

Report to: Lead Member for Resources and Climate Change

Date of meeting: 13 December 2022

By: Chief Operating Officer

Title: Former Etchingham CE Primary School site

Purpose: To declare surplus to requirements and to approve the disposal of Former Etchingham CE Primary School site

RECOMMENDATIONS

The Lead Member for Resources and Climate Change is recommended to:

- 1) declare property known as Former Etchingham CE Primary School site (the Property) surplus to requirements;**
- 2) approve the disposal of the Property and any ancillary documentation required to give effect to the disposal as summarised below; and**
- 3) delegate to the Chief Operating Officer to approve sale by Auction to secure best value in accordance with s123 of the Local Government Act 1972 and to agree the terms of the disposal and any ancillary documentation**

1 Background

- 1.1 Former Etchingham CE Primary School site (the Property) is surplus to East Sussex County Council's (ESCC) operational requirements. The location of the Property can be seen at Appendix 1. The Property was previously used as a Primary School. This School was relocated to a new location in Etchingham Village constructed in 2014. The ownership of the new school site was transferred to the Diocese of Chichester following a decision by Lead Member Resources on 21 September 2018. The decision did not include the formal disposal of the old school site pending resolution of legal matters.
- 1.2 The Property has been considered for other projects, but no operational use has been identified. Consequently, ESCC does not want to retain the ownership of the property as it will remain a liability for ESCC to maintain and manage.
- 1.3 There is a restriction on one section of the school site shown at Appendix 2 requiring written consent from Chichester Diocesan Fund and Board of Finance Incorporated and the Rector and Churchwardens of the Parish of Etchingham as Trustees of the Etchingham Church of England School Charity Care (The Church) before ESCC can sell this parcel of land. This was imposed in the original transfer of that land from the Church to ESCC to protect a complex overage provision imposed by the Church (entitling the Church to claim a share in any uplift in value where planning permission is obtained). The complexity of this provision was likely to be a barrier to achieving a disposal of the land so ESCC has been looking to simplify the arrangements. An agreement has been reached in respect of the overage whereby the Church are to receive 50% of any sale proceeds over a set limit, less costs.
- 1.4 The Council have submitted an application to the Secretary of State for Education under Section 77 of the Schedule of The School Playing Fields General Disposal and Change of Use Consent (no5) 2014 seeking authority to dispose of the former playing field land. The disposal of the property will only take place once this authority has been granted. It is anticipated that the Department for Education (DfE) will comment on and may require capital receipt spend to reflect the source of receipt and be spent on appropriate capital projects.

2 Supporting information

- 2.1 Subject to Lead Member for Resources and Climate Change approval, the site will be sold via a public auction in February 2023. A reserve price will be set in January 2023 to be agreed by the Assistant Director of Property. The property will only be sold if offers at the public auction are above the reserve price.
- 2.2 The disposal of the asset will provide a capital receipt that will contribute to the Council's capital programme and reduce revenue liabilities relating to the management and maintenance of the asset.

3 Conclusion and reasons for recommendations

- 3.1 The property is no longer required for ESCC operational purposes. ESCC propose to market and dispose of the property in order to reduce cost and liability and to achieve a capital receipt. The capital receipt will be used as required in line with any directive from the DfE.
- 3.2 It is recommended that the Lead Member Resources and Climate Change:
 - 3.2.1 Declare the Property surplus to requirements.
 - 3.2.2 Approve the disposal of the Property.
 - 3.2.3 Delegate to the Chief Operating Officer to approve the sale by Auction to secure best value in accordance with s123 of the Local Government Act 1972.

ROS PARKER Chief Operating Officer

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LOCAL MEMBERS

Councillor Howell