

Report of : Land and Property Services

Report to : The Director of City Development

Date: January 2019

Subject: Bramhope Primary School, Tredgold Crescent, Bramhope, LS16 9BR

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Adel & Wharfedale		
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 leasehold disposal of the site of Bramhope Primary School to the Collaborative Learning Trust to run it 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 Bramhope 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

5. It is recommended that approval be given to the leasehold disposal of Bramhope Primary School to the Collaborative Learning 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 leasehold disposal of Bramhope Primary School to the Collaborative Learning Trust to enable it to run the school as an academy in pursuance of the Academies Act 2010.

2 Background information

- 2.1 On 12 November 2018, Bramhope 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 Bramhope Primary School, it will require confirmation that the Council has agreed to transfer the site, which is in Council ownership to the Collaborative Learning Trust to enable it to run the academy school. The Heads of Terms to be granted to the Collaborative Learning 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 Collaborative Learning Trust, which will operate the former Bramhope 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. Nursery: There is an on-site nursery, which is presently leased from the Council. This will transfer to the academy subject to the lease. The academy will manage the lease agreement. Terms of the lease are presently being negotiated; these will presented for approval separately once agreed.
6. 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.
7. 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.

8. Repair: The lessee will be responsible for the repair and maintenance of the premises under the lease.
9. Alienation: The lessee (the Collaborative Learning Trust) can assign the tenancy, sub-let or part with possession of the whole or any part of the demise under the lease.
10. Legal Costs: Each party will be responsible for their own legal costs arising from the transaction.
11. Insurance: The tenant will be responsible for insuring the premises.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Children's & Families 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 Adel & Wharfedale Ward Members have been contacted by Development Department by e-mail on 20 November 2018. Cllr Flynn responded on the 3 December 2018 with a query concern in relation to school admissions, a response to this was duly sent from Children's and Families. Cllr Barry Anderson responded on 6 December 2018, stating that he had no comments to make.
- 4.1.3 A second email was sent to Cllr Caroline Anderson on 6 December 2018 and no reply was received. A telephone message was left with the Conservative office on 20 December 2018; a response was received from Cllr Anderson on 20/12/2018 advising that she was fine with the decision to transfer Bramhope Primary to an Academy status.
- 4.1.4 Children's & Families advises that the Director of Children's & Families and the Executive Member for Children's & Families 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 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 Bramhope Primary School site is entered in the asset register at a figure of £6,211,000 as 1 April 2017 (the figure should not be relied upon by a third party for insurance purposes or otherwise). Whilst the site will be leased by the Collaborative Learning Trust, ownership will remain with the Council and the premises will be required to operate as a school serving the Bramhope 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 Collaborative Learning 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 Director of Children's & Families to the Executive Board detailed the financial implications for the Council of the conversions of schools in Leeds to academy status.

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 not subject to call in.

4.6 Risk Management

- 4.6.1 There is a risk that the Collaborative Learning 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 disposal of the site of Bramhope Primary School to the Collaborative Learning Trust on a 125-year leases at nil consideration in line with legislation and on the terms outlined within this report.

7 Background documents¹

- 7.1 Report of the Director of Children's Services 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.