

# KENT COUNTY COUNCIL – RECORD OF DECISION

**DECISION TAKEN BY:**

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

**DECISION NO:**

**20/00094**

**For publication**

**Key decision\***

Non-key decision.

**Subject Matter / Title of Decision:**

Accommodation within Westgate Primary School, Dartford – Granting of a long lease to Dartford Science and Technology College Trust having regard to a change in the status of the College.

**Decision:**

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

- authorise KCC to enter into a new 99-year lease of accommodation at the Primary School; and
- delegate authority to the Director of Infrastructure to take necessary actions, including, but not limited to entering into relevant contracts or other legal agreements, as required to implement this decision.

**Reason(s) for decision:**

As this proposed underlease is over 20 years, it falls outside of the Delegated Powers set out in KCC's Property Management Protocol. Therefore, this is a decision that must be taken by the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services.

The County Council will need to grant the lease to ensure the College has an estate interest in the accommodation, as required by Statute in accordance with the College's change in status.

**Cabinet Committee recommendations and other consultation:**

The proposed decision was discussed by the Policy and Resources Cabinet Committee on 11<sup>th</sup> September 2020 and the proceedings were as follows:

- (1) Ms Spore and Mr Sanderson introduced the report which set out information relating to the proposed decision to grant a 99-year lease to Dartford Science and Technology College Trust, to regularise their occupation of the County Council's retained accommodation at Westgate Primary School, Dartford, having regard to change in status of the College.

Mrs Spore responded to a number of comments and questions from Members, including the following: -

- a) In relation to section 6 of the report (Other corporate implications), Mrs Spore confirmed that corporate implications were incorporated into the Council's strategic aims and core plans. She added that Key Performance Indicators (KPIs) were reported to various Cabinet Committees on matters, as appropriate.

- b) Mrs Spore referred to Basic Need provision and additional capacity, as set out in the Kent Commissioning Plan (KCP) which was scrutinised by colleagues within the Children, Young People and Education (CYPE) directorate and by the CYPE Cabinet Committee. In terms of physical space, building bulletin guidance issued by the Department for Education (DFE) set out the standards in relation to the appropriate-sized school that should be provided based on the number of pupils. For every Basic Need project, an assessment was made based on the DFE's guidelines and both existing and new accommodation was taken into consideration. Mrs Spore added that a DFE scorecard was produced annually which set out Kent's position in relation to its benchmarks regarding value for money and adhering to the DFE's specific guidelines. Mrs Spore confirmed that she could provide more information outside of the meeting in relation to the parameters of the school build at the time that it was taken forward.
- c) Mrs Spore referred to cost apportionment and said that the way that the costs were apportioned was in accordance with the DFE's legislation.
- d) Mrs Spore referred to the duration of the lease and said that the 99-year lease was the minimum lease which was considered acceptable by the DFE to create a similar property interest to which the school or academy trust would be entitled to under the regulations that Kent County Council had to adhere to. The Council continued to raise concerns with the DFE in terms of the way that the education legislation created property interests which take away the Council's ability to respond to Basic Need issues.
- e) Mrs Spore said that break clauses were not supported by the DFE. She added that there were provisions such that the school no longer be used by the trust to deliver educational purposes, in which case, the lease would be broken and the property would revert back to the Council, but it was only in very specific circumstances which aligned with the legislation.

(2) RESOLVED that the proposed decision to be taken by the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services to:

- a) authorise Kent County Council to enter into a new 99-year lease of accommodation at the Primary School; and
- b) delegate authority to the Director of Infrastructure to take necessary actions, including, but not limited to, entering into relevant contracts or other legal agreements, as required to implement this, be endorsed.

**Any alternatives considered:**

None. This Decision ensures that the County Council's granting of the lease accords with the 2007 Regulations and regularises the College's occupation of the County Council's retained accommodation within the Primary School.

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

n/a

Peter Oakford

29 September 2020

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Signed

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date