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| Subject: | Land at West Blatchington Primary and Nursery School; Development Agreement with the Secretary of State for Communities and Local Government and 125 year lease for the purpose of providing a permanent home for Kings School | | |
| Date of Meeting: | 25 January 2018 | | |
| Report of: | Executive Director Economy, Environment and Culture and Executive Director Families Children and Learning | | |
| Contact Officer: | Name: | Gillian Churchill | Tel: 01273 293515 |
| | Email: | Gillian.churchill@brighton-hove.gov.uk | |
| Ward(s) affected: | All | | |

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to seek the Committee's authority to enter into a 125 year lease of land at West Blatchington Primary and Nursery School in order to provide a permanent site for Kings School in accordance with an agreement with the Secretary of State for Communities and Local Government.

2. RECOMMENDATIONS:

- 2.1 That the committee delegates authority to the Executive Director Economy, Environment and Culture and Assistant Director Property & Design and Executive Lead for Strategy, Governance and Law to approve the form of lease and the enter into a 125 year lease for land at a peppercorn rent to provide a permanent site for Kings School at the current West Blatchington Primary School site.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 At its meeting on 15 July 2015 Policy and Resources committee approved the continuation of discussions with the Education Funding Agency (now the Education and Skills funding Agency ESFA), the Board of King's School and its promoter the Russell Education Trust (RET) and the governing body of West Blatchington Primary School about a proposal to develop the primary school site as a permanent site for King's School, with a replacement building for West Blatchington Primary School on the same site.
- 3.2 It also confirmed in principle that should these discussions be successful and subject to all necessary consents being obtained, the Council would be willing to enter into a 125 year lease for that part of the site occupied by King's School (either wholly or in shared use with West Blatchington Primary School) with the EFA at a peppercorn rent.

- 3.3 The committee requested that the matter of the 125 year lease will be referred back to Policy and Resources Committee (now Policy Resources and Growth Committee) prior to the lease being signed.
- 3.4 King's School is a secondary free school for up to 150 students per year group plus a sixth form which opened with its first Year 7 cohort in September 2013. King's is temporarily located on the former sixth form site of Portslade Aldridge Community Academy in High Street, Portslade. This site is not large enough for King's once it is full and is not well located for the school's key partner CE primary schools in Hove.
- 3.5 Like other academies and free schools in the city, King's is committed to working in partnership with the Council and other schools in the city as part of the city wide family of schools. It also forms part of the strategy for securing sufficient secondary school places as the number of secondary age children increases.
- 3.6 Since July 2015 the LA has worked with West Blatchington Primary and Nursery School the ESFA and Kings School to develop a scheme that provides the accommodation required by both schools.
- 3.7 The scheme was presented to planning committee at its meeting on 13 September 2017 and the committee resolved to be minded to grant subject to the Secretary of State deciding not to call in the application for determination, and the s106 agreement, conditions and informatives set out in the report as amended.
- 3.8 The Secretary of State confirmed in a letter dated 2 October 2017 not to call in the application and the S106 Agreement was signed on 5 January 2018 with planning consent being granted on 10 January 2018.
- 3.9 During this time work was also being undertaken to complete the Development Agreement and conclude the negotiations on the lease. The Development Agreement (DA) with the Secretary of State for Communities and Local Government sets out the legal structure for the project and includes the form of the 125 year lease which is to be entered into 10 days after Practical Completion of the building project.
- 3.10 The DA has been signed subject to agreement of Policy Resources and Growth committee agreeing the 125 year lease.
- 3.11 The lease as drafted is included at Appendix 1 of this report. At the present time it is not clear whether the lease will be with the Secretary of State for Communities and Local Government (as with the DA) or directly with the Russell Education Trust. This matter will be decided by the Secretary of State prior to entering into the lease.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Extensive site searches by the ESFA and the Council were unable to identify a suitable alternative permanent site for King's School.

- 4.2 King's School will soon outgrow its current temporary location and it is not possible to provide sufficient accommodation on that site, which in any case is poorly located for the school's admissions policy, which includes a focus on Hove. The school provides essential additional capacity to meet the city's need for secondary school places.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The initial development of this proposal included discussion with the primary school and its governing body. The school sent letters to parents informing them of the proposal and giving them an opportunity to comment. Relatively few comments were received and most recognised the opportunity for the school which the proposal presents.
- 5.2 There has been considerable consultation with both schools during the course of developing the proposals and with the wider community in advance of submitting the planning application.
- 5.3 The planning process also included the statutory consultation.

6. CONCLUSION

- 6.1 King's School is essential to the secondary school places provision for the city. It cannot remain on its current temporary site as the accommodation will not be large enough for all the school's year groups plus a sixth form and it is not feasible to expand the accommodation suitably on this site.
- 6.2 The proposal provides an opportunity to bring together West Blatchington Primary and Nursery School, the special unit, in a single purpose built building and to remove its dependence on mobile classrooms. The capital costs of this improvement will be met by the ESFA.
- 6.3 Entering into the 125 year lease will secure the site for secondary education.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The 125 year lease will be granted at a peppercorn rent. The council will receive a purpose built replacement Primary and Nursery School at the schools existing site which will be fully funded by the ESFA. The building contract will be with the ESFA and therefore this capital expenditure will not form part of the councils capital programme. The site of the replacement Primary and Nursery School will allow for the existing buildings to continue to be used until the new school is completed.

Finance Officer Consulted: James Hengeveld

Date: 02/01/18

Legal Implications:

- 7.2 The Council is under an obligation to dispose of land for the best price it can reasonably obtain (s123 Local Government Act 1972). However the Secretary of

State has used his power under the act to issue a general consent. This general consent enables a local authority to dispose of land for less than best consideration where the authority considers it will help to secure the promotion or improvement of the economic, social or environmental well-being of the area. The difference between the unrestricted value of the land to be disposed of and the consideration for the disposal cannot exceed £2m.

Lawyer Consulted: Alice Rowland

Date: 12 January 2018

Equalities Implications:

- 7.3 The admissions arrangements for King's School, in accordance with its status as an ecumenical Christian school agreed with the Secretary of State, are fully in accordance with the statutory admissions code. This means that highest priority is given to children in care or adopted from care and to children with a statement of Special Educational Needs where King's is named in the statement. This is followed by priority for siblings of children already attending King's. The allocation of remaining places is shared equally between children who meet the faith criteria set out in the school's admissions policy and those of other faiths or none. The school's vision commits it to being an inclusive school

Sustainability Implications:

- 7.4 Department for Education guidelines for new school buildings require that they are designed and constructed to high sustainability standards and to be highly energy efficient. The buildings for both schools will be significantly more sustainable and energy efficient than the buildings that they replace

Any Other Significant Implications:

- 7.5 None

SUPPORTING DOCUMENTATION

Appendices:

1. 125 year lease

Documents in Members' Rooms

1. None

Background Documents

1. None