

## **Property Sub-Committee**

Wednesday 1 September 2021  
**13:30**  
Oak Room, County Buildings, Stafford

**NB.** The webcast can be viewed here - <https://staffordshire.public-i.tv/core/portal/home>

John Tradewell  
Director of Corporate Services  
24 August 2021

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## **A G E N D A**

### **PART ONE**

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes of the Meeting held on 4 August 2021** (Pages 1 - 2)
4. **Chadsmoor C of E V C Junior School, 18A Burns St, Cannock WS11 6DR - Proposed Transfer of Freehold Interest** (Pages 3 - 10)
5. **Land at Shobnall Road, Burton upon Trent - Proposed Lease** (Pages 11 - 20)
6. **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**

7. **Burntwood Youth Centre, Cherry Close, Burntwood, WS7 4RJ - Proposed Lease renewal - Exemption paragraph 3 - Report to follow**

## **Membership**

Mark Deaville  
Ian Parry  
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 4 August 2021**

Present: Alan White (Chairman)

Jonathan Price

Philip White (Vice-Chairman)

**Apologies:** Mark Deaville and Ian Parry

**PART ONE**

**16. Declarations of Interest**

There were no Declarations of Interest on this occasion.

**17. Minutes of the Meeting held on 7 July 2021**

RESOLVED – That the minutes of the meeting held on 7 July 2021 be confirmed and signed by the Chairman.

**18. 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.

**19. 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 January 2021 to 30 June 2021.

**RESOLVED** – That the report be noted.

**20. Holding No.1 Levedale Estate, Dunston, Penkridge, Staffordshire ST18 9AH - Proposed Sale - Exemption paragraph 3**

Details were submitted of the terms for the proposed sale of Holding No.1 Levedale Estate, Dunston, Penkridge Staffordshire ST18 9AH comprising of 101.7 acres.

**RESOLVED** - That approval for the sale of Holding No.1 Levedale Estate, Dunston, Penkridge Staffordshire ST18 9AH comprising of 101.7 acres be delegated to the Assistant Director for Commercial and Assets.

**21. Former Ellison Primary School detached playing fields, Lamphouse Way Wolstanton, Newcastle-under-Lyme - Proposed Sale - Exemption paragraph 3**

Details were submitted for the proposed sale of the former Ellison Primary School Detached playing fields, Lamphouse Way, Wolstanton, Newcastle-under-Lyme

**RESOLVED** – That approval be given for the sale of the former Ellison Primary School Detached playing fields, Lamphouse Way, Wolstanton, Newcastle-under-Lyme on the terms indicated in the report.

**22. Talke Pitts, Village Hall, High Street, Newcastle ST7 1QR - Proposed Lease - Exemption paragraph 3**

Details were submitted for the proposed surrender of existing Leases and granting a new Lease of Talke Pits Village Hall, High Street, Newcastle ST7 1QR to the trustees of the Village Hall for a 60 year term.

**RESOLVED** – That subject to the terms in the report approval be given to surrender the existing leases of the site and a new Lease be granted to the trustees of the Village Hall for a term of 60 years.

**Chairman**

**Property Sub-Committee – 1st September 2021**

**Recommendations by Cllr Mark Deaville - Cabinet Member for Commercial**

**Site:** Chadsmoor C of E V C Junior School, 18A Burns St, Cannock WS11 6DR (“School”) which is a Church of England Voluntary Controlled school.

Appendix A - Plan showing the Site coloured pink to be disposed of to the trustees who is the Incumbent vicar and church wardens for St Chad’s Chadsmoor as Trustees for the time being of Chadsmoor Junior School St Mary’s House, The Close, Lichfield, WS13 7LD (“the Trustees”).

The playing field coloured blue to be retained by Staffordshire County Council (“the Council”).

**Location/Electoral Division**

District: Cannock East – Phillipa Haden

**Proposed Transaction**

A Transfer of the freehold interest in the Site required under the School Standards and Framework Act 1988 as amended by the Education and Inspections Act 2006 (“the Acts”).

The Transfer will not be for value as the transfer is not discretionary or a matter for the Council to approve but is required by legislation in accordance with the Acts.

