

From welovestokelodge@gmail.com
By Email
14/12/2018
Open Letter copied to Cotham School



Dear Bristol MPs, the Mayor, the Deputy Mayor, Bristol City Councillors and officers.

We are writing to you in response to the letter issued yesterday by Jo Butler, Headteacher of Cotham School. We wholeheartedly respect and appreciate the sentiment and intentions from Jo however we felt it important to write quickly to inform you of where there is a clear mismatch of facts. We appreciate that we (the undersigned) are merely two residents of Bristol however given that Jo's letter appears to refer us and or local residents condoning vandalism and potentially linked to improper behaviour, we feel that is only fair that we have a chance to respond.

We believe the complexity of the issues being raised demonstrates why there should not be a rush to fence in fields that cannot be used by the school for months (as there are no changing facilities). Instead the parties should stop and talk, and the final decision on this matter, which will create new liabilities for the Council, should be taken by our elected Councillors with full information on, and consideration of, all issues.

School Premises

Firstly, significant parts of Jo's letter are based on Stoke Lodge being Cotham School 'premises'. School Standards Minister Nick Gibb has very recently (in response to a Parliamentary question) clarified 'premises'. On this basis of his confirmation Stoke Lodge Playing Fields are not the school premises and DfES do not consider them so under the Education Act and other relevant regulations, instead they are a shared used facility reflecting the terms of the school's lease. Therefore the very long sections in Jo's letter to include Chapters I and II of the Education act and 25 of the Part 3 of the Education (Independent School Standards) Regulations (2014) **do not** apply to Stoke Lodge and should not be considered relevant. We acknowledge that there has been a trend towards fencing in playing fields on school sites as this could help improve the security of the school itself; however, the same logic does not apply to shared facilities three miles away from the school.

Safeguarding and Risk Assessments

We Love Stoke Lodge consider the safety of children to be paramount, a key reasons for our community's passion for Stoke Lodge is that it is the last open green space where our children can safely run free, we do not understand why the school considers students to be in a clear and present danger of attack and have therefore been working hard to understand the school's views. Jo rightly references regulations that do apply to Stoke Lodge (page 3 Ref 16) as the school has obligations for risk assessment policies. When considering Jo's letter please note:

- It is a matter of record that Cotham School has used Coombe Dingle Sports Complex, some 500 yards from Stoke Lodge for over ten years. This site has open public access, public rights of way and similar boundaries until only yesterday when new fencing was erected around part of its perimeter. During the last ten years much of the site's boundaries have been unfenced, the site is still open to the public today and the main fields are unfenced to the drive, the new fence just ensures fewer access/exit points today (something we have suggested in our proposals for Stoke Lodge).The school has been using this site **without any risk assessment in place.**
- It is also a matter of record that a BCC Health and Safety Officer reviewed the school's risk assessment for Stoke Lodge. Please ask for a copy if required. In short, it concludes that the key risk (that resulted in the school choosing to leave the site in 2014) was overrated and should be reduced to a "medium" risk which means the school should implement measures that are 'not too costly or troublesome'. The officer

did suggest other control measures (rather than a fence). The officer also advises that they are not aware of the risks cited in Cotham School's assessment actually occurring in our city.

- We agree that Cotham's Students should be not exposed to dog faeces and have proposed a range of measures to address dogs at Stoke Lodge. It is important to refer to NHS published guidelines for 'toxocariasis' as cited in Jo's letter and the school's risk assessment. From NHS guidance you will see that **young** children have an exceptionally rare chance of catching toxocariasis by placing faeces or soil in their mouths. We (and the BCC Health and Safety Officer) have suggested a range of measures to manage any risks, including but not limited to a strongly supported community charter in addition to the established city wide dog control order in place today.
- We have provided some further information regarding the cited risk assessment in our letter to Thangam yesterday which is provided as annex 2. Whilst these points are really important, in an attempt for brevity (!) they have not been repeated here.

Jo's appeal for you to endorse the school's proposed fence

We respect that it is Jo Butler and the school Governors' view that a fence is required and that the school's current position is that they do not wish to consider any alternatives to the proposed high security fencing around the entire perimeter of the leased grounds. Please carefully consider your decision in supporting the stance that the school 'needs' this fence in one of the safest parts of our city.

