

Report to: Lead Member for Resources and Climate Change

Date of meeting: 19 November 2024

By: Chief Operating Officer

Title: Former Broad Oak Primary School, Broad Oak – Disposal of Freehold

Purpose: To declare the property to be surplus to the operational requirements of the Council and to agree to dispose of the asset in accordance with s123 of the Local Government Act 1972

RECOMMENDATIONS

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

- 1) Declare the former Broad Oak Community Primary School (the Property) to be surplus to the requirements of the Council;
 - 2) Approve the disposal of the Property in accordance with s123 of the Local Government Act 1972;
 - 3) Delegate authority to the Chief Operating Officer to agree the terms of the sale to achieve best value for the Property in accordance with s123 of the Local Government Act 1972, including proceeding with the next best offer(s) in the event of the transaction(s) not completing within the expected timelines; and
 - 4) Delegate authority to the Chief Operating Officer to take all actions necessary to give effect to the recommendations in this report.
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1 Background

1.1 The Lead Member for Education and Inclusion, Special Educational Needs and Disability approved the closure of Broad Oak Community Primary School at a meeting on 9 March 2020 - [Decision - Proposed Closure of Broad Oak Community Primary School | East Sussex County Council](#) .

1.2 Following the closure of the school, the Council made an application to the Department for Education (DfE) for consent of the Secretary of State for Education to a disposal of the school land, including the playing field land contained within the main school site. This is a requirement under Schedule 1 of the Academies Act 2010 and Section 77 of the School Standards and Framework Act 1988.

1.3 The Property comprises a detached house with separate single storey school building. It is surrounded by grounds used as hard and soft outdoor Physical Education (PE) areas. The buildings are in need of significant refurbishment. Appendix 1 shows the Property that is recommended to be declared surplus and has been identified for disposal.

1.4 When the property was used as a school, the pupils also enjoyed the use of a large playing field separate to the main school site, on the eastern side of Scotsford Road. This separate playing field did not form part of the final application to the DfE for Secretary of State for Education consent to dispose of the site. The Council has identified an ongoing need for the playing field. If the Council were to dispose of these fields at a future date, a consultation would be required in accordance with the relevant legislation. An application would then need to be made to the DfE for Secretary of State for Education for consent to dispose of this field. A site plan for the separate playing field is shown at Appendix 2 for identification purposes.

1.5 The School Standards and Framework Act 1998 defines playing field land as 'land in the open air which is provided for the purposes of physical education or recreation'. Any loss of such land should be mitigated by other improvements to sports provision. The Secretary of State expects that proceeds from the sale of playing field land on the former main school site should be spent on projects that improve sporting facilities.

1.6 The Secretary of State gave consent to the disposal of the Property on 19 August 2024. Consent was given on the basis that the school closed in 2020 and the property was no longer required for educational use. It is conditional on any resulting capital receipt being allocated towards improvement of sporting and educational facilities in East Sussex. The full details of the conditions are outlined in an exempt paper.

1.7 A register of decisions of playing field land disposals is maintained by the DfE and is available to view here; [Register of decisions of playing field land disposals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/115555/register_of_decisions_of_playing_field_land_disposals.pdf)

2 Supporting information

2.1 The following options have been identified for the Property:

1. Retain for a Council service;
2. Rent to an East Sussex County Council (ESCC) partner or external tenant;
3. Dispose of the freehold.

2.2 Option 1 (Retain for a Council service): the Directorates have confirmed that there is no operational service need for the Property.

2.3 Option 2 (Rent to an ESCC partner or external tenant): the Property will require significant refurbishment if it were to be let. The necessary work needed to put the Property in good condition would either need to be undertaken by the Council at its expense, or by way of a lengthy rent free or incentive period via a tenant.

2.4 Option 3 (Dispose of the Freehold): the Property is likely to be considered as a small residential development site, subject to gaining the necessary planning consents, and it is understood from local agents that there is a good level of demand in the open market for sites of this nature.

2.5 The disposal of the Property will result in a capital receipt. Capital receipts are an important source of funding, and the Council seeks to maximise the levels of these resources. The funds will be used to reduce the borrowing required to fund the Schools Basic Need capital programme, which is a rolling programme that sets out a 10-year school improvement works programme across the County.

2.6 The disposal of the Property on the open market is therefore considered to be the most appropriate strategy.

2.7 In the event that an offer was accepted, and that transaction did not progress as expected, the Council would reserve the right to proceed with the next best offer, or to re-market the property if appropriate. The timeframe for a transaction varies depending on a number of reasons. For example, the offer may be made on a conditional or unconditional basis, subject to planning approval, or subject to finance being obtained. Target timescales will be recorded at the memorandum of sale stage and will form part of the sale contract.

2.8 The Local Member has been consulted on the sale of the Property and had no objection to the proposal.

3 Conclusion and reasons for recommendations

3.1 The Council has no ongoing operational use for the Property. (Appendix 1 shows an outline plan of the Property). It was on this basis that consent was granted by the Secretary of State for Education to dispose of the Property. The Property is surplus to the Council's requirements and the disposal of it will reduce revenue liabilities relating to the management and holding costs of this surplus asset, as well as providing the Council with a capital receipt to invest in the improvement of the County's sporting and education facilities.

3.2 The Lead Member for Resources and Climate Change is recommended to declare the Property to be surplus to the Council's requirements and approve the disposal of it in accordance with s.123 of the Local Government Act 1972.

3.3 To facilitate the effective disposal of the Property, the Lead Member is also recommended to delegate to the Chief Operating Officer authority to agree the terms of the sale to achieve the best consideration for the Property in accordance with s123 of the Local Government Act 1972, including authority to proceed with the next best offer(s) in the event of the transaction(s) not completing within the expected timelines and to take all actions necessary to give effect to the recommendations in this report.

ROS PARKER
Chief Operating Officer

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LOCAL MEMBERS

Councillor Bob Bowdler

BACKGROUND DOCUMENTS

None