

Report of : Land and Property Services
Report to : The Director of City Development
Date: August 2018
Subject: BRAMLEY PRIMARY SCHOOL, FAIRFIELD HILL, BRAMLEY LS13 3DP

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Bramley & Stanningley		
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?	<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 the site of Bramley Waterloo Primary School to the Wellspring Academy Trust to run them as an academy school in pursuance of the Academies Act 2010.
2. The Department for Education has approved the conversion to academy status.
3. The site of Pudsey Waterloo Primary School is owned by Leeds City Council.
4. As the school is to become an academy under the Academies Act 2010 the Council must grant a 125 year lease in respect of the site.

Recommendations

4. It is recommended that approval be given to the disposal of Bramley Primary School to the Wellspring Academy Trust enabling them 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 Bramley Primary to the Wellspring Academy Trust to enable them to run the school as an academy in pursuance of the Academies Act 2010.

2 Background information

- 2.1 On 6 March 2017 Bramley Primary applied to the Department of Education (DfE) to be granted academy status. The DfE has approved the conversions to academy status and granted an academy order. The DfE requires confirmation that the Council has agreed to grant a leasehold interest of the buildings and site to an applicant academy.

3 Main issues

- 3.1 In order for the DfE to approve academy status for Bramley Primary School, it will require confirmation that the Council has agreed to transfer the site which is in Council ownership to the Wellspring Academy Trust to enable it to run the academy school. The Heads of Terms to be granted to the Wellspring 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 the Wellspring Academy Trust which will operate the former Bramley Primary School as an academy school.
2. Demise: All the land within the area edged black on the attached plans.
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 (Wellspring Academy Trust) 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 at each school were 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 Bramley & Stanningley Ward Members have been contacted by City Development by e-mail on 31 July 2018. Councillor Ritchie replied on 2 August 2018 and asked if Park & Countryside were aware of the proposal, if the public right of way was to remain unaffected and if the school were to be offered any extra land. A reply was sent advising that Parks and Countryside were aware of the proposal, any rights off way would remain and the land transfer would only include the land that the school presently occupy.
- 4.1.3 A second email was sent on 15 August 2018 to Cllr Gruen and Cllr Haselwood asking for their responses. Councillor Gruen responded on 18 August 2018, asking for confirmation that the School were only acquiring land that they already used, a reply was sent advising that no additional land would be transferred to the school. Cllr Haselwood verbally confirmed on 5 September 2018 that she was disappointed to hear that the school was converting to an Academy, however, understood that it will progress, she raised the same concerns about the area land transferring to the trust as other Ward Members, she was also advised that only the land which the used would be transferred.
- 4.1.4 Children's Services advises that the Director of Children's Services and the Executive Member for Children's Services are aware of the proposal.

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 2018/19-2020/21 has, as key objectives, to "build a child friendly city" by improving outcomes for children and families, with focuses on increasing the number of children and young people participating and engaging in learning, improving achievement and attainment for all; 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 are 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 Bramley Primary School site is entered in the asset register at a figure of £3,391,151 as 2014/15 (school has been extended since then therefore this valuation should not be relied upon by a third party for insurance purposes or otherwise). Whilst the sites will be leased by the Wellspring Academy Trust, ownership will remain with the Council and the premises will be required to operate as schools serving the Bramley area. The academy schools will be dependent on funding from the DfE. Should funding be withdrawn or the academy schools cease to operate, the buildings and land will revert to the Council. The use of the land and premises by the Wellspring Academy Trust as academy schools 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 Director of Children's Services 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 an significant operational decision and is not subject to call in.

4.6 Risk Management

- 4.6.1 There is a risk that the Wellspring Academy Trust may not proceed. This is considered unlikely as the proposed academy conversion are 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 disposal of the sites of Bramley Primary School to the Wellspring Academy Trust on a 125 year leases at nil consideration in line with legislation and on the terms outlined within this report.

7 Background documents¹

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.

7.1 Report of the Director of Children's Services to the Executive Board on 14 December 2011.