



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 4 April 2017

Committee: Cabinet

Date: Wednesday, 12 April 2017

Time: 12.30 pm

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.

The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of Cabinet

Malcolm Pate (Leader)
Steve Charmley (Deputy Leader)
Karen Calder
Lee Chapman
Simon Jones
David Minnery
Cecilia Motley
Malcolm Price
Stuart West
Michael Wood

Deputy Members of Cabinet

Peter Adams
Nicholas Bardsley
Gwilym Butler
Dean Carroll
Nic Laurens
Robert Macey
Robert Tindall

Your Committee Officer is:

Jane Palmer Senior Democratic Services Officer

Tel: 01743 257712

Email: jane.palmer@shropshire.gov.uk

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May 2015

AGENDA

1 Apologies for Absence

2 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

3 Minutes (Pages 1 - 4)

To approve as a correct record and sign the Minutes of the Cabinet meeting held on 22 March 2017.

Contact: Jane Palmer Tel: 01743 257712

4 Public Question Time

To receive any questions or petitions from members of the public, notice of which has been given in accordance with Procedure Rule 14. Deadline for notification for this meeting is 5.00pm on Friday 7 April 2017.

5 Scrutiny Items - Report from the Planning Task and Finish Group 2016/2017 (Pages 5 - 12)

To consider the report from the Planning Task and Finish Group 2016/2017.

6 Proposal to approve the establishment of the Shropshire Education Trust (a Local Authority Facilitated Multi-Academy Trust) (Pages 13 - 64)

Lead Member – Councillor David Minnery – Portfolio Holder for Children and Young People.

Report of the Director of Children's Services

Contact: Karen Bradshaw Tel: 01743 254201

7 Revocation of Air Quality Management Area (Pages 65 - 70)

Lead Member – Councillor Malcolm Price – Portfolio Holder for Planning, Housing, Regulatory Services and Environment.

Report of the Director of Public Health

Contact: Professor Rod Thomson Tel: 01743 253934

8 Exclusion of the Public and Press

To resolve that, in accordance with the provisions of Schedule 12A of the Local Government Act 1972, and Paragraph 10.4 (3) of the Council's Access to Information Procedure Rules, the public and press be excluded during consideration of the following item/s.

9 Connecting Shropshire Phase 2b - Procurement Outcomes (Pages 71 - 90)

Lead Member – Councillor Steve Charmley – Deputy Leader and Portfolio Holder for Business and Economy

Report of the Director of Place and Enterprise

Contact: George Candler Tel: 01743 255003

10 Confidential Minutes (Pages 91 - 92)

To approve as a correct record and sign the confidential Minutes of the Cabinet meeting held on 22 March 2017.

Contact: Jane Palmer Tel: 01743 257712



Committee and Date

Cabinet

12 April 2017

12.30 pm

CABINET

**Minutes of the meeting held on 22 March 2017 in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND
12.30 pm – 12.45 pm**

Responsible Officer: Jane Palmer
Email: jane.palmer@shropshire.gov.uk Tel: 01743 257712

Present

Councillor Malcolm Pate (Leader)
Councillors Steve Charmley (Deputy Leader), Lee Chapman, Simon Jones,
David Minnery, Cecilia Motley, Malcolm Price, Stuart West and Michael Wood

150 Apologies for Absence

Apologies were received from Councillor Karen Calder.

151 Disclosable Pecuniary Interests

None were declared.

152 Minutes

RESOLVED:

That the Minutes of the Cabinet meeting held on 1 March 2017 be approved as a correct record and signed by the Leader.

153 Public Question Time

No questions had been received by members of the public.

154 Scrutiny Items

There were no scrutiny items to consider.

155 Use of Consultants Policy

The Portfolio Holder for Corporate Support presented the report from the Head of Human Resources and Development on the proposed simplification of the procedure for using consultants by incorporating the Use of Consultants Protocol into the Council's Contract Procedure Rules. The report also outlined the need to review and update the Protocol in line with changes to IR35 legislation.

Responding to a question from a Member, the Leader agreed to circulate to all Group Leaders the number of staff working for the Council in this way.

RESOLVED:

- i) That the simplification of the procedure for using consultants by codifying the Council's requirements from the 'Use of Consultants Protocol' by incorporating the protocol into the Council's Contract Procedure Rules, be approved;
- ii) That authority be delegated to the Head of Human Resources and Development to review and update the 'Use of Consultants Protocol' in line with IR35.

156 Community Asset Transfer: Conduit Head, Nobold

The Portfolio Holder for Corporate Support presented the report of the Director of Place and Enterprise recommending the transfer of Conduit Head, Nobold, by way of a 99 year lease.

RESOLVED:

- a) That a 99 year full repairing and insuring lease of Conduit Head, Nobold, be granted to the Organisation;
- b) That delegated authority be granted to the Strategic Asset Manager to agree final terms for the lease and to complete the transaction.

157 Exclusion of the Public and Press

RESOLVED:

That in accordance with the provisions of Schedule 12A of the Local Government Act 1972, and Paragraph 10.4 (3) of the Council's Access to Information Rules, the public and press be excluded during consideration of the following item.

158 Shrewsbury Pitch and Putt Golf Course

The Portfolio Holder for Corporate Support presented the confidential report of the Director of Place and Enterprise on the Shrewsbury Pitt and Putt Golf Course.

RESOLVED:

That the four confidential recommendations, as detailed in the report, be approved.

159 **Exempt Minutes**

RESOLVED:

That the confidential Minutes of the Cabinet meeting held on 1 March 2017 be approved as a correct record and signed by the Leader.

Signed

(Leader)

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Date:

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Committee and date

Cabinet

12 April 2017

REPORT OF THE TASK AND FINISH GROUP ON PLANNING 2016/17

Contact: Steve Davenport, Chairman of Task and Finish Group
Email: steve.davenport@shropshire.gov.uk

1.0 Summary

- 1.1 This paper presents the report and recommendations of the 'Task and Finish Group on Planning' which have been endorsed by the Enterprise and Growth Scrutiny Committee at its meeting of 23rd March 2017.
- 1.2 A Task and Finish group has been convened on two previous occasions, first in 2013 to look at the process of delivering planning committees in Shropshire in the face of significant financial pressure and again in 2015 which again focussed primarily on the application of procedures. The Task & Finish Group previously reviewed the planning committee process in Herefordshire and Chester & Cheshire West Council with Members meeting representatives and visiting those Local Planning Authorities.
- 1.3 A broader focus was adopted as part of the 2016/17 in the context of a thorough review of the planning (Development Management) service undertaken between February and March 2016. The outline scope, purpose and methodology for the review was presented to Environment and Growth Scrutiny Committee on 17 March 2016.
- 1.4 Elements of the review touched on the operation of planning committees and the respective role of Members and officers who make planning decisions on behalf of the Council. Although these issues have been considered previously, the second review concluded with a recommendation to look again at planning committee options 6 months following the adoption of the SAMDev plan (December 2015). This was in recognition that prior to the adoption of the SAMDev plan there had been a significant number of speculative and controversial planning applications that had a direct impact on the planning process and in particular the number of applications where committee referral was sought.
- 1.5 The Enterprise & Growth Scrutiny committee considered that it would be useful to review these elements through the creation of a Task and Finish Group. The planning review also identified changes to the service required to ensure that it is equipped and responsive to delivering sustainable economic growth.

1.6 The Task and Finish group was established following a call form members and met first on 17th October 2017 with the following objectives:-

1. **To consider the findings of the planning review with respect the operation of the current Planning Committee system and to review the areas for improvement suggested in the report with particular regard to a reduction in the number of planning committees from 3 to 2.**
2. **To review other findings emerging from the planning review identified in Table 1 and make recommendations having regard also to the findings and recommendations of the review reported to Enterprise & Growth Scrutiny in June 2015.**
3. **To explore how the Development Management role can be optimised to support economic growth and identify the most efficient mechanism for delivery.**

2.0 Main Findings

The Task and Finish Group focussed on two broad issues these being the business processes relevant to the delivery of the regulatory process as covered by the planning service review and secondly it considered how the Planning Service could demonstrate a contribution to economic growth. Although it was one of the terms of reference there was no significant discussion about whether to change the committee structure at this time and members considered this would be better reviewed when the new Council was in place following elections in May 2017.