**Recommendations**

Transfer of the Site to the Trustees.

**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 the Council and used by the School.

**2. Proposed Use**

The Site will continue to be used as a School.

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

The Incumbent vicar and church wardens for St Chad's Chadsmoor as Trustees for the time being of Chadsmoor Junior School St Mary's House, The Close, Lichfield, WS13 7LD.

**4. Estimated Value/Cost/Rental Income**

No valuation has been undertaken.

A valuation has been carried out for land registry purposes see 6 (b) below. the Trustees have not asked for the valuation to be updated.

**5. Proposed transaction sale price/outline terms**

Not for value as this is a statutory transfer under the Acts 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**

None

**Revenue costs/income**

The Council will not receive an income for the transfer of the Site.

Under the Acts the Council have to pay the costs of the persons to whom the Site is transferred (the Trustees). A standard fee has been agreed at £750 plus VAT with the Trustees together with land registry disbursement for the registration of the Site into the Trustees name. The land registry fee in respect of this statutory transfer is £135.00

To establish the land registry fee a valuation has been carried on the 2 March 2015 in the amount of £204,000.00.

**Change in Property running costs**

From completion of the Transfer the Site will be owned by the Trustees who will continue to be responsible for maintenance of the Site.

**(c) Operational:**

None

**(d) Legal:**

None as the whole of the Site is occupied by the School and no part 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**

**Summary of main issues**

1. Under the Acts the Council is required to transfer land (other than playing fields) which is held or used by a local authority for the purposes of a school to the Trustees of a school which has changed category, to foundation, voluntary aided, voluntary controlled or foundation special schools. Land includes the building and structures attached to it.
2. There is a mix of land ownership at the Site split between the Council and the Trustees.
3. The Site is to be held by the Trustees of the School for the purposes of a School or if the School has no trustees then the Site is to be transferred to the governing body.
4. The requirements of the Acts override the Council's duty under Section 123 of the Local Government Act 1972 to secure best consideration.
5. The Transfer is not discretionary but is required by legislation.
6. The Trustees in accordance with the Acts have called for the Site to be transferred to them and the Council is required to transfer the Site for nil consideration.
7. It is proposed that the Property Sub-Committee approve the transfer of the Site to the Trustees as required by the Acts, on the basis that:

- The Site being transferred has been called for by the Trustees in accordance with the Acts.
  - The Trustees of the Site will continue to be responsible for insurance and for internal and external repair and maintenance.
8. The playing field coloured blue on the Plan is excluded from the transfer and is protected under Section 77 of the School Standards and Framework Act 1998 against disposal unless with the consent of the Secretary of State.
9. Once the Site has been transferred to the Trustees the Trustees cannot dispose of any of the Site without the written consent of the Secretary of State under Schedule 22 of the Acts – who may do one or more of the following:
- (a) require the Site or any part of the Site to be transferred to such local authority as he may specify subject to the payment by the authority of such sum by way of consideration (if any) as he determines to be appropriate; and
- (b) give the Trustees when the Site or any part of the Site is disposed of:
- (i) a direction to pay, either to him or such local authority as he may specify, the whole or any part of the proceeds of disposal; and
- (ii) a direction as to the use to which the whole or any part of the proceeds of disposal should be put.
10. Section 123 of the Local Government Act 1972 provides that, except with the consent of the Secretary of State, the Council shall not dispose of land, other than by way of a lease for seven years or less, for a consideration less than the best that can reasonably be obtained. Whilst that provision is overridden by the provisions of the Acts, it remains the case that transfers at less-than-best consideration for the purposes of the Council’s policy on such disposals will require Property Sub-Committee approval.

