

Property Sub-Committee

Wednesday 3 March 2021

12:00

Meeting to be conducted using Microsoft Teams - Microsoft Teams

NB. Attendance by the public and press is via webcast only which can be viewed here - <https://staffordshire.public-i.tv/core/portal/home>

John Tradewell
Director of Corporate Services
23 February 2021

A G E N D A

PART ONE

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes of the Meeting held on 3 February 2021** (Pages 1 - 2)
4. **Lease of Sites to Academies**
 - a) **Miscellaneous Sites** (Pages 3 - 8)
 - b) **Redbrook Hayes Community Primary School** (Pages 9 - 16)
 - c) **The Kings CE(A) School** (Pages 17 - 22)
 - d) **Manor Hill Primary School** (Pages 23 - 28)
5. **Exclusion of the Public**

The Chairman to move:

'That the public be excluded from the meeting for the following item(s) of business which involves the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 indicated below'

PART TWO

6. **Sale of Old Lichfield Library, The Friary, Lichfield - Proposed Exclusivity Agreement (Exemption paragraph 3)** (Pages 29 - 42)

7. **Codsall Library - Terms of Proposed Lease (Exemption paragraph 3)** (Pages 43 - 50)
8. **Burntwood Rugby Club, The Sportsway WS7 3PH - Proposed Lease (Exemption paragraph 3)** (Pages 51 - 54)
9. **Holding No.7 Old Wood Estate, Blithbury Road, Rugeley, WS15 3HW - Proposed Sale (Exemption paragraph 3)** (Pages 55 - 58)

Membership

Mark Deaville
Julia Jessel
Jonathan Price

Alan White (Chairman)
Philip White (Vice-Chairman)

Note for Members of the Press and Public

Filming of Meetings

The Open (public) section of this meeting may be filmed for live or later broadcasting or other use, and, if you are at the meeting, you may be filmed, and are deemed to have agreed to being filmed and to the use of the recording for broadcast and/or other purposes.

Recording by Press and Public

Recording (including by the use of social media) by the Press and Public is permitted from the public seating area provided it does not, in the opinion of the chairman, disrupt the meeting.

Minutes of the Property Sub-Committee Meeting held on 3 February 2021

Present: Alan White (Chairman)

Mark Deaville
Julia Jessel

Jonathan Price
Philip White (Vice-Chairman)

Also in attendance: Mark Winnington

PART ONE

322. Declarations of Interest

There were no Declarations of Interest on this occasion.

323. Minutes of the Meeting held on 6 January 2021

RESOLVED – That the minutes of the meeting held on 6 January 2021 be confirmed and signed by the Chairman.

324. Proposed Leases to Academies

The Sub-Committee considered a report proposing the granting of a lease for the site of an Academy County for a 125 year period and at a peppercorn rental in line with the expectations of the Department for Education for those schools converting to Academy status.

RESOLVED – That approval be given to the granting of 125 year lease, at a peppercorn rental, for the site listed in the Schedule to the report.

325. Exclusion of the Public

RESOLVED – That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Local Government Act, 1972.

326. Half Yearly Report on Activity of County Farms' Tenancies Panel - Exemption paragraph 3

The Sub-Committee considered the half yearly activity report by the County Farms Tenancies Panel from 1 July 2020 to 31 December 2020.

RESOLVED – That the report be noted.

327. Holding No. 47 Plardiwick Estate, Barnsbridge Farm, Gnosall, ST20 0EJ - Proposed Sale - Exemption paragraph 3

Details were submitted of the terms for the proposed sale of part of Holding No. 47 Plardiwick Estate, Barnsbridge Farm, Gnosall ST20 0EJ comprising of 52.98 acres.

RESOLVED – That approval be given to the sale of part of Holding Holding No. 47 Plardiwick Estate, Barnsbridge Farm, Gnosall ST20 0EJ comprising of 52.98 acres on the Terms indicated in the report.

IN ORDER TO AVOID ANY DELAY IN THE COMMENCEMENT OF WORKS, THE CHAIRMAN AGREED TO THE FOLLOWING ITEM BEING DEALT WITH AS URGENT.

