

PROPERTY SUB-COMMITTEE

Friday, 8th September, 2017

2.00 pm

**Council Chamber, Sessions House, County Hall,
Maidstone**





AGENDA

PROPERTY SUB-COMMITTEE

Friday, 8 September 2017, at 2.00 pm Ask for: **Theresa Grayell**
Council Chamber, Sessions House, County Telephone: **03000 416172**
Hall, Maidstone

Tea/Coffee will be available 15 minutes before the start of the meeting

Membership (8)

Conservative (6): Mr N J D Chard, Mrs M E Crabtree, Mr K Gregory, Mr J P McInroy,
Mr M D Payne and Mr B J Sweetland

Liberal Democrat (1): Mr R H Bird

Labour (1) Ms K Constantine

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

Webcasting Notice

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site or by any member of the public or press present. The Chairman will confirm if all or part of the meeting is to be filmed by the Council.

By entering the meeting room you are consenting to being filmed. If you do not wish to have your image captured please let the Clerk know immediately.

- 1 Apologies and Substitutes
To receive apologies for absence and notification of any substitutes present
- 2 Election of Chairman
- 3 Election of Vice-Chairman
- 4 Declarations of Interest by Members in Items on the Agenda

In accordance with the Members' Code of Conduct, Members are requested to declare any interests at the start of the meeting. Members are reminded to specify the agenda item number to which it refers and the nature of the interest being declared

5 Minutes of the meeting held on 21 March 2017 (Pages 7 - 10)

To consider and approve the minutes as a correct record

Motion to exclude the press and public for exempt business

That under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

6 17/00070 - Land at Drovers Roundabout - Variation of option agreements
(Pages 11 - 24)

To consider a report from the Cabinet Member for Corporate and Democratic Services and the Director of Infrastructure and either endorse or make a recommendation on the proposed decision set out in the report.

7 17/00088 - Acquisition of the Royal School for Deaf Children, Victoria Road, Margate (Pages 25 - 32)

To consider a report from the Cabinet Member for Corporate and Democratic Services and the Director of Infrastructure and either endorse or make a recommendation on the proposed decision set out in the report.

8 17/00090- Proposed new lease at the Detached Playing Field at Wilmington Boys Grammar School, Common Lane, Wilmington, for the benefit of Wilmington Academy (Pages 33 - 40)

To consider a report from the Cabinet Member for Corporate and Democratic Services and the Director of Infrastructure and either endorse or make a recommendation on the proposed decision set out in the report.

9 17/00076 - Funding of the new John Wallis Academy development, Sale of land and relocation of children's centre to Stanhope Sports Hall, Ashford, TN23 3HG - PART 2 (Pages 41 - 60)

To consider a report from the Cabinet Member for Corporate and Democratic Services and the Director of Infrastructure and either endorse or make a recommendation on the proposed decision set out in the report.

John Lynch,
Head of Democratic Services
03000 410466

Thursday, 31 August 2017

This page is intentionally left blank

KENT COUNTY COUNCIL

PROPERTY SUB-COMMITTEE

MINUTES of a meeting of the Property Sub-Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 21 March 2017.

PRESENT: Mr A J King, MBE (Chairman), Mr N J D Chard, Mrs T Dean, MBE, Mr C P D Hoare, Mr D Smyth and Mrs P A V Stockell

UNRESTRICTED ITEMS**97. Apologies and Substitutions**

Apologies were received from Mr Leyland Ridings.

98. Declarations of interest in items on the agenda

Mr Nick Chard and Mrs Paulina Stockell reported that they were members of the Kent County Council Planning Applications Committee and confirmed that although they would take part in the consideration of Item B3 they would not pre-determine the matter in order that they could further consider it on planning grounds should any application be considered by the Planning Applications Committee in the future.

99. Minutes of the meeting held on 21 February 2017

(Item A3)

The minutes of the previous meeting, held on 21 February 2017, were approved as a correct record and signed by the Chairman accordingly.

100. Appropriation of Land at Boughton Mount, Boughton Lane, Maidstone, comprising Boughton Mount Hostel, Boughton Mount Grounds and former Maidstone SEC and Special Care Unit, to override a restrictive covenant.

(Item B1)

The Committee received a report detailing proposals for the appropriation of land at Boughton Mount, Maidstone which comprised Boughton Mount Hostel, Boughton Mount Grounds and the former Maidstone SEC and Special Care Unit to override a restrictive covenant.