Given the facts provided (in this and our letter to Thangam below) we do not believe it is fair to ask the council, Councillors or politicians to endorse the school's position, nor are we asking for you to endorse ours. We are simply asking that the decision is placed with a planning committee of elected Councillors. Please carefully consider the potentially significant impacts of any endorsement on other schools in our city (e.g Muller Road Rec, Pen Park, Doncaster Road).

Some comparable schools to Cotham (in terms of student profile) readily and happily use open access sites shared with communities today across our city. Do we really want all of the other Important Open Green spaces that schools, sports groups and the communities share to have high security fencing installed? Any endorsement could hold significant consequences.

Engagement with the community

We are both very surprised to learn of Jo's report of "insurmountable" problems in engaging with the residents. We have not been engaged by the school however Darren Jones kindly facilitated and chaired two meetings at City Hall. At these we attempted to propose a wide range of ideas to the school, including alternative fencing solutions; however the school did not wish to discuss any option other than the proposed fence. At the first meeting (also attended by a colleague of Thangam) the school advised the community that if the proposed fence was not acceptable (plan A) the school would build a bigger fence with no community access at all (plan B). At our second meeting we were told that unless we; shut down our Facebook group, stopped campaigning and asking for information, we would not be invited to further talks. We urge you to speak to those in attendance at both meetings, for example Darren Jones and John Goulandris and/ or to read the meeting notes and follow up letters to confirm this.

Shared Use

Again some factual bullet points are provided in our response to Thangam yesterday (copied below). In short, we have not seen the plans for sharing as described in Jo's letter. In the last meeting it was clear that the school intended to place 2M high security fencing on or near to the boundary of its lease (circa 1.5 miles long) and that **one** gate may be open subject to certain conditions. May we suggest that the school quickly publish the full plans for the fence together with the precise arrangements for community access? It would be very helpful if this drawing showed the line of the school lease alongside the line of the proposed fence and a very clear description of the shared use that the school proposes.

Mockery, abuse, personal attacks and vandalism

We are very concerned about Jo's report of mockery, verbal abuse and personal attacks and would welcome any details as we are not aware of any such behaviour. Two councillors have been keeping a very watchful eye on the Facebook page created in May 18 and I believe this may also be the case also for Darren Jones, I am sure they will happily speak on their views. We are both very pleased (given such an emotive issue and a membership of 1,000+) that the group is very courteous, well humoured and polite. Posts on this group are all readily accessible.

We assume that we (the undersigned) are the 'leaders', as cited by Jo. It is a matter of record that we have proactively and publically condemned vandalism of the sign. We do not know who vandalised the sign and this behaviour is not representative of the 1000+ members of our group who are more aligned to coming together to remove graffiti and complete many gardening sessions at Stoke Lodge. We are aware that two distant photos of the school's Facilities Manager have been posted (one very recently as community members were upset he had come to the Lodge and removed some bunting left around the Bristol Tree of the Year after a community gathering). These were both quickly deleted (within hours) despite it not being an offence or uncommon for this to happen on social media. We understand that the Facilities Manager has reported the posting of a one distant photo to the police as 'harassment'. We have messages between a 'leader' and the Facilities Manager to show how supportive we have been when the issue of the distant photo was raised with us.

“Multiple vexatious complaints to the ESFA and bombarded with vexatious FOI requests”

Freedom of Information Requests (FOIs): We discussed the FOI requests with the school at a meeting in City Hall in September; we explained that the requests were made so that we could understand the school's issues and develop solutions and compromise proposals. Requests are primarily for a copy of a std. document that the school has cited in statements or on their website e.g. a copy of the risk assessment. These requests are again a matter of public record via What Do They Know and the alleged “bombardment of vexatious requests” includes:

- 16 requests since May 2018
- 4 of which the school has not responded to (long overdue – the request is for a single document or clarification)
- 3 that the school has responded to with a copy of a standard document (one being a single value £ figure that may have required some small collation)
- 8 (so 50%) that the school has advised they do not hold the information on
- 1 response that the school refused
- No new requests have been made since it was raised by the school as an issue in September

We do not understand Jo's statement that these are 'vexatious' having reviewed the requests, as you may do online.

