



OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. (See Annex 2 on Intranet.)

Decision Ref. No: SAM124

RE18 0113

Box 1

DIRECTORATE: Regeneration & Environment

DATE: 6 June, 2018

Contact Name: Gillian Fairbrother

Tel. No.: 01302 862561

Subject Matter: The surrender of part of the existing academy lease granted to Edlington Hill Top Academy and the subsequent disposal by auction of the school house that will be released

Box 2

DECISION TAKEN:

1. To allow the Edlington Hill Top Academy to surrender part of the existing Academy lease. The surrender of part is required in order to exclude the school house from the lease, following the vacation of the property by the Academy's Site Manager.
2. To dispose, by auction of the school house as the building will serve no other purpose within the Council's retained portfolio.

Box 3

REASON FOR THE DECISION:

The Site Manager for Edlington Hill Top Academy has traditionally resided in the school house, a detached property located adjacent to the Edlington Hill Top Centre on Edlington Lane, some way from the Academy (see attached plan). The property is a general fund property which was included in the 125 year lease to the Academy dated 1st April, 2017 as it was in use by the school at the time of the academy conversion.

The Site Manager has moved out of the school house into alternative private accommodation, leaving the building vacant.

Directors of the Edlington Hill Top Academy Premises Committee have explored alternative uses for the building, including whether the space could be used for meeting/training areas or for the Trust headquarters. Unfortunately, conversion costs of the premises have been deemed too high to enable delivery of any of the options considered. As such, via Minute P/18/10 of the Premises Committee Meeting held on 10th April, 2018, a formal request has been made to the Council for a surrender of part of the Academy Lease to exclude the school house from the Academy's current demise.

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Box 4

OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:

There are three key options available to the Council and these are set out below.

a) ***Option 1 – Do not agree to surrender part of the lease (not recommended)***

The Council could refuse the request to surrender part of the lease. This would mean that the property would remain the responsibility of the Academy.

The Academy have considered a number of options to re-use the building. Unfortunately a financially viable alternative that would adhere with the terms and conditions of the Academy lease has not been capable of identification.

It is likely that in the scenario of the Academy retaining responsibility for the vacant school house, the condition of the property would deteriorate and it would attract vandalism and/or anti-social behaviour. For these reasons, refusing the request to surrender part of the lease is not recommended.

b) ***Option 2 – Agree to the surrender of part of the lease and demolish/develop for housing or transfer to the HRA and refurbish/let out as a council dwelling (not recommended)***

A brief discussion with Strategic Housing has confirmed that owing to the size of the plot (single dwelling), and lack of vehicular access from Edlington Lane (no vehicular access exists) this would not be a feasible site to bring forward for new housing development.

The house is not built in the style of a traditional Council house, nor is it located within an estate setting. Whilst the interior condition of the property is unconfirmed, the exterior suggests that it is in need of renovation/modernisation and that substantial investment might be required to bring it up to decent homes standard. For these reasons, this option is not recommended.

■ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Box 5

LEGAL IMPLICATIONS:

Section 1 of the Localism Act 2011 provides the Council with the general power of competence, meaning that “a local authority has power to do anything that individuals generally may do.”

As Landlord, the Council is entitled to the immediate reversion to the Lease (or any part thereof). Consideration should be given as to whether or not the Tenant will be released from any breaches of the tenant's covenants in the lease which may have occurred prior to the surrender of part.

The Council has statutory power to dispose of non-housing/non-HRA land without the Secretary of State's consent for the best consideration reasonably obtained.

Under the Council's Financial Procedure Rules the Council's Property Officer has authority to dispose of land at market value without Cabinet approval where the price being received is less than £1 Million.

The setting of a reserve at auction will ensure best consideration is received.

Name: Adam Bottomley

Signature:

Date: 07/06/18

Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6

FINANCIAL IMPLICATIONS:

[REDACTED]

[REDACTED]

The site is currently not part of the asset disposal programme so the value will be additional to the total receipts currently projected to be received.

The estimated disposal value is less than £1,000,000 which means the Property Officer, having taken financial and legal advice, may arrange for the disposal.

Name: Marion Berrett

Signature: _____ **Date:** 8th June 2018

Signature of Assistant Director of Finance & Performance (or representative)

Box 7

HUMAN RESOURCE IMPLICATIONS:

There are no HR Implications in relation to this ODR and proposal to surrender of part of the existing Edlington Hill Top Academy lease and the subsequent disposal (by auction) of the school house.

Name: Claire Rudd **Signature:**

Date: 12/06/2018

Signature of Assistant Director of Human Resources and Communications (or representative)

Box 8

PROCUREMENT IMPLICATIONS:

There are no direct procurement Implications associated with this ODR and proposal to surrender of part of the existing Edlington Hill Top Academy lease and the subsequent disposal (by auction) of the school house.

Name: H Donnellan **Signature:**

Date: 19/07/18

**Signature of Assistant Director of Finance & Performance
(or representative)**

Box 9

ICT IMPLICATIONS:

There are no ICT implications associated with this decision.

Name: Peter Ward (Technology Governance & Support Manager)

Signature:

Date: 07/06/18

**Signature of Assistant Director of Customer Services and ICT
(or representative)**

Box 10**ASSET IMPLICATIONS:**

The asset implications relevant to this decision are contained within the main body of the Officer Decision Record

Name: Sarah Fish (Principal Property Surveyor)

Signature:

Date: 6th June, 2018

**Signature of Assistant Director of Trading & Property Services
(or representative)**

Box 11**RISK IMPLICATIONS:**

The principal risk attached to not supporting the recommendation is that the school house will remain in the Hill Top Academy lease and will more than likely deteriorate/become a magnet for vandalism and anti-social behaviour. As an outcome, the Academy could potentially find itself in the position of having to direct school budgets for the purpose of maintaining a vacant building. This would not represent a desired scenario.

Box 12**EQUALITY IMPLICATIONS:**

There are no equality implications associated with this decision

Name: Gillian Fairbrother (Principal Property Surveyor)

Signature

Date: 6th June, 2018

**Box 13
CONSULTATION**

Officers

(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)

This proposal has been consulted upon with the following:-

Members of the Assets Board (Operational Group) at its meeting held on 17th May, 2018

Members of the Assets Board (Strategic Decision Making Group) at its meeting held on 30th May

Members of both the above groups were supportive of the recommendation as presented

Members

Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.

Please list any comments from Members below:

**Box 14
INFORMATION NOT FOR PUBLICATION:**

Information in box 4 option 3 paragraph 3. Box 6 paragraph 1 & 2 shall be redacted under section 43 of the Freedom of Information Act 2000 because this is deemed commercially sensitive information. Signatures will also be redacted.

**Name: A Rowbotham__ Signature: Date: 23 July 2018_
Signature of FOI Lead Officer for service area where ODR originates**

Box 15

Signed: _____ **Date:** 26 July 2018
Director/Assistant Director

Signed: _____ **Date:** _____
Additional Signature of Chief Financial Officer or nominated representative for Capital decisions.

Signed: _____ **Date:** _____
Signature of Mayor or relevant Cabinet Member consulted on the above decision (if required).

- **This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.**
- **A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.**
- **A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.**
- **A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox**