

Overview and Scrutiny Management Board Agenda



Date: Monday, 5 October 2020

Time: 3.15 pm

Venue: Virtual Meeting - Zoom Committee Meeting
with Public Access via YouTube

Distribution:

Councillors: Geoff Gollop (Chair), Celia Phipps (Vice-Chair), Anthony Negus, Stephen Clarke, Claire Hiscott, Lucy Whittle, Paula O'Rourke, Brenda Massey, Jo Sergeant, Mark Brain and Jeff Lovell

Copies to: Mike Jackson (Chief Executive), Jacqui Jensen (Executive Director - Adults, Children and Education (DCS)), Stephen Peacock (Executive Director for Growth and Regeneration), Tim O'Gara (Director - Legal and Democratic Services), Tim Borrett (Director: Policy, Strategy & ICT), Patsy Mellor, Denise Murray (Director - Finance & Section 151 Officer), Lucy Fleming (Head of Democratic Engagement), Johanna Holmes (Policy Advisor - Scrutiny), David Fowler (Members' Office Manager (Conservative)), Stephen Fulham, Zarah Jama, Paul Shanks, Anne Addison, Dan Berlin (Policy & Scrutiny Advisor) and Bronwen Falconer (Policy & Scrutiny Advisor)

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Date: Friday, 25 September 2020



Agenda

6. Public Forum

Up to 30 minutes is allowed for this item

(Pages 3 - 11)

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by 5 pm on **Tuesday 29 September**

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on **Friday 2 October**



Overview & Scrutiny Management Board 5 October 2020 Public Forum



Questions

Ref	Name	Agenda item
Q1	J McEwen	

Statements and Petitions

Ref	Name	Agenda item
S1	J McEwen	
S2	D Redgewell	10. Cabinet - 6 October 2020 8. Temple Quarter Update 7. Clean Air Zone



Public Forum Questions**Questions: Jim McEwen of BS5 Secondary forum**

We would like the appropriate Council Officers and Councillors to provide answers to the following questions and set out what practices are now in place to ensure the same mistakes do not happen again.

Relinquishing control of the school build

In 2013, 2014 with full knowledge of the upcoming population bulge that would hit secondary education, what risk assessment and strategic planning did the Council undertake to ensure sufficient places would be available from 2018 onwards? Please provide risk assessment or strategic planning evidence.

What is the normal process for decision making on whether or not to open a new school via the 'presumption route' or by leaving it to a 'Free Schools' application? - A copy of the policy or guidance document that applies to this decision making.

We would like to see documented written justification for the Council electing NOT to create a new secondary school via the 'Presumption route' - this would have ensured the Council would have remained in control of the project and would have been required to set an opening date - thus driving the project forward. What was the criteria used to determine whether or not a 'presumptive' or 'free schools' route was to be used? What was the scoring/ assessment of this criteria?

Who was specifically responsible for making the decision NOT to apply for a new school via the 'presumption route' - why did they make this decision?

Please confirm the date when the decision was made to deliver the school via a Free Schools programme rather than presumption.

Please provide the business case made to determine the use of the Free Schools programme as opposed to a 'presumption' route.

How did Bristol City Council consider the public sector equality duty in making the decision NOT to take control of delivering the school?

<https://www.citizensadvice.org.uk/law-and-courts/discrimination/public-sector-equality-duty/what-s-the-public-sector-equality-duty/>

Above all, how were the needs of local children factored into the decisions about the most efficient way to deliver high quality education in east Bristol?

Tendering of Free Schools application

We understand the free School application was opened to education providers to tender. How were providers given an opportunity to express an interest or informed of the process for invites to tender including who was invited to express an interest? A copy or outline of the invitation/engagement event.

How many education providers were invited to tender? How many submitted a tender document? How was fair competition safeguarded in the tendering process?

Project management following decision to allow Dept for Education to manage the building of the school via the 'Free Schools' route

What project management system was in place by Bristol City Council to keep abreast of progress of the Oasis Temple Quarter Secondary School?

Please provide any evidence given to Bristol City Council by the Department for Education regarding timescales for delivery of the new school via the Free Schools programme. Did the Dept. for Education give Bristol City Council a target date for opening the new school? What milestones and timescales did the Dept, for Education provide Bristol City Council. Who within the Council scrutinised the DfEs project plan?

What risk assessment was undertaken by Bristol City Council in the event that the School would not be open by 2018? What contingency plan or Plan B was produced to mitigate the effects of the school not opening on time? When was this produced? Please provide the documentary evidence.

Please provide meeting minutes for periodic reviews of the progress of the Oasis Temple Quarter secondary school between in April 2017 to September 2021. Internal meetings (school team and Officers and Councilors and meetings with the Dept. for Education).