328. Urgent Item - Newcastle under Lyme Children's Centre, Blackbank Road, Knutton ST5 6BX - Proposed Lease (Exemption paragraph 3)

Revision of proposals agreed by Property Sub-Committee on 7 October 2020.

Proposals were submitted for the renewal of the lease agreement at Newcastle under Lyme Childrens Centre Blackbank Road Knutton ST5 6BX to the existing tenant.

RESOLVED – That, subject to the Terms indicated in the report, approval be given to grant a renewed lease agreement with the existing tenant, Tiny Toez Limited; the final details of the transaction to be delegated to the Assistant Director for Commercial and Assets.

Chairman

Property Sub-Committee – 3 March 2021

Recommendations by Cllr Mark Deaville - Cabinet Member for Commercial

<p>Site:</p> <p>See Schedule.</p>
<p>Location/Electoral Division</p> <p>See Schedule.</p> <p>Julia Jessell – Needwood, East Staffs Tina Clements – Tamworth,</p>
<p>Proposed Transaction</p> <p>Grant of a Licence to Underlet. Under the terms of the current Academy lease for Thomas Russell Junior, underletting is not permitted. The Academy seek the Staffordshire County Council’s (“Council”) permission to grant an underlease from the Academy to Little Stars Pre School of a classroom (and outdoor playing area), the classroom will only be occupied during term-time, between the hours of 8:15a.m. – 3:45 a.m. During this time, the pre-school will have exclusive use of the classroom and outside area. The underlease is to be for a term of 3 years, and the rent will be £11.55 per hour with an annual increase of 5% each January.</p> <p>Grant of a Licence to Underlet. Under the terms of the current Academy lease for Birds Bush Primary school underletting is only permitted for 3 years in accordance with the current Council’s Academy lease. The Academy seek the Council’s permission to renew the current underlease dated the 27 January 2017 to Little Stars Nursery in respect of the nursery building at the Birds Bush Primary School . The new underlease is to be on the same terms as the current underlease, but for an initial term of 5 years with a mutual option to renew for further 5 years at an initial rent of £9,000 per annum.</p>

Recommendations

<p>The underletting of the classroom and playing area at Thomas Russell Junior School and the underletting of the nursery building at Birds Bush Primary School should be permitted subject to:-</p> <p>a. Little Stars Pre-school and Little Stars Nursery entering a Licence to Underlet with the Council (with the form of underlease annexed to the Licence);</p>

- b. The underlease containing an absolute prohibition on assignment or further sub-letting;
- c. The underlease containing a covenant that the Academy will comply with the terms and covenants contained in the headlease; and
- d. The Little Stars Pre-school and Little Stars Nursery's agreement to pay the Council's costs in preparing, negotiating and completing the Licence to Underlet.

Decision Level/Authority/Officer Delegation Scheme number

Property Sub-Committee decision as undervalue transaction.

Details

1.Current Use and Owner/Occupier/Lessee etc

The Sites set out in the Schedule are owned by Council and are used by the Schools detailed in the Schedule.

2.Proposed Use

The governing bodies of the Schools have voted to change their legal school category to an Academy. The Sites will therefore continue to be used as schools.

3. Proposed Purchaser/Lessee/Lessor/tenant etc...

See Schedule

4. Estimated Value/Cost/Rental Income

No valuation has been undertaken

5. Proposed transaction sale price/outline terms

Not for value as referred to above.

6. Implications of transaction for County Council (Risks)

(a) Strategic: To include contribution transaction makes to outcomes listed in the Strategic Plan *

None

(b) Financial:

Capital costs/income

Revenue costs/income

Change in Property running costs

None

(c) Operational:

None

(d) Legal:

None as the whole of the Site is occupied by the School and no part thereof is used by any third parties or any other part of the community

7. Background Information:

(a) site history/details of negotiations etc

(b) Consultations carried out/required

(c) Alternative options for site

(d) Reasons for recommended option

(e) Rationale for acceptance of lower offer (where applicable)

(f) Relevance of Section 123 of the Local Government Act 1972/General Disposal consent Order 2003

(g) Resource/VFM Analysis

As stated above, it is a requirement/expectation of the Department for Education that the Council grant consent to lease to an Academy in the standard form when a school converts to an Academy and this has been adhered to for the Thomas Russell Primary School and Birds Bush Primary School. The consent of the Secretary of State was obtained prior to completion of the Academy leases.

