

Report to: **Lead Cabinet Member for Resources**

Date: **28 October 2014**

By: **Chief Operating Officer**

Title of report: **Disposal of land at Mountfield and Whatlington CE Primary School**

Purpose of report: **To declare land at Mountfield and Whatlington surplus to Council requirements and request approval from the Lead Member for Resources to dispose of the land.**

RECOMMENDATION – Lead Member for Resources is recommended to:

- (1) Declare land and buildings comprising part of the former Mountfield and Whatlington CE Primary School surplus to the County Council's requirements;**
- (2) Delegate authority to the Chief Operating Officer to take all necessary steps and actions in connection with applying to the Secretary of State for consent to dispose of land and buildings comprising part of the former Mountfield and Whatlington CE Primary School in accordance with Section 77 of the School Standards and Framework Act 1998 ('S77 consent'), and in accordance with Schedule 1 of the Academies Act 2010 ('Schedule 1 consent');**
- (3) Delegate authority to the Chief Operating Officer to agree all terms necessary to dispose of the site subject to S77 and Schedule 1 consent being given by Secretary of State on the basis the Council obtains the best price reasonably obtained in line with S123 of the Local Government Act 1972 ; and**
- (4) Delegate authority to the Chief Operating Officer to approve the use of the sale proceeds from the disposal of the site having regard to the criteria set out in 'Advice on the protection of School Playing Fields and Public Land' published by the Department for Education (November 2012).**

1. Financial Appraisal

1.1 Declaring this land surplus to the Council's requirements and selling on the open market will generate a capital receipt and contribute towards funding of the County Council's capital programme. The financial benefits of which will be quantified following approval to declare surplus.

1.2 The treatment of the capital receipt for the school playing field will be subject to any restrictions applying, if Section 77 consent and Schedule 1 consent are granted.

2. Supporting Information

2.1 The land is shown hatched black on the attached plan and comprises part of the school site and an adjacent parking area. The remainder of the site is controlled by the Diocese of Chichester under a variety of titles subject to trust arrangements which may require that land to revert to the descendants of the original owners.

2.2 On 9 December 2013 following a statutory consultation, Lead Member for Learning and School Effectiveness approved the publication of statutory notices in respect of a proposal to close Mountfield and Whatlington Church of England Primary School by 31 August 2014.

2.3 Statutory notices were subsequently issued and the school closed with effect from 31 August 2014.

2.4 The property has been declared surplus by Children's Services. Other Council Departments have been consulted and no requirements have been identified.

2.5 The disposal of the site may be subject to the consent of the Secretary of State for Education in accordance with Section 77 of the School Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010. The Secretary of State has published criteria in 'Advice on the protection of School Playing Fields and Public Land' (November 2012) against which applications to dispose of schools and school playing fields will be considered.

2.6 In seeking such consent, the County Council needs to satisfy the Secretary of State as to the use of the sale proceeds from the subject property.

2.7 The local member has been consulted and has not opposed the disposal of the site

3. Conclusion and reasons for recommendation

3.1 There is no further operational use or other Council requirement for this land. It is recommended that this site be declared surplus to Council requirements and the negotiation of the terms of the disposal be delegated to the Chief Operating Officer. If statutory approval to the disposal is granted, then the sale proceeds may be subject to restrictions laid down by the Secretary of State.

KEVIN FOSTER
Chief Operating Officer

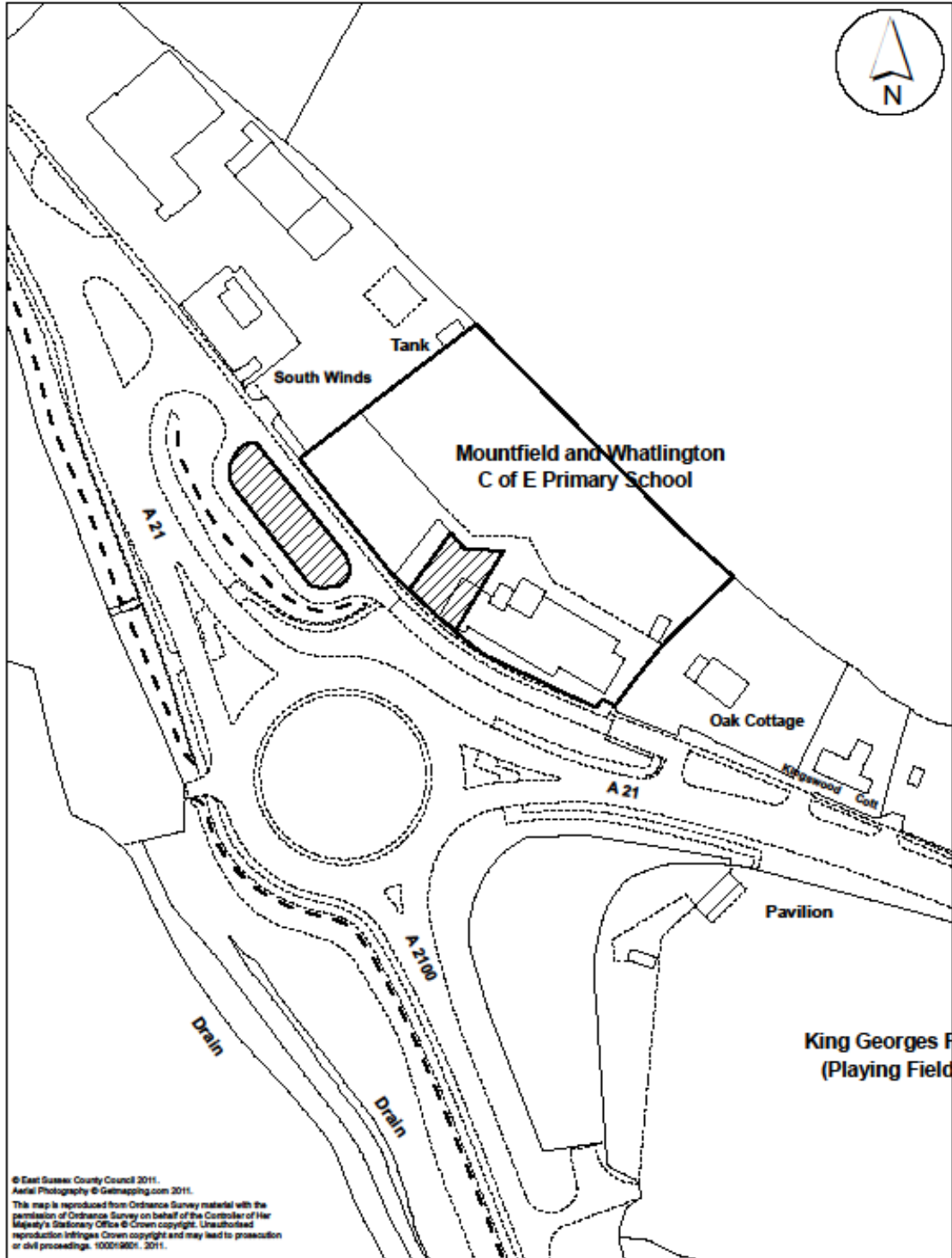
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LOCAL MEMBERS: Councillor Kathryn Field

BACKGROUND DOCUMENTS: None



Map Title: Mountfield & Whatlington CEPS		East Sussex County Council County Hall St Annes Crescent Lewes 
Date: 29 September 2014	Map No: 1	
Scale: 1:1,250	Author: NA/RP	