In terms of the regulatory processes and planning performance Members found that:-

- The Planning Service has continued to operate under significant pressure arising from a rapidly changing planning policy context;
- The review of the planning service included a business process review and this will lead to changes with key stakeholders to improve efficiency and effectiveness. Briefing notes have been issued to stakeholder groups in respect of planning enforcement and communication with parish councils to date and further briefing notes will be issued to stakeholders in due course.
- Enhanced professional relationships with other key stakeholders such as planning agents and developers have been developed as the service operates with a renewed focus around sustainable economic growth. This includes more regular agents forums and working with particular stakeholder groups to understand where the barriers to delivering sustainable development on the ground lie;
- The planning service is being re-designed to provided enhanced processes and dedicated resource to deal with planning enforcement and compliance. Members sought more regular updates on planning enforcement reporting;
- The task and finish group recognised specifically that the performance of the planning service is dependent also on the adequacy of resource in other teams and consultees i.e. Highways Development Control, drainage, legal, and public protection;

- The effort to drive delegation up to 96% established by the previous Task & Finish Group has now been achieved;
- 87% of planning applications are determined in accordance with the parish/town council view and that That planning permission currently exists for over 11,000 homes in Shropshire;
- Members supported proposals to give parish councils more time to comment on planning applications increasing the standard consultation period from 21 to 31 days;
- That the service was continuing to prioritise electronic communication with applicants and stakeholders to reduce cost and increase efficiency;
- That the arrangements to involve members in pre-application discussion, should they wish to take part, be strengthened
- Members reviewed issues raised previously by Task & Finish groups reviewing planning committee processes and there was a specific request to Group Leaders in selecting planning committee members that they confirm their ability and availability to attend site inspections for applications being considered by committee;
- Members asked for better location maps to accompany planning applications
- Where paragraph 187 of the National Planning policy Framework was quoted by officers in their reports it should be quoted in full i.e. *“187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”*
- It was confirmed that officers who sign off decisions for delegated reports are not the case officer
- It was confirmed that decision takers on planning applications had to consider late representations.
- There remains a risk with three area committees that policy/process is not applied consistently across the county. The potential risk applies both to members and officers supporting the delivery of planning committee processes. It was agreed to look again at the number of planning committees following the election in May as there would then be new members involved.

Under the third objective members considered three documents explaining planning issues in the context of economic growth. In June 2014 the Royal Town Planning Institute (RTPI) published a document under the title *Fostering Growth: Understanding and Strengthening the Economic Benefits of Planning*. The document is set in a context where some consider planning to be too restrictive and costly despite a very high rate of planning approvals (95% in Shropshire).

The document seeks to highlight the value a strong planning system has in achieving long-term growth. Businesses are attracted to people with the right skill sets and people are attracted to well-connected communities, attractive environments with a strong sense of place.

Fostering Economic Growth highlights 10 recommendations which the RTPI believes will help to create economically successful places. These recommendations are

reproduced below with comments added to set the aspiration in a Shropshire Context. These issues will be reviewed in discussion with the RTPI Chief Executive Trudi Elliott who has agreed at officers request to visit Shropshire later this year to understand further how planning in a large rural Authority is contributing to the delivery of economic growth.

Re-emphasise strategic approach to planning and the economy

1 Enable planning and growth at functional economic level – Local authorities and regions should be encouraged to plan within functional economic areas (FEAs) to fully realise growth potential and make the most of limited resources.

Officer Comment: Contribution to regional initiatives, Midlands Engine, LEP – cross border working with neighbouring authorities, duty to co-operate, strategic sites and development opportunities i.e. i54, Buildwas Power Station, Tern Hill Barracks, North West Relief Road HS2 – identify areas of economic influence both geographically and by sector. This is articulated further in the Council's Economic Growth Strategy.

2 Map policies on central map and develop sustainable growth strategies – Spatial implications of government policies and programmes should be placed on a central map to promote synergies and minimise conflicts.

Officer Comment: Whether on a plan or otherwise this will be captured through the Local Plan review in 2017

3 Encourage champions to lead vision for growth – local authorities should be encouraged to identify a 'Sustainable Growth Champion' to ensure sustainable growth policies taking into account the three dimensions of sustainability are encouraged across teams and implemented in practice.

Officer Comment: member lead opportunity, could be portfolio holder or other member with a remit to work across departments and portfolios to highlight deliver economic growth

Strengthen relationships between developers, planners, politicians and community

4 Demonstrate commitment and benefits to community – Applicants should be encouraged to explicitly demonstrate how a proposed development meets the three dimensions of sustainability and to identify trade-offs in preferred options and alternatives.

Officer Comment: A good idea, highlights the role applicants play in justifying their proposals. Can be reinforced as a message in the pre-application advice applicants are given the opportunity to involve the local member.

5 Promote better cooperation between public and private sectors – More should be done to encourage a sense of duty for public and private sectors to cooperate more closely, where the local authority would be asked to demonstrate how they actively work with private entities to realise approved local plans

Officer Comment: Already developing existing links with planning agents, commercial surveyors and developers. This is in part about understanding the market and customer requirements.

6 Involve community and planners early – Applicants should involve the community and local authority planners early in the process to avoid surprises and delays down the line in addition to provide confidence to investors and increase the speed and efficiency of decision making.

Officer Comment: Positively encouraged through pre-application process task and Finish Group has already highlighted the value of involving the local member at a pre-application stage, particularly where a proposal has wider economic growth aspects.

Acknowledge importance of ‘place’ and support for those responsible

7 Investigate possible benefits of devolution to local authorities – Further investigation is needed to determine the benefits of devolving more power to local authorities such as the ability to retain local business rates and invest in local growth priorities such as housing, transportation infrastructure or skills.

Officer Comment: The Council is a non-constituent member of the West Midlands Combined Authority and working with them to establish how the County can both support and benefit from the targets in their Strategic Economic Plan and initiatives such as the Land Commission and Growth Company. The issues around the retention of Business Rates have been taken through Cabinet by the Head of Finance, Governance and Assurance.

8 Achieve better outcomes with additional financial support – Planning fees to local authorities should be directed to planning services to bolster resources and strengthen the overall team and be supplemented by other resources reflecting the added value planning provides.

Officer Comment: Would clearly support this and suggest that a recommendation of the Task & Finish group is as planning is a paid for service, that planning fees first and foremost are directed to the functions that are involved in the planning process, be it Development Management, Planning Policy, Highways Development Control, Natural & Historic Environment, Ecology, Public Protection, Drainage, or Legal.

9 Enhance economic literacy amongst professionals – There must be a better understanding of the interrelationship between planning and the economy going beyond an understanding of viability amongst all those responsible for creating successful places including professionals and locally elected members.

Officer Comment: In this it is important to understand the performance measures that add value. A smooth and effective planning process is one of these, delivering sustainable communities that provide for local housing and employment opportunities is another. With this comes the importance of delivering infrastructure to serve the housing and employment growth and adding value through design quality in its widest

sense. As part of this process Shropshire Council is launching an annual design award scheme to raise the profile, understanding and quality of built design.

Implement 'customer friendly' approaches

10 Align consenting process and reduce unnecessary paperwork – Local authorities should be incentivised to combine separate consenting processes involving a variety of departments such as transport, building control, environmental services and planning.

Both local authorities and applicants should reduce unnecessary paperwork.

Officer Comment: Agree in principle with this, it is important that consultees to the planning process (internal and external) are aligned, understand and work effectively together to deliver effective and timely outcomes.

3.0 Recommendations

3.1 The Cabinet is asked to endorse the following recommendations:

- 1. That following the election in May there will be a new Council and this would then be an appropriate time to revisit the planning committee options.**
- 2. That the business process review recommendations outlined above are implemented**
- 3. That the recommendations and responses to the RTPI "Fostering Economic Growth be embedded into the culture and operation of the Planning Service.**
- 4. That the Council recognises that the performance of the planning process is dependent not only on the planning team, but also on the resource and capacity of internal and external consultees to the process.**

4.0 Risk Assessment and Opportunities Appraisal

The following risks have been identified:

Breakdown in Member-Officer relationships	A more rigorous approach to consideration of items by Committee may require local members to accept that their request cannot be accommodated.
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Deterioration in reputation of the Council with Parish and Town Councils	Currently Parish and Town Councils in some areas feel that the Council does not listen to them. Refusals to have matters considered by Committee may reinforce this view but evidence
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demonstrates 87% alignment.

