

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