Given the covenant in the completed Academy leases (headleases) prohibiting any underletting, or restricting underletting to 3 years the solicitors for the Academies have requested the Council's consent to an underlease being granted by the Academies to the Little Stars Pre-school and Little Stars Nursery.

In considering the request for underletting, the Council will need to ensure that the Academy would comply with the existing terms and covenants in the current Academy lease. Further, the Council would want to be clear they are consenting to an underletting in this one instance only and that no further underletting would be permitted.

This could be achieved by the Council requiring the Academies, Little Stars Pre-school and Little Stars Nursery to enter a Licence to Underlet. The Licence to Underlet would be a single consent for the Academies to underlet the classroom and playing area at Thomas Russell Junior School and the underletting of the nursery building at Birds Bush Primary School. It would annex the agreed form of underlease that the Academy could grant and contain a requirement for the Academy School to comply with the terms and covenants in the headleases and prevent assignment of the headleases and further sub-letting.

The Council would seek to recover its legal costs in preparing, negotiating and

completing this Licence to Underlet.

9. Community Impact (e.g., reference to communities or service users affected by the proposal)

It is anticipated that there will be a continuity of School arrangements so the communities will not be impacted

10. Comment by Local Member

Not consulted

11. Comments by SLT Members

None

12. Proposal supported by the Assistant Director for Commercial and Assets

Signed Ian Turner



Date 19.02.21

3. Officer advising on this transaction

Signed Stuart Lane



Date 19.02.21

SCHEDULE Property Sub Committee 3 March 2021

Site	Location / Electoral Division	School Type and Land to be Leased	Conversion Date	Academy
Thomas Russell Junior School, Gilmour Lane, Barton under Needwood, DE13 8EU	Needwood	School Building and Playing field. Licence to underlet for classroom and play area.	1 April 2016	John Taylor Multi Academy Trust
Birds Bush County Primary School, Birds Bush Road, Tamworth, B77 2NE	Belgrave	School Building and Playing field. Licence to underlet nursery area.	1 July 2018	Perry Hall Multi- Academy Trust

Property Sub-Committee – 03 March 2021

Recommendations by Cllr Mark Deaville - Cabinet Member for Commercial

Site:

The Redbrook Hayes Community Primary School, Talbot Road, Rugeley WS15 1AU ('the School') as shown edged red on the enclosed Site Plan which includes Brereton Library, Talbot Road, Rugeley WS15 1AU ('the Library'), shown coloured blue on the Site Plan together referred to as the Site.

Location/Electoral Division

Cannock Chase: Brereton and Ravenhill

Alan Dudson – Brereton and Ravenhill

Proposed Transaction

The surrender of the existing academy lease dated 1 February 2019 made between the Staffordshire County Council ("The Council") and Central Co-Operative Learning Trust ("Academy").

The completion of a new 125-year academy lease of part of the Site (excluding the Library) to the Academy on the same terms as the existing academy lease save for a variation of the demise to exclude the Library which should have been retained by the Council together with associated agreement relating to payment of the joint services shared between the School and the Library.

The Lease will be granted at a peppercorn rent and is therefore not for value.

The Lease is standard form document in accordance with the requirements of the Department of Education.

There is no statutory obligation to enter the Lease, but it is the Department of Education's expectation that these documents will be granted to the Academy upon conversion.

The consent of the Secretary of State is deemed to be given once the Academy order is granted an Academy Order was granted on the 20 September 2018.

Recommendations

The existing Lease be surrendered, and the new Lease be granted to vary the extent of the demise to exclude the Library and enter into an agreement between the Academy and the Council regarding any shared services.

Decision Level/Authority/Officer Delegation Scheme Number

Property Sub-Committee decision as undervalue transaction.

Details

1. Current Use and Owner/Occupier/Lessee etc

The Site is owned by the Council and is used by Academy and Council who provide a library service from the Site.

