

REPORT TO: Cabinet

DATE: 14 April 2011

SUBJECT: The Transfer of Land on Change of Status

**WARDS
AFFECTED:** Derby

REPORT OF: Peter Morgan
Strategic Director - People

**CONTACT
OFFICER:** Mike McSorley (0151 934 3428)

**EXEMPT/
CONFIDENTIAL:** NO

PURPOSE/SUMMARY:

The purpose of this report is to advise Members of the change of status of Hillside High School and to seek approval for the subsequent land transfer.

REASON WHY DECISION REQUIRED:

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

RECOMMENDATION(S):

The Cabinet is recommended to:-

- i). note the change of status of Hillside High School;
- ii). approve the land transfer detailed in this report;
- iii). request the Strategic Director - Place and the Acting Head of Corporate Legal Services to progress the transfer.

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 appropriate.

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.

<u>CAPITAL EXPENDITURE</u>	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
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:** A Foundation School will 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

The Acting Head of Corporate Legal Services has been consulted on this report and his comments have been incorporated into this report. **LD0068/11.**

The Interim Head of Corporate Finance & Information Services has been consulted and has no comments on this report. **FD673/2011.**

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
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. Background

- 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 provision for a Community School to change category to a Foundation School.
- 1.2 A Foundation School is maintained by the Local Authority but owns its assets, employs its own staff and is its own admission authority.
- 1.3 It is a requirement of the Education and Inspection Act 2006 that on the implementation date for the school becoming a Foundation School all land and buildings held and used by the school for the purposes of the school will transfer by relevant statute to the Foundation School.
- 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 Hillside High School.

2. Hillside High School

- 2.1 Hillside High School changed from a Community to Foundation School on 5 July 2010 having consulted on the proposal earlier in the year and having published a Statutory Notice on 4 March 2010.

3. Proposal

- 3.1 It is proposed that the land and building assets of Hillside High School be transferred from the Local Authority to the Foundation Governing Body with effect from the date that the Transfer Deed is completed. The plan at Appendix A shows the extent of the land and buildings.
- 3.2 It should be noted that the area of Stuart Road Playing Fields is not part of the school site and will not be included in the Land Transfer. However, the school has use of these facilities during the school week and this arrangement will continue.
- 3.3 The Governing Body will have the legal title to the land and assets. The direct costs associated with the transfer of the land will be the responsibility of the Local Authority. However, the Local Authority and Foundation will be responsible for their own legal or other professional advisors' 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.
- 3.4 Members should note that no capital receipt accrues to the Council on transfer to the trust.

Hillside High School - Site Plan