ESFA: We are aware that a **single** complaint was raised with ESFA; this raised concerns about the school providing misinformation in the grant funding application for Stoke Lodge and that it did not seek prior approval before spending over £100k of public money on legal fees (approval is required by the Academies Financial Handbook). The latter breach has been confirmed by ESFA. We also understand that since the school issued a press release on 30th November citing the ESFA grant, members of the community and some Councillors may have contacted ESFA or DfES to query the use of the grant in such contentious circumstances.

Our plea and request on behalf of 1000+ residents of Bristol

There is no urgency to fence Stoke Lodge, since the school will not be able to play sports there for months - the pitches have not been maintained for several years and require extensive work; there are currently no toilet facilities. There is time to ensure that all issues are properly considered, especially as the fence will create additional liabilities for the Council under its indemnity to the school in the lease.

We believe that the best way forward would be for us all to put our 'heads above the parapets' and get talking so that we resolve the situation. Whilst we understand that this issue has repeatedly taken Jo away from her core purpose, Jo has not been able to attend the last two meetings with the community and we believe it would be very beneficial if she could support a meeting in the near future. We wrote to Jo and the Governors 12 days ago to request and are awaiting a response; we would appreciate your support in getting some dates and times as soon as possible.

Whilst we still remain hopeful that through discussion these matters can be resolved, we are fearful that the school will continue its position as outlined above. We have had no response to date on the points raised with BCC Officers and escalated to senior leaders by our Councillors regarding the council's U-turn on permitted development, other than to confirm that a view was obtained from junior counsel working in the same chambers as counsel for Cotham School. This has left us with no choice but to engage leading Counsel, please be advised that Andrew Sharland QC who is acting on our behalf will be writing on Monday to confirm that the position taken by the planning team on the applicability of permitted development rights is legally incorrect.

Yours sincerely

Emma Burgess and Helen Powell

Unofficial spokespersons for We Love Stoke Lodge

Annex 1 – Letter issued 13/12/2018 By Jo Butler.

13 December 2018

Dear Bristol MPs, the Mayor, the Deputy Mayor and Bristol City Councillors

I am writing to you as Headteacher of Cotham School one of Bristol's largest comprehensive schools.

Firstly, forgive me for the length of this letter but it is truly very difficult to capture in a few lines the eight year 'battle' that the school has had to fight to be able to exercise what should be a simple right to provide a safe and secure educational experience to our students on land that has been leased to us for 125 years by BCC for this very purpose.

Cotham's demography is highly diverse with stark contrasts between the socially and economically advantaged and disadvantaged. The school's catchment reaches into areas with very high levels of deprivation, eg. St Paul's and Easton. Free School Meals proportions have risen very quickly in recent years and 34% of students are now in receipt of Pupil Premium Funding in Years 7-11, with some year groups closer to 40%. The school is exceptionally racially and ethnically diverse and the proportion of students learning English as an Additional Language at 38%, well over the national average. We have over 40 different languages spoken at the school.

My vision for the school places students and their learning at its heart and this results in strong outcomes. Staff are united in this goal and relentless in pursuing excellence in all aspects of school life. The school takes active steps to eliminate discrimination, challenge stereotypes, advance equality and promote good relations within the school and local community. We are a Cooperative School and actively promote the British values of fairness, equality, democracy and religious tolerance through our co-operative values, culture and ethos. In our last Inspection in April 2018, Ofsted said "Since her appointment in 2015, the headteacher has acted with great purpose to address the changing needs of the school. The school is responding well to the changing social context of the community which the school serves. The headteacher's vision and her focus on meeting the needs of all pupils have been at the heart of the school's transformation." (Ofsted) and "Governors and school leaders have a strong commitment to serving the needs of their diverse community. They are determined to make sure that the needs of all their pupils are met so that all can maximise their potential." (Ofsted)

Cotham School entered into a 125 year lease on our off-site school playing fields and they are vital to the school's long term provision of physical education. They are part of our school premises and provide teaching spaces in the same way as classrooms or a sports hall does. This year we have expanded our school to 9 forms of entry to support BCC with much needed new school places. This has not been easy as we have a very tight campus and we have had to use staff car parking space (not green space) for extra classrooms to do it. Due to the very restricted space available on the main school site we have for many years required off- site sports provision. The land at Stoke Lodge was held for 'educational purposes' for many years before the lease between the local authority and the school. There is no other other facility with security of tenure available to the school for its needs.

