

OFFICER DECISION RECORD (ODR2)

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Academy lease of St John's CofE Primary School, Heath Road, Sandbach, Cheshire, CW11 2LE.

Date of Decision	26 th November 2024
Decision Taker (including Job Title)	Joanne Jones - Interim Head of Estates Adele Taylor- Interim Executive Director of Resources Section 151 Officer (Acting Chief Finance Officer)
Specific Delegation	<p>The Children and Families Committee on Monday 11th November 2024 Unanimously Resolved to:</p> <p>Authorise the Executive Director of Place and Chief Finance Officer to take the steps necessary to agree the required transactions in relation to land, facilities or shared use agreements as are necessary in order to facilitate the conversion, including (but not limited to) the grant and completion of a lease (see Appendix 2) to the North West Academies Trust Limited for 125 years substantially in the form of the model lease produced by DfE at a peppercorn rent.</p> <p>By virtue of the Scheme of Delegation set out in Chapter 2 Part 5 of the Constitution the Executive Director of Place has all necessary powers to make decisions in respect of all functions delegated to them, subject to restrictions, conditions, limitations and provisos contained in the Scheme, any sub-delegation or in the Local Scheme of Financial Delegation.</p> <p>Under a Local Scheme of Delegation dated 13 October 2023 the Executive Director of Place delegated those powers in relation to Property Management and Acquisitions and Disposals to the Head of Estates.</p>
Brief Description of Decision	That a 125 year lease be entered into with the North West Academies Trust Limited for the school playing fields at St John's CofE Primary School, Heath Road, Sandbach, Cheshire, CW11 2LE.


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<p>Reasons for the Decision and alternatives considered</p>	<p>The Council has received an Academy Order directive from the Secretary of State for Education to grant an academy lease for a term of 125 years to the North West Academies Trust Limited for the premises known as St John's CofE Primary School, Heath Road, Sandbach, Cheshire, CW11 2LE.and shown edged red on the accompanying plan under the provisions of the Academies Act 2010 (as amended by the Education Act 2011).</p> <p>As such the Council is under a statutory duty to facilitate the academisation of the school and is expected to work constructively so that the conversion takes place within a specified time period.</p> <p>The decision enables the granting of rights and the transfer of assets which implements statutory provisions or accedes to a request to grant rights which, if not acceded to, is subject to statutory provisions to give effect to the granting of such rights.</p> <p><u>Alternative options considered and rejected</u> The Council's consent is not required for the School to convert to an Academy. The Council consent is required for the commercial and land transaction. The land and commercial transactions follow standard documentation which the Council and school can vary to achieve the best outcome dependant on the individual circumstance of each school. This may include historic land issues and sporting facilities as way of example. An Academy Proprietor is entitled to expect the lease of all the premises and facilities which the school uses and are matters for negotiation and if agreement cannot be reached then the Council should make application to the Office of the School's Adjudicator on or before the conversion date seeking resolution of the dispute. The Secretary of State retains a default power where there is an inability to reach agreement and negotiate the lease arrangements</p>
<p>Member consultation and interests declared</p>	<p>Committee members RESOLVED (unanimously) the recommendations in the report. See Item 58 of minutes from Children and Families Committee, 11 November 2024. Agenda for Children and Families Committee on Monday, 11th November, 2024, 2.00 pm Cheshire East Council</p>
<p>Significant Decision</p>	<p>YES</p>

<p>Legal Implications</p>	<p>The Council is under a statutory duty to facilitate the academisation of schools and is expected to work constructively with academies so that any conversion to Academy School Status takes place within a specified time period following issue of an Academy Order by Department for Education.</p> <p>The school received an Inadequate inspection on 26 September 2023, and subsequently received a directive academy order (DAO) on 16 February 2024. A DAO is a legal instruction which ultimately leads to a maintained school academising and joining a multi academy trust (MAT).</p> <p>St John’s CofE Primary School is a voluntary aided school, the Diocese/Trustees will retain the ownership and control of the school site. A church supplemental agreement (CSA) will act to permit the occupation of the school site by the Academy, effectively under a licence.</p> <p>The playing field land used by the school is currently owned by the Council. A 125 year standard model lease with minor variations has been deemed the appropriate format for transfer of this to North West Academies Trust Limited.</p> <p>A 125 year lease based on standard model required by DfE has been negotiated with the solicitors acting for the North West Academies Trust Limited. The granting of 125 year lease will be of all the school playing field and is at a peppercorn rent, with North West Academies Trust Limited taking the responsibility of maintaining the assets. The freehold interest remains with the Council. The title is straightforward and the land of the school to be transferred is contained within one single Title No.</p> <p>The decision to convert the School to Academy Status and to transfer the Councils land assets is a significant decision and has been approved by the relevant committee and subject to the “call in” periods required by the constitution following the decision and the confirmation of this ODR. This decision is therefore supportable and complies with necessary decision making requirements under the Constitution and the Openness of Local Government Bodies Regulations 2014.</p> <p>George Barker (Senior Lawyer Place) 25/11/2024</p> <p>George.Barker@cheshireeast.gov.uk</p>
<p>Financial Implications</p>	<p>The conversion to Academy status has a number of financial implications for the Council as outlined in the Committee report. Agenda for Children and</p>

	<p>Families Committee on Monday, 11th November, 2024, 2.00 pm Cheshire East Council Item 59.</p> <p>The lease for St John's CofE Primary School is in line with previous academy conversions.</p> <p>The Academy will be responsible for all outgoings related to the land to include public liability and premises insurances or participation in the DfE Risk Protection Arrangement, and repairs / maintenance. The Council will retain a landlord role, but the leases will contain provisions for recovering costs for approvals required under the terms of the leases e.g. for alterations.</p> <p>Kathy Oliver Finance Lead Business Partner (Children and Families) 22/11/2024</p>
Confidential/Exempt Information	None
Background Papers	<p>The report and appendices can be accessed via Agenda for Children and Families Committee on Monday, 11th November, 2024, 2.00 pm Cheshire East Council item 59.</p> <p>Appendix 1: Draft Commercial Transfer Agreement Appendix 2: Draft Model Lease Appendix 3: St John's CofE Primary School Lease plan Appendix 4: Academy Order for St John's CofE Primary School</p> <p>And link to background paper Convert to an academy: documents for schools - GOV.UK (www.gov.uk)</p>



Signed

Adele Taylor


Interim Executive Director of Resources

S 151 Officer Chief Finance Officer

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Dated 26 11 2024

A handwritten signature in black ink, appearing to read 'Joanne Jones', is enclosed within a light grey rectangular box.

Signed:

Interim Head of Estates – Joanne Jones

Dated: 26th November 2024

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