

## **Property Sub-Committee – 1 May 2024**

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

#### **Item Title**

Part of the playing field (14.04 sqm of land) at All Saints C of E (VC) Primary School, Bourne Avenue, Ranton, Stafford, Staffordshire, ST18 9JU shown edged red on the attached plan ("Property").

PID 260

#### **Electoral Division**

Seighford & Church Eaton

#### **Local Member Interest**

Mark Winnington

#### **Recommendations**

The transfer 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 Staffordshire County Council ("Council") currently own the Property.

The Lichfield Diocesan Board of Education (The Vicar of Ranton) of St Mary's House The Close, Lichfield, Staffs WS13 7LD currently own the school ("Trustees").

##### **2. Proposals**

A Transfer of the freehold interest in the Property required under the "the Acts" to the Trustees.

### **3. Undervalue Transaction**

The statutory transfer 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 carried out in 2017 increased the footprint of the school building occupied by the Trustees, however, the extension encroached onto the playing field.

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

Under the Acts the Council must pay the legal costs, 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 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, the Property will be owned by the Trustees who will be responsible for the maintenance of the whole of the school site which will include the Property.

**(c) Operational:**

None.

**(d) Legal:**

None as the whole of the Property is not occupied or used by any third parties or any other part of the community.

**7. Community Impact \***

The school will continue as normal so the community will not be impacted.

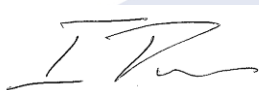
**8. Comment by Local Member**

Not consulted.

**9. Support/Approval of the Proposal**

Proposal supported by approved by Assistant Director for Commercial and Assets

**Signed:**



**Name:** Ian Turner

**Date:** 11.04.24

**Signed:**



**Name:** Stuart Lane, Head of Schools Asset Strategy

**Date:** 15.04.24

## **10. 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.