That a focus around economic growth could be seen as detrimental to the built and natural environment of Shropshire

The focus will be around “sustainable” economic growth and by its nature that will be development that improves the economic, social and environmental conditions of the area in accordance with paragraph 187 of the National Planning Policy Framework

5.0 Financial Implications

5.1 There are no immediate financial implications as a result of the above recommendations.

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Committee and Date

Cabinet

12 April 2017

Proposal to approve the establishment of the Shropshire Education Trust (a Local Authority Facilitated Multi-Academy Trust)

Responsible Officer Chris Mathews
e-mail: chris.mathews@shropshire.gov.uk Tel: 01743 254566

1. Summary

This report outlines initial progress in exploring the appetite for a school led Multi Academy Trust ("MAT") for Shropshire, the establishment of which is being facilitated by Shropshire Council with the aim of it becoming self-managing. For the purposes of this report we shall use the term Shropshire Education Trust to distinguish it from other forms of Trusts.

The Government is committed to ensuring that all schools become academies by 2022 and that they have an academy order in place by 2020. The government has expressed an expectation that local authorities will step away from school improvement by the end of August 2017.

The Government has reaffirmed its determination to see all schools become academies but has changed its path to reaching that goal from a mandatory requirement that all schools become academies by 2022 to giving all schools the choice to convert to academy status. The Government powers would direct schools to become academies in areas which are underperforming or where the Local Authority (LA) no longer has capacity to maintain schools.

Shropshire has a large proportion of LA maintained schools, and a number have approached the Local Authority to provide some strategic solutions. The LA cannot operate a MAT, but can facilitate and support a group of schools to do this which will ensure a managed and co-ordinated transition from LA maintained status to academy status for Headteachers and governors who choose to be part of it.

Other schools may choose to join one of the existing MATs in Shropshire, or develop their own. It is likely that over time most Shropshire schools will belong to one of a number of MATs.

The DfE and Schools Commissioners at national and regional levels are positive about Shropshire Council working with a group of schools to establish a MAT facilitated by the Council.

2. Recommendations

That Cabinet agrees:

- To support the development of the Shropshire Education Trust that will sit outside of the Local Authority
- That Members and trustees of the Shropshire Education Trust will include representation from the LA (capped at 19.99% under current legislation) and, if church schools are involved in the Shropshire Education Trust, representation from the Diocese
- To the appointment of Members and officers of the Shropshire Education Trust in order to progress matters
- To meet the initial start-up costs of the Shropshire Education Trust of up to £65,000 if the costs cannot be recovered in the event that the Trust is not viable.
- To note that further analysis in respect of the full extent of set up costs is underway, and that a follow up paper will be brought before Cabinet should additional set up costs be required in order to proceed to a proposal to the Regional Schools Commissioner

REPORT

3. Risk Assessment and Opportunities Appraisal

The risks associated with establishing the Shropshire Education Trust in the short term include the deflection of officers' focus from their day to day work of monitoring, challenging, supporting and intervening to secure school improvement. This may lead to a decline in provision and outcomes for pupils and a reduced proportion of good and better schools.

In the medium and long terms, the establishment of the Shropshire Education Trust will reduce the accountability of schools to the LA: the provision of the Shropshire Education Trust is likely to encourage school governors to convert to academy status earlier than they may otherwise have done and academies are directly accountable to the Secretary of State (SoS) for Education through the Regional Schools Commissioner (RSC).

There is, however, greater risk of reduced accountability and influence over the medium and long terms if the LA does not facilitate the establishment of

the Shropshire Education Trust. Governors are likely to respond to national policy by turning to other providers from within or outside of Shropshire and this may result in a disconnected collection of small MATs across the LA that will not achieve the flexibilities and economies of scale necessary to sustain good and better provision and outcomes for Shropshire pupils.

Opportunities associated with establishing the Shropshire Education Trust may include the retention of some of the expertise of officers who are currently employed in LA education support services. It will also provide the opportunity to establish a strong and cohesive network of academies to promote and ensure collaboration for sustained improvement of provision and outcomes for pupils. If large then the Shropshire Education Trust would have the economies and flexibilities of scale to either provide effective education support services, including school performance monitoring and school improvement, or to commission these services from local and trusted providers.

Establishing the Shropshire Education Trust will also provide a secure, structured, co-ordinated and managed transition from the current position to an academised system. It will reduce the risk of sporadic conversion within and across a wider range of small MATs from within and beyond Shropshire.

4. Financial Implications

The Department for Education (DfE) provides a grant of £25,000 to each school that converts to an academy. These grants can be used to meet the costs associated with conversion and the establishment of the Shropshire Education Trust. No additional financial costs to the Council are therefore anticipated. We anticipate that the full set up costs of the Trust will be recouped. We estimate that set up costs will be in the region of £200,000 to include a recruitment process for members, insurance, an accountable officer to provide leadership for the development of the Shropshire Education Trust and associated legal costs for the set up. Other in-kind resources such as financial analysis may be required until the Shropshire Education Trust has its own staff team in place.

A decision will need to be made to proceed or otherwise by 9 June 2017 based on the number of schools expressing an interest in joining the Shropshire Education Trust. The Regional Schools Commissioner (RSC) will need to endorse the proposal and issue Academy Conversion notices to all schools involved. In the event that a decision is made not to proceed or the proposal is not approved by the RSC, we anticipate that the maximum amount of unrecoverable costs will be no more than £65,000. £65,000 represents a worst-case scenario to Shropshire Council in the event that the Trust is not established, one-off unrecoverable costs that have been incurred by the Council are likely to be significantly less.

Whilst there may be financial issues for the Shropshire Education Trust to resolve, once it is established it will fall outside of the Local Authority's responsibility.

As schools convert to academy status Shropshire Council will receive reduced funding from the DfE through the Dedicated Schools Grant (DSG) and the Education Support Grant (ESG). If the LA establishes the Shropshire Education Trust then it will hold the funding for each of the schools within it. If the LA establishes the Shropshire Education Trust to include education support services currently provided by Shropshire Council, the LA will no longer incur the costs of providing these services.

The Council will continue to trade services to schools across Shropshire under its Inspire to Learn banner.

5. Background

A MAT is a not-for-profit company established to provide education through a number of academy schools. It is accountable to the Secretary of State for Education for the performance of its schools. A MAT receives funding for each of its schools using the LA formula and it is the employer of all staff, whichever academy they work within. The MAT leases the school land and buildings from the LA where these are local authority owned or may take a freehold transfer depending on who owns the school site at the time of conversion and it is responsible for organising and managing its academies for the benefit of pupils. Whilst some schools have converted to become stand-alone Academies, the expectation of the DfE is that schools will become part of a Multi Academy Trust ie that there is a single entity comprising of a number of Academy schools.

National education policy has included the promotion of academies since 2010. In March 2016 the White Paper (Education Excellence Everywhere) confirmed the Government's intention to force all schools to become academies within a MAT by 2022 and to have an academy order (AO) in place by 2020. The White Paper also confirmed the opportunity for local authorities to establish MATs to ensure that the expertise that currently exists within LAs is retained. The announcement by the Secretary of State for Education in May 2016 confirmed the government's commitment to a fully academised system of education and indicated broad criteria that may be used to intervene in schools and local authorities to achieve this outcome.

Local Authority officers have met with the Regional Schools Commissioner (RSC) for the West Midlands, who is supportive about Shropshire Council working with a group of schools to establish the Shropshire Education Trust. In 2016, 7 area meetings were held to challenge and support Headteachers and governors to be proactive in considering their response to national policy and to determine the future shape of education in Shropshire (slides attached at Appendix A). The appetite amongst schools to see the establishment of the Shropshire Education Trust was confirmed in each of these meetings. Further area meetings were held in October 2016 to update Headteacher and Governors on national policy and consider potential solutions (slides attached

at Appendix B). Headteachers and governors have responded positively to the possibility of the Shropshire Education Trust and Headteachers and governors from 30 schools have expressed an initial interest in joining the Shropshire Education Trust and yet more have indicated that they wish to know more about the proposal.

A Consultative Group was established in November 2016 and has been working with Local Authority officers to develop the vision, aims, ethos and governance of the Shropshire Education Trust. The prospectus (attached at Appendix C) has been circulated to all schools who have expressed an interest, and those LA maintained schools who are not already committed to a MAT.