2. Proposed Use

The majority of the Site will be used as a School by the Academy and the remainder of the Site will be retained by the Council so that they can continue to run the Library from the Site for the benefit of the community.

3. Proposed Purchaser/Lessee/Lessor/tenant etc...

Central Co-Operative Learning Trust

4. Estimated Value/Cost/Rental Income

No valuation has been undertaken

5. Proposed transaction sale price/outline terms

Not for value as referred to above.

6. Implications of transaction for County Council (Risks)

(a) Strategic: To include contribution transaction makes to outcomes listed in the Strategic Plan *

None

(b) Financial:

Capital costs/income

Revenue costs/income

Change in Property running costs

From completion of the new academy lease, the area shown edged in red on the Site Plan will be the responsibility of the Academy who will be responsible for maintenance of the Site during the term of the new academy lease.

The Library shown coloured blue on the Site Plan will be retained by the Council who will be responsible for the maintenance and running costs.

An agreement will need to be entered into between the Academy and the Council to cover the payment of shared services of the Site and Library.

(c) Operational:

None

(d) Legal:

The School have agreed the split of the Site and the area to be leased to the Academy with the necessary rights being granted and reserved for the benefit of the Library.

7. Background Information:

- (a) site history/details of negotiations etc**
- (b) Consultations carried out/required**
- (c) Alternative options for site**
- (d) Reasons for recommended option**
- (e) Rationale for acceptance of lower offer (where applicable)**
- (f) Relevance of Section 123 of the Local Government Act 1972/General Disposal consent Order 2003**
- (g) Resource/VFM Analysis**

On the Site is the School and the Library. The School have historically used the Library along with the community.

The Library is currently leased to the Ronald Norman Ashley and Christopher John Wilson, as a Community Managed Library, by way of a lease dated the 4th April 2018 for a term of 5 years from 4th April 2018 at an annual rent of £1 per annum with an option to renew the lease for two further terms of five years.

On the 1st February 2019 the Council entered into an academy lease with the Central Co-Operative Learning Trust and approval to this lease was given by the Property Sub Committee on the 5th December 2018, however, the academy lease did not exclude the Library (which was to remain in the Council's ownership) and no provision was made for an agreement in respect of the shared services.

8. Community Impact (e.g., reference to communities or service users affected by the proposal)

It is anticipated that there will be a continuity of school arrangements and library facilities so the communities will not be impacted.

9. Comment by Local Member

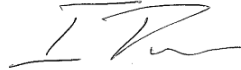
Not consulted

10. Comments by SLT Members

None

11. Proposal supported by the Assistant Director for Commercial and Assets

Signed: Ian Turner



Date: 18.02.21

12. Officer advising on this transaction

Signed: STUART LANE



Date: 16.02.21



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Plot Centre (BNG):
Easting: 404833
Northing: 316652

Scale 1:1250

Date: 02-OCT-2018

Plan Ref: 1:1250 @ A4

Title:
Redbrook Hayes Community
Primary School
Talbot Road, Rugeley
WS15 1AU

Property Sub-Committee – 3rd March 2021

Recommendations by Cllr Mark Deaville - Cabinet Member for Commercial

Site:

The Kings CE(A) School, First Avenue, Kidsgrove, Stoke-On-Trent. ST7 1DP

Location/Electoral Division

Stoke-on-Trent/Kidsgrove

Kyle Robinson - Newcastle

Proposed Transaction

A Transfer of part of the freehold interest in the Site, an Academy Lease of the remainder of the Site and a Deed of Easement to grant further rights over the area of the Site to be leased for the benefit of the adjoining leisure centre.

Recommendations

Transfer of part of Site to The Lichfield Diocesan Board of Education and a Lease of the remainder of the Site to the Three Spires Trust or such other Academy nominated by the DFE, together with a Deed of Easement to grant further access rights over the Site for the benefit of the adjoining leisure centre.

Decision Level/Authority/Officer Delegation Scheme number

Property committee decision as undervalue transaction.

