

From: Gary Cooke, Cabinet Member for Corporate and Democratic Services
Rebecca Spore - Director of Infrastructure

To: Property Sub-Committee - 23 September 2015

Decision No. 15/00076

Subject: Approval to enter into new lease at Rainbow Lodge, Ashford for the benefit of Wyvern School, Ashford

Classification: For Publication Unrestricted

Past Pathway of Paper: Published on Forward Executive Decision List-

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: Ashford Rural West

Summary: This report seeks approval to enter into a new long lease with the Governing Body of Wyvern School, Ashford.

Recommendation:

The Property Sub-Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Corporate and Democratic Services on the proposed decision to enter into a new lease at Rainbow Lodge and for the Director of Infrastructure to finalise terms and complete the transaction.

1. Introduction

1.1 Wyvern School, Great Chart Bypass, Ashford was built in 2004. The School is an operational Special School.

1.2 Within the grounds of the School, the County Council built Rainbow Lodge, for operational use as a Multi Agency Specialist Hub (MASH). Rainbow Lodge is operated by the County Council independently from the School.

1.3 Wyvern School obtained Foundation Status on 8th April 2013. In accordance with prevailing Statute, the County Council is legally bound to transfer its freehold interest in land and buildings held for or used by the School to its Governing Body.

1.4 Terms for the Transfer to the Governing Body have been agreed and the Transfer is currently being progressed between both parties respective Solicitors.

1.5 Wyvern School have operated their Nursery from one of the rooms located on the ground floor of Rainbow Lodge, under local arrangement with the Lodge staff. The School also occupy an exclusive outdoor play area adjoining the room occupied, and share use of toilet accommodation within the Lodge itself.

1.6 In accordance with prevailing Statute, as the School were using the accommodation at their Incorporation Date of 8th April 2013, the Governing Body are legally entitled to retain use of the Nursery accommodation within Rainbow Lodge. This principle is accepted, as the County Council have retained similar rights at many Schools which have changed status during the past 25 years for continued operation of non-school related functions (such as a library, landscape depot, adult education centre, staff housing)

1.7 In accordance with delegated authority provisions, a 20 year lease has been formally offered to the School. However, the Governing Body have requested a longer term. The details of which are set out in the exempt report (Approval to enter into new lease at Rainbow Lodge, for the benefit of Wyvern School, Ashford).

2. Facing the Challenge and Corporate Objectives

2.1 The granting of the lease will enable the School's Nursery to remain operational and the presence of a formal lease will provide the County Council with greater control in respect of its property. The granting of the lease will also assist with the following Supporting Outcomes as part of the Strategic Outcome to ensure children and young people get the best start in life:-

- provision of a strong and safe environment to successfully raise children and young people,
- keep vulnerable people out of crisis,
- all children, irrespective of background, are ready for school at age 5,
- children and young people have better mental health,
- all children are engaged, thrive and achieve their potential through academic and vocational education.

3. Consultations

3.1 No Local Member consultations have taken place with regard to the granting of the proposed lease.

4. Conclusion

The granting of the lease will form part of the Statutory legal formalities required in conjunction with the conversion of the School from Community to Foundation status. The granting of the lease will not compromise the operational requirements of Rainbow Lodge, as Wyvern School have been in occupation of the accommodation since the Centre first opened. The School and the Lodge have enjoyed a good working relationship since the Lodge was first built within the School grounds.

5. Recommendation

Recommendations:

The Property Sub-Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Corporate and Democratic Services on the proposed decision to enter into a new lease as set out in the exempt report (Approval to enter into new lease at Rainbow Lodge, for the benefit of Wyvern School, Ashford) and for the Director of Infrastructure to finalise terms and complete the transaction.

6. Contact details

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Appendix 1 – Proposed Record of Decision