

Agenda Item No:

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Report of : Land and Property Services

Report to : Director of City Development

Date: 20 October 2014

Subject: HOLY NAME RC PRIMARY SCHOOL, OTLEY OLD ROAD, LEEDS, LS16

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Weetwood		
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 type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. The purpose of this report is to seek approval to the disposal of part of the site of Holy Name RC Primary School to the Bishop Wheeler Catholic Academy Trust to run Holy Name RC Primary School as an academy school in pursuance of the Academies Act 2010.
2. Holy Name RC Primary School has applied to the Department of Education (DfE) for the School to be granted academy status. The Department for Education has approved the conversion to academy status and granted an Academy Order. The Council disposed of parts of the site to the Roman Catholic Diocese in 1975 and 1978, retaining only the playing field. The DfE requires confirmation that the Council has agreed to grant a leasehold interest of the playing field to the applicant academy.

Recommendations

4. It is recommended that approval is given to the granting of a lease of Holy Name RC Primary School playing field to Bishop Wheeler Catholic Academy Trust enabling it to run the school as an academy school on a 125 year lease at nil consideration in line with legislation and on the terms outlined within this report.

1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to the disposal of the playing field at Holy Name RC Primary School to Bishop Wheeler Catholic Academy Trust to enable it to run the school as an academy school in pursuance of the Academies Act 2010.

2 Background information

- 2.1 The governing body of a maintained school may make an application to the Secretary of State for Education for an academy order to be made for the school. An academy order is an order for the purpose of enabling the school to be converted into an academy school. The Secretary of State sends a copy of the order to the school and local authority.
- 2.2 Holy Name RC Primary School applied to the DfE requesting to be granted academy status. The DfE has made an academy order enabling the school to convert to an academy school under section 4 of the Academies Act 2010.
- 2.3 An effect of an academy order is that the local authority must cease to maintain a school on the date (“the conversion date”) on which the school, or a school that replaces it, opens as an academy.

3 Main issues

- 3.1 In order for the DfE to approve academy status for Holy Name RC Primary School, it will require confirmation that the Council has agreed to transfer the part of the site which is in Council ownership to Bishop Wheeler Catholic Academy Trust to enable it to run the academy school. The Heads of Terms to be granted to Bishop Wheeler Catholic Academy Trust are based on the DfE model lease (which all local authorities are required to use) and are summarised below:-

Draft Heads of Terms

1. Lease: The party to the lease will be Bishop Wheeler Catholic Academy Trust which will operate the former Holy Name RC Primary School as an academy school.
2. Demise: All the land within the area edged black on the attached plan.
3. Term: 125 year lease to commence on a date to be agreed.
4. Consideration: The consideration payable for the grant of the lease will be nil. The annual rental during the duration of the lease will be a peppercorn (if demanded).
5. Use:
 - a) For the purposes of the provision of education services by the tenant (as set out in any charitable objects of the academy trust and in accordance with the memorandum and articles of association of the academy trust from time to time); and
 - b) For community, fundraising and recreation purposes which are ancillary to the use permitted under a).

above.

6. Termination: The lease will automatically determine on the termination of the funding agreement or in circumstances where there is no other funding agreement in existence.
7. Repair: The lessee will be responsible for the repair and maintenance of the premises under the lease.
8. Alienation: The lessee can assign the tenancy, sub-let or part with possession of the whole or any part of the demise under the lease.
9. Legal Costs: Each party will be responsible for their own legal costs arising from the transaction.
10. Insurance: The tenant will be responsible for insuring the premises.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Children's Services advises that pupils, their parents/guardians, teachers and staff were all made aware of the proposal to convert to an academy. In addition, public meetings have been held where details of the proposed conversion to an academy were made available.
- 4.1.2 Ward Members have been contacted by Development Department by e-mailed letter on 28 May 2015. They are aware of the proposals. Councillor J. Bentley responded on behalf of all Weetwood ward members on 11 June 2015, following a meeting with the school's executive head-teacher. He noted that the playing field is used by the school for sports related education and is available for wider community use outside school hours. Ideally the Weetwood councillors would wish that the Local Authority retains ownership of this field to safeguard its future use by the local community. If transfer to the academy group is inevitable ward members would like conditions in the lease to ensure continued access for community use. Academy schools cannot have conditions imposed upon them in their leases but the Academy School Standard Funding Agreement contains a clause stating "*To the extent that it is compatible with the Academy Trust fulfilling its charitable purpose of advancing education in the United Kingdom for the public benefit, the Academy Trust must ensure that the Academy is at the heart of its community, promoting community cohesion and sharing facilities with other schools and the wider community.*"
- 4.1.3 On 20 March 2015 Children's Services received a copy of the Academy Order indicating the school's intention to convert. Children's Services has indicated that the Executive Member for Children's Services and the Director of Children's Services were informed of the proposal subsequently.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The proposal has no specific implications for equality, diversity, cohesion and integration.

4.3 Council Policies and City Priorities

4.3.1 The proposals outlined in this report will impact on the Leeds City Council aim that Councillors are committed to improving outcomes for children and young people. The Best Council Plan 2013-17 has, as one of its key objectives, to “build a child friendly city” by improving outcomes for children and families, with a focus on: its “obsessions” of looked after children, NEETs and attendance; raising educational standards and narrowing the gap for vulnerable groups; and ensuring enough school places as the City grows.

4.4 Resources and Value for Money

4.4.1 Although the Council has a duty under s.123 of the Local Government Act 1972 (or the Housing Act 1995) to secure the best consideration that it reasonably can from the disposal of its property assets, this obligation is overridden by requirements of the Academies Act 2010 to enter into lease arrangements at nil consideration.

4.4.2 The proposed disposal at nil consideration is the Council's contribution to the delivery of the academy programme which is consistent with the educational policies and objectives of the Council.

4.4.3 The playing fields site is considered to have a value in the region of £50,000. Whilst the site will be leased by the Bishop Wheeler Catholic Academy Trust, ownership will remain with the Council and the premises will be required to operate as a school serving the Leeds 16 area. The academy school will be dependent on funding from the DfE. Should funding be withdrawn or the academy school cease to operate, the buildings and land will revert to the Council. The use of the land and premises by the Bishop Wheeler Catholic Academy Trust as an academy school would represent value for money for the Council and as such would not have less than best implications, as it is a statutory function of the Council to provide education for children in Leeds.

4.4.4 The report referred to at 7.1 below, of the Chief Executive of Education Leeds to the Executive Board detailed the financial implications for the Council of the proposed academies in the process of being created in Leeds.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Under Part 3 Section 3E Paragraph 2(a) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of Executive Board in relation to the management of land (including disposals of land).

4.5.2 The proposal constitutes a significant operational decision and is therefore not subject to call in.

4.6 Risk Management

4.6.1 There is a risk that Bishop Wheeler Catholic Academy Trust may not proceed. This is considered unlikely as the proposed academy conversion is supported by the DfE.

5 Conclusions

5.1 The proposal should be supported in line with the Department for Education's policies enabling schools to convert to academies under the Academies Act 2010.

6 Recommendations

- 6.1 It is recommended that approval is given to the granting of a lease of the playing field at Holy Name RC Primary School to Bishop Wheeler Catholic Academy Trust on a 125 year lease at nil consideration in line with legislation and on the terms outlined within this report.

7 Background documents¹

- 7.1 Report of the Chief Executive of Education Leeds to the Executive Board on 14 December 2011.

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.