

Report of the Built Environment Programme Manager

Report to the Chief Officer (Strategy, Performance and Commissioning)

Date: 24th April 2014

Subject: Appropriation of the Ryecroft Primary School site from the Department of Environment and Housing to the Department of Children's Services



Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Farnley and Wortley	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

Ryecroft Primary School is converting to Academy status on 1st May 2014, and as part of the conversion process, a 125-Year lease needs to be granted to the Academy Trust.

The School site (highlighted on the attached plan at Appendix 1) is currently vested with Environment and Housing and the department of Children's Services have recently approached Environment and Housing requesting the site be appropriated to them, in order for the 125-year lease to be granted.

A paper was submitted to April's AMB meeting requesting approval of the appropriation and Environments and Housing have subsequently declared the site surplus to requirements with a formal DDN being signed off to this effect (see Appendix 2).

This report is requesting formal acceptance of the appropriation to Children's Services, which will then enable Land Records to update the title information.

Recommendations

It is recommended that the Chief Officer Strategy, Performance and Commissioning, Children's Services:

- Accepts the appropriation of the Ryecroft Primary School site from the Department of Environment and Housing following the site being declared surplus to Departmental requirements and approval in principle being agreed at April's AMB.

1 Purpose of this report

- 1.1 The purpose of this report is to seek approval for Children's Services to accept the appropriation of the Ryecroft Primary School site from the Department of Environment and Housing to the Department of Children's Services in order to enable a 125-Year lease to be granted to the Gorse Academies Trust.

2 Background information

- 2.1 Originally the land was acquired by the Council in 1948 as part of a much larger plot which was earmarked for a housing development. Houses were built on the site and Ryecroft Primary School was also constructed to the rear of the properties on Stonebridge Grove in 1965.
- 2.2 The school buildings are vested with Children's Services, however the land is vested with Environment and Housing.
- 2.3 The school has recently applied to the Department for Education (DfE) to be granted academy status. The DfE has made an Academy Order enabling the school to convert to an academy under section 4 of the Academies Act 2010. The conversion is scheduled for 1st May 2014.

3 Main issues

- 3.1 The majority of school sites are now vested with Children's Services. The Ryecroft School site now fulfils an Education, not a Housing function, and therefore has no operational use for the Department of Environment and Housing. Furthermore the school buildings are vested with the Department of Children's Services.
- 3.2 The transfer of the site cannot be made directly from Environment and Housing to the academy, as it cannot be transferred at nil consideration as per the requirements of an academy order. Therefore the land will need to be appropriated to Children's Services in the first instance, in order to allow the transfer to take place.
- 3.3 A paper was submitted to the April AMB meeting requesting approval of the appropriation between the two departments – this was approved 'in principle' subject to Environment and Housing formally declaring the site surplus.
- 3.4 A DDN formally declaring the site surplus to departmental requirements was signed off on 11th April 2014, and Children's Services are now required to formally accept the appropriation by way of a signed DDN.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 All three local Ward Members were contacted by City Development via e-mailed letter on 31st March 2014 regarding the Academy conversion. To date, responses have been received from Councillor Hardy and Councillor David Blackburn.
- 4.1.2 Councillors Javaid, Harper and Towler were consulted on the Environment and Housing Panel report for the appropriation of Ryecroft School site via email on 9th April 2010.
- 4.1.3 A paper was submitted to April's AMB formally requesting approval of the appropriation.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality, Diversity, Cohesion and Integration exercise has been carried out by Environment and Housing. This has affirmed that equality, diversity, cohesion and integration considerations have been effectively considered in relation to this proposal and that a full impact assessment was not required.

4.3 Council policies and City Priorities

- 4.3.1 There are no adverse implications for Council policy or governance regarding the proposed appropriation of land and Environment and Housing has no current operational use for the site, therefore the land in question is best vested with the Department of Children's Services.

4.4 Resources and value for money

- 4.4.1 Although the site is vested with Environment and Housing, on the basis that the site is currently used for education purposes and the majority of the site is classed as N6 protected playing fields, it would not be a straightforward process to re-designate the site as being suitable for housing development and as such, there is no current or potential operational use for the department.
- 4.4.2 In addition, under paragraphs 4 and 6 of Schedule 1 to the Academies Act 2010, if land has at any time in the last eight years been used wholly or mainly for the purposes of a school, the local authority must not make a disposal of the land without the consent of the Secretary of State (SoS). It is unlikely that the SoS would approve such a disposal whilst there is a shortage of sites for Free Schools.
- 4.4.3 It is therefore more appropriate for the land in question to be vested with Children's Services, as is already the case with the school buildings on site and the department can then proceed with fulfilling their obligations under the Academy Order. Furthermore, when the land transfers to the Academy, under the 125-year lease the Academy would have a full repair and maintenance liability for the site.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Legal implications are outlined above in 3.0 Main Issues.

4.5.2 The appropriation has been approved at AMB and both departments will have signed off respective DDN's to declare the site surplus to departmental requirements and accept the site.

4.5.3 This report does not contain exempt information under Access to Information.

4.6 Risk Management

4.6.1 No risks have been identified which have not been raised within the body of the report. The most appropriate department for the site to be vested in is Children's Services.

5 Conclusions

5.1 In order for the Ryecroft Primary School site to be leased to the Academy Trust at nil consideration, the site needs to be vested in Children's Services. The correct procedure has been followed by both LCC departments and the final stage in the process is for Children's Services to formally accept the appropriation of the site.

6 Recommendations

6.1 It is recommended that the Chief Officer Strategy (Performance and Commissioning), Children's Services:

- Accepts the appropriation of the Ryecroft Primary School site from the Department of Environment and Housing following the site being declared surplus to Departmental requirements and approval in principle being agreed at April's AMB.

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.