2/Continued....

Chapters I and II of The Education Act 1996 places a duty on the Secretary of State to prescribe standards for the premises of all maintained schools in England and Wales set out in The School Premises (England) Regulations 2012. Similarly, the Education Act 2002 empowers the Secretary of State to prescribe standards for school premises. In respect of these, school premises are not public places and anyone who enters without permission of the Headteacher (who has day to day management of the school) is trespassing. Some groups of people, such as parents, have an "implied licence" to enter school premises at stated times and it is up to the school to decide what these times are. A number of people may have good reason to be on the school premises and therefore possess an "implied licence" i.e. registered students of the school during school hours or by agreement of the Headteacher e.g. after school clubs and sports, parents or guardians responsible for a student at the school, Governors, Ofsted inspectors, Local Authority staff, contractors, those using

facilities provided as part of a school “let” etc. In effect a school’s premises is a private place, to which the public has no automatic right of entry.

We need a secure playing fields for our students and staff

As Headteacher, I am responsible for ensuring that staff and students can work and learn in a safe and secure environment. The question of security within school premises is ever changing and needs to be kept under constant review, with measures implemented to target identified areas of risk and remedial actions implemented to address them.

All schools have a statutory requirement to provide for the safeguarding and welfare of their students and this is laid out in Part 3 of the Education (Independent School Standards) Regulations (2014). This provides:

7. The standard in this paragraph is met if the proprietor ensures that— (a) arrangements are made to safeguard and promote the welfare of pupils at the school; and (b) such arrangements have regard to any guidance issued by the Secretary of State

16. The standard in this paragraph is met if the proprietor ensures that: (a) the welfare of pupils at the school is safeguarded and promoted by the drawing up of and effective implementation of a written risk assessment policy; and (b) appropriate action is taken to reduce risks that are identified

Cotham School has a statutory duty to provide physical education which is maintained so far as is reasonably practicable to a standard that the the health safety and welfare of students are ensured. This is set out in Part 5 of the above regulations:

25. The standard in this paragraph is met if the proprietor ensures that the school premises and the accommodation and facilities provided therein are maintained to a standard such that, so far as is reasonably practicable, the health, safety and welfare of pupils are ensured.

3/Continued....

29. The standard in this paragraph is met if the proprietor ensures that suitable outdoor space is provided in order to enable— (a) physical education to be provided to pupils in accordance with the school curriculum; (b) pupils to play outside.

Furthermore, the health and safety guidance from the Department for Education (DfE) explains that: Under the Health and Safety at Work etc. Act 1974, the employer in a school must take reasonable steps to ensure that staff and students are not exposed to risks to their health and safety. This applies to activities both on and off school premises, in this case our playing fields at Stoke Lodge. I do not believe there can be any dispute that without a school playing field being fenced *even when the fields closely adjoin school sites* the ability to protect the health, safety and safeguarding of students and staff would not be significantly compromised. *Our playing fields are just under 3 miles away by coach from our main school site.* Therefore having undertaken a comprehensive risk assessment of the site, the only reasonable solution that the school considers will manage and mitigate this risk is a secure fence.

I am afraid that it has appeared for some time now that the school faces an insurmountable problem in engaging with those who would seek to prevent the school from exercising its responsibilities as an educator and employer. This is because the school has been clear for many years now that our playing fields need to be fenced to safeguard our students and staff when taking part in our sports curriculum. However, the only position we have ever seen from those who oppose our plans is that there must be no fence and that the school does not need a fence. They do not want to accept that these are legally our playing fields, that the school is empowered to get back to using the site as it wishes, that we have a duty to ensure our students and staff are safe at school and that we are planning to share our playing fields when not in use by the school.

