

NORTH SOMERSET COUNCIL DECISION

DECISION OF: SECTION 151 OFFICER

IN CONSULTATION WITH: ASSET MANAGER



DECISION NO: CSD 015 2020 - 2021

SUBJECT: ESTABLISHMENT OF A SPECIAL FREE SCHOOL IN CHURCHILL

KEY DECISION: YES

REASON: The decision affects the lives of vulnerable children across the district.

BACKGROUND:

Approval was provided in an Executive Member decision dated 9th October 2018, (2018-19 P&C33) for officers to submit a bid for a Wave 13 Free School Bid to the Department of Education (DfE) to facilitate the establishment of a Social, Emotional and Mental Health (SEMH) Free School within the district. In addition, authority was provided to include a site in Churchill to be included within that bid.

In a letter from the DfE dated 12th March 2019, council was informed that the bid should proceed to the next stage of the process – the trust competition stage. The approval was subject to specific conditions specified, including the grant of a 125-year lease at a peppercorn rent. There is within the conditions specific provision that the council will meet any abnormal costs in the development of the land, including the diversion of any services running across the land.

Following a tender process, the DfE have now identified a suitable provider for the establishment of the SEMH Free School and have forwarded a draft Heads of Terms document for approval.

The land

The identified field on Ladymead Lane is land retained (edged red on the attached plan) by the council following the sale of Churchill Park Farm to the sitting tenant in March 2011. The sitting tenant concurrently entered into a lease of the retained field under an agricultural tenancy subsequent to six months' notice. The field retained specifically excluded two strips of land on the north and south side, shown shaded green on the attached land, to access as access to the farm from Ladymead Lane. In March 2012, it was agreed that two additional strips (shaded blue) would be transferred as the original strips were too narrow for access. The purchaser of the farm subsequently has sold many of the fields that comprised the farm, apart from the southern strip marked B on the attached plan, these strips have been retained.

In terms of the transfer agreements the purchase/tenant is responsible to installing a stockproof fence along the norther and southern boundaries of the retained land. This stockproof fence has no, to date being erected.

In taking the development of the free school forward it is recommended that six months' notice is served as soon as possible, and that officers negotiate the installation of the fence, or payment of the costs of such installation, and enquire whether the tenant would the transfer back of the adjoining strip still in his ownership at nominal cost.

Ground lease

In terms of the agreement reached with DfE, the council shall grant a ground lease to the identified provider of the free school the usual terms of an Education, Skills and Funding Agency (ESFA) Model 125-year lease at a peppercorn rent.

DECISION:

Officers are authorised to

1. Serve notice on the tenant of the proposed free school site
2. Negotiate and reach agreement regarding the adjoining northern and southern strips of land
3. Undertake the process of appropriation of the change of use of the site from agricultural to educational use.
4. Discuss and agree the issue of the fencing to the adjoining boundaries
5. Agree the Heads of Terms for a ground lease over the development site, and in due course to complete and enter into a lease agreement on the terms based on an ESFA Model 125- year lease

REASONS:

To enable the establishment of a Social, Emotional and Mental Health free school in keeping with the Executive Members of October 2018

OPTIONS CONSIDERED:

Subsequent to the Executive Members decision and subsequent success of the bid, no further options have been considered.

FINANCIAL IMPLICATIONS:

Costs

- Legal costs will be incurred in the termination of the agricultural lease and preparation of the long-term lease.
- Loss of the rental of £160 per annum.

Funding

At the meeting of the Investment & Infrastructure Board on 8th November 2018, the board agreed to the capital amount of £100,000 from the Special Provisions Fund towards the relocation of low voltage power lines across the site in support of the free school bid.

LEGAL POWERS AND IMPLICATIONS

The Education Act 2011 and the Academies Act 2010 provide the legal basis for the formation of academies, free schools, university technical colleges and studio schools.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no direct climate or environmental implications in respect of this decision, but the development of the land will raise such implication and will be addressed during the planning process.

CONSULTATION

See the Executive Member's decision dated 9th October 2018 (2018/19 P&C33).

RISK MANAGEMENT

In addition to the overhead power cables, there is the possibility of further services that may need to be relocated. This is unknown at this time. The information will be provided following the usual survey work required for the development.

There is a risk that the cost of abnormal costs in the development of the site will exceed the £100,000 identified by the I&I Board and approved by Council in February 2020

EQUALITY IMPLICATIONS

An Equality Impact Assessment will be carried out by the Education, Skills and Funding Agency as part of the planning and delivery of the new school.

