

## Property Sub-Committee – 1<sup>st</sup> April 2020

### Recommendations by Mark Deaville - Cabinet Member for Commercial

**Site:** Sir John Offley CE (VC) School Izaak Walton Way, Madeley, Crewe, CW3 9PJ (“School”) which is a Church of England Voluntary Controlled school.

Appendix A – Plan showing the Site coloured pink to be disposed of to The Lichfield Diocesan Board of Education company number 461505 at St Mary’s House, The Close, Lichfield, WS13 7LD (“the Trustees”) and the playing field coloured blue to be retained by Staffordshire County Council (“the Council”).

#### **Location/Electoral Division**

District: Newcastle - Newcastle Rural

#### **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 Lichfield Diocesan Board of Education company number 461505 at 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.

**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 £270.00

To establish the land registry fee a valuation has been carried out of the Site by Kevin Danks, Estates Manager of the Strategic Property Unit dated 30 June 2017 copy attached at Appendix B.

**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. The playing field owned by the Council at the Site will be retained.
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 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 Act – 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.

**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**

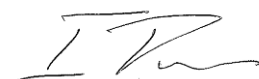
Not consulted

**11. Comments by SLT Members**

None

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

Signed



Ian Turner

Date 12/3/20

**13. Officer advising on this transaction**

**Signed**      **Stuart Lane**

**Date**      **23.03.20**

A handwritten signature in dark ink, appearing to read 'Stuart Lane', is positioned to the right of the text. The signature is fluid and cursive, with a large initial 'S'.