We want to continue sharing the playing fields!

The facts are as follows: We will be sharing our playing fields with local primary schools, local sports clubs and local people. Conversations with local sports clubs assure us that they are particularly delighted that they will be able to get back to using our playing fields. We want to continue sharing our playing fields and are saddened that the erection of a fence has been misinterpreted as not wanting to share them. Our plans have been well publicised for some time now and have always allowed for public access. The fence will sit inside of the boundary of the fields, giving a secure internal space for our students and staff, whilst retaining a pathway around the outside which will facilitate public walkways around the whole of the site. This will also include the ability to walk dogs at any time providing this is not within the fenced area of the playing fields.

4/Continued....

There will be a number of gates into the fenced part of the playing fields and the school has worked with a landscape architect to produce the proposed plan. However because of the lengthy explanations given above when the school is using the facilities the gates to the playing field will be locked. Outside of times where the school or other sports users are not using the pitches the gates will be left unlocked; however dogs will not be permitted to be exercised within the fenced area at any time, this is to protect against the exposure to the risks of toxocariasis from dog faeces.

The school, some of its staff and governors have been continually misrepresented now for many years. In some cases they been derided as 'land grabbers', 'corrupt', their job role mocked, filmed and sometimes verbally abused when they visit the fields and become the subject of very personal attacks on their character and their personal motivations (In relation to the latter, we are committed educationalists, some of us paid and some of us volunteers).

Furthermore, vandalism at the fields has been encouraged and supported [Click here for images](#) and this, in one of the most affluent parts of Bristol. The We Love Stoke Lodge Facebook site is a more recent and particularly disappointing example of this type of behaviour. 'Leaders' of this group have also made multiple vexatious complaints to the ESFA and bombarded with vexatious FOI requests.

I go back to the start of my letter. It should be a simple right for a school to provide a safe and secure educational experience to our students on land that has been leased to us for 125 years by BCC for this very purpose. I am not only professionally exhausted by trying to exercise this right, I am also personally exhausted. I love my job but I did not come into it to spend the hours of my time that I have over the last three and a half years on this single issue. I became a headteacher to make a difference to young lives through education. But... I have repeatedly been taken away from this and my core purpose of leading our wonderful and brilliant school. I am sure that you are aware of the chronic shortage of teachers willing to take up the mantle and put themselves forward for Headships and stories like mine will certainly not help to address this.

Please do the right thing. Step forward, put your head above the parapet and voice your support for our students, both current and those to come in the future.

Thank you for reading this. I can only imagine how busy you all are too.

Yours faithfully

Jo Butler (Headteacher, Cotham School)

Annex 2

Copy of letter issued to Thangam Debbonaire 13/12/2018

thangam.debbonaire.mp@parliament.uk

From welovestokelodge@gmail.com

Copied to; Darren Jones MP, WLSL Members, Social Media and Bristol City Council
13/12/2018



Good Morning Thangam

Thank you for publishing your blog regarding Cotham School and Stoke Lodge Playing Fields. I also wholeheartedly want to see Cotham's students playing sports on Stoke Lodge Playing Fields very soon; as does every member of 'We Love Stoke Lodge' that I have spoken to. We are an informal group of 1000+ residents of Sea Mills, Stoke Bishop, Westbury on Trym and surrounding wards.

To best support the school (and your role as MP) I am sure that you want your blog (Annex 1) to be factually correct. I am writing to provide you with information that you may not be aware of. If you would like to validate the accuracy of **any** of the information provided below, please do not hesitate to contact me. The sources can be requested by matching to the lettering below. For example, to see;

- Bristol City Council's review of the Cotham School Risk Assessment which shows that the risk rating that led to Cotham School choosing to leave Stoke Lodge in 2014 is **too high/ overstated**, please ask for **f**.
- The payments made by the school to evidence that they have **not been forced to rent** other premises at huge expense, please ask for **k**.
- Examples of schools, including the comparable **Fairfield School in your constituency**, that use open access, unfenced fields and welcome shared community use, please ask for **u**.

