

Cabinet: 17 November 2015

Proposed land and asset disposal of Fartown High School to the North Huddersfield Trust.

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. This report will have an impact on more than two wards.
Is it in the Council's Forward Plan?	Yes
Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by <u>Director</u> & name	Jacqui Gedman – 9 November 2015
Is it signed off by the Director of Resources?	David Smith – 4 November 2015
Is it signed off by the Assistant Director - Legal & Governance?	Julie Muscroft – 5 November 2015
Cabinet member portfolio	Resources Children and Young People

Electoral [wards](#) affected: Ashbrow, Dalton, Greenhead, Lindley & Newsome

Ward councillors consulted: No

Public or private: Public

1. Purpose of report

- 1.1 To advise Members of the key outcomes of negotiations pertaining to the terms of the transfer of ownership of the land and buildings that formed Fartown High School, to the North Huddersfield Trust in order to establish North Huddersfield Trust School.
- 1.2 To explain to Members the requirement to adjust the recommendation specifically relating to the use of the school playing fields.

2. Key Points

- 2.1 Following Cabinet approval obtained in July 2011, Members gave permission to officers to proceed with the transfer of ownership of the land and assets associated with Fartown High School, to the North

Huddersfield Trust, in order to legally establish North Huddersfield Trust School.

- 2.2 Officers subsequently entered into negotiations with the North Huddersfield Trust's Lawyers, to agree the details of the transfer. Negotiations by and large have progressed well, however in relation to the playing fields, a further review and adjustment to the terms of the transfer is necessary. With regard to the playing fields, the recommendation in the original Cabinet Report stated the following:
- 2.3 "Officers recommend that ownership of the playing fields be transferred to the North Huddersfield Trust for no consideration, subject to first obtaining the relevant additional statutory consents. Officers will build into any documentation transferring the playing fields to The North Huddersfield Trust a provision restricting the use of the playing fields to playing fields, together with other safeguards to ensure that the playing fields are offered back to the Council, free of the restriction on use and at no cost, should the playing fields be no longer required."
- 2.4 The North Huddersfield Trust do not support part of this recommendation, that relates to restricting the use of playing fields to playing fields, as it is felt that this restriction does not allow the North Huddersfield Trust School any flexibility to use the playing fields for other educational purposes. Other educational purposes could cover a broad range of other uses that are not directly associated with the principle use of the school playing fields, to deliver national curriculum requirements for physical education, but relate to the aims and objectives of the North Huddersfield Trust. For example, using the playing fields to host community events to promote the school. In addition, expanding the use of the playing fields to cover other educational purposes could also mean potential development including use to increase the physical capacity of the school buildings. Though it is to be noted that should the NHT wish to develop on playing fields the appropriate statutory consent would need to be obtained.
- 2.5 There is no objection from the NHT to having appropriate safeguards in place to ensure the playing fields are first offered back to the Council, free of restriction and at no cost, should the school cease to use them. Officers have developed an Option Agreement that is an appropriate mechanism to ensure this can occur.

3. Implications for the Council

- 3.1 The Council transfers land and assets associated with Fartown High School at no cost to the North Huddersfield Trust. In particular the school playing fields are also transferred at no cost, whilst at the same time complying with all legislative requirements.
- 3.2 Whilst use of the playing fields has been extended to cover 'educational use', officers have developed an Option Agreement which allows the Council to buy back freehold interest in the playing fields at no cost. This option can only be exercised if the Property or any part of it ceases to be used for the purposes of (or developed for the purposes

of) a school (including an Academy) or any other educational establishment or for any purposes ancillary to use in conjunction with a school (including an Academy) or other educational establishment.

- 3.3 The existing PPP1 contract is not disturbed and the transfer of ownership involves minimal cost to the Council.
- 3.4 The Council protects school and community use of the swimming pool, and is able to continue to offer the use of the swimming pool to local schools as long as it wishes to.
- 3.5 Other assets, such as the Coach House, are subject to a degree of restriction on use as set out in Schedule 22 of the School Standards and framework Act 1998 (restrictions on disposal of the asset for example), whilst giving the North Huddersfield Trust an opportunity to use the buildings.
- 3.6 The Land and Asset Transfer will support a key strategic objective of the Council to support the growth and development of the North Huddersfield Trust School.

4. Consultees and Their Opinions

- 4.1 Members of the North Huddersfield Trust were briefed on the proposals in July 2011. In addition specific discussion have been held with Dr Andy Williams regarding the playing fields and the proposed use for educational purposes.

5. Next Steps

- 5.1 Officers, through discussions with the DfE have obtained the relevant statutory consents in order to complete the ownership transfer. If this revised recommendation is approved then officers will move to give effect to them and finalise the terms transfer and execute it.

6. Officer Recommendation and reasons

- 6.1 Members are requested to:
 - a) Note the progress with regard to completing the transfer of the assets to the NHTS and the issues involving the playing fields.
 - b) Authorise officers to proceed with the transaction and complete all necessary documentation without including in the transfer a restriction on use but now protecting the Council's interests by ensuring that if the playing fields are no longer to be used for educational purposes the Council has an option to re-acquire the playing fields at no cost.

7. Cabinet Portfolio Holders Recommendation

- 7.1 Portfolio Holders are in support of the revised officer recommendation pertaining to the playing fields.

8. Contact Officer and Relevant Papers

Mark Gregory- Head of Corporate Landlord- Physical Resources and Procurement mark.gregory@kirklees.gov.uk Telephone 01484 221000

Appendix A - Red Line Boundary Plan including aerial photograph.

9. Assistant Director Responsible

Joanne Bartholomew – Assistant Director – Physical Resources and Procurement Service

