

# DECISION NOTICE

Notice is given that the following decision has been taken under the Provisions set out in the Council's Constitution

**Decision maker:** Cabinet Member for Regeneration

**Date:** 20 June 2016

**Decision in the matter of:** School Land Transfers

**Decision:**

- 1 Authority be delegated (a) to the Property Services Manager to negotiate the terms with relevant parties (and, if appropriate, the referral of matters where agreement has not been reached to the Office of the Schools Adjudicator (the OSA)) and (b) to the Director of Legal Services to agree the full terms of and execute and complete:
  - a. Leases granted under the provisions of the Academies Act 2010 as amended by the Education Act 2011 (and any statutory amendment or re-enactment thereof) of land used wholly or mainly for the purposes of the relevant converting school.
  - b. Statutory transfers of school land made under the School Standards and Framework Act 1998 as amended by the Education and Inspections Act 2006 and in accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
  - c. All academy and foundation agreements related to matters other than land transfers. These include but are not limited to Commercial Transfer Agreements, and Novations or Assignments of Existing Contracts and other ancillary documents necessary to effect the transfer of rights interests and liabilities in connection with the change of status of a school.
  - d. Any ancillary legal documentation including, but not limited to, (and before or after any lease relating to Academy transfers), licences for investigations or works,

wayleaves and easements.

- e. The taking of any steps necessary for the protection of any interest(s) of the authority in connection with any matter authorised by this delegation.
- f. Following the completion of an academy lease to enter into appropriate formal licences giving Landlord's consent where it is proper to do so and in accordance with the terms set out in the relevant academy lease.

2 Authority be delegated to the Executive Director of Economic Growth & Prosperity to:

- a. to include within the relevant academy lease, if required, any property on the relevant school site, which prior to such lease is not used for education purposes but will become so following the grant of that lease (and which may or may not be subject to arrangements for leasing back or shared use agreements);
- b. to take a lease back of any part or entering into an agreement for the shared use of any facilities or any part of a school site that is included in an academy lease or is statutorily transferred under the provisions set out above that is used or is intended to be used temporarily or permanently for use or uses other than solely by the school and for which it is desirable that local authority use or community use continues after the school has changed status; and

3 Authority be delegated to the Property Services Manager to negotiate the terms with relevant parties and the Director of Legal Services to agree the full terms of and execute and complete all documentation reasonably necessary to give effect to any decisions of the Executive Director above.

**Background:** In August 2011 authority was delegated to the Assets Manager and Borough Solicitor to transfer School Sites to the relevant Academy Trusts once an Academy Order had been issued by the Secretary of State.

Since this authority was granted, it had become apparent that the process required further documents to be completed. This need arose both as part of the conversion process and from time to time throughout the duration of the proposed academy leases to address issues which were not contemplated at the time of the conversion process.

Approval was therefore sought for the purposes of authorising all educational disposals and the transference of the appropriate rights of interests and liabilities that the Council was required by various legislative provisions to address in connection with changes to school status or the provision of new school sites. It was also allow the Council to deal with routine licences to which consent must

contractually be given and other minor matters that would inevitably arise from time to time in consequence of the retained interest of the Council as freeholder without the need to seek an individual authority on each occasion.

**Background Documents:** The background papers relating to this report can be inspected by contacting the report writer.

**Approved:** .....  
Councillor Don Stockton, Cabinet Member for Regeneration

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Councillor Peter Groves, Cabinet Member for Finance and Assets

**Date:** 20 June 2016

**Advising Officer:** .....  
Lee Becket, Surveyor