Please accept my apologies for the length, I have placed a few bullets under each of your points and this still only touches the surface of why so many of us don't understand your blog or why Cotham School wants to build a huge fence. Many of our children play sport in unfenced sites in higher crime areas at Bristol's state funded schools. Stoke Lodge is the last open green space in this area, the only place we can happily let our children safely run free. We do not understand why Cotham students are cited as being in clear and present danger and high risk of attack based on the facts. For further information (such as Podcasts), please visit <https://welovestokelodge.co.uk/some-background>

We also wholeheartedly support Cotham School's responsibility to protect its students and would like to work in partnership to achieve this at Stoke Lodge. I agree that this dispute has dragged on too long however the school does not appear to want to work with the community to resolve this. Your fellow MP Darren Jones kindly arranged two meetings with the school, I am sorry that you couldn't make it to them personally. At the last meeting (Sept '18 in City Hall) a school Governor (who has led on Stoke Lodge for 8 years) told us that unless we; shut down our Facebook group, stopped campaigning and asking for information, we would not be invited to talks.

Whilst I fully appreciate that the school doesn't want to talk to the community we are still asking, we wrote again 11 days ago and are awaiting a reply. With respect, we are concerned that your blog (and its coverage) could further entrench the school, harming it not helping. Please join Darren Jones and support all stakeholders in reaching a sensible compromise to this. The only other route will be further lining the school's legal Counsel's pockets and they have already spent c £140K pursuing a fence.

Please take the time to read the important information provided below against the points you have made in your blog and do come back to me as soon as you can. I do appreciate that Westminster should be any MP's key

focus this week however no one wants to see Bristol's children and elderly lying in front of diggers and litigation underway, I fear we are now heading that way before Christmas.

Please look at this as soon as possible or ask one of your team to.

Yours sincerely

Emma Burgess

Important Information to review blog for accuracy and completeness

“Unfortunately, some local residents have consistently opposed the school's plans to put up a mesh fence. As a result...”

Yes there is significant opposition from residents to the current fence proposals for Stoke Lodge Playing Fields (SLPF). Please note, for twenty years BCC has considered the field as being in the curtilage of a listed building. So for the last 8 years (and until a U-turn in November 2018) the council has required the school to apply for planning permission to build a 2M high, 1.5 mile long metal, mesh fence. The school submitted 1 application in Nov 2016, which they withdrew shortly afterwards and no application has been made since.

... “the school has been unable to use the playing fields since 2014, following a risk assessment which highlighted dangers from people and dogs.”

Please consider:

- a) Cotham School has been using open access, public, unfenced facilities at Coombe Dingle Sports Complex (CDSC) just 500 yards from SLPF for over ten years and still do so today. The school (as at October 2018) has not completed a risk assessment for this site nor been provided one by CDSC (the University).
- b) When considering students absconding, stranger danger or complex families the school has been using CDSC which has public rights of way, open gates, public hire, cars and coach access.
- c) The school has stated that they do not hold a risk assessment for SLPF prior to April 2014.
- d) The school states that the risk assessment in 2014 was instigated as a result of incidents at SLPF.
- e) The school states it has no recorded incidents at SLPF (incidents must be recorded and held for 20 years).
- f) The risk assessment was completed days following the receipt of a consultant's report which, in section 9 regarding grant funding, states “Areas of investment are likely to be prioritised towards Safeguarding projects and Improvements to play and sport spaces’
- g) The risk assessment was reviewed by Bristol City Council's Health and Safety officer. The officer was not aware of data in the risk assessment which is incorrect (as provided by WLSL). However, they still concluded the key risk (and the reason for the school's ‘stop order’ for using SLPF) was overstated, noting the risk is “medium” not “high”. Please note a medium risk requires measures that aren't ‘too costly or troublesome’ so a medium risk would **not stop** the school playing sport at Stoke Lodge without a fence, as it chose to do in April 2014. The officer also suggested existing controls, additional controls used by other schools, and includes comments that the officer is not aware of the cited risks occurring across Bristol.
- h) Experts (including one from ROSPA) have confirmed that a fence is not required. Advising that the risk assessment completed by Cotham is “fundamentally flawed”.
- i) Cotham School published statements (and other comms) stating that the fence was required by Ofsted. Ofsted have confirmed that they do not require a fence.
- j) Many comparable schools across Bristol (e.g Fairfield) and even some in high crime and challenging London boroughs play sports in open access playing fields where open access community use is welcomed.
- k) SLPF sits in one of the lowest crime areas in Bristol with an average 2 crimes a year. There are over 300 crimes a month in areas of Bristol where children play sports in open access spaces.

