

<b>Report of:</b>	<b>Head of Housing &amp; Partnerships</b>
<b>Contact Officer:</b>	<b>Peter Grinnell</b>
<b>Telephone No:</b>	<b>01543 464524</b>
<b>Portfolio Leader:</b>	<b>Housing</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 14/06/18</b>

**CABINET****14 JUNE 2018****LAND TO THE NORTH-WEST OF ST PETER'S C OF E PRIMARY SCHOOL,  
RESERVOIR ROAD, HEDNESFORD****1 Purpose of Report**

- 1.1 Seek Cabinet authority to either the transfer the Council's freehold interest in the above property on favourable terms, or the grant of a 125 year academy style lease, to the Future Generation Trust being the proposed Academy Trust for St Peter's C of E Primary School which is in the process of converting to Academy Trust status.

**2 Recommendations**

- 2.1 That Cabinet approve the Recommendation set out in Section 5.3 of the report for either: -
- (i) the freehold interest in the above property be transferred to the Future Generation Trust at nil consideration to facilitate the conversion of St Peter's C of E Primary School to Academy Trust status; or
  - (ii) the grant of a 125 year lease in the Department for Education standard form to the Future Generation Trust at a peppercorn rent consideration to facilitate the conversion of St Peter's C of E Primary School to Academy Trust status.

and confirms which option it prefers.

**3 Key Issues and Reasons for Recommendation**

- 3.1 St Peter's Church of England Primary School, Reservoir Road, Hednesford is currently in the process of converting to Academy Trust status. The school buildings are owned by the Lichfield Diocese and part of the school grounds are owned by Staffordshire County Council. The rest of the school grounds, comprising the playing fields shown edged red on the attached plan, are owned by the Council (the "Playing Fields").

- 3.2 The Playing Fields, together with other land forming part of Hednesford Hills, were given to the Council by the Marquess of Anglesey in 1933 subject to a restriction that the land could only be used for public recreation purposes.
- 3.3 The Council leased the Playing Fields (circa 4,390 square metres) to Staffordshire County Council (in its capacity as local education authority) in 1960 at a nominal rent for use by the school as playing fields. The lease contains an acknowledgement that the Marquess of Anglesey consented to the Playing Fields being used for this purpose. The lease also permitted the County Council to erect boundary fencing around the edge of the playing field. This lease continues to run.
- 3.4 In 1968 the Council applied to register the land given to it by the Marquess of Anglesey (including the Playing Fields) as common land under the Commons Registration Act 1965. The Playing Fields are registered as common land, although in fact the land is fenced off and forms part of the school grounds.
- 3.5 As part of the conversion to academy status the Academy Trust, the Future Generation Trust, have advised the Council that they need to secure a long term interest in the Playing Fields. The Academy Trust's solicitors have advised that they cannot take over the 1960 lease to Staffordshire County Council because this does not give them sufficient security in the Playing Fields to meet the Department for Education's conversion criteria.
- 3.6 The Academy Trust's solicitors have asked that the Council grants the Academy Trust, as a minimum, a 125 year lease of the Playing Fields at a nominal rent. This lease would need to be in a standard form issued by the Department for Education. Alternatively, the Council could transfer ownership of the Playing Fields to the Academy Trust. The Academy Trust's preferred option however is that the Council transfer ownership of the Playing Fields to them for a nominal consideration. The Academy Trust is aware that the land is registered common land and accepts that the transfer of ownership from the Council to the Trust will not affect that designation.

#### **4 Relationship to Corporate Priorities**

- 4.1 In accordance with the Council's Asset Management and Energy Management Strategy 2013 – 2018 the Council will use its non-operational assets to support community wellbeing.

#### **5 Report Detail**

- 5.1 If the proposed transfer of the freehold interest of the above property is adopted as the preferred option this will maintain the existing use of the land as playing fields and reflect their registration as common land so that the transfer of ownership from the Council to the Trust will not affect that designation but will remove the Council's liability in relation to the same. The alternative of the grant of a 125 year academy lease at a peppercorn rent could leave the Council with responsibilities for the land both in terms of latent liabilities and due to its designation as common land.

- 5.2 The existing lease of the property to Staffordshire County Council will be surrendered simultaneously with the transfer or grant of a 125 year lease.
- 5.3 It is therefore recommended that either: -
- (i) the freehold interest in the above property be transferred to the Future Generation Trust at nil consideration to facilitate the conversion of St Peter's C of E Primary School to Academy Trust status; or
  - (ii) a 125 year lease be granted in the Department for Education standard form to the Future Generation Trust at a peppercorn rent consideration to facilitate the conversion of St Peter's C of E Primary School to Academy Trust status.

## **6 Implications**

### **6.1 Financial**

The Council holds its interest in Hednesford Hills as a Community Asset valued at £1,500. The playing fields referred to in the body of the report represent approximately 0.436% of the total area owned by the Council.

### **6.2 Legal**

None

### **6.3 Human Resources**

None

### **6.4 Section 17 (Crime Prevention)**

None

### **6.5 Human Rights Act**

None

### **6.6 Data Protection**

None

### **6.7 Risk Management**

None

### **6.8 Equality & Diversity**

None

### **6.9 Best Value**

See above

**7 Appendices to the Report**

Appendix 1      Site Plan

**Previous Consideration**

None

**Background Papers**

None