**8. 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 communities will not be impacted

**9. Comment by Local Member**

To be reported to the Committee

**10. Comments by SLT Members**

None



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

**Signed** Ian Turner

**Date** 17 August 2021



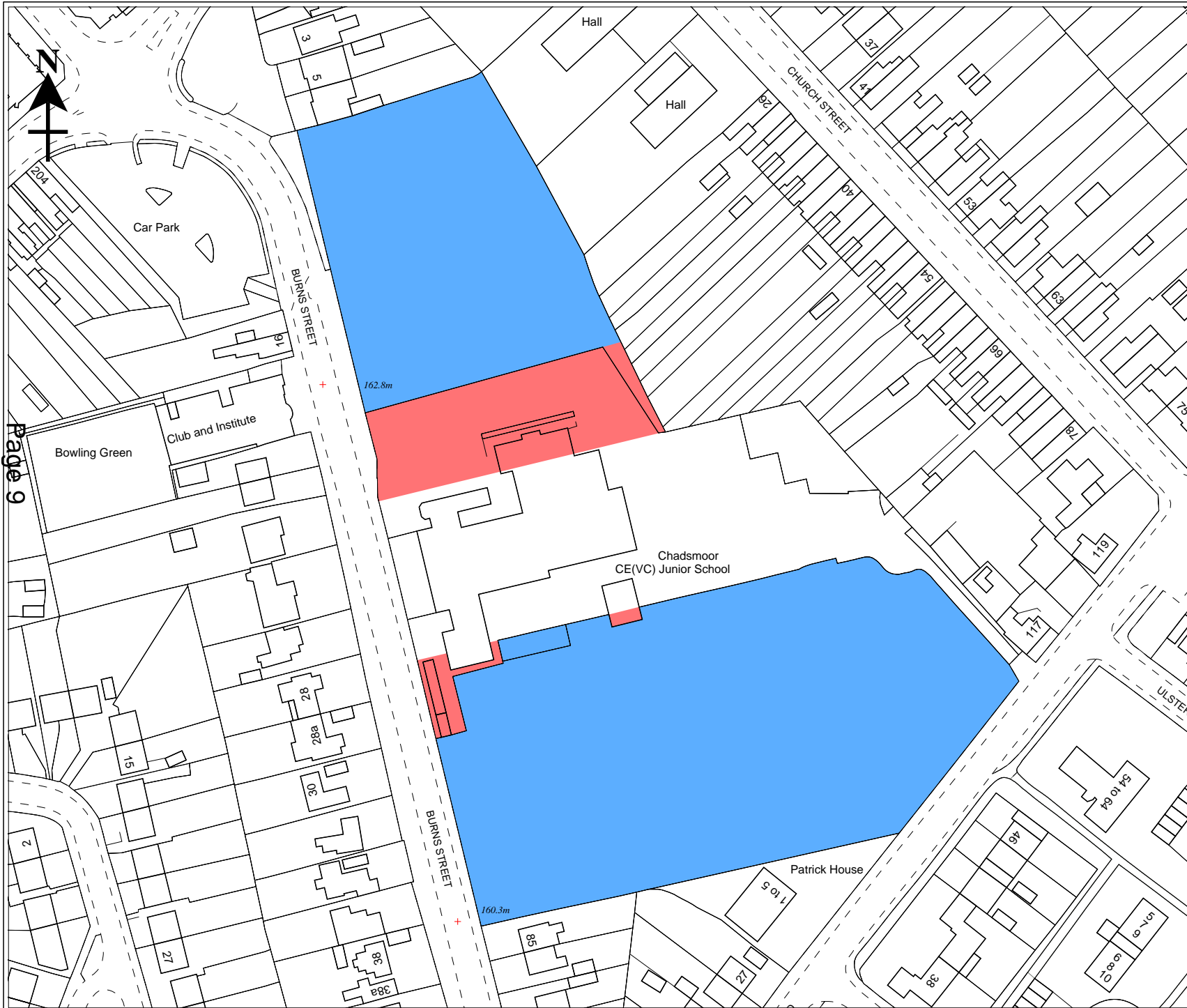
**12. Officer advising on this transaction**

**Signed** Stuart Lane

**Date** 17 August 2021







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Plot Centre (BNG):  
 Easting: 399080  
 Northing: 311493

Scale 1:1250

Date: 09-JAN-2015

Plan Ref: 1:1250 @ A4

Title:  
 Chadsmoor CE(VC)  
 Junior School  
 Burn's Street  
 Cannock WS11 6DR



**Property Sub-Committee – 01<sup>st</sup> September 2021**

<p><b>Recommendations by Mark Deaville - Cabinet Member for Commercial Matters</b></p> <p><b>Site:</b> Land at Shobnall Road, Burton upon Trent</p>
<p><b>Location/Electoral Division:</b> East Staffs Burton Town – Arshad Ahsan Afsar</p>
<p><b>Proposed Transaction</b></p> <p>Enter lease arrangement with Equal Support Opportunities (ESO) of land at Shobnall Road.</p>

**Recommendations**

<p>That the County Council enters a long-term lease (99 Years) with Equal Support Opportunities (ESO) of land at Shobnall Road. Lease to include the option for ESO to develop funding and development for a Community Hub on the land, subject to relevant planning and consent to do so, but in the interim to manage the land for community services and purpose. Any and all actions required to implement this decision to be delegated to the Assistant Director for Commercial and Assets.</p>
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**Decision Level/Authority/Officer Delegation Scheme number**

<p>Sub-Committee</p>
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**Details**

<p><b>1.Current Use and Lessee:</b></p> <p>Currently leased to Shobnall Parish Council as public open space, but subject to early termination as previously agreed by Property Committee.</p>
<p><b>2.Proposed Use:</b></p> <p>Community garden and space with specific delivery for young people 16+ and families who live with disabilities, learning difficulties and mental health issues. Future aspiration for a community building to widen services on site.</p>
<p><b>3.Proposed Lessee:</b></p> <p>Equal Support Opportunities (ESO)</p>
<p><b>4.Estimated Rental Income:</b></p> <p>N.A.</p>

**5. Proposed transaction:** Long term lease of land.

**6. Implications of transaction for County Council (Risks)**

**(a) Strategic:**

To be healthier and more independent. Feel safer, happier and more supported in the community.

**(b) Financial:**

Ground maintenance of site is anticipated to be circa £1500 per annum should the County Council retain control.  
No other financial risk to County Council.

ESO may not be able to secure sufficient funds to proceed with the community building project without a formal commitment from the County Council that the land is available for the project long term.

**(c) Operational:**

Minor in terms of an additional site to manage should decision be made not to lease land.

Reputational risk to the authority should the land fall into disrepair or vandalism/anti-social behaviour.

**(d) Legal:**

Long term lease of the land, but this would be subject to specific delivery and outcomes with option to break for both parties should the proposal prove unviable.

ESO may not be able to secure planning/highway access to permit the development as intended, which would potentially prevent project from progressing to building stage. This would not prevent community use and access being managed by ESO.

**7. Background Information:**

The land asset was originally acquired as part of the highway improvement. The area of land is approximately 4,915 sq.m and sits below the elevated road – see attached Location Plan 1 - outlined red.

Terms were agreed with Shobnall Parish Council for a 15-year lease commencing on the 14<sup>th</sup> September 2009 at £1 per annum with a permitted use as a play area for children.

Subsequently an early surrender has been agreed by Property Committee to allow the Parish Council to relinquish management of the land back to the County Council.

Liability for the land asset will return to the County Council, once completed, and currently there is no purpose for this land aside from open space and to continue maintenance and management of the grounds for the foreseeable future.

## **Discussion**

Equal Support Opportunities (ESO) was formed in January 2016 and they are a community interest Company. They are committed to supporting young people 16 years of age and upwards and their families, who are living with disabilities, learning difficulties and mental health issues; enabling them to have the same opportunities and experiences as other young people without disabilities, learning difficulties and mental health issues.

ESO provides daytime and evening care, recreational activities, training and social support services. They currently work with 35+ vulnerable young people, who have been referred to their services by the local specialist school, parents and from the voluntary sector.

ESO engaged with the County Council following the County Council agreeing to the early surrender of a lease to the Parish Council.

ESO have aspirations to deliver community services at this location and develop the space further by building a purpose-built community hub for the delivery of care, support, Education and recreational events. The new premises will provide a safe environment where they will be respected, meet like-minded peers and have access to coaches and mentors providing role models who will be intrinsic to the self-esteem (see Design Visual).

The new community hub will help to provide activities including 'Arts & Crafts' and games such as computer and board games. It will also help to provide co-workers who will provide support for the young people to develop their confidence and one to one session with trained counsellors and coaches.

