

# KENT COUNTY COUNCIL – RECORD OF DECISION

## DECISION TO BE TAKEN BY:

Mr Oakford, The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

## DECISION NO:

22/00071

## For publication

**Key decision:** Non-Key Decision

## Subject Matter / Title of Decision:

Agreement for a lease and subsequent formal lease for new primary and secondary school at Alkerden, Eastern Quarry, Ebbsfleet.

## Decision:

As Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, I:

1. agree to authorise the taking of an agreement for a lease for a term in excess of 20 years, in order that a new primary and secondary school can be built for use and occupation with the lease term to formally commence upon completion of the new schools in 2024;
2. agree that upon completion and satisfactory handover of the new primary and secondary school, Kent County Council shall take a formal lease of the new schools for a term of 999 years, commencing in 2024;
3. agree that upon completion and satisfactory handover of the new primary and secondary school, and taking of a formal lease, the Director of Infrastructure is authorised to enter into a 125-year lease to the Academy Trust;
4. note that the main heads of terms for the leases are already agreed and recorded within a section 106 agreement which Kent County Council is already a party to; and
5. authorise the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to take necessary actions, included but not limited to entering into relevant contracts or other legal agreements, as required to implement this.

## Reason(s) for decision:

In order that the developer can proceed with the issuing of a building contract for the development of the new schools, it first requires Kent County Council to commit to the taking of a 999-year lease by first entering into an agreement for a lease, with a view to granting the formal 999-year lease upon completion / handover of the new schools.

## Cabinet Committee recommendations and other consultation:

The proposed decision was discussed by the Policy and Resources Cabinet Committee on 13 July 2022 and the proceedings were as follows:

*Dr L Sullivan declared that she served on the Ebbsfleet Planning Committee.*

1. Mr White and Mr Sanderson introduced the report and responded to comments and questions from the committee, including the following:
  - a) asked for an assurance that facilities for community use would be included in the development, Mr White confirmed that the County Council was keen to see these included from the outset and would include this in the terms of the lease; and

b) asked about a comparison of options for lease and transfer of the site, Mr White confirmed that the Council had explored both options with the developer and would include lease covenants rather than transfer covenants.

2. It was RESOLVED that the decision proposed to be taken by the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services on the proposed decision to:

1. authorise the taking of an agreement for a lease for a term in excess of 20 years, in order that a new primary and secondary school can be built for use and occupation, the lease term to formally commence upon completion of the new schools in 2024;
2. agree that, upon completion and satisfactory handover of the new primary and secondary school, Kent County Council shall take a formal lease of the new schools for a term of 999 years, commencing in 2024;
3. agree that, upon completion and satisfactory handover of the new primary and secondary school, and taking of a formal lease, the Director of Infrastructure be authorised to enter into a 125-year lease to the Academy Trust;
4. note that the main heads of terms for the leases are already agreed and recorded within a section 106 agreement, to which Kent County Council is already a party; and
5. authorise the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to take necessary actions, including, but not limited to, entering into relevant contracts or other legal agreements, as required to implement this,

be endorsed.

Local Members were previously consulted in line with the Property Management Protocol.

**Any alternatives considered and rejected:**

None.

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

None.



12 January 2023

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signed

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date