Schools have been invited to a further meeting on 4th April 2017 to confirm the next steps to join the Shropshire Education Trust. We anticipate a proposal for the first phase of the development will be submitted to the RSC by the end of May.

Other key partners including existing MATs, single academies, the Diocese and the University Centre Shrewsbury have also indicated their willingness to work with the LA regarding the development of the Shrewsbury Education Trust.

6. Additional Information

Rationale and Aim for establishing the Shropshire Education Trust

The implementation of national education policy has resulted in an increasingly diverse approach to education across the country overall including in Shropshire. There are currently 152 schools and academies across the LA: 126 are maintained by the LA, 26 are academies and there is 1 free school. Shropshire has a very high proportion of small schools: 11 percent of schools have 50 or less pupils and a further 25 percent of schools have between 50 and 100 pupils. Overall smaller schools are more vulnerable financially and educationally.

Headteachers and governors of LA maintained schools are increasingly aware of the need to respond to government policy and many are concerned about the risk of losing their autonomy regarding matters relating to their school if they join a MAT.

There is a strategic need to support governors and Headteachers to undertake the transition from LA maintained status to academy status and the provision of the Shropshire Education Trust will provide a secure route to establish a strong partnership of schools.

The Shropshire Education Trust will enable the establishment of a cohesive and sustainable network of schools with a common aim to provide consistently good or better education for all pupils, including the most disadvantaged, to prepare them for the next phase of their lives and to increase their life chances.

The Structure of the Shropshire Education Trust

The Trust will need to be a self-sustaining legal entity which is registered as a charity with the Charities Commission. It will be responsible for managing its own affairs, with Trustees being accountable to the Secretary of State for Education through the Regional Schools Commissioner.

The structure of the Shropshire Education Trust has been determined through consultation with governors and Headteachers and is set out at Annex C. It is based on the following principles:

- There will be a single named accountable officer who leads the Shropshire Education Trust.
- There will be a single named accounting officer who is responsible for the financial management of the Shropshire Education Trust.
- Education support services will either be retained within the Shropshire Education Trust or commissioned from an external provider. The support services could trade beyond the Shropshire Education Trust.
- There will be a sliding Scheme of Delegation that provides differentiated levels of autonomy for Headteachers and governors relative to the quality of provision and outcomes at their school as determined through school performance monitoring procedures.

The Shropshire Education Trust intends to devolve 95% of its schools budget to Local Governing Committees where they demonstrate a sustainable approach to financial management. Support services such as HR, Payroll, ICT, Education Welfare will be commissioned by the Trust to ensure Headteachers can focus on leading teaching and learning.

Conclusion

The Government remains committed to establishing a fully academised education system by 2022. Shropshire currently has a very low proportion of academies compared to other Local Authority areas.

The establishment of the Shrewsbury Education Trust will provide a secure and managed process of transition for governors and Headteachers of LA maintained schools to academy status. It will create a cohesive and sustainable network of schools that will continue to benefit from the economies and flexibilities of scale that will be retained within a large MAT.

List of Background Papers (This MUST be completed for all reports, but does
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not include items containing exempt or confidential information)

Education Excellence Everywhere, DfE publication March 2016

Presentation from Area Meetings for Headteachers and Governors: The Future Shape of Education in Shropshire

Cabinet Member (Portfolio Holder)

David Minnery

Local Member

All Members

Appendices

Appendix A: Slides from Area Meeting June 2016

Appendix B: Slides from Area Meeting October 2016

Appendix C: Prospectus

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Area meeting for Headteachers and Governors

The Future Shape of Education in Shropshire

Purpose of the Meeting

- To raise awareness of governors and Headteachers regarding the implications of the Government's White Paper ' Education Excellence Everywhere.'
- To confirm key messages and information to support Governors and Headteachers to respond.
- To provide opportunity to discuss the issues with other governors and Headteachers.
- To consider the next steps to secure and sustain good and better education for pupils in Shropshire.

Context: National Funding Formula

- The DfE is currently consulting on proposals
- Expectation that the lump sum for schools will be increased
- The Age-Weighted Pupil Unit (AWPU) may decrease
- Additional sparsity funding may be provided
- Funding will be provided directly to schools

- Overall Shropshire schools are likely to receive increased funding

Context: White Paper: Education Excellence Everywhere

Schools:

- All schools to become academies within Multi-Academy Trusts (MATs) by 2022
- Academy Orders to be in place by 2020

LAs:

- Are expected to step away from school improvement by end of August 2017?
- Remain responsible for place planning and sufficiency
- Access and meeting needs of pupils with SEND
- School admissions and transport

SoS announcement on 6th May

Good and outstanding schools will not be forced to become academies within MATs

But:

- The government remains committed to a fully academised school system by 2022
- Compulsory conversion / sponsorship remains for:
 - Coasting schools and LA maintained schools with achievement below national averages
 - Schools in LAs where achievement is below national averages
 - Schools in LAs where the majority are academies and where the LA is no longer able to support LA maintained schools

The Government's Expectations

The fully academised system will be systems-led and self-improving:

- Regional Schools Commissioners will be responsible for monitoring performance and directing intervention where academies are failing
- School improvement will be undertaken through the MATs, the network of teaching schools, National Leaders of Education and Local Leaders of Education

Shropshire LA

Will provide leadership, guidance and support to schools by engaging with Headteachers and Governing Bodies to:

- Continue to encourage collaboration
- Encourage the development of existing Shropshire-based MATs
- Encourage the development of new Shropshire-based MATs
- Explore the development of LA initiated MATs
- Continue to trade services whilst demand exists

The Role of Governors

- To be proactive in identifying the opportunities and risks presented by the White Paper
- To identify the best solution to secure and sustain good or better education for children and young people in your community

Current provision in Shropshire

- 25 Academies across 153 state maintained education providers (schools, academies and Free Schools)
- 11% of schools have 50 or less pupils
- 25% of schools have between 51 and 100 pupils

There are:

- 10 primary academies
- 13 secondary academies
- 1 all-through (Special) academy
- 1 Free School
- 6 Shropshire-based MATs
- 118 LA maintained primary schools
- 7 LA maintained secondary schools
- 1 LA maintained all-through school
- 2 LA maintained special schools
- 9 federations across 20 LA maintained schools
- 4 Education Trusts

Good and Better Schools and Academies

Ofsted Inspection Outcomes by category of schools			
Type of School	% Good and Outstanding Schools		
	Shropshire	National	West Midlands
All schools	85	84	81
All Primary	86	86	83
All Secondary	81	75	70
All through	66	-	-
Academies and Free Schools	64	82	-
LA Maintained	89	86	-

Models to Consider

- A single (stand alone) academy (although MAT status)
- Establish a new MAT
- Join an existing MAT
- Join a local authority initiated MAT

MATs with Primary Schools:

Bishop Anthony Education Trust 

Shrewsbury Academies Trust 

Shropshire Gateway Education Trust 

South Shropshire Academy Trust 

MATs with Secondary Schools:


