

Name of Meeting: Cabinet

Date: 19 March 2019

Title of report: Implications of the establishment of new schools and discontinuation of schools for Land and Premises – An Extension of Delegation to Senior Officers to action the property transactions.

Purpose of report This report seeks delegation of powers for the Service Director – Economy and Skills, Service Director – Legal, Governance and Commissioning to deal with the disposal of council assets when schools are discontinued and a new school is established.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes. The asset value is greater than £250k and it is likely to have an effect on two or more electoral wards.
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Yes February 2019
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Karl Battersby - 21.02.2019
Is it also signed off by the Service Director for Finance?	Eamonn Croston - 6.03.2019
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 6.03.2019
Cabinet member portfolio	Corporate - Cllr Graham Turner

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

Have you considered GDPR? There are no GDPR implications relating to this report.

1. Summary

- 1.1 There are a range of categories of state funded and other types of schools. The ownership of land and buildings of these different categories varies, but is prescribed in law. When a school is discontinued and a new school is established a Cabinet decision is required to authorise the proposal. This report seeks delegation of powers for the Service Director – Economy and Skills and Service Director – Legal, Governance and Commissioning to deal with the property implications when schools are discontinued and a new school is established.

Delegations already exist to deal with conversions to Academy Trusts (14th August 2012) and other category changes as well as school expansion (9th February 2016) so this report does not intend to address these matters.

2. Information required to take a decision

- 2.1 Cabinet, on 14th August 2012, previously delegated authority to the now Service Director – Economy and Skills, in consultation with the now Service Director - Learning and Early Support and the now Service Director – Legal, Governance and Commissioning to negotiate and agree the terms of the grant of the long leasehold interests to the appropriate Academy Trust, along with other relevant delegations.
- 2.2 Cabinet, on 9th February 2016 delegated powers to the now Service Director – Economy and Skills, and the now Service Director - Legal, Governance and Commissioning to deal with the disposal of Council assets either as a result of school expansions, historic or otherwise, and also when a school changes category.
- 2.3 Currently when a maintained school is discontinued and a new school is established a cabinet decision is required to authorise the Service Director – Economy and Skills and Service Director – Legal, Governance and Commissioning to dispose of land and buildings in the Council's ownership. The means of disposal is prescribed by legislation and so it would be pertinent to consider delegating the relevant authority to the Service Director – Economy, and Skills and Service Director – Legal, Governance and Commissioning to enable these processes to proceed in order to give effect to the statutory vesting as the Council has no say in the interpretation of the effect of the statutory vesting.
- 2.4 Where a school is part of the PPP contract the Council must carry out any consequential changes that may be needed e.g. a new School Agreement with the Council relating to the PPP Project so the school is bound by all the contractual obligations contained in the Schools Agreement including the requirement to continue to make payments to the Council for the services the school receives as part of the PPP Project.

3. Implications for the Council

3.1 Working with People

There are no implications relating to this.

3.2 Working with Partners

There are no implications relating to this.

3.3 Place Based Working

There are no implications relating to this.

3.4 Improving outcomes for children

There are no implications relating to this.

3.5 Financial

There are no financial implications

3.6 Legal

Delegating Authority will reduce the requirement for individual reports required to be taken to Cabinet on matters where the Council has no say in the interpretation of the legislation thereby improving efficiency within the process.

3.7 Human Resources

There are no Human Resources implications.

4. Consultees and their opinions

- 4.1 The Service Director – Economy and Skills, Service Director – Legal, Governance and Commissioning and the Service Director - Learning and Early Support all support the recommendations contained within this report.

5. Next steps and timelines

- 5.1 If delegation is approved Officers will complete all necessary legal documentation in order to give effect to the disposal of council assets following the discontinuation and establishment of new schools.

6. Officer recommendations and reasons

- 6.1 It is recommended that Cabinet:-
- a. note the information contained within this report.

- b. delegate powers to the Service Director – Economy and Skills and the Service Director – Legal, Governance and Commissioning to deal with the disposal of Council assets as a result of school discontinuations and establishment of new schools and where necessary, negotiate the terms of any proprietary interest or grant of any other lease or ancillary document e.g. documents supplemental to the PPP Project Agreement and the School Agreement and to execute and complete all documentation necessary to give effect to this delegation.

6.2 The reasons for these recommendations are to improve the efficiency of the land transference process brought about by the establishment of a new school.

7. Cabinet portfolio holder's recommendations

The Cabinet Portfolio Holder recommends that Cabinet:

- a. Note the information contained within this report.
- b. Considers and approves that powers should be delegated to the Service Director – Economy and Skills and the Service Director – Legal, Governance and Commissioning to deal with the disposal of Council assets as a result of school discontinuations and establishment of new schools and where necessary, negotiate the terms of any proprietary interest or grant of any other lease or ancillary document e.g. documents supplemental to the PPP Project Agreement and the School Agreement and to execute and complete all documentation necessary to give effect to this delegation.

8. Contact officer

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9. Background Papers and History of Decisions

14th August 2012 Maintained Schools- Conversion to Academy Status
9th February 2016 Implications of School Category Changes for Land and Premises.

10. Service Director responsible

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