

From: Gary Cooke, Cabinet Member for Corporate and Democratic Services.

Rebecca Spore, Director of Infrastructure

To: Education and Young People's Services Cabinet Committee –  
23 November 2016

Subject: **The process around identifying school sites as surplus to requirements.**

Non-Key/Key decision – N/A – this is an advisory note

Classification: **Unrestricted**

**Past Pathway of Paper:** None

**Future Pathway of Paper:** None

**Electoral Division:** N/A

**Summary:** This paper sets out the current process around identifying school sites as surplus to requirements. Details of the process have been requested by Members at the Property Sub-Committee of 8<sup>th</sup> July 2016 following a paper regarding the disposal of a number of school sites.

**Recommendation(s):**

The Education and Young People's Services Cabinet Committee is asked to note details of the process around identifying school sites as surplus to requirements.

## **1. Introduction**

1.1 At the Property Sub-Committee on 8<sup>th</sup> July 2016, Property submitted a paper regarding the disposal of five Kent County Council owned parcels of land in Kent which had previously been used for educational purposes.

The Sub-Committee asked questions about the sites and the impact of their disposal upon the County's ability to accommodate future demand to increase school places. The Sub-Committee requested a report setting out in detail the process around identifying school sites as surplus to requirements to be submitted to both the Sub-Committee and to the Education and Young People's Services Cabinet Committee.

## **2. The Report**

The responsibility for the commissioning, planning and delivery of new school places in Kent is undertaken by the Education and Young People's Service. The

'Commissioning Plan 2016 – 2020 for Education Provision in Kent' is a five year rolling plan updated annually through the Education Directorate, which amongst other things, ensures an inbuilt surplus of schools places for Kent children. The commissioning plan considers births, health and migration throughout Kent and forecasts on an area basis the number of classrooms, schools and type of schools that will be needed in the following years.

The Commissioning Plan identifies where there may be a specific need for additional classrooms/schools and accordingly steps are taken to ensure sufficient capacity. The infrastructure property teams work closely with the Council's education teams to ensure that there are adequate sites identified in the District planning frameworks to support educational requirements. Where housing development is driving additional demand for places, the property and education teams work closely with the S106 teams to ensure that adequate land and contributions are put in place to support the additional requirements. It should be noted that any new schools are required by the DFE to be either free schools or academies.

Subject to the overriding requirement to ensure sufficient school places for Kent children, there are a number of triggers that can start the process of an educational site being ultimately declared surplus to Council requirements:

- The physical closure of a school by a decision of the Cabinet Member for Education and Health Reform or by the Department of Education, e.g. Chaucer Technology School and Oasis Secondary School in Hextable.
- The amalgamation of an educational provision onto a single site, e.g. the relocation of Clock House special primary school onto the main Wyvern school site.
- The relocation of an educational provision onto a new site through education or developer's contributions, e.g. Laleham Gap special school and Foreland special school.
- Diocesan/foundation representatives requesting a land swap.
- School land which has been identified as potentially surplus to the school's requirements based upon the current Department for Education (dfe) Area Guidelines for Mainstream Schools.

Once a decision to close a school has been made by the Cabinet Member for Education and Health Reform, it may be declared surplus to their requirements by the Corporate Director for Education and Young People's Services. Before doing so, the short, medium and long term possible need for the land/site will be considered. In reaching a decision, a balance has to be struck between the value of retaining vacant land and buildings for future long term need against the opportunity costs of not securing a capital receipt, increased borrowing costs and management costs of vacant premises.

Once it has been established that there is no justifiable operational need for the site, consideration is taken corporately as to whether disposal of the premises is a viable option. Factors taken into consideration will include current costs of holding onto vacant property and the Medium Term Financial Plan target to achieve £52m of capital receipts from the sale of surplus land and buildings on the open market.

### **3 Statutory obligations**

Prior written consent of the Secretary of State for Education is required to dispose of education land and buildings. The relevant legislation for the purposes of this paper are:

Schedule 1 to the Academies Act 2010 and  
Section 77 of the School Standards and Framework Act 1998.

The requirement for the Secretary of State's consent applies to all schools and academies where it is proposed to dispose of publicly funded land and consent must be granted before completing on a sale. GEN<sup>2</sup> deals with Schedule 1 and Section 77 consent requests as part of the disposal process. Attached to this report is the DFE advisory document 'Disposal or Change of use of Playing Field and School Land' published May 2015. This provides the detail around the process of gaining consent to sell playing field and school land and the criteria adopted by the DFE when assessing each application.

### **5. Recommendation(s):**

Education and Young People's Services Cabinet Committee is asked to note details of the process around identifying school sites as surplus to requirements.

### **6. Background Documents**

Department for Education advisory note for local authorities 'Disposal or change of use of playing field and school land'.

### **7. Contact details**

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