

Property Sub-Committee

Wednesday 2 June 2021

12:00

Council Chamber, County Buildings, Stafford

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

John Tradewell
Director of Corporate Services
25 May 2021

A G E N D A

PART ONE

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes of the Meeting held on 7 April 2021** (Pages 1 - 2)
4. **St. Pauls C of E (C) Primary School, Garden Street Stafford, ST17 4BT - Proposed transfer** (Pages 3 - 8)
5. **Land at Shobnall Road - Proposed lease termination** (Pages 9 - 16)
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. **COVID-19 Rent Arrears - Exemption paragraph 3** (Pages 17 - 26)

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 7 April 2021

Present: Alan White (Chairman)

Mark Deaville
Julia Jessel

Jonathan Price
Philip White (Vice-Chairman)

PART ONE

339. Declarations of Interest

Cllr Jessel declared a personal interest as a Trustee on the Board of the John Taylor Multi-Academy Trust.

340. Minutes of the Meeting held on 3 March 2021

RESOLVED – That the minutes of the meeting held on 3 March 2021 be confirmed and signed by the Chairman.

341. Fradley Park and Nursery - Proposed Transfer and Lease

The Sub-Committee considered a report proposing the transfer of the Site from Fradley Park Developments Limited to Staffordshire County Council in accordance with the terms of the s106 Agreement and a Lease for the site for a 125 year period at a peppercorn rental in line with the expectations of the Department for Education following construction of the school.

RESOLVED – That approval be given to transfer the site from Fradley Park Developments Limited to Staffordshire County Council and the granting of a 125 year lease of the site, at a peppercorn rental to the John Taylor MAT.

342. St Stephens Primary School, Lichfield - Proposed Transfer

The Sub-Committee considered a report proposing the transfer of the Site from BDW Trading Limited to Staffordshire County Council in accordance with the terms of the s106 Agreement following the preparation of the site for outdoor education purposes.

RESOLVED – That approval be given to transfer the Site from BDW Trading Limited to Staffordshire County Council in accordance with the terms of the s106 Agreement.

343. 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.

344. Former Youth Centre, Cornmill Road, Tutbury - Proposed grant of Lease (Exemption paragraph 3)

Details were submitted for the grant of a new, longer term lease to Tutbury Old Schools Community Association Limited for a period of 25 years.

RESOLVED – That, subject to the terms indicated in the report, approval be given for the property known as former Youth Centre, Commill Lane, Tutbury, Burton on Trent be leased for a period of 25 years to Tutbury Old School Community Association Limited, the final terms be delegated to the Assistant Director for Commercial and Assets.

345. Burntwood Rugby Club, The Sportsway WS7 3PH - Proposed Lease (Exemption paragraph 3)

Revision of proposals agreed by Property Sub-Committee on 3 March 2021.

Details were submitted for the proposed lease renewal and payment of arrears at Burntwood Rugby Club

RESOLVED – That, subject to the terms indicated in the report, approval be given to grant a new lease to Burntwood Rugby Club for a period of 25 years. Rent arrears were to be recovered by a repayment plan.

346. Shenstone Library, Main Street WS14 0LZ - Proposed Lease (Exemption paragraph 3)

The Sub-Committee considered proposal for the surrender of the existing 5 year lease and the grant of a new 10 year lease to Shenstone Community Library Association.

RESOLVED – That, subject to the terms indicated in the report, approval be given for the surrender of the existing lease agreement and a new 10 year lease be granted to Shenstone Community Library Association; the final terms be delegated to the Assistant Director for Commercial and Assets.

347. Holding No.41 Yarlet Hall Farm, Yarlet, Stafford ST18 9SD - Proposed letting as a Progression Holding (Exemption paragraph 3)

Details were submitted of the terms for the proposed letting of Holding No. 41 Yarlet Hall Farm, Yarlett, Stafford ST18 9SD comprising of 67.14 acres.

RESOLVED – That approval be given to the letting of Holding No. 41 Yarlet Hall Farm, Yarlett, Stafford ST18 9SD comprising of 67.14 acres, on the Terms indicated in the report.

Chairman

Property Sub-Committee – 2 June 2021

Recommendations by Cllr Mark Deaville - Cabinet Member for Commercial

Site: St. Pauls C of E (C) Primary School, Garden Street, Stafford, ST17 4BT (“School”) which is a Church of England Voluntary Controlled school.