During this time the school has been forced to rent other playing fields at huge expense. At a time when schools are struggling to make ends meet, this is even more challenging.

- l) Cotham School has rented facilities at CDSC for over ten years. The school's spend with CDSC (and usage) is consistent today as it was in the years **before it stopped** using SLPF. The school's costs have NOT increased since leaving SLPF in 2014, the only increment in costs detailed in the FOI response being inflation.
- m) Legal, planning and consultancy costs are reported at £133k to August 2018 (primarily costs for legal Counsel). Since this date the School has continued to engage planning consultants, solicitors and legal Counsel so these costs will now be higher.
- n) The sole value for money basis of a (c.690K) ESFA grant was the costs of being 'forced to rent other playing fields'. Please refer to 3.a and note that ESFA are currently reviewing this matter.
- o) Cotham School's risk register does not include any reference to SLPF for the last 4 years. The school's states: "The Governors have a comprehensive risk management process to identify and monitor the risks faced by the School. A comprehensive risk register has been established and is reviewed by the Senior Management Team on a regular basis."
- p) WLSL has put forward a wide range of low cost alternatives to fencing which we believe address the school's safeguarding concerns including supporting the school through grant funding which only communities can access. Governors did not wish to discuss our proposals.
- q) There are a number of underutilised facilities accessible to Cotham School at a lower cost than the basic maintenance costs for SLPF; we have identified 7 other facilities that provide better value (with no transport issues and better facilities than could ever be developed at SLPF).
- r) Usage data from CDSC and the Head Teachers submission at a public enquiry shows that SLPF will be used for 4 or 5 mornings a week, 36 weeks a year. The cost per lesson at SLPF does not provide best value to the school over the term of the lease.
- s) Cotham School do not hold a cost benefit analysis to demonstrate that their plans provide best value, nor any documents that demonstrate that best value has been discussed or reviewed.
- t) There are many underutilised facilities with floodlight 4G pitches and public parking across Bristol (and new ones underway) so the likelihood of income to offset the school's costs are low.
- u) The school has had a transfer of control agreement in place with the University which meant they receive/d no income from third party hire and profits go to the University instead.

And playing fields are very important for Cotham's pupils, many of them from deprived areas of the city with few green spaces.

- v) Fairfield School (with a higher % of pupil premium) and many other school's across Bristol in higher crime areas play in unfenced fields. Cotham students are able to use SLPF tomorrow, if the School so wished.
- w) SLPF is the last open green space in the area upon which many people with complex, low socio economic backgrounds and with physical/ mental impairments rely. This Important Open Space (BCC status) has been the epicentre of a community for over 70 years.

I believe objections to the fence are excessive and unreasonable.

- x) Bristol City Council Cabinet confirmed in 2010 that Stoke Lodge Playing fields would never be fenced.
- y) Please come to SLPF and review the alternatives to fencing that we have proposed together with the information provided within this letter.
- z) Please review the letters issued by community members to BCC and councillors since the fence was proposed in May and November of this year for 'excessive or unreasonable' requests. The community have called for transparency and democracy asking that the school apply for planning permission so that the democratically elected Councillors can make a decision. This would ensure that proper consideration is given to 38 trees with TPO's, badgers sets, emergency services (including air ambulance) and equality impact.

The school has always maintained that local residents will be able to continue to use the playing fields when they are not being used by the school.