Details

1.Current Use and Owner/Occupier/Lessee etc

The Site is owned by Staffordshire County Council and is used by the school

2.Proposed Use

The governors of the school voted to change the legal school category to a voluntary aided school with effect from the 1st January 2015. The transfer and lease give effect

to this change so the Site will therefore continue to be used as a school.

3. Proposed Purchaser/Lessee/Lessor/tenant etc...

The footprint of the buildings occupied by the school on the 1st January 2015 will be transferred to the Lichfield Diocesan Board of Education and the remainder of the Site will be leased to the Three Spires Trust or such other Academy nominated by the DFE.

The Deed of Easement to grant further rights for the benefit of the adjoining leisure centre will be granted to Newcastle Under Lyme Borough Council subject to the school's approval.

4. Estimated Value/Cost/Rental Income

No valuation has been undertaken

5. Proposed transaction sale price/outline terms

Not for value as this is a Statutory Transfer as referred to above.

6. Implications of transaction for County Council (Risks)

(a) Strategic: To include contribution transaction makes to outcomes listed in the Strategic Plan *

None

(b) Financial: Capital costs/income Revenue costs/income Change in Property running costs

From completion of the Transfer, The Lichfield Diocesan Board of Education will be responsible for maintenance of part of the Site and the Academy will be responsible for maintenance of the remainder of the Site.

(c) Operational:

None

(d) Legal:

None as the whole of the Site is occupied by the school.

7. Background Information:

- (a) site history/details of negotiations etc**
- (b) Consultations carried out/required**
- (c) Alternative options for site**
- (d) Reasons for recommended option**
- (e) Rationale for acceptance of lower offer (where applicable)**
- (f) Relevance of Section 123 of the Local Government Act 1972/General Disposal consent Order 2003**
- (g) Resource/VFM Analysis**

On the 1st January 2015 the former Clough Hall Technology College was discontinued, and a new voluntary aided school established known as The Kings CE(A) School. As part of the proposal for this change of category Staffordshire County Council agreed to transfer the freehold of the school site however no plan was included to confirm the extent of this transfer.

Staffordshire County Council, as local education authority may give such assistance as the authority think fit to implement the proposals involving the establishment of the voluntary aided school. If that assistance consists of the local authority providing land, other than playing fields, they must transfer their interest in that land to the trustees of the school for them to hold on trust.

Generally, the local authority is placed under a duty to provide the playing fields for a new voluntary aided school. Whilst they are required to provide the playing fields, they are not required to transfer the interest in those playing fields to the trustees or governing body.

Accordingly, it is intended for the footprint of the buildings that were occupied by the school on the 1st January 2015 to be transferred to the Lichfield Diocesan Board of Education in accordance with expectations of the Department for Education and the statutory requirements.

The parts of the school which were used as playing fields on the 1st January 2015 will be retained by Staffordshire County Council and leased to the Academy when the school converts to an Academy.

Representatives of the Diocese have previously supported this proposal and completion of the Transfer and the Academy Lease would be subject to their continued agreement.

The land proposed to be retained and leased to the Academy is subject to a right of way in favour of the adjoining leisure centre. A request has been received to extend this right of way so that it includes a right of way with or without vehicles over the tarmac section between the two sets of pitches annually for plant maintenance and in the case of emergency. The school have agreed this in principal subject to conditions. The extension of these rights would therefore be subject to the schools

continued approval of this proposal.

9. Community Impact (eg, reference to particular communities or service users affected by the proposal)

It is anticipated that there will be a continuity of school arrangements so the community will not be impacted