Bridgnorth Area Schools' Trust 

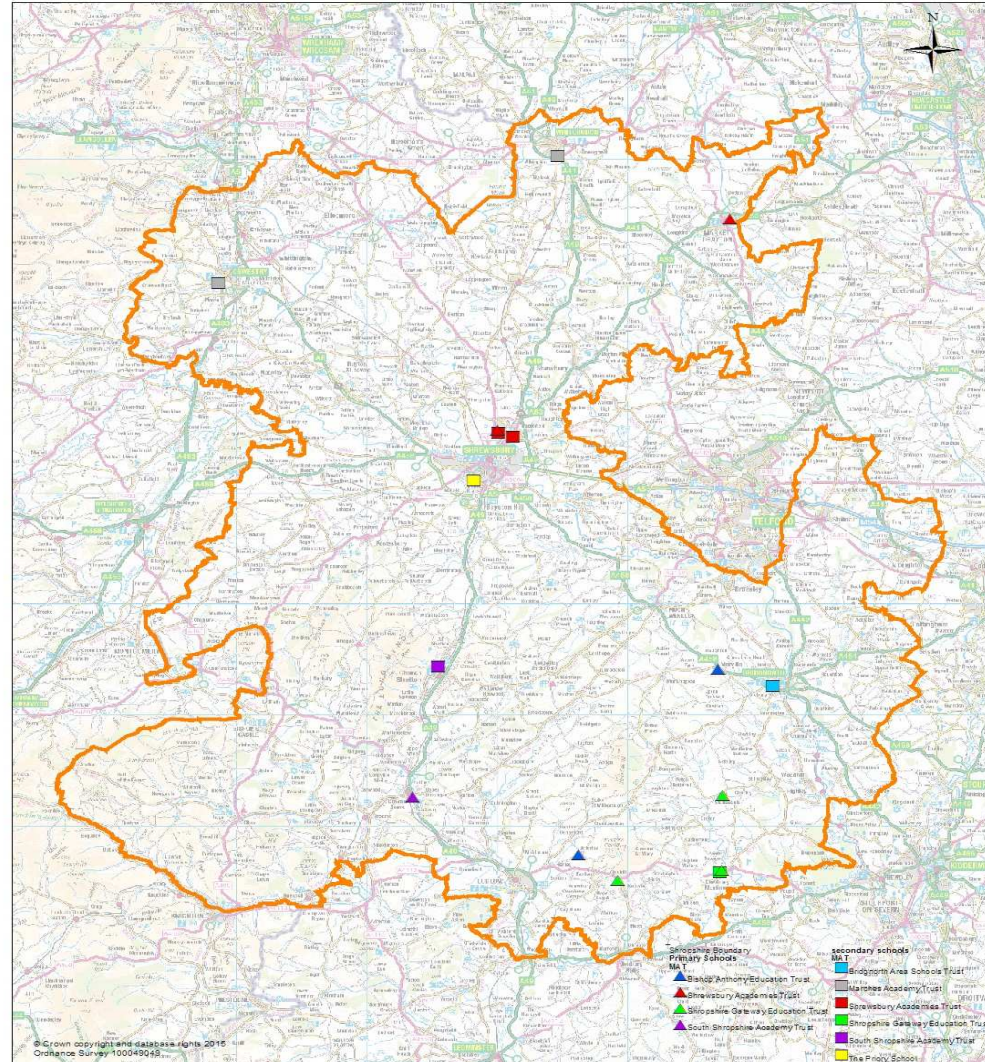
Marches Academy Trust 

Shrewsbury Academy Trust 

Shropshire Gateway Education Trust 

South Shropshire Academy Trust 

The Priory School 





Questions to consider

- What would you like the future role of the LA to be?
- What support services would you like and how would you like them to be provided?
- What provision for professional development you like and how could this be co-ordinated with TSAs?
- Is there a place for a strategic Education Partnership across Shropshire ?
- What else would be helpful to support you?



Next Steps

For governors and Headteachers

- Consider all options available
- Identify opportunities and risks associated with each option
- Confirm timescale for decision making

For the LA:

- Liaise with existing MATs to support them their planned expansion and to ensure governors and HTs of potential partner schools have information regarding their provision
- Draft a proposal (for LA initiated MATs that HTs and governors of LA maintained schools can consider
- Provide models and maps of potential provision for consideration
- Arrange next area meetings in September/October 2016



[Home](#) > [Meetings](#)

The Future Shape of Education in Shropshire

Area meetings for Headteachers and Governors June 2016

Scroll down for the documents referred to in this meeting.

Links:

[Education excellence everywhere: the White Paper](#)

[SLG home page for governors](#)

[National Governors' Association](#)

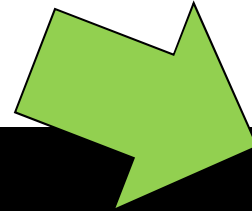
[Academies, MATs and free schools a very useful page on the NGA website](#)

[National College for Teaching and Leadership: Academies on-line resource](#)

Documents

[Area Meeting Future Of Shrops Education \(pdf\)](#)

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[Child Safety Week 6th-12th June 2016](#)

Contact Details

- Chris Mathews: chris.Mathews@shropshire.gov.uk
- Phil Wilson: phil.Wilson@shropshire.gov.uk

**Area meeting for
Headteachers and Governors**

**The Future Shape of
Education in Shropshire**

October 2016

Purpose of the Meeting

- To confirm key messages from the meetings in June including feedback from governors and Headteachers
- To provide an update regarding national policy (focus on forced academisation and LA MATs)
- To provide an update and confirmation regarding the local position (focus on LA MAT, including intended timescale)
- To begin to consult on potential models of a LA MAT

Key Messages from the Meetings in June



- Intention to ensure a cohesive and sustainable network of schools through Shropshire-based MATs
- That governors and HTs would determine the future shape of education in Shropshire
- Key are responsibilities of governors and Headteachers:
 - to be proactive (no panic but no inertia)
 - to secure and sustain good or better education for children who live in the communities that they serve
- LA will support governors and Headteachers to make informed choices (including through the exploration of a LA MAT)

Feedback from Governors and Headteachers



- LA to remain central in school improvement
- Access to support services to be retained (ICT, HR, Finance, Payroll, EIS including CPD)
- There is need for a new Shropshire Education Partnership with clear strategic role
- Request for support for undertaking due diligence: what you need to know about potential partners
- Importance of retaining autonomy

- Last announcement from the government was 6 May
- Awaiting an update from the recently appointed SoS
- The White Paper (EEE) remains current
- 20% cap on LA involvement in MATs remains
- Schools that work for everyone
- The National Schools Commissioner (NSC) is positive about LA MATs

- Governors and Headteachers are enthusiastic about exploring an LA MAT(s)
- The DfE and Regional Schools Commissioner (RSC) remain positive about a Shropshire LA MAT(s)
- Shropshire Council committed to exploring a LA MAT(s)
- Intended timeline for LA MAT: September 2017
- Process will be inclusive and consultative

For Children and young people:

- work to ensure that every pupil can achieve their best and help others to achieve their best
- is committed to excellence and the well-being of all beyond key performance measures
- Will nurture personal and social development, and emotional health of all

For Shropshire:

- will establish and secure a cohesive and sustainable network of schools
- Will ensure economies and flexibilities of scale to secure access to education support services
- Will ensure autonomy for governors and Headteachers in line with school effectiveness
- Will promote leading practice through strategic and focused partnership

What is a MAT?

- A not-for-profit company established to provide education through academy schools
- Accountable to the SoS for the performance of its schools
- Receives funding for each school using the LA formula
- Is the employer of all staff
- Is the leaseholder of school land and buildings
- Organises and manages its schools for the benefit of pupils

What is a LA MAT?



LA initiated

LA influenced

LA Led

Officers support schools to establish a MAT that operates independently of the LA

Currently capped at less than 20%?

Company established and run by officers from the LA

Governance of a LA MAT

(Charitable company limited by guarantee)



Members (5 – 7)

- Agree the articles which define charitable status and how the MAT will operate
- Appoint (and can remove) trustees
- Sign off company accounts and annual report
- Hold board of trustees to account

Trustees (6 – 12)

- Company directors and charitable trustees responsible for the operation of the trust including:
- The 3 core functions of governors
- Ensuring compliance with charitable law and the funding agreement with the SoS

Local (School) Governors and Headteachers

Good and Outstanding

- Leadership and staff structure
- SEF and SDP
- Teaching, Pedagogy, ARR and Curriculum
- PDBW including Behaviour Policy
- Performance management
- Website design and compliance
- Parents evenings and links

Variations on a Model

Officers of the MAT

Accountable
Officer (Director)

Accounting Officer
(AD)

Head of School
Improvement
(Director)

