

**REPORT TO:** Cabinet

**DATE:** 27 January 2011

**SUBJECT:** The Transfer of Land on Change of Status

**WARDS  
AFFECTED:** Manor and Ford Wards

**REPORT OF:** Strategic Director - Children, Schools & Families  
Peter Morgan

**CONTACT  
OFFICER:** Mike McSorley

**EXEMPT/  
CONFIDENTIAL:** NO

**PURPOSE/SUMMARY:**

The purpose of this report is to advise members of the change of status of two Sefton schools and to seek approval for the subsequent transfer of land.

**REASON WHY DECISION REQUIRED:**

The Cabinet has delegated powers to approve the land transfers detailed in this report.

**RECOMMENDATION(S):**

The Cabinet is recommended to:

- (i) note the change of status of Crosby High School and the proposed change of status of Litherland High School;
- (ii) approve the land transfers detailed in Section 5 of this report;
- (iii) request the Strategic Director – Communities and the Acting Head of Corporate Legal Services to progress these transfers.

**KEY DECISION:** No.

**FORWARD PLAN:** Not appropriate.

**IMPLEMENTATION DATE:** Following the expiry of the “call-in” period for the Minutes of the Cabinet meeting.

**ALTERNATIVE OPTIONS:**

Not applicable.

**IMPLICATIONS:****Budget/Policy Framework:** None.**Financial:** The direct costs associated with the transfer of the land are the responsibility of the Local Authority and these legal costs can be contained within the existing Service Level Agreement between Legal Services and Children, Schools & Families.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>	<b>2013/ 2014 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton Funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:** The transfer of land will be carried out in line with the relevant legislation detailed in 'The transfer disposal of school land in England: A general guide for Schools, Local Authorities and the Adjudicator'.**Risk Assessment:** Not appropriate.**Asset Management:** Trust schools would remain a full part of the Council's school's asset management planning process and the schools would be treated equally in terms of government support for capital investment.

**CONSULTATION UNDERTAKEN/VIEWS**

FD 584 - The Interim Head of Corporate Finance & Information Services has been consulted and has no comments on this report.

LD0007-10 – The Acting Head of Corporate Legal Services has been consulted on this report and his comments have been incorporated into this report.

**CORPORATE OBJECTIVE MONITORING:**

<b><u>Corporate Objective</u></b>		<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being		✓	
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy		✓	
8	Children and Young People		✓	

**LINKS TO ENSURING INTEGRATION:**

Not appropriate.

**IMPACT UPON CHILDREN, SCHOOLS & FAMILIES TARGETS AND PRIORITIES:**

Not appropriate.

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

None.

## **THE TRANSFER OF LAND ON CHANGE OF STATUS**

### **1. Introduction**

- 1.1 The Education and Inspection Act 2006 has placed a duty on all local authorities to exercise their powers to secure diversity in the provision of schools and increase the opportunities for parental choice. The Act has included the provision for a foundation school to set up a charitable foundation (or trust) to support the school. This type of foundation school is known as a trust school.
- 1.2 Schools are being encouraged, by central government, to consider adopting a Trust where this can be seen to bring benefits of long term partnership to the school.
- 1.3 It is a requirement of the Education and Inspection Act 2006 that on the implementation date for the school becoming a Trust all land and buildings held and used by the school for the purposes of the school will transfer by relevant statute to the Trust.
- 1.4 All major building and land asset transfers within Sefton Borough Council require Cabinet approval, under the Council's Constitution. This report seeks approval from Cabinet for the transfer of land associated with the two schools detailed in this report.

### **2. Background**

- 2.1 A Trust school is a maintained foundation school supported by a charitable Trust. The Trust school is maintained by the Local Authority, but owns its own buildings and grounds. It employs its own staff and determines its own admissions.
- 2.2 A Trust school receives extra support (not necessarily financial) from a charitable trust that is made up of partners such as a local university, a business, or a voluntary/community organisation which all work together for the benefit of the school.
- 2.3 Achieving Trust status is a way in which a maintained school can formalise its relationship with a partner. Trust status can help schools ensure that their partners are committed to the success of the school for the long term, helping to shape its strategic vision and ethos.
- 2.4 Any maintained school (primary, secondary or special school) can become a Trust school. A Trust school remains Local Authority maintained.

### **3. Crosby High School**

- 3.1 The name of the Trust that the Governors of Crosby High School have acquired from 19 July 2010 is 'Crosby Co-operative Learning Trust'. The vision of this Trust is to *'enable all pupils with Special Educational Needs to develop into successful learners, with the skills and resilience to continue to progress once they have left school and be capable of sustaining lasting relationships and making a positive contribution to society.'*
- 3.2 The members of the Trust are:
- Crosby High School
  - Liverpool, John Moores University
  - Hugh Baird College, Bootle
  - Sefton, Children, Schools & Families
  - The Co-operative Movement (initially represented by the Co-operative College)

### **4. Litherland High School**

- 4.1 The Governors of Litherland High School are proposing to publish their proposals to become a Trust school in January 2011 with implementation to follow if representations received are supportive. The vision of the Trust is *'to raise the aspirations and achievements of our students by providing the best education in a global learning environment.'*
- 4.2 The proposed Trust partners are:
- Litherland High School
  - Liverpool, John Moores University
  - Sefton Local Authority

### **5. Proposal**

- 5.1 It is proposed that the land and building assets of Crosby High School be transferred from the Local Authority to the Crosby Co-operative Learning Trust with effect from the date that the Transfer Deed is completed. The plan at Appendix A shows the extent of the land and buildings.
- 5.2 A further proposal is that the land and building assets of Litherland High School be transferred from the Local Authority to the Trust with effect from the date that the Transfer Deed is completed. The date for the effective date of the trust is to be determined but likely to be February/March 2011. Appendix B shows the extent of the land to be transferred. The new school buildings will replace the old ones which are due for demolition in February 2011.

