procurement officers should seek comprehensive legal advice on what can and cannot be incorporated into contracts in terms of social considerations. Specifically, advice should be sought on whether suppliers can be asked to (a) adhere to a pay differential below a certain ratio and regularly report their pay differential; (b) aim for a

50/50 gender ratio in apprenticeships; (c) recognise relevant staff unions; and (d) reach a particular minimum level of Continuing Professional Development (CPD) for their workforce and adhere to the Skills for Care and Development (SCD) recommended minimum percentage for investment in training. If not legally possible, the Council should strongly encourage suppliers to adopt socially responsible practices such as these. The Committee would like officers think more creatively about how social considerations can be incorporated into contracts, taking into account legal advice and also best practice from other local authorities and organisations, including TfL.

**Response :**

Lewisham is the leading London Borough in the implementation of the London Living Wage with its third party service providers. We are developing the requirement to include other social considerations within our contracts; for example provision of apprenticeships, offers of work experience or placements. This will be a contractual obligation.

On the 13<sup>th</sup> December 2011 Lewisham endorsed the 'The Procurement Pledge on Employment and Skills' sponsored by London Councils. The pledge, which will be developed on a borough by borough basis, relates to training and job opportunities created by procurement activity.

**Legal issues:** It is important to note that S17 of the Local Government Act 1988 is still in force which places a duty upon local authorities when exercising their functions in relation to letting contracts to do so without reference to non-commercial considerations. This Section defined non-commercial considerations to include the terms and conditions of employment by contractors of their workers or the composition of, the arrangements for promotion, transfer or training of or the other opportunities afforded to their workforces. It also includes the conduct of contractors or workers in industrial disputes between them.

The Local Government Act 1999 amended the 1988 Act referred to above to enable local authorities to take into account appropriate workforce matters in the award of contracts insofar as is consistent with their EU obligations and the achievement of value for money.

It is permissible to require contractors to provide for apprenticeships and work placements under EU law and under UK law provided this represents value for money.

The requirement that contractors adhere to a pay differential below a certain ratio and regularly report on a pay differential (5a) presents a potential problem in that employers cannot release information relating to their employee's pay without that employee's consent under the Data Protection Act 1998 unless it is in the public interest. It could be argued that where contractors work for public authorities which is being paid for out of the public purse it is in the public interest to be informed of pay differentials. This has to be balanced against the freedom of employers to be able to determine the remuneration for their employees. It also has to be shown that it represents VFM if employers/contractors have a fairer pay differential.

The requirement at 5(b) that contractor employers aim for a 50/50 gender ratio in apprenticeships is problematic in that it could give rise to claims of discrimination in that the best applicant should be offered the apprenticeship

and a potential breach of the Equality Act 2010 which makes it unlawful to instruct, cause or induce someone to discriminate against a person on the ground of gender.

The requirement that contractor/employers recognise relevant staff unions 5 (c) exceeds what is required under national law. The unions can in appropriate circumstances ask the employer to agree to voluntary union recognition and can ask for an order to be made by the Central Arbitration Committee for compulsory recognition. Again a value for money argument would have to be made to justify use of this requirement which is expressly stated to be a non commercial matter under Section 17 referred to above.

The requirement that contractors/employers ensure that their employees reach a particular minimum level of continuing professional development 5 (d) again requires the value for money justification.

In relation to the London Living Wage it is unlawful under EU law to set a mandatory regional minimum wage although a national statutory minimum wage is recognised under EU law. It is however lawful on a case by case basis when procuring contracts to request contractors to price contracts on the basis of what it will cost if they pay all their employees working on the contract a London Living Wage and by contrast the price if they did not do so. The decision maker would then, on a value for money basis determine whether the bidder offering to pay the London Living Wage, all other things being equal offered value for money in that the improved pay levels would better guarantee a stable and more motivated work force.

6. **More robust contract monitoring:** The Committee welcomes the fact that from September, all Council contracts will be more robust, contract monitoring will be improved and the code of practice will be updated for new suppliers. Contract monitoring needs to be rigorous across the piece, with robust enforcement and a range of formal targets - and informal targets (around best practice) where it is legally impossible to enforce formal targets. In relation to this, the Committee recommends that new contracts should require the provision of more detailed management information so officers can better monitor how social considerations are adhered to.

**Response :**

The Code of Practice was amended at the Mayor & Cabinet (Contracts) meeting held on the 7<sup>th</sup> December 2011. Included in that revision was sections in relation to Apprenticeships and Local Employment and Business, as well as the Bribery Act.

The Director of Programme Management & Property has instigated a review of contract management practices, and it is planned to spread best practice to cover all client areas. Another specific change in monitoring is also occurring due to the introduction in many contractual arrangements of 'Payment by Results'. It is also planned to incorporate strategic contract management and monitoring meetings with third party suppliers to address issues surrounding social considerations and equality issues.

7. **More joint working:** The Committee is pleased that procurement officers are working with other councils on standardised contract specifications and joint clienting arrangements. This makes it easier for local suppliers to bid for work

with local councils, particularly in south and south east London; and also ensures that suppliers do not charge different local authorities different prices for the same services. The Committee would like to see the Council increase joint procurement with other local authorities, so collective spending power can be used as a lever to introduce more social considerations into contracts.

**Response :**

Lewisham is actively working on a number of joint projects, including Closed Circuit Television Management & Maintenance (Bromley), Oracle Implementation (Barking & Dagenham, Brent, Croydon, Havering, Lambeth), Parking Enforcement (Southwark), Welfare Catering (Lambeth, Southwark). As part of the South East London Procurement Group (Bexley, Bromley, Greenwich, Lambeth, Lewisham and Southwark) a co-ordinated work programme has been developed from an earlier Capital Ambition project with the aim of developing collaborative procurement opportunities.

# Agenda Item 16

MAYOR & CABINET		
<b>Report Title</b>	Exclusion of the Press and Public	
<b>Key Decision</b>	No	Item No.
<b>Ward</b>		
<b>Contributors</b>	Chief Executive (Head of Business & Committee)	
<b>Class</b>	Part 1	Date: 18 January 2012

## Recommendation

It is recommended that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12(A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information:-

- 17 BSF Crossways Sixth Form - Stage 1
- 18 BSF Abbey Manor College Stage 2
- 19 Disposal of 12-26 Friendly Street
- 20 Baring Hall Hotel Part 2 Appendix

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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