

From: Rebecca Spore - Director of Infrastructure

To: Gary Cooke, Cabinet Member for Corporate and Democratic Services

Decision No. 16/00043

Subject: Approval for the County Council to take a new lease from the Kent SEN Trust School, at Park Farm Road, Folkestone for the benefit of the Disabled Children's Service

Classification: Unrestricted

Past Pathway of Paper: Property Sub-Committee, 12 April 2016

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: Folkestone North East

Summary: This report seeks approval to enter into a new long lease with the Governing Body of the Kent SEN Trust, Maidstone.

Recommendation :

The Cabinet Member for Corporate and Democratic Services is asked to agree to enter into a new lease at the Foxwood & Highview SEN School on Park Farm Road, Folkestone, and for the Director of Infrastructure, in consultation with the Cabinet Member for Corporate and Democratic Services, to finalise terms and complete the transaction.

1. Introduction

1.1 Construction of the new Foxwood & Highview SEN School at Park Farm Road, Folkestone, commenced in 2015 and is due to complete in July 2016. The new school is being constructed on a new site, the location of which was agreed by the County Council and the former governors of the Federation of Foxwood & Highview Schools. It will be an operational Special Education Needs School.

1.2 Within the main school building, the governors of the new school, the County Council and the Health Authority agreed to the design and provision of purpose built facilities for both KCC's Disabled Children's Service and the Health Authority, to continue their combined support to the children and families of those attending the school. The new Foxwood & Highview school site is currently owned by the County Council but is the subject to a freehold transfer agreement.

1.3 The former Federation of Foxwood & Highview Schools obtained Charitable Trust status on 1st January 2015. 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. In this case, the County Council agreed with the Kent SEN Trust to an exchange of the obsolete school sites at Foxwood (Hythe) and Highview (Folkestone) for the single site and a brand new facility at Park Farm Road Folkestone, when construction completed.

1.4 Terms for the freehold transfer to the Governing Body have been agreed and the transfer is scheduled to take place in July 2016 the exact timing being determined by practical completion of the construction work and the necessary paperwork. The transfer is being progressed between both parties respective Solicitors.

1.5 The current co-location of the Disabled Children's Services and the Health Authority at the Seabrook Lodge site allows the delivery of essential services to children attending this school. Seabrook Lodge Hythe, being a County Council property, enabled Disabled Children's Services to occupy and operate from various rooms in the buildings on the site alongside the school. The Health Authority occupied space under the terms of a long lease granted to it by the County Council. Management and payment of services provided was under local arrangement with the site staff and the school.

1.6 In order for the County Council and the Health Authority to continue providing their respective services following the freehold transfer of the new Foxwood & Highview SEN School at Park Farm Folkestone to the Kent SEN Trust, both the County Council and the Health Authority need to enter into long lease agreements with the Trust to regularise and secure their future occupation on the site. The outline terms of both the County Council head lease and Health Authority underlease have been agreed in principle between the parties but remain open to further negotiation. The details are set out in the exempt report. (

1.7 Securing a long lease will enable the Disabled Children's Service Centre to remain operational upon completion of the transfer. A long lease is desired, to ensure the County Council's funding used to create the new shared facility, prior to the school's change in status is safe guarded and, to remove the possible need to acquire or further build new facilities.

2. Facing the Challenge and Corporate Objectives

2.1 A lease taken by the County Council will enable Disabled Children's Services to remain operational and the presence of a formal lease between the parties will provide the County Council with greater certainty in respect of the property interest. 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 disabled children and vulnerable young people,
- keep vulnerable people out of crisis,
- ensure children and young people have better mental health,
- that all children are engaged, thrive and achieve their potential through academic and vocational education
- ensure all pupils meet their full potential
- families with complex needs are supported and increase the use of community budgets.
- improve services for the most vulnerable people in Kent

3. Consultations

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

4. Conclusion

Consenting to enter into a lease with the Kent SEN Trust, and the subsequent granting of an Underlease to the Health Authority, will allow Disabled Children's Services to continue to provide its services following the Foxwood & Highview Federations of Schools move from Seabrook Lodge and Highview sites to the new Park Farm Road school site, address the change of ownership and the change of the schools status to a Charitable Trust.

The granting of the lease will not compromise the operational requirements of the new Foxwood & Highview School at Park Farm, as the School, the Disabled Children's Service and the Health Authority have all been involved in the design and layout of the new facility and all have operated jointly for the last twenty years, albeit under different guises, from Seabrook Lodge, Hythe and the Highview site and all have enjoyed a good working relationship.

5. Recommendation

The Cabinet Member for Corporate and Democratic Services is asked to agree to enter into a new lease at the Foxwood & Highview SEN School on Park Farm Road, Folkestone, and for the Director of Infrastructure, in consultation with the Cabinet Member for Corporate and Democratic Services, to finalise terms and complete the transaction.

6. Contact details

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7. Background documents: none