A plan showing the Site edged red is to be disposed of to St Pauls C of E (C) Primary School as trustees of the charity of Mrs Bridgeman’s Trust School Charity number: 528445 care of Hand Morgan and Owen Solicitors 17 Martin Street Stafford ST16 2LF (“the Trustees”) is attached to this report.

Location/Electoral Division

District: Stafford/ Stafford Central – Gillian Pardesi

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...

St Pauls C of E (C) Primary School as trustees of the charity of Mrs Bridgeman's Trust School Charity number: 528445 care of Hand Morgan and Owen Solicitors 17 Martin Street Stafford ST16 2LF.

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 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) together with disbursements for the registration of the Site into the Trustees name.

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. 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.

9. 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.

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 communities will not be impacted

10. Comment by Local Member

To be reported to the Committee

11. Comments by SLT Members

None

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

Signed Ian Turner

Date 18 May 2021

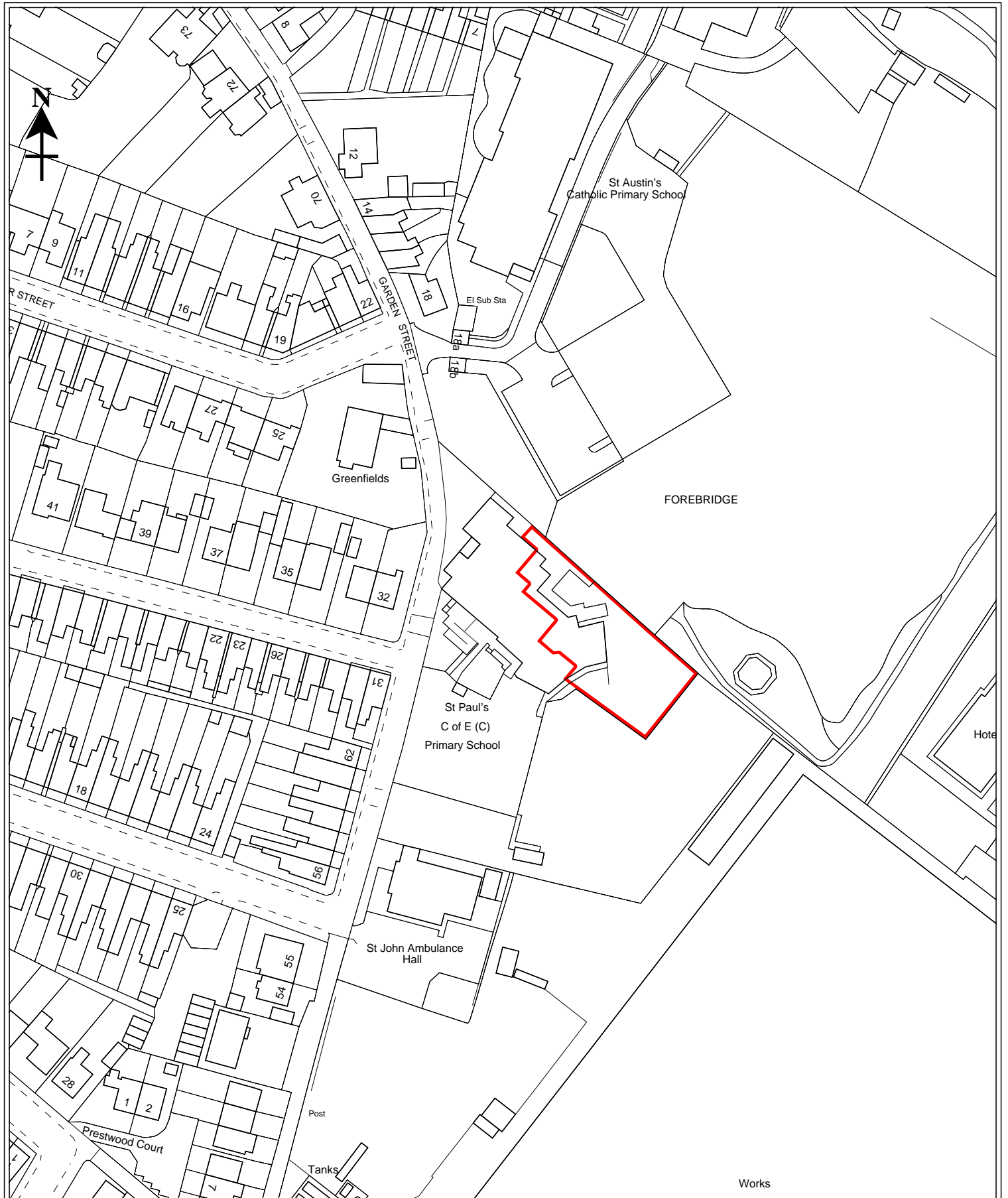


13. Officer advising on this transaction

Signed Stuart Lane

Date 18 May 2021





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Plan Ref: 257

Title:
St Pauls CE(VC) Primary
Garden Street
Stafford
ST17 4BT

Scale **1:1250**

Plot Centre (BNG):
Easting: 392562
Northing: 322506

Date: 14-MAY-2021

Property Sub-Committee

Wednesday 2nd June 2021

Recommendations by Mark Deaville- Cabinet Member for Commercial Matters

| |
|---|
| Site Land at Shobnall Road |
| Location/Electoral Division East Staffs Burton Town – Arshad Ahsan Afsar |
| Proposed Transaction Early Surrender of Lease |

Recommendations

That the lease to Shobnall Parish Council be terminated early and the county council meets its own legal costs in the early surrender.

Decision Level/Authority/Officer Delegation Scheme number

Sub-committee

Details

| |
|---|
| 1.Current Use and Lessee : Lease to Shobnall Parish Council for provision of a play park |
| 2.Proposed Use None |
| 3.Proposed Lessee: None |
| 4.Estimated Rental Income: current rent is £1. |
| 5.Proposed transaction outline terms: N/A |
| 6.Implications of transaction for County Council (Risks) |
| <p>(a) Strategic: To include contribution transaction makes to outcomes listed in the Strategic Plan None</p> <p>(b) Financial: Grounds maintenance of the site is anticipated to be circa £1500 p.a.</p> <p>(c) Operational: Minor in terms of an additional site to manage for approximately 3 years until the lease expires naturally</p> |

(d) Legal:

None

7. Background Information:

Shobnall Parish Council have a lease of an area under and around the west side of the Shobnall Road highway bridge over the railway line as indicated on the attached plan.

The lease commenced in September 2009 and is due to terminate in September 2024.

The parish council encountered issues of anti-social behaviour in the area and have removed the play equipment.

Their clerk reports

“I can confirm that due to ongoing vandalism issues the play and fitness equipment formerly installed on the site was removed last year and the ground made good.”

The parish council has formally requested early surrender of the lease as per the attached formal request.

This means an end to the lease approximately 3 years early.

Alternative options for site:

Alternative options will be investigated by officers

(a) **Reasons for recommended option:** The play facilities are already removed. There is no prospect for long term occupation by the parish council and so the early transfer back to the county council allows the parish council to concentrate on their local priorities.

(b) **Rationale for acceptance of lower offer (where applicable)**

N/A

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

N/A

(d) **Resource/VFM Analysis**

The county council will incur maintenance expenses on the site approximately 18 months earlier than otherwise would have been the case. This is estimated at £4500

8. Community Impact The play park facilities have already been removed and so there is no loss of amenity. Alternative community uses will be explored.

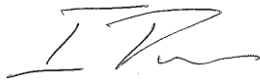
9. Comment by Local Member

To be reported to committee

10. Comments by SLT Members None

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

Signed



Date 21/5/21

12. Valuer/Officer advising on this transaction:

Signed N/A

Date

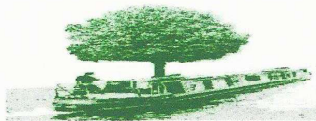
Background Documents:

Informal briefing note April 2021.

Formal request by Parish Council for early surrender of the lease.

*3 priority Outcomes for the people of Staffordshire are:

- To be able to access more good jobs and feel the benefits of economic growth
- To be healthier and more independent
- To feel safer, happier and more supported in their community.



SHOBNALL PARISH COUNCIL
c/o 32 Hillcrest Rise, BURNTWOOD WS7 4SH
Email: clerk@shobnallpc.co.uk

Our Ref: MD/T2

07 May 2021

Ian Turner
Assistant Director for Commercial Assets
Staffordshire Place 1
Tipping Street
STAFFORD
ST16 2DH

Dear Mr Turner

Further to your email dated 13 April 2021, the Parish Council confirmed at its meeting on 27 April that it wishes to surrender the Lease as early as possible on The Link Park, Shobnall Road, Burton upon Trent.

The Parish Council confirms that all items of play and fitness equipment were removed, and the ground made good during the period 16 January – 28 February 2021.