Administration Team

**Education Support
Services* to
include: HR,
Access, School
Improvement,
SEND, ICT +**

Primary Division
(Hub) School's
LGBs

Secondary
Division (Hub)
School's LGBs

Primary
Division (Hub)
Schools'
LGB's

Secondary
Division (Hub)
Schools'
LGB's

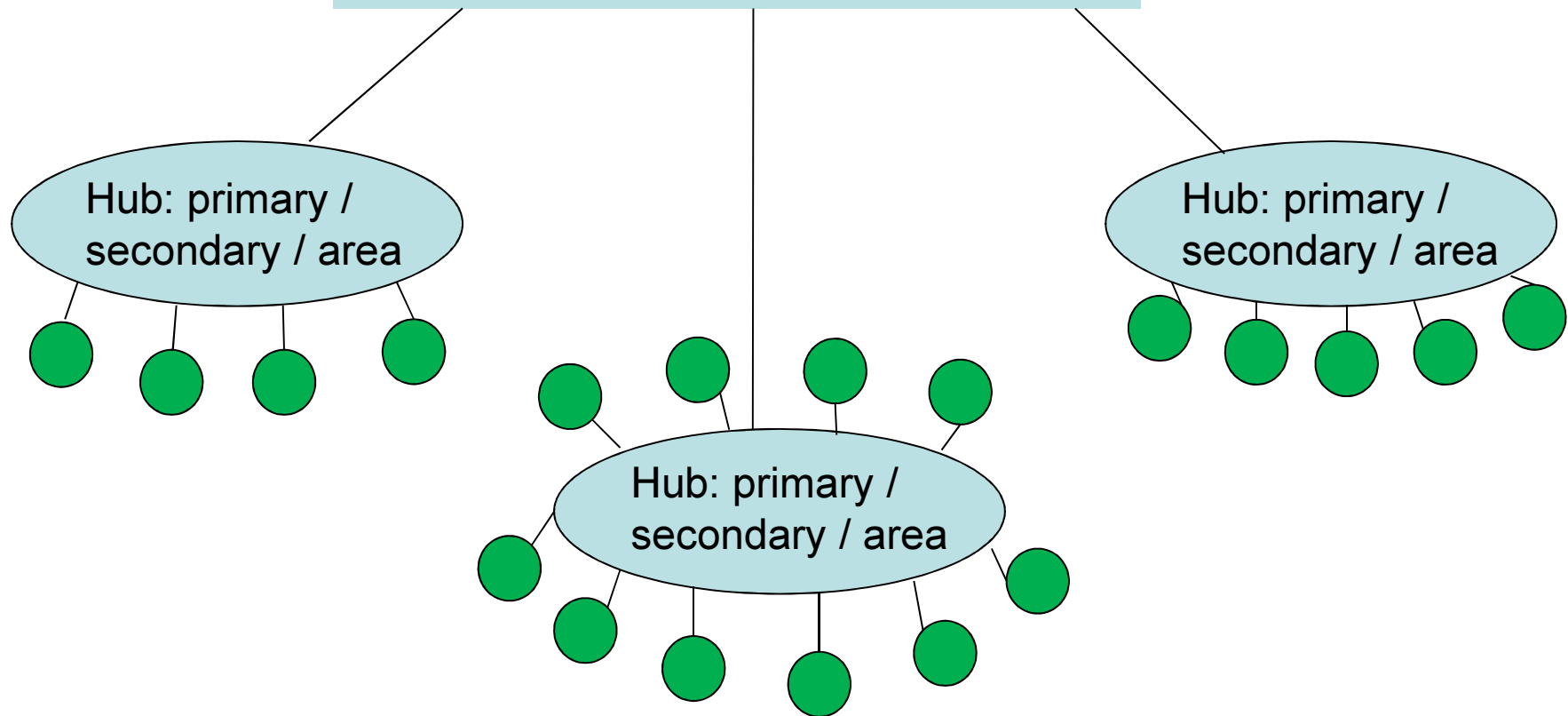
Cross Phase
Area Hubs /
Networks to
disseminate
leading practice

North Division
(Hub) Primary
and Secondary
Schools' LGB's

Central Division
(Hub) Primary
and Secondary
Schools' LGB's

South Division
(Hub) Primary
and Secondary
Schools' LGB's

LA Multi Academy Trust



School / Group Task

- Consider the models provided
- Identify the opportunities and risks associated with each / either
- Identify the opportunities and risks associated with education support services within or outside the MAT
- Indicate if interested in joining the consultation group

Contact Details

- Chris Mathews: chris.Mathews@shropshire.gov.uk
- Phil Wilson: phil.Wilson@shropshire.gov.uk

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Shropshire Education Trust

Our Vision is to secure and sustain:

- outstanding provision and outcomes for children across all schools in the Trust in order to prepare them well for their futures and improve their life chances
- healthy schools where pupils' well-being is central to each school's work; where pupils are safe and feel safe so that they are ready to learn and able to fulfil their potential.

Our Aims are to:

- provide inclusive (pupil centred) learning that ensures equal access to a broad and balanced curriculum and opportunities for all pupils to reach the highest standards
- foster collaboration and co-operation between schools to disseminate leading practice and maximise flexibilities of scale
- ensure that a culture of continual school improvement lies at the heart of all that we do to secure and sustain high quality provision and outcomes for all pupils
- ensure the efficient use of the resources available to all schools within the Trust for the benefit of all pupils and staff
- ensure all staff have access to high quality professional development so that they can continually refine and improve their pedagogy and practice
- promote and foster the active engagement of pupils, parents, staff, governors, the community and the diocese to raise the aspirations of each whole school community

Our Ethos is about establishing and embedding a culture of mutual support and challenge where Trust schools are committed to:

- excellence of provision and outcomes for every pupil in their own school and others in the Trust
- developing, promoting and demonstrating shared values of respect, appreciation, challenge and support
- agreeing and implementing shared policies, procedures and protocols
- recognising, valuing and maintaining the unique strengths and identity of each school in the communities they serve
- working closely with the diocese to uphold the Christian values and religious character of church schools in the Trust

“Collectively responsible, individually accountable”

The governance of the Trust:

There is potential for schools that join the Trust in the 1st phase to have representation at member and trustee levels of governance.

Members: up to 7 members recruited through an open process of advertisement and expressions of interest. They will provide skills, expertise and experience across education, business, governance, and finance and asset management. The members will agree the articles which define charitable status and how the MAT will operate. They will appoint (and can remove) trustees, sign off company accounts and the annual report, and hold board of trustees to account.

Trustees: up to 12 trustees also recruited for their expertise and experience in education, business, finance, governance, human resources, legal, and asset management. The trustees will be the directors of the company who are responsible for the operation of the trust including: ensuring the clarity of vision, ethos and strategic direction; holding the Director to account for the educational performance and outcomes of the Trust; and overseeing the financial performance of the Trust and making sure its resources are used efficiently. They will also be responsible for ensuring compliance with charitable law and the funding agreement with the Secretary of State for Education.

Local Governing Committees: up to 12 local governors recruited from parents, the local community, the diocese (for church schools), staff (including the Headteacher) and the local authority. They will be responsible for ensuring the clarity of vision, ethos and strategic direction of their school; holding the headteacher to account for the educational performance of their school; and overseeing sustainable financial management of their school and ensuring that the resources available to their school are used efficiently.

“Collectively responsible, individually accountable”

The roles and responsibilities of senior officers

The Director of the Trust will be responsible for the overall development, effectiveness and efficiency of the operation and outcomes of the Trust. The post holder will be directly accountable to the Trustees who in turn are accountable to the Secretary of State for Education through the Regional Schools Commissioner. Their responsibilities will include:

- the development and implementation of the MAT's vision, ethos and values
- the identification, development, monitoring and meeting of the Trust's strategic objectives
- monitoring, supporting and challenging headteachers to improve the quality of provision in member schools (with a clear focus on pupils' progress and attainment)
- planning, implementing and monitoring the effectiveness of the Trust's programmes to increase pupils' progress and raise standards of attainment through increasingly effective teaching and learning
- ensuring the provision of effective programmes for the professional development of staff in member schools
- ensuring the efficient operation of the Trust through consistently effective leadership at all levels

The Chief Financial Officer will be responsible for overall effectiveness and efficiency of the financial operation of the Trust including:

- leading and managing the professional financial services provided by the Trust
- ensuring that financial models, controls and reports enable the Trust to achieve its aims through the highly effective and efficient management of financial resources
- ensuring best practice and compliance with the financial processes and procedures set out in the policies of the Trust and Academies Finance Handbook
- overseeing the financial management of each of the Local Governing Committees
- preparing and presenting school and Trust budget reports to the Trust Board
- promoting sustained improvement across all finance processes and transactions including sharing best practice across schools in the Trust
- providing reports to the Director of the Trust and Trustees and responding to the Articles under law

“Collectively responsible, individually accountable”

The Head of School Improvement will be responsible for ensuring effective arrangements for the sustained improvement of provision and outcomes across the Trust. This will include:

- The programme for monitoring performance data and outcomes across all schools in the Trust and identifying strengths in performance and priorities for improvement
- Ensuring appropriate and effective support for staff through professional development and collaboration
- Ensuring effective challenge and where necessary timely intervention to secure high quality of provision and outcomes in all school within the Trust
- Working closely with the area hubs to disseminate leading practice and address priorities for improvement
- Brokering support as necessary.