10. Comment by Local Member

To be reported to committee

11. Comments by SLT Members

None

12. Proposal supported by the Assistant Director of Commercial and Assets

Signed Ian Turner


Date 19.02.21

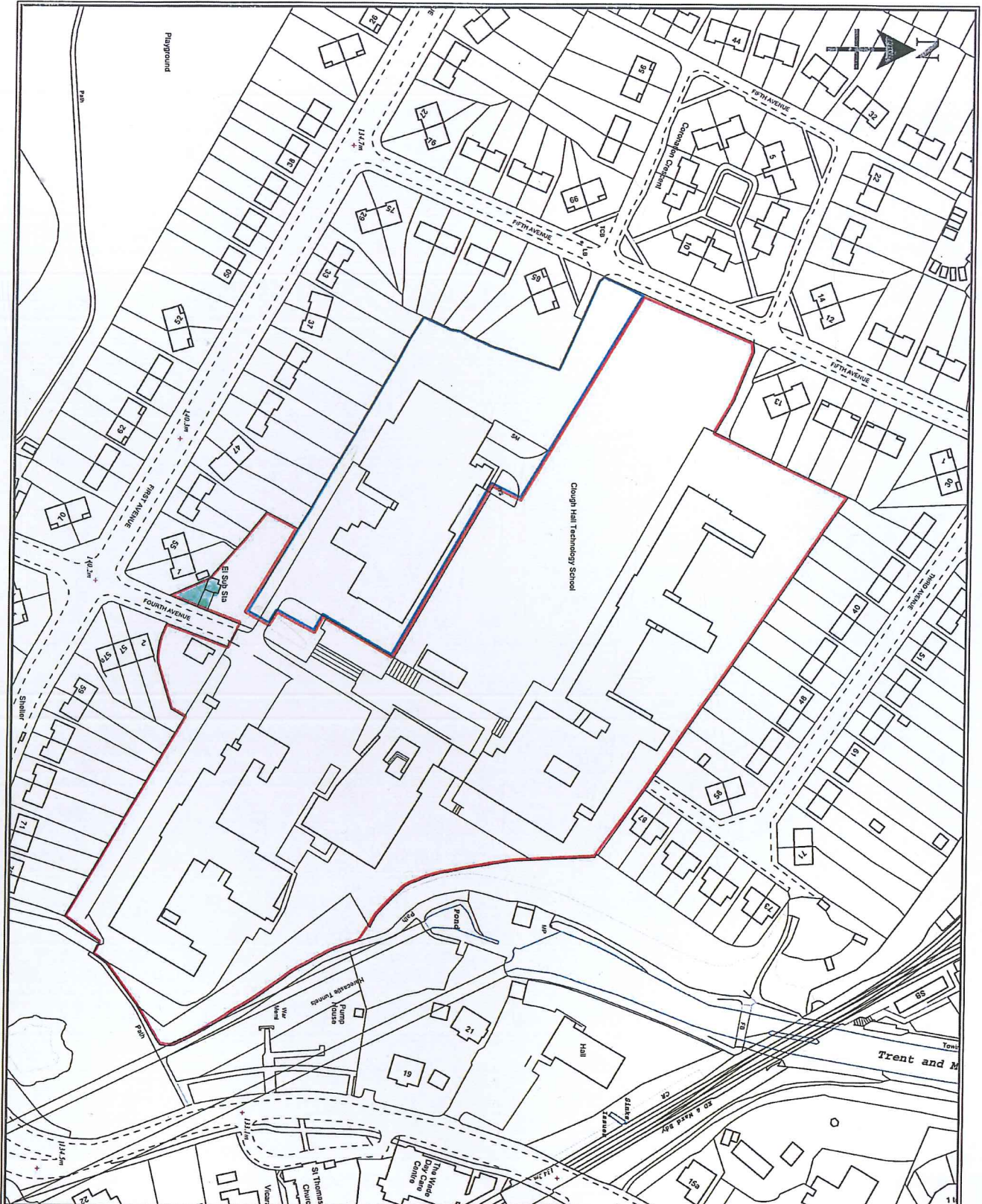


13. Officer advising on this transaction

Signed Stuart Lane

Date 19.02.21





<p>Staffordshire County Council</p> <p>Crown copyright and database rights 2014 Ordnance Survey License Number 100019422</p>	<p>Plot Centre (BNG): Easting: 393407 Northing: 534169</p> <p>Scale: 1:1250</p> <p>Date: 18-SEP-2014</p> <p>Plan Ref: RWB</p>	<p>Title: Cough Hall Technology School First Avenue Kidsgrove, Stoke ST7 1DP</p>
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Property Sub-Committee – 3rd March 2021

Recommendations by Cllr Mark Deaville - Cabinet Member for Commercial

Site:

Land adjoining Manor Hill First School, Stone, as shown edged in red on the enclosed plan

Location/Electoral Division

Stone, Staffordshire

Ian Parry – Stone Rural

Proposed Transaction

The transfer of the Site from Persimmon Homes Limited to Staffordshire County Council in accordance with the terms of the s106 Agreement dated the 16th February 2015, as varied, and the grant of a 125-year Lease of the Site to The Creative Learning Partnership Trust who occupy the adjoining Manor Hill First School.