Mr Gary Cooke, Cabinet Member for Corporate and Democratic Services introduced the report, in particular he referred to the following:

- That the site had been gifted to KCC in 1948 with a covenant restricting the use of the property to “the education of delicate children” which was subsequently broadened to include use as a residential and training centre.
- KCC had used the site for the prescribed purposes until 2010 since which time it had remained vacant.
- The property was now considered surplus to operational requirements but it would be necessary to release the restrictive covenant in order to realise the potential development and marketability of the site.

- A legal mechanism by which this could be achieved was available and the family were supportive of the proposals so long as the net sale receipt was directed towards special educational needs, thus retaining the original nature of the gift. Mr Cooke confirmed that this was KCC's intention.

The matter was put to the Committee for discussion and the following comments were made and responses from the Cabinet Member and officers to questions put were received:

- That a feasibility exercise had been undertaken in 2013 to assess the suitability of the site for the relocation of Five Acre Wood Special Educational Needs School but owing to the size of the developable area it was not considered to be financially viable.
- That a portion of the funding for the refurbishment work at Five Acre Wood was to be sourced from the Capital Programme and that this element could benefit from the contribution of the receipt from the sale of the site.

It was RESOLVED by a vote of 6:1 that the proposed decision of the Cabinet Member be endorsed.

101. Cross-Party Security Working Group

(Item B2)

The Chairman asked Members if, in discussing this item, they wished to refer to the information contained in the exempt appendix and hence consider the matter in closed session. Members agreed that they wanted to proceed on that basis and the matter was discussed in closed session at the end of the meeting.

102. Priority School Building Programme - Local Delivery

(Item B3)

The Committee received a report setting out the details of a request received from the Education Funding Agency that KCC deliver construction projects within Kent as part of the Priority Schools Building Programme Round 2.

The Cabinet Member for Corporate and Democratic Services, Mr. Cooke, introduced the report and said that Kent County Council would receive the necessary funding for the construction project at each school and a Project Delivery Grant to cover all appropriate costs to manage the project.

Rebecca Spore, Director of Infrastructure, also spoke to the item, in particular she referred to the following:

- i. On 1 May 2014, the Minister of State for Schools had announced that the Government would fund a further phase of the Priority Schools Building Programme (PSBP), with a value of around £2 billion.
- ii. On 9 February 2015, the Secretary of State for Education and the Minister of State for Schools announced that KCC had been successful for 7 bids in addition to 6 further schools across Kent where Academies had bid directly.
- iii. The EfA had offered local authorities the opportunity to deliver schemes locally using local procurement arrangements and local supply chains. These schemes would be funded by the EfA, but the opportunity for local authorities to contribute additional funds for basic need expansion would also be

available. The Cabinet Member was proposing that two schemes proceed through this Local Delivery approach:

- a. Swadelands School, Lenham – replacement of the Science Block
 - b. Benenden C of E Primary School – relocation to and expansion on a new site
- iv. The cost of the Swadelands School, Lenham project was expected to be in the region of £2.5 to £3 million, which would be fully funded by the EfA.
 - v. The cost of the Benenden C of E Primary School project was expected to be in the region of £5.5 million, of which KCC would contribute to the additional Basic Need requirement of 35 pupils. The EfA would fund the majority of the project costs and there was also discussion to be held with the diocese as to who would benefit from the land sale. Any additional capital requirement from KCC would be allocated by agreement of the Cabinet Member for Education and Health Reform.

The matter was put to the Committee for discussion and officers answered questions relating to the financial commitments of the EfA and the potential risk to the Council.

It was RESOLVED that the proposed decision of the Cabinet Member for Corporate and Democratic Services to:

- a) Authorise the Director of Infrastructure, in consultation with the General Counsel, to enter into any necessary contracts/agreements on behalf of the County Council;
- b) Authorise the Director of Infrastructure to ensure the appropriate level of funding was received from the Education Funding Agency to cover the costs of these projects and to ensure that Kent County Council did not incur any unforeseen costs and, in consultation with the Cabinet Member for Education and Health Reform, agree apportionment of costs in excess of the £1million currently budgeted;
- c) Authorise the Director of Infrastructure to be the nominated Authority Representative within the relevant contracts/agreements and to enter into variations as envisaged under the contract terms

be ENDORSED.

MOTION TO EXCLUDE THE PRESS AND PUBLIC

It was RESOLVED that the press and public be excluded for the following business on the grounds that it was likely that exempt information, as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, would be disclosed.

(OPEN ACCESS TO MINUTES)

103. Cross-Party Security Working Group (Item B2)

The Committee received a report providing an update on the work of the Cross-Party Security Working Group and setting out, for endorsement, a draft strategic statement and the next steps for the further enhancement of security at KCC sites.