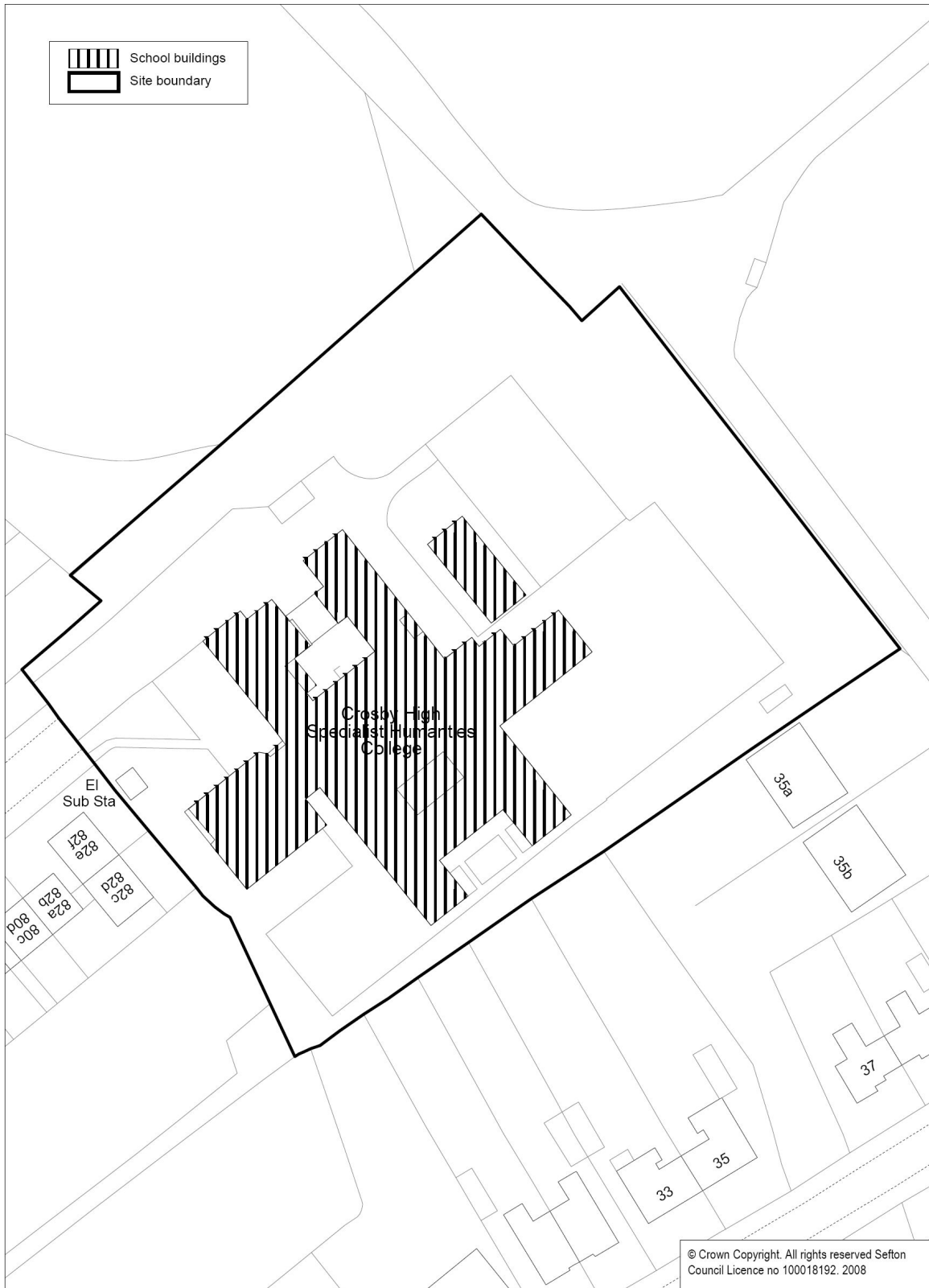
## **6. Land Issues**

- 6.1 In both cases the Trust will have the legal title to the land and assets and will hold these 'on trust' for the purposes and benefits of the school for the duration of its relationship with the school. The direct costs associated with the transfer of the land will be the responsibility of the Local Authority. However, the Local Authority and the Trust will be responsible for their own legal or other professional advisers' costs or fees incurred in connection with the transfer of land. If the property ceases to be used for educational purposes then the property will be transferred back to the Council for nil consideration.
- 6.2 Members should note that no capital receipt accrues to the Council on transfer to the Trust.

## **7. Recommendations**

- 7.1 The Cabinet is recommended to:
- (i) note the change of status of Crosby High School and the proposed change of status of Litherland High School;
  - (ii) approve the land transfers detailed in Section 5 this report;
  - (iii) request the Strategic Director – Communities and the Acting Head of Corporate Legal Services to progress these transfers.

Crosby High School - Site Plan



Litherland High School - Site Plan

