

# Manor Wood Primary School, Carr Manor Road LEEDS LS17 5DJ

Date: 7 March 2023

Report of: Asset Management and Regeneration

Report to: Chief Officer Asset Management and Regeneration

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

- The purpose of this report is to seek approval to the leasehold disposal of the site of Manor Wood Primary School to Owlcotes Multi Academy Trust to enable it to run the premises as an academy school in pursuance of the Academies Act 2010
- The Department for Education has approved the conversion to academy status
- The site of Manor Wood Primary School is owned by Leeds City Council
- 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 relevant parts of the site

## Recommendations

- a) It is recommended that approval be given to the leasehold disposal of the site of Manor Wood Primary School to Owlcotes Multi 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.

## What is this report about?

- 1 The purpose of this report is to seek approval to the leasehold disposal of the site of Manor Wood Primary School to Owlcotes Multi Academy Trust to enable it to run the school as an academy in pursuance of the Academies Act 2010.
- 2 The leasehold disposal also includes the Manor Wood Children's Centre, which is within school grounds. The Children's Centre is a nursery service provided by school Governors and is not a Council provision. Including this centre in the 125 year will therefore have no impact on Council services.

- 3 The DfE requires confirmation that the Council has agreed to transfer the site which is in Council ownership to Owlcotes Multi Academy Trust to enable it to run the academy school. The Heads of Terms to be granted to Owlcotes Multi 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 Owlcotes Multi Academy Trust which will operate the former Manor Wood Primary School as an academy school.
2. Demise: All the land within the area indicated blue on the attached plan.
3. Term: A 125 year lease to commence on a date to be agreed.
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 its own legal costs arising from the transaction.
10. Insurance: The tenant will be responsible for insuring the premises.

### **What impact will this proposal have?**

- 4 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

### **How does this proposal impact the three pillars of the Best City Ambition?**

Health and Wellbeing

Inclusive Growth

Zero Carbon

5 In accordance with the Schools Admissions Code.

### **What consultation and engagement has taken place?**

Wards affected: Moortown

Have ward members been consulted?

Yes

No

6 Children's and Families informed Moortown Ward Members of the leasehold transfer by e-mail on 20 October 2022.

### **What are the resource implications?**

7 Whilst the area will be leased by Owlcoates Multi Academy Trust, ownership will remain with the Council and the premises will be required to operate as part of a school serving the Moortown area. The academy school will be dependent on funding from the DfE. Should funding be withdrawn or the academy school cease to operate, the land will revert to the Council. The use of the land by the Owlcoates Multi Academy Trust as part of 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 enable schools to fulfil curriculum requirements for children in Leeds

8 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

### **What are the key risks and how are they being managed?**

9 There is a risk that Owlcoates Multi Academy Trust may not proceed. This is considered unlikely as the proposed academy conversion has been decreed by the DfE

### **What are the legal implications?**

10 Under Part 3, Section 3E(g) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of the Executive in relation to Asset Management.

11 The Chief Officer Asset Management and Regeneration, Head of Asset Management and Deputy Head of Land and Property have authority to take decisions in relation to Asset Management as delegated in the Director of City Development's sub delegation scheme.

12 The proposal constitutes a Significant Operational Decision and is therefore not subject to call in.

### **Options, timescales and measuring success**

#### **What other options were considered?**

13 None – the Council is required to complete the transfer under the Academies Act 2010

#### **How will success be measured?**

14 Upon completion of the transfer

## **What is the timetable and who will be responsible for implementation?**

15 The deadline for completion will be set by the Department for Education in due course

### **Appendices**

- Plan

### **Background papers**

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