CORPORATE IMPLICATIONS

The Corporate Plan 2020-24 has a vision for openness, fairness and a green environment. In terms of the priority of a council which empowers and cares about people, this proposal seeks to priorities of

- A commitment to protect the most vulnerable people of our communities
- An approach which enable young people and adults to lead independent and fulfilling lives
- A focus on taking inequalities, improving outcomes.
- A collaborative way of working with partners and families to support children achieve their full potential
- Partnerships which enhance skills, learning and employment opportunities

APPENDICES

Attached plan of site

BACKGROUND PAPERS

Executive Member's decision P&C33 of 2018/19

SIGNATORY:

DECISION MAKER:

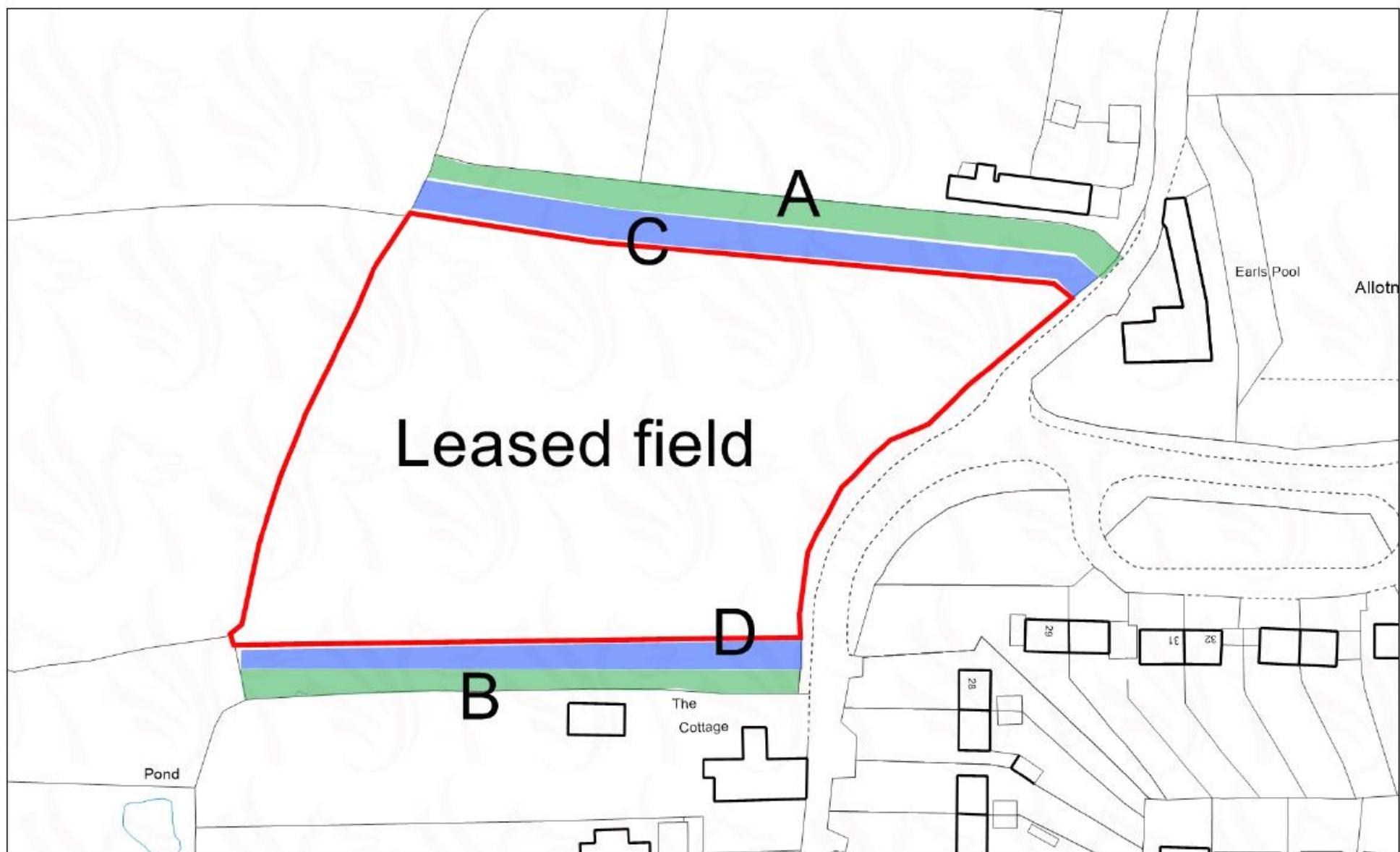


Signed:

Section 151 Officer. In accordance with paragraph 1.5 of the Council's constitution (May 2018),
officer authorisations and delegations

Date: 6 July 2020.....

In consultation with Geoff Brakspear



Field, Ladymead Lane

Scale: 1:1000

Date: 12 June 2019



© Crown copyright and database rights 2019 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form. © Aerial Photography 2009 and 2014 Imagery copyright Getmapping PLC. www.getmapping.com. © and database right "Crown Copyright and Landmark Information Group Ltd" (All rights reserved (2019)).