

**Report to:** Lead Member for Resources

**Date of meeting:** 3 February 2021

**By:** Chief Operating Officer

**Title:** Summerdown School 125-year Free School Lease to The Southfield Trust

**Purpose:** To authorise ESCC to enter a 125-year Free School Lease for premises known as Summerdown School, Eastbourne

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## **RECOMMENDATIONS**

*It is recommended for the Lead Member for Resources to:*

- 1) authorise the Chief Operating Officer to agree and enter into a Department for Education standard 125-year Free School Lease for premises adjacent to Cross Levels Way, Eastbourne known as Summerdown School; and**
  - 2) authorise Property Services to agree terms in line with the standard Department for Education 125-year Free School Lease at a peppercorn rent.**
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### **1 Background**

- 1.1 East Sussex County Council (ESCC) holds the freehold for land at Cross Levels Way. A Deed of Release from the Joint Use (sports field facilities) Agreement dated 1 April 2000 was agreed with the Joint Use partners to facilitate a new special Free School. The school will be constructed by the ESFA (Education & Skills Funding Agency) in partnership with ESCC and The Southfield Trust. The construction project will be led, majority funded, managed, and delivered by the ESFA. The ESFA requires the lease to be granted to The Southfield Trust in advance of commencement of construction. Planning permission has been granted by Eastbourne Borough Council (Ref 190812) referred to as Land adjacent to Broadwater Way, Eastbourne.
- 1.2 As a local authority, ESCC has a statutory duty to ensure there are sufficient school places to meet demand. In response to an increasing demand for special school places, ESCC supported The Southfield Trust to establish a new Free School in the Eastbourne area. The school will support ESCC's Special Educational Needs and Disability (SEND) strategy to increase provision for pupils with SEND and Education, Health and Care Plans. The school will accommodate 84 pupils aged 5-16 with autism and speech, language and communication needs, and 51 pupils with profound and multiple learning disabilities (PMLD), including 6 places for nursery age children.
- 1.3 ESCC has contributed part of the capital funding for the construction of the PMLD element of the new build school as part of the Schools Capital Programme 2020-2021. The school will be established by The Southfield Trust. The planned opening date for the completed school is 1 September 2022.
- 1.4 The newly created school will become a Free School, as outlined in the Education Act 2011 and section 6A Education and Inspection Act 2006. All new schools since February 2012 will be opened as a Free School based on this legislation. The Council will therefore be required to grant a standard Department for Education 125-year Free School lease at peppercorn rent. The land to subject to the lease is shown hatched black on the plan attached at Appendix 1.

## **2 Supporting information**

- 2.1 Under the Academies Act 2010 (as amended), there is provision for existing maintained schools to transfer to Academy status. There has been a long-standing authority granted on 16 November 2010 by the Lead Member for Learning and School Effectiveness. The delegated authority allows for the transfer of schools to Academy Trusts using these delegations.
- 2.2 However, this delegated authority does not cover Free Schools and the associated grant of a long 125-year Free School lease. A standard 125-year Free School lease issued by DfE is slightly different to that for an existing school converting under an Academy conversion process. Therefore, Lead Member approval is requested for this Free School lease to The Southfield Trust.
- 2.3 It is intended to review the Scheme of Delegations for property transactions to include Free School 125-year leases going forward.

## **3. Conclusion and reasons for recommendations**

- 3.1 Summerdown School will be constructed by the ESFA and will be operated as a Free School by The Southfield Trust.
- 3.2 It is recommended for the Lead Member for Resources to authorise the Chief Operating Officer to agree and enter into a DfE standard 125-year Free School lease at a peppercorn rent to The Southfield Trust for the premises to be known as Summerdown School.

**Phil Hall**  
**Chief Operating Officer**

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## LOCAL MEMBERS

Councillor Colin Swansborough

## BACKGROUND DOCUMENTS

None.