Provide the date when an assessment for a temporary school site was undertaken by Bristol City Council on behalf of the Dept for Education.

Provide the scoping document that was produced highlighting potential temporary school sites? Knowing that the planning approval for the school was delayed, why did the Council not undertake a search for a temporary site sooner in order to ensure that as soon as Planning was approved there was a viable temporary school site ready to go?

Above all, why has Bristol City Council allowed this situation to drift without a concrete plan to provide a quality solution to a clear educational need?

Complete lack of community engagement

Why didn't Bristol City Council establish any public communication programme to keep local people up to date with the progress of the school?

Why has it been consistently left to local groups such as the BS5 Secondary Forum to highlight delays, raise concerns and generally keep the project moving?

Why did Bristol City Council (and the Regional Schools Commission) refuse to allow members of the local community to be part of the Oasis Temple Quarter/ east Bristol shortfall 'Working Group' set up in February 2020?

Why, with Sept 2021 admissions currently open, has Bristol City Council still not set out precisely where children will be able to go to school? When will local people be told what the plan is?

What are the legal consequences of publishing erroneous 'Published Admission Numbers' of schools during the admissions process? If parents are choosing schools with no accurate knowledge of actual intake numbers, what repercussions will there be in terms of appeals?

In summary

Poor decision making and poor project management means that children in east Bristol have been failed by the people who should have put their interests first. These children deserve an apology and a promise that this Local Authority will make specific changes to ensure this casual approach to school planning cannot be allowed to happen again.

Bristol City Council should now commit that temporary expansions will be adequately funded and that no child will be disadvantaged as a result of this failure.

Bristol City Council should explain how the Oasis Temple Quarter Temporary School project will be managed going forward.

Bristol City Council should commit to involve primary stakeholders in school place planning going forward.

Bristol City Council to commit that every child in east Bristol will be offered a school place in east Bristol.

Answer: Service Director – Education and Skills

Note: A number of the above questions have also been submitted as a Freedom of Information request. The responses will therefore be processed by Bristol City Council officers in line with the relevant legislation. Due to the complexity of a number of the requests made it was not possible to provide written responses to all questions within the OSMB publication deadline but answers will be provided in due course. The responses available today are detailed below.

Presumption/Free School

The proposals for 3 new schools came from the “Integrated Education and Capital Strategy” from 2015. At this point Free Schools were the only way to get new schools.

The 2 routes differ mainly around funding and delivery. The presumption route is where the LA has the capital to deliver the school (from S.106 from housing developments or Basic Need for example). We were not in a position to do this, at that point, due to the amount of surplus capacity across the secondary schools. The strategy made clear that this would change very quickly as the primary bulge moved up through the year groups. The number however would not have delivered sufficient Basic Need grant to fund 3 new schools.

The route that resulted in the 3 schools agreed for Bristol, is not the decision of the LA. The sponsor Trust makes the application. BCC supported Oasis, as there was clearly a need, but the LA does not make the application, nor become involved in any tendering process.

As an LA we are asked if we support a free school proposal, however it is the school trusts that make the applications and the SoS/DfE that make decisions.

Admissions Information

Published Admission Numbers are the minimum a school can admit if there are sufficient applications. The PAN for an Academy cannot be changed without going through the appropriate RSC decision making and changes to the Funding Agreement however a school can always admit more, without consultation. The published PANs therefore are accurate.

Public Forum Statements

Statement 1 prepared by Jim McEwen of BS5 Secondary forum.

The BS5 Secondary Forum is a parent-led forum to discuss secondary education provision in BS5 in terms of the lack of places and choice whilst striving for quality. See <https://www.facebook.com/BS5secondaryeducationforum> and <https://twitter.com/BS5secforum>

Recent press:

https://www.bristolpost.co.uk/news/bristol-news/desperately-needed-new-secondary-school-4546573?utm_source=linkCopy&utm_medium=social&utm_campaign=sharebar&fbclid=IwAR3lYsbbq-3muMa9JLsBe3OIB8s_pK4ei-3Tq74A6fxWNgUW0h-verdfDA

We are writing to ask the OSMB to review the decisions and general project management carried out by Bristol City Council leading up to the failure to open a new secondary school (Oasis Temple Quarter Secondary School) in east Bristol in order to meet an acute local need.

We believe the People Scrutiny Panel should undertake a review of what went wrong to ensure it is not allowed to happen again and that the Oasis Temple Quarter School opens successfully for the 2022 intake.

Why should the OSMB/ People Scrutiny Panel review this process?

Risk to quality of education

The failure to open a new school in a timely manner has a clear and direct affect on children living east Bristol. Existing schools have been asked to expand dramatically over the past three years and will have to further add capacity this year in order to cater for the shortfall anticipated to be around 200 children. This approach clearly risks the quality of education available in east Bristol.

