

## **Property Sub-Committee – 6 September 2023**

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

**St Giles' and St George's Church of England Academy, St Paul's Road Off Orme Road, Newcastle, Staffordshire, ST5 2NB**

#### **Changes to Lease for Playingfield and Transfer of freehold Interest**

PID 7095

#### **Electoral Division**

Westlands and Thistleberry

#### **Local Member Interest**

Simon Tagg

**Recommendations:** That approval be given to:

(i) Deed of surrender of part and variation of the current Academy lease of the playing field dated the 30 September 2014 Staffordshire County Council (1) St Giles and St George's Church of England Academy (2) to facilitate a statutory Transfer of part of the Property.

(ii) The Transfer of part of the freehold interest in the Property required under the School Standards and Framework Act 1988 as amended by the Education and Inspections Act 2006 ("the Acts").

### **Transaction Summary**

#### **1. Current Arrangements**

The playing field at the Property is currently owned by the Staffordshire County Council ("Council") and leased on a 125 year Academy lease to St Giles and St George's Church of England Academy ("Academy").

The main school building is currently owned by the Lichfield Diocesan Board of Education of St Mary's House, The Close, Lichfield, Staffs WS13 7LD ("Trustees").

### **3. Undervalue Transaction**

The deed of surrender of part and variation of the academy lease and the statutory transfer of part of the Property will not be for value as it is not discretionary or a matter for the Council to approve but is required by legislation in accordance with the Acts.

The requirements of the Acts override the Council's duty under Section 123 of the Local Government Act 1972 to secure best consideration.

### **Supporting Details**

#### **4. Background Information**

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.

A basic need expansion project increased school capacity from 1 form entry to 2 form entry which increased the footprint of the school building occupied by the Academy.

The Trustees in accordance with the Acts have called for that part of the Property where the school building was extended to be transferred to them and the Council is required to transfer that part of the Property for nil consideration.

The Trustees have also called for additional car parking and a hardstanding area to be transferred and after a site visit to the Property by the Council it was also confirmed that the additional areas can be transferred.

That part of the Property subject to the deed of surrender and variation and statutory transfer is shown edged red on the attached plan.

Before the statutory Transfer of part of the Property can be completed that part of the Property needs to be surrendered out of the Academy lease.

Under the Acts the Council have to pay the costs of the persons to whom the land is transferred to being the Trustees together with land registry fee and any disbursements for the registration of the Property into the Trustees name.

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.

## **5. Alternative Options**

None

## **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 of part, the Property will be owned by the Trustees and the Academy will be responsible for the maintenance of the whole of the Property.

### **(c) Operational:**

None.

### **(d) Legal:**

None as the whole of the Property is occupied by the Academy and no part thereof is used by any third parties or any other part of the community.

## **7. Community Impact \***

The Academy and School will continue as normal so the community will not be impacted.

## 8. Comment by Local Member

Local members informed of academisation and the proposed underlease any specific comments will be reported to the committee.

## 9. Support/Approval of the Proposal

Proposal supported by approved by Assistant Director for Commercial and Assets

**Signed:** 

**Name:** Ian Turner

**Date:** 23.08.23

## 10. Officer advising on this transaction

**Signed:** 

**Name:** Jason Wilkinson

**Date:** 23.08.23

## 11. Background Documents

No previous reports are relevant to this transaction/proposal

\*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.