The Administration Team will provide clerical and business support sufficient to ensure the effective operation of the Trust.

The Financial Model

The top-slicing of school budgets will be kept to a minimum to provide for the effective and accountable operation of the Trust. We will seek to maximise the resources available to participant schools to apply within their own settings. The economies of scale and the capacity required will be dependent on the number of pupils and schools across the Trust, as well as the pace at which the Trust grows. All schools in the Trust will receive the same agreed percentage top-slice which will be no more than 5 percent. This is consistent with the top-slice applied by other MATs. The model will seek to generate further financial efficiencies across the Trust schools over time through the central co-ordination of the procurement of back office support services and functions, and reinvesting released resources back into the classrooms.

Due diligence will be undertaken by the Trust for each school that applies to join because the trustees will require assurance that each school is financially viable. The process will include scrutiny of:

- budget (income)
- costs (expenditure)
- current and forecast numbers of pupils on roll
- buildings and land

The Trust would expect that schools wishing to join would also undertake due diligence. Financial and structural information will be available to all such schools.

“Collectively responsible, individually accountable”

School budgets and service level agreements: the Trust intends to devolve 95% of school budgets to Local Governing Committees (LGCs) where they demonstrate a sustainable approach to financial management. Where the financial management of an LGC is less secure then delegation of financial management may be reduced. Each school will have opportunity (but not be compelled) to purchase service level agreements at rates negotiated by the Trust.

Support Services will be commissioned by the Trust to ensure Headteachers can focus on leading teaching and learning. These will include:

- HR
- Payroll
- ICT
- School Improvement (over and above that provided from within the Trust)
- Education Welfare
- Asset management

Additional support can be requested by Headteachers or by LGC's.

Summary of Estimated income and expenditure

Table 1 below provides estimates of costs for the Trust based on the full time employment of the senior officers and back-office staff detailed above.

Table 2 overleaf provides estimates of income available depending on the size, number and status of school that have expressed an interest in the Trust. These estimates are based on a 5 percent top slice from each school's budget.

The tables confirm that the Trust will have a budget that will support the full time appointment of a Director, Chief Finance Officer, Head of School Improvement and a small administration team if there is a minimum of 6 of the largest schools or a minimum of 10 schools of average size for those expressing an interest.

For a smaller number of school the model would be made to achieve a financial balance by tailoring the model accordingly. This could be achieved with part-time officer posts at first, developing as the Trust grew over time.

“Collectively responsible, individually accountable”

Shropshire Education Trust

Table 1
Anticipated expenditure based on a Full-time Officer model

	£	on costs	£ total
Director	75,000	18,750	93,750
Chief Finance Officer	50,000	12,500	62,500
Head of School Improvement	55,000	13,750	68,750
Administration	20,000	5,000	25,000
Premises	12,000		12,000
Energy	3,000		3,000
Admin resources	3,000		3,000
Other	10,000		10,000
			278,000
			Total

Table 2

Income from a 5% cap (anticipated)

	£	Out-turn	Viability with full time officer model
6 typical small schools	87,918	- 190,082	Not viable
6 typical large schools	341,897	63,897	A viable model
12 typical small schools	218,957	- 59,043	Not viable
12 typical large schools	556,058	278,058	A viable model
9 average sized schools	276,431	- 1,569	Not viable
10 average sized schools	307,145	29,145	A viable model

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Our developing model

The purpose and function of the hubs:

We will establish hubs of schools. The hubs will provide opportunity and access for collaboration within and beyond schools that will assist them to secure and sustain improvement. The work of the hubs will include a focus on leadership and management, and teaching and learning to ensure high quality provision and outcomes for all pupils including the most vulnerable. They will provide a clear structure for sharing leading practice across schools in the Trust including through joint CPD and shared approaches to addressing common priorities for improvement

The focus of the hubs will include:

1. Leadership and management including governance by

LGCs:

- Self and peer evaluation
- Safeguarding
- Improvement planning and prioritising
- Performance management
- Succession planning
- Policy development at school level
- Shared and targeted CPD
- Shared curriculum planning.

2. Quality 1st Teaching, learning and assessment (e.g.):

- Planning (long, medium and short – term)
- Progression
- Questioning, assessment and feedback
- Challenge for high attainers
- Support for lower attainers
- Safeguarding (ensuring a safe climate for learning)
- Accelerating learning for significant groups of pupils (e.g. boys, disadvantaged).

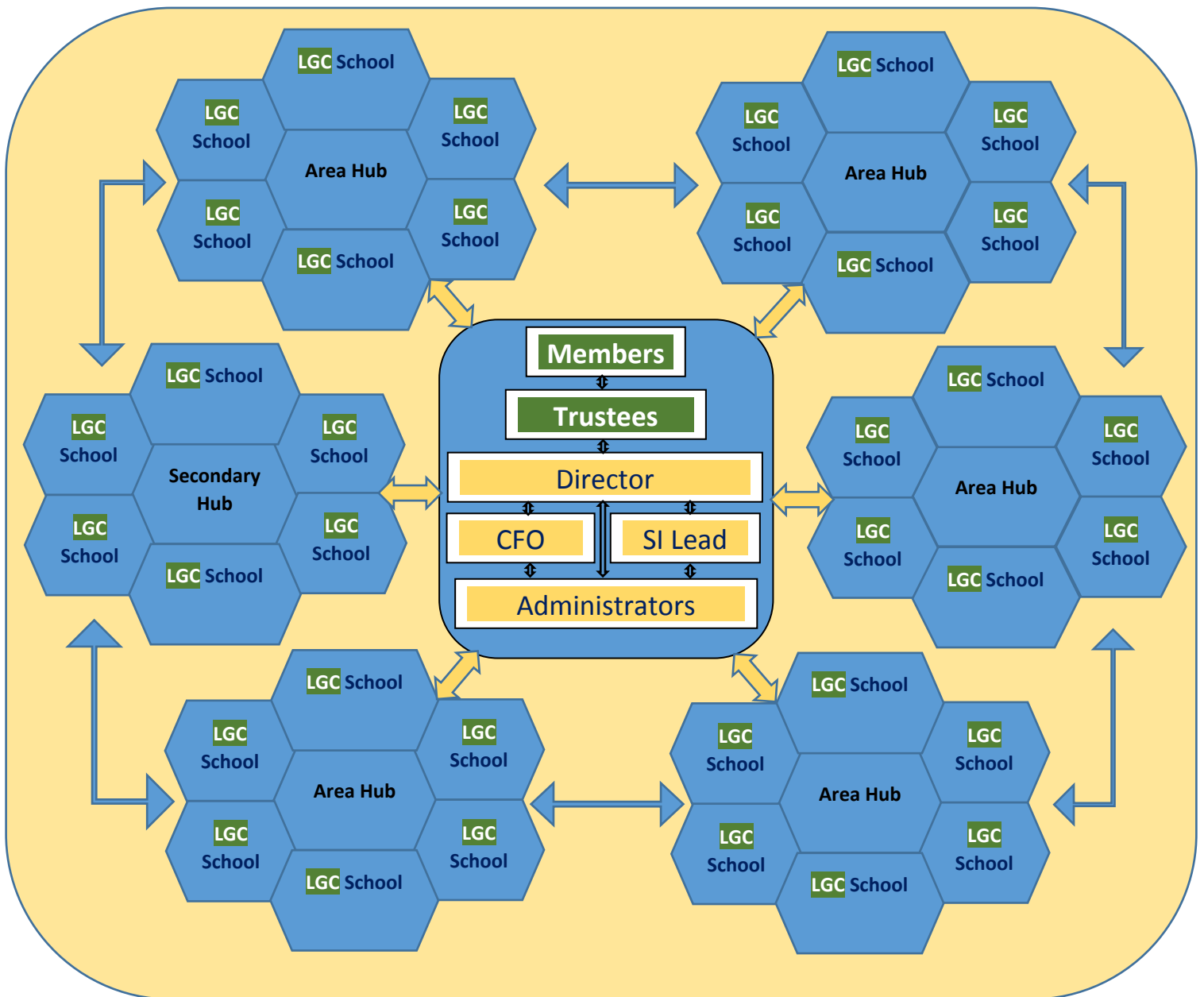
“Collectively responsible, individually accountable”

A Representation of the Hubs

Each hub would be connected to other hubs and the pattern of hubs develop over time as Shropshire Education Trust grew.