The Oasis Temple Quarter School would have been a state of the art building at the heart of the temple quarter development with embedded links to the University and local tech companies. Thus offering a fantastic learning opportunity to children in one of the most deprived parts of Bristol.

Instead we are faced with more children being squeezed into already oversubscribed schools thus jeopardising those schools' ability to continue to make improvements.

No meaningful choice in education

The failure to open a school with a new provider means there is in effect very little 'choice' in educational opportunities in east Bristol. All three east Bristol Secondary Schools (Bristol Met, Bristol Brunel Academy and City Academy) are all Cabot Learning Federation schools. Furthermore the increased pressure on places, means that realistically a child/ parent's only choice of school is their 'priority area' school.

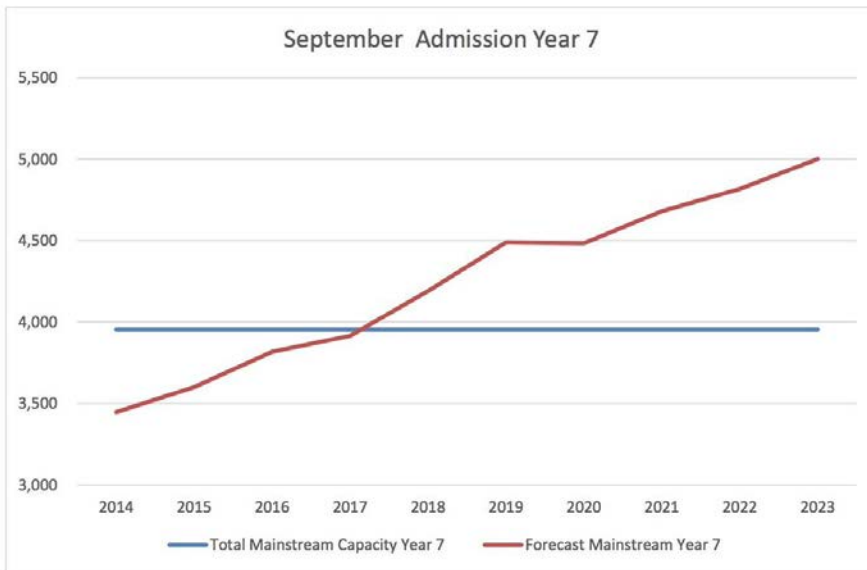
A disproportionate adverse effect on those most at need 50% of children in Lawrence Hill live in poverty. Disadvantaged pupils in England are over 18 months of learning behind their peers by the time they finish their GCSEs – the same gap as five years ago. If the Oasis Tempe Quarter School had opened in 2018, as was promised, it could have helped to bridge this attainment gap in the local area.

The impact of the Coronavirus lockdown and school closures will have recently set disadvantaged children back further. The opportunity to recover from this is hamstrung with social distancing and other learning restrictions imposed on oversubscribed schools.

Timeline of events

Below is a timeline of events summarising the various stages of the secondary school project.

2014: A BS5 population bulge hits primary school. Many primary schools expand and a new school in Redfield is built. Everyone knows that in 2021, this same population bulge will hit secondary.



YEAR	2018 SCAP Projection	2018 Oct Census Data Projection	Year 7 Capacity	SCAP vs Capacity	Census vs Capacity	Av surplus / deficit
2018/2019	987	832	757	-230	-75	-153
2019/2020	1043	876	757	-286	-119	-203
2020/2021	1043	879	757	-286	-122	-204
2021/2022	1080	911	757	-323	-154	-239
2022/2023	1127	948	757	-370	-191	-281
2023/2024	1144	958	757	-387	-201	-294
2024/2025	1143	965	757	-386	-208	-297
2025/2026		921	757		-164	-164

Chart and table produced by Bristol City Council around 2014.

2017: Oasis Temple Quarter free school agreed in principle to open in 2018. Unusually for a school opening to meet critical need, it is NOT a "presumption free school". This means Bristol City Council give up control over timescales.

2018: School does not open. We are now told it will open in 2019. A site is found near Temple Meads, as part of the Silverthorne Lane development. The school is not a standalone project but part of a large and complex mixed-use development on a site with many constraints.

2019: School does not open. In August 2019, six months later than planned, planning is finally submitted. Hundreds of parents submit comments supporting the school, but there are significant objections from the Environment Agency and Historic England.

2020: School does not open. Silverthorne Lane proposals stuck in planning negotiations for almost a year. On 5 August, planning finally agreed, but the Environment Agency maintain their objection, meaning the application has to go to Robert Jenrick MP for approval.

Whilst all this is happening Bristol City Council's suggested site for a temporary school is rejected by the Dept for Education as not being fit for purpose.

On 31 August, Robert Jenrick MP requests more time to review the application. With all the delays, a 2021 opening was already extremely tight. It now becomes impossible.

