

Property Sub-Committee – 3rd March 2021

Recommendations by Cllr Mark Deaville - Cabinet Member for Commercial

Site:

The Kings CE(A) School, First Avenue, Kidsgrove, Stoke-On-Trent. ST7 1DP

Location/Electoral Division

Stoke-on-Trent/Kidsgrove

Kyle Robinson - Newcastle

Proposed Transaction

A Transfer of part of the freehold interest in the Site, an Academy Lease of the remainder of the Site and a Deed of Easement to grant further rights over the area of the Site to be leased for the benefit of the adjoining leisure centre.

Recommendations

Transfer of part of Site to The Lichfield Diocesan Board of Education and a Lease of the remainder of the Site to the Three Spires Trust or such other Academy nominated by the DFE, together with a Deed of Easement to grant further access rights over the Site for the benefit of the adjoining leisure centre.

Decision Level/Authority/Officer Delegation Scheme number

Property committee decision as undervalue transaction.

Details

1.Current Use and Owner/Occupier/Lessee etc

The Site is owned by Staffordshire County Council and is used by the school

2.Proposed Use

The governors of the school voted to change the legal school category to a voluntary aided school with effect from the 1st January 2015. The transfer and lease give effect

to this change so the Site will therefore continue to be used as a school.

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

The footprint of the buildings occupied by the school on the 1st January 2015 will be transferred to the Lichfield Diocesan Board of Education and the remainder of the Site will be leased to the Three Spires Trust or such other Academy nominated by the DFE.

The Deed of Easement to grant further rights for the benefit of the adjoining leisure centre will be granted to Newcastle Under Lyme Borough Council subject to the school's approval.

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 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

Revenue costs/income

Change in Property running costs

From completion of the Transfer, The Lichfield Diocesan Board of Education will be responsible for maintenance of part of the Site and the Academy will be responsible for maintenance of the remainder of the Site.

(c) Operational:

None

(d) Legal:

None as the whole of the Site is occupied by the school.

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**

On the 1st January 2015 the former Clough Hall Technology College was discontinued, and a new voluntary aided school established known as The Kings CE(A) School. As part of the proposal for this change of category Staffordshire County Council agreed to transfer the freehold of the school site however no plan was included to confirm the extent of this transfer.

Staffordshire County Council, as local education authority may give such assistance as the authority think fit to implement the proposals involving the establishment of the voluntary aided school. If that assistance consists of the local authority providing land, other than playing fields, they must transfer their interest in that land to the trustees of the school for them to hold on trust.

Generally, the local authority is placed under a duty to provide the playing fields for a new voluntary aided school. Whilst they are required to provide the playing fields, they are not required to transfer the interest in those playing fields to the trustees or governing body.

Accordingly, it is intended for the footprint of the buildings that were occupied by the school on the 1st January 2015 to be transferred to the Lichfield Diocesan Board of Education in accordance with expectations of the Department for Education and the statutory requirements.

The parts of the school which were used as playing fields on the 1st January 2015 will be retained by Staffordshire County Council and leased to the Academy when the school converts to an Academy.

Representatives of the Diocese have previously supported this proposal and completion of the Transfer and the Academy Lease would be subject to their continued agreement.

The land proposed to be retained and leased to the Academy is subject to a right of way in favour of the adjoining leisure centre. A request has been received to extend this right of way so that it includes a right of way with or without vehicles over the tarmac section between the two sets of pitches annually for plant maintenance and in the case of emergency. The school have agreed this in principal subject to conditions. The extension of these rights would therefore be subject to the schools

continued approval of this proposal.

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 community will not be impacted

10. Comment by Local Member

To be reported to committee

11. Comments by SLT Members

None

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

Signed Ian Turner

Date 19.02.21



13. Officer advising on this transaction

Signed Stuart Lane

Date 19.02.21