Mr Gary Cooke, Cabinet Member for Corporate and Democratic Services, introduced the report. He reported that the Cross-Party Security Group had conducted several site visits and had been impressed with the quality of KCC staff and their awareness of, and adherence to, security measures but acknowledged that KCC had a mixed economy of buildings, some of which presented unique challenges.

Positive comments were received regarding the next steps set out in Appendix 2 of the report and the importance of communicating to staff the role of the individual in maintaining safe and secure buildings was also highlighted.

It was RESOLVED that the work undertaken by the Cross-Party Security Working Group be noted and the draft strategic statement and future works programme be endorsed.

104. Outcomes of Property Disposals - an update report on progress relating to disposals brought to the Property Sub-Committee in 2014, 2015 and 2016
(Item C1)

The Committee received an exempt report providing an update on the outcome and progress of various property disposals that had been presented to the Property Sub-Committee during 2014, 2015 and 2016, and detailing the final terms agreed, where applicable.

The Cabinet Member for Corporate and Democratic Services presented the report and he and the Director of Infrastructure answered questions relating to the twelve property disposals contained within the report.

It was RESOLVED that the information contained within the report be NOTED.

Document is Restricted

This page is intentionally left blank

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Eric Hotson, Cabinet Member for Corporate and Democratic Services

DECISION NO:

17/00070

For publication or exempt – Exempt

Subject: Land at Drovers Roundabout – Variation to the Option Agreements

Decision:

As Cabinet Member for Corporate and Democratic Services, I propose to agree to:

1. Varying the terms set out in the option to purchase agreements between KCC and the Companies named in the exempt report; and
2. Delegate authority to the Director of Infrastructure in consultation with the Cabinet Member for Corporate and Democratic Services to finalise and agree the terms of the variation to the option to purchase agreements.

Reason(s) for decision:

A key decision is required owing to the level of receipt that KCC is likely to receive from agreeing the variations exceeding the financial criteria for Key Decisions as set out in the Council's constitution.

This decision will result in the following outcomes:

- An enhanced capital receipt from the eventual disposal of the land that the variation to the option agreements will facilitate.
- The timing of the receipt brought forward by some years from the current option date.
- The variation will facilitate early development of the land for employment uses creating 45 jobs.
- KCC will be able to mitigate the land's holding costs to zero at the point of disposal.

Cabinet Committee recommendations and other consultation:

The proposed decision will be discussed by the Property Sub-Committee on 8 September 2017 and the outcome of that meeting included in the decision paperwork which the Cabinet Member will be asked to sign.

Any alternatives considered:

Not agreeing to vary the option agreement would result in KCC being bound to hold the land until the present option period and would miss the opportunity of an enhanced receipt.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 7

Document is Restricted

This page is intentionally left blank

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Eric Hotson, Cabinet Member for Corporate and Democratic Services

DECISION NO:

17/00088

For publication

Key decision

Decisions which should be regarded as Key decisions because they are likely to have a significant effect either in financial terms or on the Council's services to the community include:
(a) Decisions about expenditure or savings over £1,000,000 which are not provided for within the approved budget or Medium Term Financial Plan.

Subject:

Acquisition of the Royal School for Deaf Children, Victoria Road, Margate, CT9 1NA

Decision:

As Cabinet Member for Corporate and Democratic Services, I propose to agree to the acquisition of the Royal School for Deaf Children, Victoria Road, Margate, CT9 1NA on the terms set out in the Exempt Report and to delegate authority to the Director of Infrastructure, in consultation with the Cabinet Member for Corporate and Democratic Services, to finalise the terms of the proposed acquisition and the sale of any surplus property

Reason(s) for decision:

To assist in meeting the new secondary school provision in Thanet identified in the Commissioning Plan for Education Provision in Kent 2017-21

Cabinet Committee recommendations and other consultation:

The proposed decision will be discussed by the Property Sub-Committee on 8 September 2017 and the outcome of that meeting included in the decision paperwork which the Cabinet Member will be asked to sign.

Local Members will be consulted in line with the Property Management Protocol.

Any alternatives considered:

None

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 8

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Eric Hotson - Cabinet Member for Corporate and Democratic Services

DECISION NO:

17/00090

For publication

Key decision*

*Affects more than 2 Electoral Divisions
Expenditure or savings of > £1m*

Subject: Land at the Detached Playing Field to Wilmington Grammar School for Boys – Taking of a long lease to Kent County Council for the benefit of Wilmington Academy.

Decision:

As Cabinet Member for Corporate and Democratic Services, I propose to agree to the County Council taking a lease of a term in excess of 20 years for the benefit of Wilmington Academy on terms to be finalised by the Director of Infrastructure.