The new community hub will help to support young people to play an active role within the community by helping them to organise and take part in fund-raising events and community activities. The community hub will open up opportunities to voluntary work, which allows the young person to connect with the wider community enabling them to expand their life choices and provide many other benefits to both their mental and physical well-being.

### **ESO intend the Community Hub to:**

- Deliver an independence program based around physical, intelligence, emotional and social development. Which involves travel training; basic cookery skills; budgeting; personal hygiene support and responding to a crisis; building resilience.

- Deliver one to one and/ or group mentoring with a view to reduce the support that the young people receive as they develop and show signs of improved confidence, self-esteem and a positive self-concept.
- Provide an open space area where the client group can learn about the outdoors; do light exercise and build camps.
- Outdoor gardening, growing of vegetables to cook in the kitchen and sell in the bistro.
- Offer counselling to clients and their family members who are living with mental illness.
- Collaborate with other voluntary and statutory organizations to ensure clients and their families are accessing their full entitlement to benefits.
- Recruit and train a number of volunteers to support delivery of our services.

ESO are asking for a commitment from the County Council to provide the land at nil consideration on a long-term lease agreement to facilitate wider conversations and obtain financial funding which they are currently struggling to secure without a formal agreement between parties.

Whilst they develop the community building project, applications, and funding, they fully intend to manage the land and use it for community purposes and if subsequently it is deemed that viability for the building is not possible, they still wish to use the land for local community purposes and specifically to promote the goals of their own organisation and wider community, which align with the County Council own strategic goals.

#### **Alternative Options for Site:**

As the land is classified as open space and requires access and location to the adjacent highway bridge, this severely restricts any potential future use other than open space.

#### **Options to consider:**

- Decline request and County Council promotes and manages as local green space, open space or community forest / Carbon offsetting
- Enter an agreement to a freehold transfer of the land to ESO, subject to restrictions on use and necessary planning and local consent/funding being obtained.
- Enter an agreement to a long lease of the land to ESO for community use and management with the option to develop the Community Building development - subject to all necessary approval and assurances being obtained.



Recommended option is to agree to a long lease of the land to ESO.

**(a) Reasons for recommended option:**

A long lease of the land would enable ESO to engage further with potential funding streams and progress local design and planning for the Community Building, but in the interim manage and use the land for community purposes. Due to the potential constraints on the land, any development would take time and does not come without risk to both parties therefore freehold transfer, at this current time, would not be considered a recommended option for ESO.

A right of access would be retained in favour of the County Council in order to be able to continue to maintain the adjacent highway structures.

Whilst the County Council could retain control of the land and manage accordingly as open space, ESO intend to improve and widen services to community facilities and gardens and take control of managing the asset for the foreseeable future.

**(b) Rationale for acceptance of lower offer:**

NA

**(c) Relevance of section 123 of the Local Government Act 1972/General disposal Consent Order 2003:**

This is potentially an undervalue transaction. A lease that has break points is potential not a disposal under the Act. In its undeveloped state, as currently, there is no significant value to the council and the undeveloped use removes maintenance costs from the council.

Gaining planning consent will be complex and if possible, likely only on a not traditional commercial basis. The council is being asked to agree in principle to a long lease for a development. The lease could be conditional on use relating to delivery of services for people with disabilities and local community uses.

**(d) Resource/VFM Analysis:**

The County Council will incur maintenance expenses on managing this site in the future with no added value other than open space. ESO will manage the asset and widen community use.

**8.Community Impact:**

The play park facilities have already been removed, so there is no loss of amenity currently proposed, and ultimately community activities will be improved on site and widened by gardens and, if successful, a community hub building.