2021: The new school will not open. East Bristol now has a shortage of over 200 Year 7 secondary places for September 2021.

Statement 2, David Redgewell

We welcome the progress on the plans for this Quarter of the city but we are still concerned about the access to the Station for bus services especially with the new eastern entrance which will require bus services to the new university' campus.

The bridge heights mean that only single decker bus can access the back of the station.

East Bristol and Kingswood have no direct access to the back of the station. The only access is by railway via bus services to Lawrence Hill station and has limited disabled access. 6 7 37 42 43 44 45 from Kingswood, Hanham and St George and take the train service to Bristol Temple meads or change at Old Market Street and walk to the back of the station or the 8 or 72a bus to Temple Meads station or 376 178 to the bottom of the approach road. 506 bus stops in Avon Street in one direction only. The answer is to look at lowering Cattle Market Road under the bridge by a few feet to allow double decker access to the station at Temple gate. This would allow a new bus network from East Bristol to operate from the Kingswood and East Bristol area via Feeder Road and to the Brislington and St Anne's area of the city link the 99 route did years ago.

The university will require better bus access and with social distancing single decker bus capacity is limited to 18 seats, 33 on a double decker.

We also want coach access to the station for National Express Coaches and Megabus as these operators like to serve university campuses.

There needs to be booking ticket facilities at the eastern entrance.

Covid 19 update issue

We wish to raise concerns about the city centre and Haymarket and Broadmead bus stops and shelters need to be spaced out with social measures since the bus stop reopened on Horsefair and Penn Street. Passengers have failed to social distance at bus stops and shelters. There is a need to look at notices on the pavements to enforce social distancing and to wear face coverings on the shelters. This is despite notices by Travel West. Part of WECA mayoral transport authority.

This issue needs to be looked at by Bristol city council Transport and the WECA mayoral transport authority.

We should look to the government to plan for more journey makers in Broadmead or covid 19 social distancing marshals similar to those provided by Cornwall council in Truro and Newquay. Paid for by the police and crime commissioner.

With covid rates rising wearing face coverings on public transport Avon and Somerset Police, British Transport Police and Bristol Port Police need to take enforcement action.

Social distancing marshals will help. Can this issue be raised with WECA mayoral transport authority and the police and crime commissioner Sue Mountsteven and assistant police and crime commissioner John Williams, and the Director of public health for Bristol city council.

It is very difficult outside Primark, stops around Debenhams, and Penn Street shop.

This issue needs addressing with covid 19 cases rising social distancing is very very important on the public transport network and at Bus stop interchanges and Railway stations.

Clean Air Zone

We are still concerned about the effects on tourism in the City region.

At the Bristol Transport board concerns were raised about the possibility of changing tourist coaches to the city centre and harbour as many tourists Coaches are not euro 6.

Rupert Cox, MD of Stagecoach West and South Director of that company, explained that Stagecoach, Megabus are all euro 6 on schedule services from Bristol Bond street bus and coach terminal but duplication vehicles are not necessarily the case both for Megabus and National Express Coaches.

This being the case with social distancing on coach service from Bond street and the bus and coach station.

Flex bus also operates from Bristol Bond street to London Victoria coach station and some European services.

On bus services Stagecoach West Bristol second biggest bus operator has a large number of buses on service in Bristol Bath city region with none euro 6 engines on contract to the WECA mayoral transport authority which need upgrading with grants similar to First group West of England buses and HCT group buses.

A meeting was being arranged to talk to Councillor Kye Dudd about these issues and the WECA mayoral transport authority as Stagecoach West has brand new network of Bus services in North Bristol.

So these issues still need addressing as does the issue of First Great western railway replacement service operated for the Department for transport and Network rail by first group.

Whilst the law is to provide wheelchair accessible Coaches by December 2020 not all coaches again are Euro 6 engines, so if there is a change in the coach industry and passengers fares or grant through the Department for Transport covid 19 bus operators Grant's for schedule services.

The coach service issue needs addressing. Tourism is worth 1.4 billion pounds to the city economy and 600 000 jobs. They're protecting public transport and coach services are important.

We also noted the lack of progress on a proper coach station facilities in Bristol, now an issue for WECA mayoral transport authority as well as Bristol City Council.

These public transport network issue need to be addressed in conjunction with the CAZ in both Bristol and Bath city centres.

As WECA is now the transport authority we hope that if Bristol is to charge then a smart card system could be used across the WECA mayoral transport authority area.

We do welcome a Clean Air Zone and the closure of road around Bristol Bridge and Bristol city centre to the private car, of course WECA must provide alternative public transport services.

We also need electrification on the Railway network on the Great western main line through Bristol and Bath city region.

David Redgewell, South West Transport Network and Railfuture Severnside.