- aa) The school has always maintained that **1** gate in the 1.5 mile long fence (22 acres) **could** provide access for the community.
- bb) At the July '18 meeting in City Hall a school Governor told the meeting that the school was also considering a plan B whereby they would build an even bigger fence and it would be permanently locked.
- cc) The community have raised concerns that if one teenager leaves a beer bottle inside the fence at a weekend then the single gate would be locked forever; the community have not been assured otherwise.
- dd) The fence is proposed to be built on the perimeter of the school's lease – the 'generous sharing' stated by the school is for land that is NOT within the school's lease.
- ee) The school has never completed and issued a community partnership agreement or charter (Sport England guidelines etc.).

And everyone will still be able to use the perimeter area at any time.

- ff) There is no perimeter walkway **on the field** based on plans issued to date. For the majority of the circumference of the field public highways and footpaths external to the field will form the 'perimeter' - outside of the school's lease.

Bristol City Council has confirmed that Cotham does not need planning permission to put up a fence on its own playing fields.

- gg) We believe that the BCC officers' decision is legally incorrect - the law and Planning Portal guidance are clear that planning permission is required before a fence can be built on the boundary of a listed building.
- hh) WLSL has called for permitted development rights to be suspended.
- ii) There are several reasons why Cotham's pupils will not be able to use the field at Stoke Lodge in the foreseeable future, and so there is no urgent need to erect a fence. Whilst the school might bus pupils already in their PE kit, there are no toilet facilities on the field so they can't play sport there until such facilities are provided, presumably through their intended plan to redevelop the Pavilion. Bus access is very restricted, the only possible safe drop off point being on Shirehampton Road; the pitches are in a really poor state as they haven't been maintained for four years. As the school does not currently have planning permission (or a live planning application/ appeal) for the Pavilion redevelopment, this could take many months during which the field will remain unused by Cotham pupils and the community fenced out.
- jj) We have written to the school to advise them of the very real risks they take if they go ahead with the fence without the appropriate tree protection measures and a licence to carry out development works near active badger setts. We are concerned that the school could commit criminal offences, which carry potentially unlimited financial penalties and for which the Governors would be personally liable. Complying with due process would protect the school, not harm it.
- kk) If the school builds a fence and then the Public Right of Way/Town or Village Green applications are granted the school may have to adjust or remove the fence, wasting further public funds.

The school has been using the fields since 2002 and took a long lease with Bristol City Council in 2011.

- ll) Cotham School readily accepted a specific clause that was added by BCC into the standard DfES lease in 2011, the school's lease is subject to "all existing rights and use of the Property including use by the community"
- mm) Cotham School entered the lease having happily co-existed with the community and knowing the level of community usage for over 9 years
- nn) Cotham School signed the lease knowing that a Town or Village Green application had been submitted
- oo) Cotham School signed the lease knowing that the field was in the curtilage of a Grade II listed building (as determined by BCC at that time)

Annex 1

Copy of your Blog for ease of reference 12/12/2018

Cotham School students must be able to use safe sports facilities

Cotham School has been fighting for the last eight years to put a fence around their playing fields at Stoke Lodge. The inner-city school has limited grounds. To be able to play sports the students need playing fields which are safe, and seen to be safe.

Unfortunately, some local residents have consistently opposed the school's plans to put up a mesh fence. As a result, the school has been unable to use the playing fields since 2014, following a risk assessment which highlighted dangers from people and dogs. During this time the school has been forced to rent other playing fields at huge expense. At a time when schools are struggling to make ends meet, this is even more challenging. And playing fields are very important for Cotham's pupils, many of them from deprived areas of the city with few green spaces.

I believe objections to the fence are excessive and unreasonable. The school has always maintained that local residents will be able to continue to use the playing fields when they are not being used by the school. And everyone will still be able to use the perimeter area at any time.

Bristol City Council has confirmed that Cotham does not need planning permission to put up a fence on its own playing fields. The school has been using the fields since 2002 and took a long lease with Bristol City Council in 2011.

I wholeheartedly support Cotham School in building a fence, which upholds the school's responsibility to protect students. This dispute has dragged on too long. I hope to see Cotham students playing football, rugby and other sports on Stoke Lodge fields very soon.

An example of a mesh fence, similar to that planned by Cotham School.

