

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Policy and Resources
Date:	14 April 2011
Title:	Land Transfers required under School Status Changes
Decision Reference:	2749
Report From:	Director of Culture, Communities and Business Services

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1. Executive Summary

1.1. The purpose of this report is to seek approval to delegate authority to the Director of Culture, Communities and Business Services (Strategic Manager - Assets and Development) in respect of land transfers, which are statutorily required should a maintained school resolve to change its status.

2. Background

2.1. Community schools have in the past been able to decide to convert to foundation or trust status. In these instances, the County Council is obliged to transfer its ownership to the new governing body or trust under Schedule 6, The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. This is effectively a free transfer of the County Council's interest in the land used by the school. To protect the public land interest, the County Council retains an entitlement to proceeds of sale in the event of future school closure and it must be consulted on any part disposal.

2.2. More recently, schools have additionally been enabled under the Academies Act 2010 to convert to Academy Status. On conversion under this Act, the resultant new Academy Trust is entitled to be granted a new long term (125-years) lease from the County Council, with the County Council retaining its freehold interest. This lease is to be on the basis of terms set out within guidance from the Department for Education (DfE).

2.3. On 9 March 2011, the Executive Lead Member for Children's Services considered a report regarding maintained schools converting to Academies and approved delegated authority to the Director of Children's Services to enter into the Asset Transfer Agreement and Associated legal documentation required to achieve academy conversion. This agreement covers transfer of staff, assets and liabilities to the new Academy Trust. The purpose of this

further report is to approve a similar delegation in terms of the associated land and property interests and issues.

3. Proposed Delegated Powers

- 3.1. Previous cases have been reported to Executive Member for Policy and Resources, by way of the Schedule of Routine Transactions. However, the Department for Education (DfE) guidelines for transfer envisage the process to convert to Academy Status should be completed within three months from the date the school governing body decide to pursue conversion to completion of all matters, including the lease. Flexibility to meet these timescales will be assisted by delegation of authority to complete the land transfer arrangements.
- 3.2. It is proposed that the Executive Member be kept informed of such transactions by way of the Schedule of Routine Transactions, noting that such transactions may be reported following completion.

4. Recommendations

- 4.1. That delegated authority be given to the Director of Culture, Communities and Business Services (Strategic Manager - Assets and Development) to enter into all land transfers or leases that may be statutorily required to achieve the conversion to Academy status, of a Hampshire County Council maintained school, including authority to settle detailed terms and conditions.
- 4.2. That all such transactions be reported to the Executive Member for Policy and Resources, by way of the Schedule of Routine Transactions.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

This proposal does not link to the Corporate Strategy, but requires a decision because it relates to land transactions that are required by statute.
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Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Maintained Schools converting to Academies	2692	9.03.2011
Direct links to specific legislation or Government Directives		
<u>Title</u>	<u>Date</u>	
Academies Act 2010		

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

- 1.1. An equalities impact assessment has been considered in the development of this report and no adverse impact has been identified.

2. Impact on Crime and Disorder:

- 2.1. The County Council has a legal obligation under Section 17 of the Crime and Disorder Act 1998 to consider the impact of all the decisions it makes on the prevention of crime. The proposals in this report have no impact on the prevention of crime

3. Climate Change:

- 3.1. No impact has been identified.