Membership of each hub is not exclusive: primary and secondary schools can be part of two or more hubs.

This diagram represents a model with a large number of participating schools but initially a more modest model with reduced time for the Director and shared roles within the administrative centre could be made to ensure viability.



“Collectively responsible, individually accountable”

Operational Autonomy and the Scheme of Delegation

The Trust will ensure that the scheme of delegation reflects the effectiveness of each school in the Trust. **It will ensure that headteachers can focus on leading and managing teaching and learning to secure the best provision and outcomes for all pupils.** In good and outstanding schools headteachers and local governing committees will have the autonomy they need to ensure the most effective use of resources for the benefit of pupils and staff.

The table below provides examples of the operational elements and the degree of delegation for schools that present low risk. Typically these will be schools that are good and outstanding

Core and Common (Elements directed and controlled by the Trust)	Influenced and aligned (Elements with common principles directed by the Trust but practice directed by the school)	Independent (to include) (Elements directed and controlled by the Headteacher and/or LGC)
The Trust is the single employer Key central policies (e.g. Terms and Conditions) HR, finance, compliance with statutory requirements Governance: agendas, QA and training Budget & financial reporting Safeguarding Management information System Calendar: Term dates and CPD Estates and Health & Safety Admissions Risk Register Recruitment of headteachers Performance Management of headteachers	Promotion & branding Ofsted inspection planning SEND and Inclusion ICT (school systems) Initial Teacher Training Attendance Closing the gap Recruitment of staff (other than headteachers)	Leadership structure Self-evaluation record and improvement planning Pedagogy Curriculum Assessment recording and reporting Examination Boards (Secondary) Staffing structure Performance Management of staff (Other than headteacher) Monitoring the quality of teaching, learning and assessment Spiritual Moral Social and Cultural development Personal development and well-being including behaviour policy Website Links and communications with parents including parents' evenings

“Collectively responsible, individually accountable”

Schools that present a medium or high risk will have less autonomy. Typically these will be schools that require improvement or that are in an Ofsted category of concern: the table below identifies the increase in core and aligned elements and the reduction in independent elements.

Core and Common (Elements directed and controlled by the Trust)	Influenced and aligned (Elements of common principles directed by the Trust but school directed practice)	Independent (to include) (Elements directed and controlled by the Headteacher and/or LGC)
The Trust is the single employer Key central policies (e.g. terms and conditions) HR, finance, compliance with statutory requirements Governance: agendas, QA and training Budget & financial reporting Safeguarding Management Information System Calendar: Term dates and CPD Estates and Health & Safety Admissions Risk Register Self-evaluation record and improvement planning Ofsted inspection planning Quality assurance including the monitoring the quality of teaching, learning and assessment Performance Management Performance Management of the Headteacher Attendance Closing the gap – interventions SEND and Inclusion	Promotion & branding (of the school) Leadership structures Pedagogy Curriculum Assessment recording and reporting Closing the gap Staffing structures Personal development and well-being including behaviour policy Pedagogy Spiritual Moral Social and Cultural development ICT (school systems) Exam Boards (Secondary) Parents evenings	Website Links and communications with parents

“Collectively responsible, individually accountable”



Committee and Date

Cabinet

12th April 2017

REVOCAION OF AIR QUALITY MANAGEMENT AREA

Responsible Officer Karen Collier, Regulatory Services Operations Manager
e-mail: karen.collier@shropshire.gov.uk Tel: 01743 251711

1. Summary

Cabinet to consider the revocation of an Air Quality Management Area in Oswestry which is no longer required because the measured levels of nitrogen dioxide are well below the levels set by the national Air Quality Objective.

2. Recommendations

Cabinet authorises the Director of Public Health to revoke the Air Quality Management Order for Oswestry under section 83(2)(b) of the Environment Act 1995. The Order is attached at Appendix 1.

REPORT

3. Risk Assessment and Opportunities Appraisal

In preparing this report, consideration has been given to the impact on children and vulnerable adults, risk management, human rights, equalities, community and other consultation.

A general premise behind Air Quality Management Areas (AQMA) is that they do not blight an area. It is important that where there is no likely exceedance of air quality national objective levels that AQMAs are not left in place. This will ensure that there is no blight on an area or a property.

4. Financial Implications

Revocation of the Oswestry AQMA will remove the need for additional monitoring and reporting which is resource intensive. Such work is not necessary because there is no likely exceedance of air quality national objective levels.

5. Background

Part IV of the Environment Act 1995 introduced a requirement on all local authorities to carry out duties in relation to local air quality management. All local authorities are obliged to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives for different pollutants are likely to be achieved. Where it is likely that air quality levels are such that certain pollutants are above specified levels the Local Authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.

Air quality objectives have been set for 7 pollutants, but only particulates (PM10 – particles less than 10 microns in diameter) and nitrogen dioxide are seen as a potential problem in most locations in the U.K.

In 2004 an AQMA was declared covering a single property known as Gate House located at the junction on the A483, Sweeny, Oswestry, SY10 8AA in line with duties prescribed in the Environment Act 1995. The AQMA was declared due to a likely breach of the annual mean nitrogen dioxide national air quality objective of 40 µg/m³. This was due to there being a residential receptor presenting relevant exposure within 1m of the kerbside of a busy trunk road, the A483. This road generally takes a large amount of traffic with a significant proportion of HGVs.

A review of monitoring data from the Updating and Screening Assessment in 2015 highlighted the fact that the concentration of nitrogen dioxide had dropped in recent years. As a result, a detailed assessment was undertaken to establish if there was any likelihood of any national objective level being breached. A review of all monitoring data at the location representative of the Oswestry AQMA was undertaken. The review demonstrated no breach of the annual nitrogen dioxide objective for 10 consecutive years; pollutant levels such as nitrogen dioxide emitted from vehicle exhausts have slowly reduced over this time.

No major development is proposed in the area and therefore it is not expected that transport numbers will change significantly in future years. National data suggests that vehicle numbers will increase incrementally over future years however due to improvements in emission standards for vehicles entering the market these improvements are expected to compensate for increased traffic numbers. It is not expected that any significant increases in air pollutant are likely in future.

Regulatory Services have concluded that it is appropriate to revoke the Oswestry AQMA using the appropriate legislation being an Order under section 83(2)(b) of the Environment Act 1995.

A consultation exercise with the owners of the single property within the AQMA took place in October 2015 and with statutory consultees from October to December 2016. No objections have been raised. DEFRA have accepted Regulatory Services' Detailed Assessment of the area and accept the proposal to revoke the AQMA.

6. Conclusions

Monitoring has shown that the Air Quality Objective for nitrogen dioxide in the Oswestry AQMA has not been exceeded for the past ten years, the assessment indicates it is not likely to be exceeded in the future and as such it should be removed.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) None
Cabinet Member (Portfolio Holder) Councillor Malcolm Price, Portfolio Holder for Planning, Housing, Regulatory Services and Environment
Local Member Councillor Arthur Walpole (Llanymynech)
Appendices Appendix 1: Order Revoking Air Quality Management Area

APPENDIX 1



SHROPSHIRE COUNCIL
ORDER 2016

ENVIRONMENT ACT 1995 PART IV SECTION 83(2)(b)

ORDER REVOKING AN AIR QUALITY MANAGEMENT AREA

Shropshire Council, in exercise of the powers conferred on it by the Section 83(2)(b) of the Environment Act 1995 HEREBY makes the following order:-

1. This Order shall revoke the area known as **Oswestry Air Quality Management Area (Nitrogen Dioxide)** designated by Order in 2004 for likely breach of the annual mean nitrogen dioxide national objective level of $40\mu\text{g}/\text{m}^3$ at the property known as Gate House, A483, Sweeny, Oswestry, SY10 8AA. A map of the air quality management area to be revoked is found attached below.
2. The Order shall come into force on

Dated:.....

Signed:.....

Map showing the location of Oswestry Air Quality Management Area (Nitrogen Dioxide) marked by the hatched area corresponding to the property known as the Gate House.



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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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