

From: Rebecca Spore – Director of Infrastructure
Peter Oakford – Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

To: Policy and Resources Cabinet Committee – 11 September 2020

Subject: **20/00094 Grant of Lease over 20 Years to Dartford Science and Technology College Trust at Westgate Primary School, Dartford**

Key decision: Yes

Classification: Unrestricted

Past Pathway of Paper: FED approval

Future Pathway of Paper: Cabinet Member decision

Electoral Division: Division: Dartford – Jan Ozog

Summary: This report seeks approval from the Deputy Leader and Cabinet Member agreement 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.

Recommendation(s):

The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services proposes to:

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

1. Introduction

- 1.1 As the proposed property transaction requires a lease over 20 years, it falls outside of the Delegated Powers set out in Kent County Council'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 as a key decision.
- 1.2 Cygnus Academies Trust occupy the majority of the property known as Westgate Primary School, Dartford, under the terms of a 125-year lease granted in 2016, with the County Council retaining the freehold, when the School converted to an Academy. Part of the Primary School building has been occupied for over ten years by the adjoining Dartford Science and Technology

College, which obtained Trust status in 2014. Whilst the Transfer of the main College site has been completed in accordance with the 2007 Regulations, it is necessary to resolve the property occupation of the shared building.

2. Background:

- 2.1 The buildings currently comprising Dartford Science and Technology College and Westgate Primary School that were built by the County Council circa 2006/07. The main College building comprises self-contained accommodation. The Primary School building was built on four storeys, with the Primary School occupying most of the ground and first floors, and the College occupying most of the second and third floors. Access to the College's accommodation from its main building into the accommodation within the Primary School building is achieved via two enclosed bridges.
- 2.2 The College obtained Trust status in 2014. In accordance with Schedule 6 of the School Organisation Regulations 2007 (" the 2007 Regulations") the Trust can claim an estate interest in the County Council's land and buildings held for or used by the College. The Transfer of the main College building to the College Trust has been completed in accordance with statute. Having regard to the location of the College's accommodation within the Primary School building, it is not appropriate to transfer the freehold of part of the building to the College and split the building ownership, is therefore recommended that the County Council grant a lease of this accommodation to the College Trust, which constitutes an estate interest in accordance with the 2007 Regulations.
- 2.3 Westgate Primary School converted to an Academy in 2016 and is currently operated by Cygnus Academies Trust. The accommodation held for and used by the College was excluded from the 125-year lease granted to Cygnus Academies Trust in 2016, and retained by the County Council, for leasing to the College Trust.
- 2.4 Terms have been agreed with the College Trust for a 99-year lease of the accommodation within the Primary School building, at a rent of £1 per annum (if demanded). The terms of the proposed lease replicate existing working arrangements on site between the College and Cygnus Academies Trust and accord with the terms of the existing Academy Lease and create a property interest in line with the intent of the 2007 Regulations.

3. Financial Implications

- 3.1 A rent of £1.00 (one pound) per annum, if demanded, payable by the College Trust throughout the term of the lease.
- 3.2 As this is a lease which needs to be granted in accordance with the 2007 Regulations, each party will bear its own legal costs upon completion of the lease.

4. Legal implications

- 4.1 The College currently occupy the accommodation in accordance with a Memorandum of Understanding which they agreed with the Primary School's (former) Governing Body when occupation of the new building first commenced in 2007, in respect of the sharing of common utility costs. The previously agreed sharing of costs remain relevant to this day, and are defined in the 2016 Academy Lease, and will be incorporated into the proposed lease terms to be agreed with the College Trust. Once the lease to the College Trust is formally completed, their occupation of the accommodation will be on a formal leasehold basis and the historic Memorandum deemed null and void.

5. Equalities implications

- 5.1 It is not felt that granting of this represents any impact on any of the nine areas specified by KCC under its Equality Impact Assessments. No further EQUIA assessment is required.

6. Other corporate implications

- 6.1 The granting of the proposed lease to the College Trust will ensure children and young people:
- (a) will have a safe, strong environment within which they can be successfully educated and raised,
 - (b) have better physical and mental health,
 - (c) will be engaged, thrive and achieve their potential through academic and vocational education.

7. Governance

- 7.1 The proposed decision will delegate authority to the Director of Infrastructure to take necessary actions, included by not limited to entering into relevant contracts or other legal agreements, as required to implement this decision.
- 7.2 The decision will be discussed at the Policy and Resources Committee on 11th September 2020.
- 7.3 The Local Member, Mr Ozog, was informed of the proposed granting of the Lease on 24th August 2020.

8. Conclusions

- 8.1 The proposed long lease will enable the County Council to grant an estate interest in the accommodation held for and used by the College Trust, in accordance with the 2007 Regulations.

9. Recommendation(s)

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The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services proposes to :-

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- 2) delegate authority to the Director of Infrastructure to take necessary actions, included but not limited to entering into relevant contracts or other legal agreements, as required to implement this.

10. Background Documents

10.1 Appendix 1 – Proposed Record of Decision

11. Contact details

Report Author: Andrew White Name and job title: Asset Surveyor Telephone number: 03000 416825 Email address: Andrew.White@kent.gov.uk	Relevant Director: Rebecca Spore Name and job title: Director of Infrastructure Telephone number: 03000 416716 Email: address: Rebecca.Spore@kent.gov.uk
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