Reason(s) for decision:

The footway is needed as part of a Basic Need project for the School, as formally approved by Mr Gough on 13th April 2016, in conjunction with the Commissioning Plan for Education Provision in Kent 2017 – 2021.

Cabinet Committee recommendations and other consultation:

The proposed decision will be discussed by the Property Sub-Committee on 8 September 2017 and the outcome of that meeting included in the decision paperwork which the Cabinet Member will be asked to sign.

Any alternatives considered:

The County Council is supportive of Wilmington Academy and is assisting with the delivery of a Basic Need Project, which also requires the provision of a new footway into the Academy site, in the best interests of pedestrian safety in the locality. The County Council's freehold land leased to the Academy is unsuitable for the provision of part of the desired footway, and taking a lease of part of the adjoining land within the Boys Grammar School will regularise installation of the footway which has recently been built to provide a direct benefit to pedestrian safety in the locality.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

signed

date

Document is Restricted

This page is intentionally left blank

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Eric Hotson, Cabinet Member for Corporate and Democratic Services

DECISION NO:

17/00076 (2)

For publication

Subject: Funding of the new John Wallis Academy development, Sale of land and relocation of children’s centre to Stanhope Sports Hall, Ashford, TN23 3HG – Part 2

Decision:

As Cabinet Member for Corporate and Democratic Services, I propose to agree the following:

1. Authorise the Director of Infrastructure, in consultation with the Cabinet Member for Corporate and Democratic Services and subject to the conditions set out in paragraph 3.3 of the accompanying recommendation report, to finalise terms and enter into a second funding agreement and other associated documentation with the John Wallis Church of England Academy;
2. Authorise the Director of Infrastructure, in consultation with the Cabinet Member for Corporate and Democratic Services, to enter into the necessary lease arrangements to facilitate the relocation of the Ray Allen Centre and the proposed transactions; and
3. Authorise the Director of Infrastructure, in consultation with the Cabinet Member for Corporate and Democratic Services, to progress the disposal of surplus land arising from the proposal, bringing the heads of terms back at the appropriate time for a further decision.

Reason(s) for decision:

A key decision is required owing to the funding and contract levels exceeding the financial criteria for Key Decisions as set out in the Council’s constitution. This decision will result in the following outcomes:

- Better education provision
- New Children’s Centre provision
- Housing development
- Capital receipt from the disposal of land which will be used to fund KCC’s capital funding priorities

Cabinet Committee recommendations and other consultation:

The Local Member has been consulted under Part 1 and his observations have been passed to the Cabinet Member for consideration.

Any alternatives considered:

Consideration has been given to other delivery options but this proposal offers the best outcomes.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
Signed

.....
date

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Eric Hotson, Cabinet Member for Corporate and Democratic Services

DECISION NO:

17/00076

For publication

Subject: Funding of the new John Wallis Academy development, Sale of land and relocation of children's centre to Stanhope Sports Hall, Ashford, TN23 3HG

Decision:

As Cabinet Member for Corporate and Democratic Services, I agree the following:

1. KCC entering into The First Funding Agreement with The John Wallis Church of England Academy, Ashford for the construction of a new primary school building on the terms outlined in the exempt report.
2. The First Funding Agreement being subject to The John Wallis Church of England Academy surrendering its existing lease to KCC on the terms set out in the exempt report.
3. The agreement of the final terms for decisions 1& 2 above to be delegated to the Director of Infrastructure.
4. The Director of Infrastructure bringing forward a request for a further decision for The Second Funding Agreement with The John Wallis Church of England Academy using the usual County Council decision process.
5. The Director of Infrastructure bringing forward a request for a decision for KCC to enter into a new lease with the John Wallis Church of England Academy on part of Stanhope Sports Halls enabling the re-location of the children's centre from the Ray Allen Centre.
6. The Director of Infrastructure arranging the disposal of surplus land arising from the proposal and bringing the heads of terms back at the appropriate time for a further decision.

Reason(s) for decision:

A key decision is required owing to the funding and contract levels exceeding the financial criteria for Key Decisions as set out in the Council's constitution. This decision will result in the following outcomes:

- Better education provision
- New Children's Centre provision
- Housing development
- Capital receipt from the disposal of land which will be used to fund KCC's capital funding priorities

Cabinet Committee recommendations and other consultation:

Key Members have been consulted in respect of this urgent decision and these have been forwarded to the Cabinet Member for Corporate and Democratic Services for consideration.

Any alternatives considered:

Consideration has been given to other delivery options but this proposal offers the best outcomes.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None


Signed: Eric Hotson


date

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank