	<p><b>Assets, Regeneration and Growth Committee</b></p> <p><b>12th December 2016</b></p>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Disposal of land for Saracens High School, Colindale, NW9</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Director of Resources</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>Colindale</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Key</b></p>	<p>No</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>Plan – outline drawing of site 1 and site 2</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Chris Munday, Commissioning Director, Children and Young People and the Director of Children’s Services <a href="mailto:Chris.munday@barnet.gov.uk">Chris.munday@barnet.gov.uk</a></p> <p>Anisa Darr Director of Resources <a href="mailto:Anisa.darr@barnet.gov.uk">Anisa.darr@barnet.gov.uk</a></p> <p>Val.white Programme Director, Education and Learning <a href="mailto:val.white@barnet.gov.uk">val.white@barnet.gov.uk</a></p>

<p><b>Summary</b></p>
<p>This report seeks in principle agreement to Lease the land shown coloured, blue, green, pink and yellow on the attached plan to the Saracens High School Trust to enable the construction of a new secondary school in Colindale, funded by the Department for Education. Saracens High School, to be sponsored by Saracens High School Trust will provide a comprehensive secondary educational offer for 1,300 children and young people in the Colindale area and is a critical part of the infrastructure required to support the growth in new homes. The school will help meet the basic need for school places in Barnet</p>

and the proposal is to let the land on a 125 year Academy lease at a peppercorn rent and no premium will be payable. All construction costs of the school are to be fully funded by the Department for Education.

The report seeks delegated authority for the Director of Resources to negotiate and agree the terms of a 125 year lease, based on the Department for Education's standard Academy lease.

## **Recommendations**

- 1. That the Assets, Regeneration and Growth Committee agree in-principle, subject to the Council acquiring any interest or consents to enable them to do so, and taking any decisions necessary to enable this, to exchange an agreement for lease and grant a lease of land (two sites as set out in the attached plan) to the Saracens High School Trust at a peppercorn rent with no premium to enable the provision of a new secondary school in Colindale, funded by the Department for Education through the national free school programme.**
  
- 2. That the Assets, Regeneration and Growth Committee authorise delegation to the Director of Resources to negotiate the detail of the legal documentation for the transfer of land, based on the Department for Education's standard Academy lease.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 Since 2009, the council and central government have been investing to meet the very significant growth in demand for school places through expanding schools and building new schools. During this period, more than 8,000 extra school places have been delivered in the borough. Each year, the Children, Education, Libraries and Safeguarding Committee review the strategy for ensuring that there are sufficient school places and consider progress. At its meeting on the 21st September 2016, the annual school places report set out that the main focus now is to ensure that there will be sufficient secondary school places as the very significant increase in the number of primary pupils moves through to the secondary sector. As the borough continues to grow, there is a particular focus on education provision in areas of regeneration and new housing development, as good schools and sufficiency of school places are critical elements of the infrastructure required to ensure the development of successful and sustainable communities.
  
- 1.2 Colindale is an area of significant housing growth and to date, new primary provision has been developed as part of expanding and rebuilding Colindale School and the Orion School, expanding Blessed Dominic, St Mary's and St John's, St Joseph's and the new Watling Park primary free school that has opened in Burnt Oak. The need now is to ensure sufficient secondary provision is available as children in these schools move through to the secondary sector. Copthall Girls School has been expanded and plans are in

progress to expand St Mary's and St Johns and St James Catholic High. However, there is a pressing need for more co-educational comprehensive school places in this area. The council has been working in partnership with Saracens to support its application to the Department for Education to open a free school. Saracens were supported by Ashmole Academy in developing their bid and also worked closely with the Orion Primary School in Colindale. The bid was successful and the Department for Education (DfE) has tasked its Education Funding Agency (EFA) to deliver the new school.

- 1.3 The proposal is for the Saracens High School to be developed across two sites, subject to planning. The scheme will comprise of a year 7-11 school and sixth form, provided over the two sites, built to BB101 standards (government guidelines for space standards in schools). The sites are constrained and a full feasibility will be undertaken to explore which design and planning options will best suit the school given the availability of land. Given the constrained size of the sites, off-site playing facilities will need to be identified for the use of the school.

#### **Site 1 – Lanacre Avenue NW9 5FN**

- 1.4 Site 1 currently hosts Besthub training centre operating out of the old Orion school building. This is being used by Cambridge Education but will be vacated during 2018, when required. It also hosts Blessed Dominic primary school on land, leased to the Diocese. The council is working with the Diocese, Blessed Dominic and St James on the re-building and re-location of Blessed Dominic to co-locate with St James. This project will also see the expansion of St James and is being funded by the council. As part of the investment in catholic places, the lease to the Diocese on site 1 – Lanacre Avenue will cease and the land will be released for inclusion in the Academy lease to Saracens High School.

#### **Site 2 – Trinity Square NW9 5RA**

- 1.5 Site 2 forms part of the re-development of the site on Grahame Park Way that previously hosted Barnet and Southgate College. A new housing development is under construction by Barratt Homes with an area set aside for educational provision, which is a section 106 requirement and requires the transfer of the yellow land to the Council for nil consideration. This site is scheduled to be available by April 2017.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The recommendations in this report enable the provision of a new secondary school to meet the needs of children and young people in the Colindale area.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 Within the Colindale area, no other parcels of land have been identified of sufficient size or appropriate location to host a new secondary school.

#### **4. POST DECISION IMPLEMENTATION**

4.1 The report seeks agreement that the Assets, Regeneration and Growth Committee authorise delegation to the Director of Resources to negotiate the detail of the legal documentation for the transfer of land, based on the Department for Education's standard Academy lease. The DfE/EFA are responsible for developing the school buildings from feasibility through to completion. Subject to planning consent, the aim of the DfE/EFA is to have the school building complete in 2019.

#### **5. IMPLICATIONS OF DECISION**

##### **5.1 Corporate Priorities and Performance**

The quality of the education offer is at the heart of Barnet's continuing success as a place where people want to live, work and study. It plays a crucial part in making Barnet family friendly, with many families attracted to the area by the good reputation of Barnet's schools. Excellent educational outcomes and ensuring children and young people are equipped to meet the needs of employers are key to deliver the Council's vision set out in its Corporate Plan 2015-20 for:

- Barnet's schools to be amongst the best in the country, with enough places for all, and with all children achieving the best they can
- Barnet's children and young people to receive a great start in life and
- For there to be a broad offer of skills and employment programmes for all ages

##### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 The proposal set out in this report would lease two sites to the Saracens High School Trust at a peppercorn rent at no premium to enable the construction of a new secondary school. Indicative valuations of the sites, based on educational use are:

Site 1 Lanacre Ave (NW9 5FN)	Circa 1.56 hectares	£3,198,000
Site 2 Trinity Square (NW9 5RA)	Circa 1.6 hectares	£3,280,000

5.2.2 The Department for Education/Education Funding Agency will be funding the construction costs of the school and facilities in line with Government building guidelines, contained in Building Bulletin 101. Until feasibility work has been undertaken it is difficult to provide an estimate of the costs that will be met by the DfE/EFA. An indication is provided by considering the cost to the Council in re-building East Barnet secondary school which was in the region of £34m. Although space requirements for schools have been reduced over time, East Barnet school was completed in 2010 and since this date, building costs are have risen in London.

5.2.3 The provision of education land by the council at a peppercorn rent with no premium, enables the construction costs of the school to be met by the DfE's free school programme. Due to the pressing need for new secondary provision in this part of the borough to support the new housing growth, if this new free school was not provided by the Department for Education, the cost of constructing an alternative option could fall to the council.

### 5.3 Legal and Constitutional References

5.3.1 Council Constitution, Responsibility for Functions, Annex A – The Assets, Regeneration and Growth Committee has responsibility for “Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council and the approval of non-statutory plans that concern asset management matters. . Certain matters are further delegated to officers but such delegations do not include disposals at undervalue.

5.3.2 Section 2.1 of The Management of Assets, Property and Land Rules, contained in the Council's constitution states that The Management of Asset, Property and Land Rules provide the governance structure within which the Council may acquire, lease, act as landlord, licence, develop, appropriate, change use of, or dispose of Assets within its Asset Portfolio. A disposal of property (which includes a lease) at undervalue generally requires the consent of the Department for Communities and Local Government, due to the requirements of section 123 of the local Government Act 1972 but section 123 does not apply in relation to leases to academies under the Academies Act 2010, provided an academy order is made.

5.3.3 Under the Council's Constitution, functions within the Terms of Reference for the Children's Education, Libraries and Safeguarding Committee responsibility include:

- planning the adequate provision of school places in the Borough
- investment in educational infrastructure to meet the needs of the Borough's learners
- to be responsible for those powers, duties and functions of the Council in relation to Children's Services (including schools)
- duties and functions of the Council in relation to Children's Services (including schools).

Under the Council's Constitution at 15 Responsibility for Functions, Annex A, the terms of reference for both the Assets, Regeneration and Growth Committee and the Children's Education, Libraries and Safeguarding Committee provide that if any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy and Resources Committee.

5.3.4 The Council has a statutory duty under the Education Act 1996 to ensure the provision of sufficient schools for primary and secondary education in their area. Under s.14 of the Education Act 1996, a local authority shall secure that

sufficient schools for providing primary and secondary education are available in their area. Sufficient means sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. In meeting this duty, a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

5.3.5 State funded schools are split into schools maintained by the Local Authority and those directly funded by Central Government. The former are split into a number of categories, including foundation, community and voluntary aided schools. The latter encompass Academies and free schools (which are Academies which did not convert from a maintained school). For maintained schools, there are prescribed requirements in order to make specific alterations. This includes expanding existing schools to add additional form groups. The requirements are set out in the Education and Inspections Act 2006 and associated regulations. Academies do not have to follow the same requirements in order to expand, but are expected to seek the approval of the Secretary of State. Section 6A of the Education and Inspections Act 2006 requires that local authorities seek proposals for the establishment of an academy if they think that a new school is required in their area. There are only limited circumstances when a local authority will be able to publish proposals to establish a new maintained school.

5.3.6 The Academies Act 2010 enables the Secretary of State to make a scheme in relation to land that is held by a local authority, either as a freehold or leasehold, if at any time in the last 8 years the land has been wholly or mainly used for education.

#### **5.4 Risk Management**

5.4.1 In relation to Site 1, Lanacre Avenue, there is risk that the project to re-locate Blessed Dominic is not successful. The transfer of the land will not be enacted until the council is in a position to release the site.

5.4.2 There is a risk that if a site cannot be identified for the Saracens High School, the free school project would be discontinued by the DfE/EFA. As the statutory duty to secure sufficient school places rests with the council, the cost of meeting this need could fall entirely to the council.

5.4.3 There is a risk that the Secretary of State makes a scheme under The Academies Act 2010 for the freehold interest in the sites – (paragraph 5.4.3).

#### **5.5 Equalities and Diversity**

5.5.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010; advance equality of opportunity between people who share a relevant protected characteristic and those who do not foster good relations between people who share a relevant protected characteristic and those who do not.

5.5.2 The broad purpose of this duty is to integrate considerations of equality into

day to day business and to keep them under review in decision making, the design of policies and the delivery of services.

5.5.3 The new Saracens High School will provide a comprehensive, inclusive education for children and young people in the Colindale area.

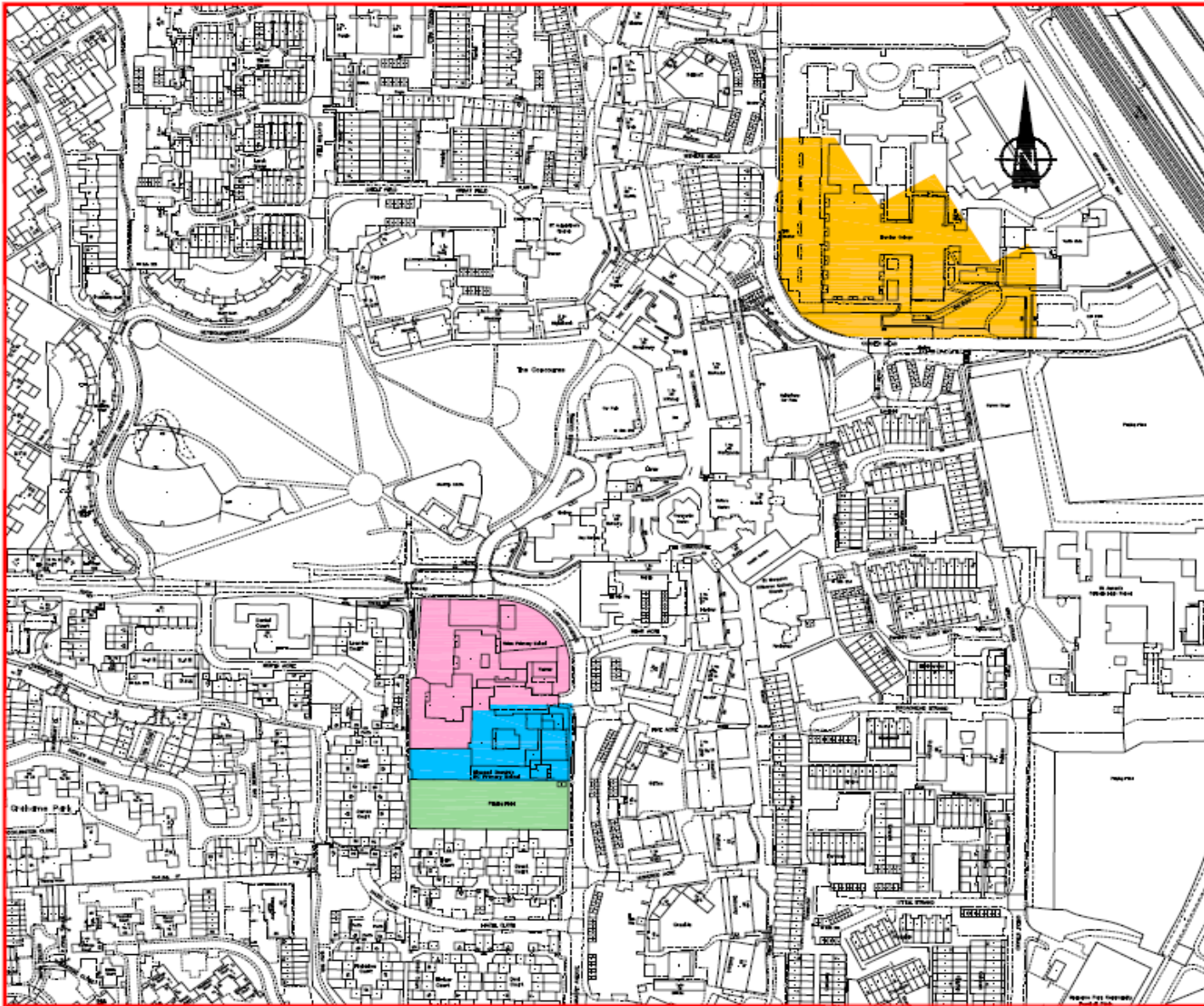
**5.6 Consultation and Engagement**

The Saracen's High School Trust undertook consultation and engagement with the local community as part of developing its application to establish a free school in Colindale which demonstrated support from the local community for the education offer proposed by this new free school. Demonstrating this support is a critical part of the DfE's process for the approval of a free school to be established.

**6. BACKGROUND PAPERS**

Children, Education, Libraries and Safeguarding Committee, 21st September 2016 *Planning for new school places 2017/18 to 2019/20*





**NOTES:**


- FORMER ORION SCHOOL
- BLESSED DOMINIC SCHOOL
- SHARED PLAYING FIELD
- TRINITY SQUARE

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Revision and Date	Description	Initial

Steve Dunevaln,  
Director of Estates.

London Borough of Barnet,  
Barnet House,  
1255 High Road,  
Whetstone,  
London, N20 0EJ  
Tel, 020 8359 2000



**SCHEME:**  
PROPOSED SARACENS ACADEMY SCHOOL  
LANACRE AVENUE, COLINDALE, NW9

**TITLE:**  
LOCATION PLAN

Scale:	1:2500	Date:	30/11/16
Prepared:	J.E.	Drawn:	K.E.B.
		Checked:	J.E.

**DRAWING NO:**

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