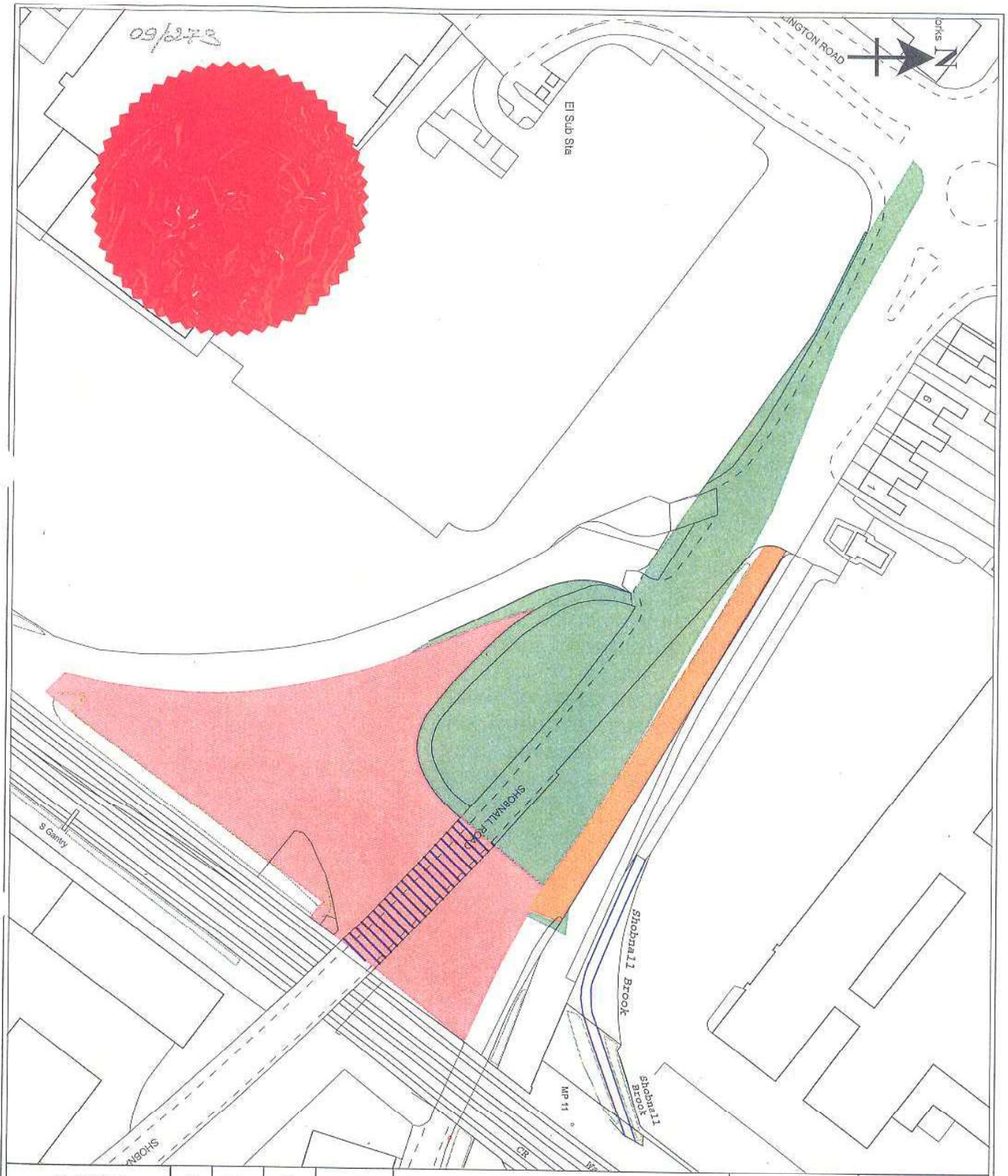
The two litter bins located on the Park will be offered to East Staffordshire Borough Council (ESBC) in the first instance, these will be removed if ESBC does not require them.

The Parish Council recognises and accepts that any statement regarding the above must be a joint one agreed with the County Council.

Yours sincerely

M Danby

Mary Danby (Mrs)
Parish Clerk



Staffordshire
County Council

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Right of Way Only 

Plot Centre (BNG):
Easting: 423886
Northing: 322961

Scale 1:1250

Date: 04-SEP-2009

Plan Ref: LW

Title:
Land adjacent to
Shobnall Railway Bridge
Burton upon Trent

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of Part 1 of Schedule 12A
of the Local Government Act 1972

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