**9.Comment by Local Member**

To be reported to committee

**10. Comments by SLT Members**

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

Signed 

Date 17/8/21

**12. Officer advising on this transaction:**

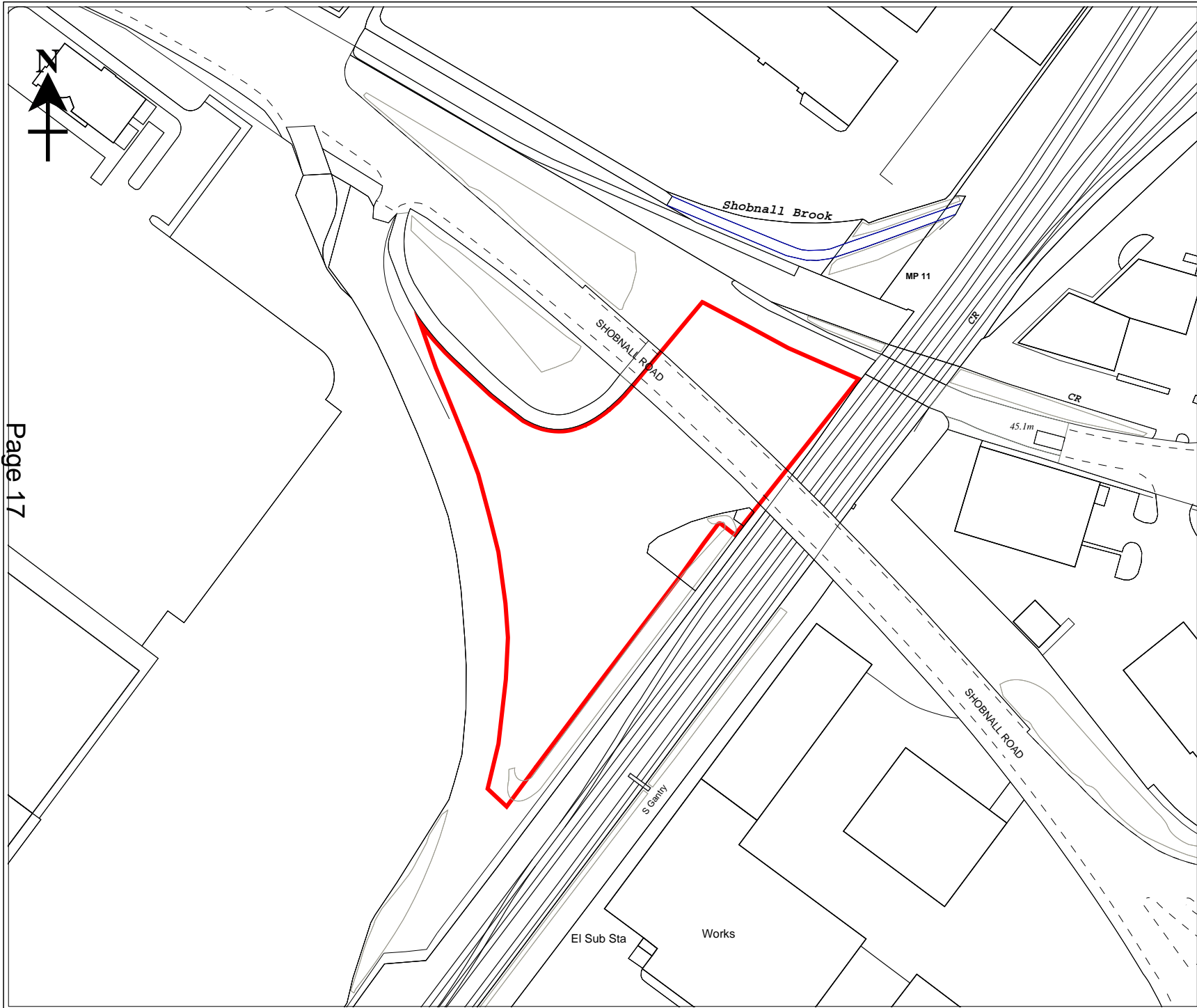
Signed: Lee Wells

Date: 17/08/2021

**Background Documents:**

Please list here any previous reports to Members relevant to this transaction/site:

2<sup>nd</sup> June 2021 – Land at Shobnall Road – Property Sub-Committee Agenda Item 5  
Plan 1 – site location plan  
Design Visual - Indicative design of Community Building



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Plot Centre (BNG):  
Easting: 423935  
Northing: 322922

Scale 1:1250

Date: 08-FEB-2021

Plan Ref: 1:1250 @ A4

Title:  
Land at Shobnall Road  
Burton upon Trent





Shobnall Holistic Youth Centre  
2133-301 Proposed Visual looking towards entrance  
June 2021

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