The Lease will be granted at a peppercorn rent and are therefore not for value. It will be a standard form Lease in accordance with the requirements of the Department of Education (DFE).

There is no statutory obligation to enter in the Lease, but it is the DFE's expectation that a Lease of the Site will be granted to The Creative Learning Partnership Trust or such other Trust nominated by the DFE.

Recommendations

The completion of the transfer of the Site from Persimmon Homes Limited to Staffordshire County Council in accordance with the terms of the s106 Agreement dated the 16th February 2015, as varied, and the grant of a 125-year academy Lease of the Site.

Decision Level/Authority/Officer Delegation Scheme number

Property Sub-Committee decision as undervalue transaction.

Details

1.Current Use and Owner/Occupier/Lessee etc The Site is currently owned by Persimmon Homes Limited
2.Proposed Use Staffordshire County Council intend to lease the site for use as an extension of the Manor Hill First School following the Transfer of the Site to Staffordshire County Council from Persimmon Homes Limited
3. Proposed Purchaser/Lessee/Lessor/tenant etc... A standard 125 Academy Lease will be granted to The Creative Learning Partnership Trust or such other academy sponsor identified by the DFE
4. Estimated Value/Cost/Rental Income No valuation has been undertaken
5. Proposed transaction sale price/outline terms Not for value as referred to above.
6. Implications of transaction for County Council (Risks) (a) Strategic: To include contribution transaction makes to outcomes listed in the Strategic Plan * None (b) Financial: Capital costs/income Revenue costs/income Change in Property running costs From completion of the Lease the Site will be the responsibility of the academy who will be responsible for maintenance of the Site during the term of the Lease. (c) Operational: None (d) Legal: None as the whole of the Site will be occupied by the academy following completion of the academy Lease.

7. Background Information:

- (a) site history/details of negotiations etc
- (b) Consultations carried out/required
- (c) Alternative options for site
- (d) Reasons for recommended option
- (e) Rationale for acceptance of lower offer (where applicable)
- (f) Relevance of Section 123 of the Local Government Act 1972/General Disposal consent Order 2003
- (g) Resource/VFM Analysis

As stated above, it is a requirement/expectation of the DFE that Staffordshire County Council grant a Lease to an academy in the standard form.

9. Community Impact (eg, reference to particular communities or service users affected by the proposal)

It is anticipated that the extension of the land for the benefit of Manor Hill First School will benefit the local community.

