

**From:** Rebecca Spore, Director of Infrastructure

**To:** Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

**Subject:** Disposal of surplus land at Broomhill Bank School (North), Puddledock Lane and Rowhill Road, Hextable BR8 7RP.

**Decision no:** 25/00026

**Key Decision:** *Yes, the decision involves expenditure or savings of maximum £1m.*

**Classification:** **Unrestricted report with exempt appendix A**, *not for publication under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

**Future Pathway of report:** Cabinet Member Decision

**Electoral Division:**

Swanley – Local Member Perry Cole (Conservative)

Adjoining/adjacent to: Wilmington – Local Member Avtar Sandhu MBE (Conservative)

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**Is the decision eligible for call-in?** Yes

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**Summary:** This report considers the proposed disposal of surplus land at Broomhill Bank School (North), Puddledock Lane and Rowhill Road, Hextable BR8 7RP.

**Recommendations:**

The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services is asked to agree to:

1. the disposal of surplus land at Broomhill Bank School (North) ,Puddledock Lane and Rowhill Road, Hextable BR8 7RP; and
2. delegate authority to The Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise the terms of the disposal and execution of all necessary or desirable documentation required to implement the above.

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**1. Introduction**

- 1.1 This report addresses the Council's intention to sell surplus land at Broomhill Bank School (North), Puddledock Lane and Rowhill Road, Hextable.

1.2 Appendix A includes more detailed and financial information which is commercially sensitive.

1.3 A site plan is attached in Appendix B.

## **2. Background**

2.1 Until mid-2015 the whole island site was occupied by the former Furness School, but this ceased operating due to lack of pupil demand and a significant budget deficit.

2.2 The main part of the site (outlined in Red on the plan at Appendix B) was then taken over by a satellite branch of the Broomhill Bank School in Tunbridge Wells, known as Broomhill Bank School (North).

2.3 The remainder of the site (sites 2 and 3 on the attached plan) remained vacant and were subsequently declared surplus to educational requirements and then to all Kent County Council (KCC) requirements in May 2021.

## **3. Options considered and dismissed, and associated risk**

3.1 **Reuse the site:** KCC has no operational requirement for the site – *Dismissed*.

3.2 **Continue to hold the site vacant in case of a future requirement:** Continuing to hold the site will leave the Council with ongoing costs for securing it against unauthorised access and potential claims for injuries arising from any trespassing. Continuing deterioration of the redundant buildings remains an inherent risk for KCC – *Dismissed*.

3.3 **Disposal of the asset:** A freehold disposal will allow a capital receipt to be generated for reinvestment back into the Council's stated capital priorities and support the delivery of the Council's statutory obligations. Disposal will also eliminate holding costs associated with the property - *Recommended option*.

3.4 **Letting the property as part of the Tenanted Estate to generate an income:** The current buildings on the site are in poor condition and the prospect of securing a tenant is considered unlikely and unviable. KCC would forgo any capital receipt whilst this option was pursued – *Dismissed*.

## **4. Financial implications**

4.1 The sale of the property will result in a capital receipt which will be reinvested back into the Council's Capital Programme.

4.2 The disposal will remove holding costs associated with the site, easing pressure on revenue budgets.

4.3 Further financial information is set out in the Exempt Appendix A.

## **5. Legal implications**

- 5.1 The Council has an overarching duty under s123 of the Local Government Act 1972 to obtain not less than best consideration in the disposal of property assets and it also has a fiduciary duty to the residents of Kent.
- 5.2 External legal advisors have been appointed in consultation with General Counsel.

## **6. Equalities implications**

- 6.1 The Key Decision to be taken by the Cabinet Member does not relate to a service delivery or change.
- 6.2 An Equalities Impact Assessment (EqIA) has been undertaken and has not resulted in any implications which might impact upon a disposal of the Council's interest; a copy of this is attached at Appendix D.

## **7. Data Protection Implications**

- 7.1 As part of this approval process and in the handling of the disposal of the site, Data Protection regulations will be observed.
- 7.2 A Data Protection Implication Assessment (DPIA) screening has confirmed that there are no DPIA implications and that a further DPIA assessment is not required in respect of this decision.

## **8. Other corporate implications**

- 8.1 None - This decision will not have any impact on other areas of the Council's work.

## **9. Governance**

- 9.1 A Key Decision is being sought in line with the Constitution and the Council's governance processes. The views of the local Member in accordance with the property management protocol will be sought and will be reported to the Cabinet Member before a Key Decision is taken.

## **10. Next steps and Conclusions**

- 10.1 Subject to the necessary approvals being forthcoming, KCC will instruct solicitors and surveyors to prepare and execute a disposal strategy to affect a disposal in accordance with adopted KCC Freehold Property Asset Disposal Policy and its statutory and fiduciary obligations.
- 10.2 The site has been declared surplus to the Council's operational requirements. In accordance with the Council's strategy of recycling assets to produce capital receipts for reinvestment into capital project priorities, it is recommended that this site is progressed for disposal.

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**11. Appendices**

- 11.1 Appendix A – Exempt Appendix A
- 11.2 Appendix B – Site Plan
- 11.3 Appendix C – Proposed Record of Decision
- 11.4 Appendix D - Equalities Impact Assessment

**12. Contact details**

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