10. Comment by Local Member

Not consulted


11. Comments by SLT Members

None

12. Proposal supported by the Assistant Director of Commercial and Assets

Signed Ian Turner

Date 12.01.21

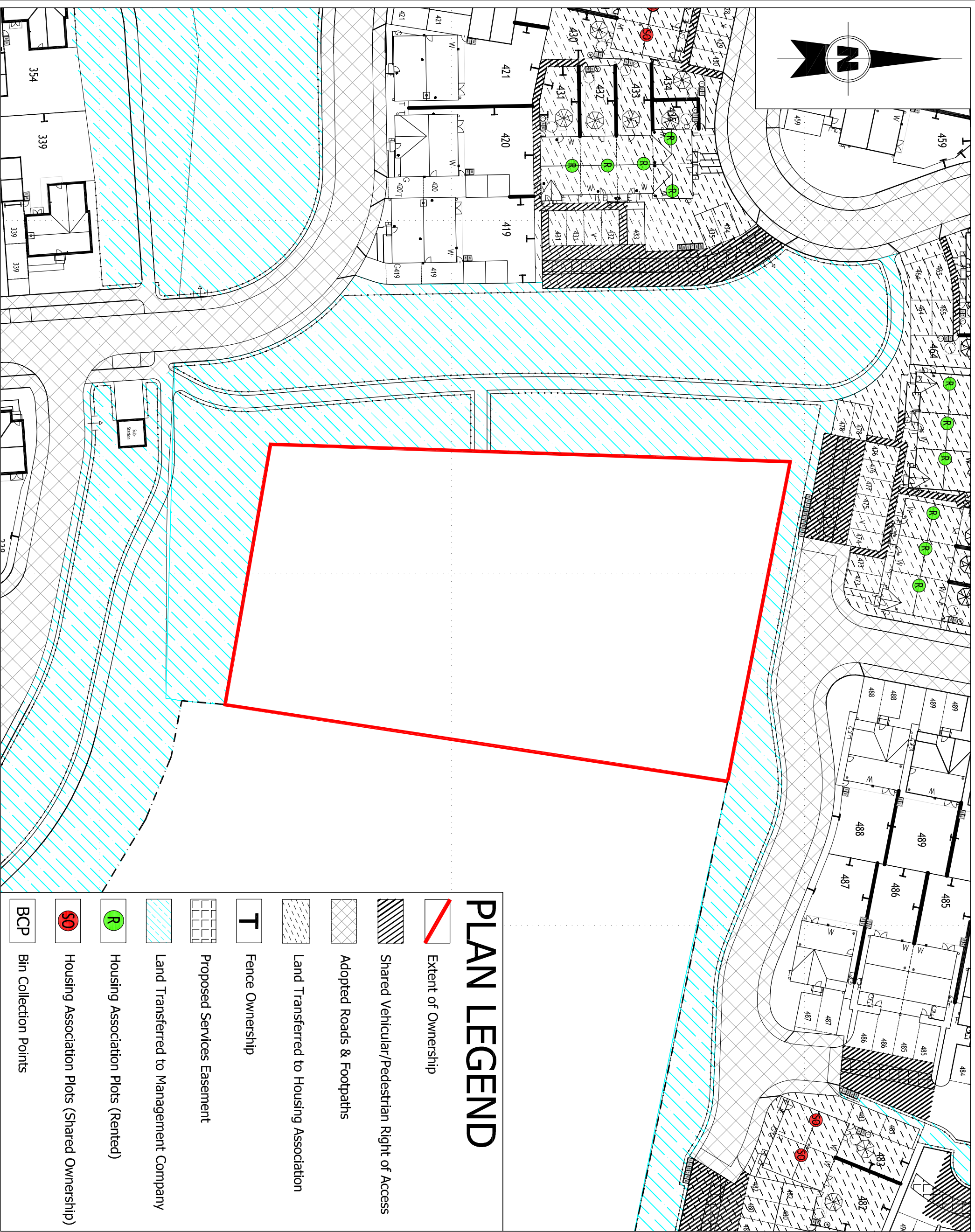


13. Officer advising on this transaction

Signed Stuart Lane

Date 11.02.21





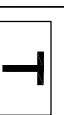
PLAN LEGEND

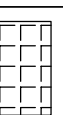
 Extent of Ownership

 Shared Vehicular/Pedestrian Right of Access

 Adopted Roads & Footpaths

 Land Transferred to Housing Association

 Fence Ownership

 Proposed Services Easement

 Land Transferred to Management Company

 Housing Association Plots (Rented)

 Housing Association Plots (Shared Ownership)

 Bin Collection Points

REV	DESCRIPTION	BY	DATE

A	Boundary of land proposed.	AB	26.08.20
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PERSIMMON
 Persimmon Homes (West Midlands)
 Venture Court
 Broadlands, Wolverhampton
 WV10 6TB
 Tel: 01902 624 300 Fax: 01902 624 380

SITE
 Eccleshall Road Ph2

Stone

TITLE
 School Extension Land
 Conveyance Plan

SCALE
 1:500 - @ A3

DATE
 08/09/2020

NUMBER
 ECC2-SELCV.281

Not for publication by virtue of paragraph(s) 3
of Part 1 of Schedule 12A
of the Local Government Act 1972

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