

Report to: Cllr Alexandra Sanderson, Cabinet Member for Children and Education

Date: 27 June 2022

Subject: Greenside Cottage, Westville Rd, London, W12 9PT new lease

Report author: Daryle Mathurin, Strategic Lead Education, Assets and Operations

Responsible Director: Jan Parnell, Director of Education

SUMMARY

Greenside Primary School converted to academy status in 2015 as part of the Elliot Foundation Academies Trust (EFAT) with a 125 year lease of the school buildings and land. At same time, the caretaker's lodge, Greenside Cottage, was also leased to the Trust on a 125 years, the user being residential use for the caretaker (the lease is still subsisting). The school's reception area is constricted and creates practical issues but remodelling the space would be problematic due to the building being listed. This report recommends re-leasing Greenside Cottage to the EFAT to enable the Academy to utilise it as a new main entrance after suitable remodelling and approval is therefore being sought.

RECOMMENDATIONS

That approval be given:

1. To surrender the current lease and regrant a new lease of Greenside Cottage, to EFAT for a term expiring on 31st March 2140 (coterminous with the Academy lease).
2. To delegate authority to the Director for the Economy in consultation with the Assistant Director of Legal Services to finalise and complete negotiations and legal documentations with EFAT to give effect to the decision in 1 above.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	Continue the delivery of outstanding primary education for H&F children.
Creating a compassionate council	Support the sustainability of Greenside Primary School to enhance their

	provision and support effective safeguarding.
Doing things with local residents, not to them	The principles for the lease were reached in consultation with EFAT.
Being ruthlessly financially efficient	Continued the delivery of a robust primary school offer to meet the learning needs for H&F children within our local area.
Taking pride in H&F	Supporting children in the borough to have the best possible start in life through the provision of quality primary education.
Rising to the challenge of the climate and ecological emergency	Supporting improvements in the school's building condition.

Financial Impact

There is no on-going financial impact for the local authority apart from any costs that the Council may incur as a result of the negotiations to finalise the lease arrangements. These will be covered by the Legal budget of £45,000 in 2022/23 within Children's Services. Children's Services has been quoted an estimate of £1,100 for internal legal recharges so this can be covered by the legal budget.

The proposed lease is for a peppercorn and therefore will be deemed as a non-business transaction with respect to VAT. This means that the transaction will not impact on the council's partial exemption position. For this position to hold it will need to be ensured that no other consideration (pursuant to the lease) passes from the Trust to the Council.

There is an opportunity cost to not leasing out this cottage for its full market value, but this would be difficult anyway due to its location on the site of the Academy Trust. By including the cottage in the lease to the Academy Trust, we also avoid the associated costs of refurbishment that would be required if we were to let it out to someone else. The Council is not currently in receipt of rental income for the cottage.

Financial implications by Honor Green, Principal Accountant, and Tony Burton, Head of Finance (Children's and Education) verified by Emily Hill, Director of Finance 13 June 2022

Legal Implications

The grant of the new lease is pursuant to the Council's duties under Schedule 1 of the Academies Act 2010.

In order to grant the new lease, the current lease must be surrendered first, such surrender will not pose a risk or cost to the Council.

The proposal to utilise the cottage as the new main entrance would mean that the building would be used wholly or mainly for the purposes of the school.

Rachel Silverstone, Senior Property Solicitor, 23 February 2022

Background Papers Used in Preparing This Report

N/A

DETAILED ANALYSIS

Background

1. Greenside Primary School converted to academy status on the 1st April 2015, joining the Elliot Foundation Academies Trust (EFAT). The council leased the land and buildings of the primary school to the EFAT for a term of 125 years, in line with Schedule 1 of the Academies Act 2010, standard DfE policy and guidelines. Greenside Cottage, the former caretaker's lodge, was also leased to EFAT at the time under 125 years lease for use as a caretaker lodge - this lease is still subsisting.
2. Greenside Cottage has been and is currently unoccupied and in a poor state of repair. There have been recent examples of unauthorised access and anti-social behaviour during evenings and weekends, which in turn exposes the school to potential risk. The cottage sits within the main footprint of the school site. Its location in relation to the school would create safeguarding challenges if the cottage were rented out for private use. This would require significant alterations to the outside of the cottage and have significant consequences for the design of Greenside which is a Grade 2* listed building.
3. Greenside has, in consultation with officers, the Heritage Society and Historic England been exploring options to address a complex safeguarding concern relating to the main entrance to the site. The doors and design of the entrance/foyer area in relation to the office space does not provide a robust point of entry and this leaves students potentially vulnerable to adults entering the building unchecked.
4. Several designs have been considered. Whilst all parties have acknowledged the need to address the safeguarding issue, most of the options presented have not been acceptable due to their impact on the listed status of the lobby area.
5. One design that is considered to have merit, is the option to move the entry point away from the current main doors and make use of the adjacent cottage, creating a small admin space and designating this as the main point of entry for visitors arriving at the school. This would require significant alterations to the fabric of the cottage but represents the most achievable solution.
6. Alongside addressing the safeguarding issue by providing an alternative and safer entry point it would free up the current office space that could be used as an additional small learning space for our students who require additional support in a multisensory space.

Proposals and Analysis of Options

7. **Option 1: Do not approve grant of the lease: Not recommended**

This option represents the status-quo. It fails, however, to facilitate a solution to the improvements needed to the school's reception area. Alternative uses for Greenside Cottage are unlikely to be practical given its position within the school grounds, listed status and state of repair.

8. **Option 2: Approve grant of the lease: recommended**

This option would allow the EFAT to progress the improvements needed at no cost to the council and make effective use of Greenside Cottage, whilst also improving facilities for learners with SEND. There would be no further obligations for the Council for works on the site and the EFAT will be responsible for the maintenance of the site for the duration of the lease.

Reasons for Decision

9. Approving the grant of the lease will provide an effective solution to an identified potential safeguarding issue and free up the current office space that could be used as an additional small learning space for students who require additional support in a multisensory space.

Equality Implications

10. There are no direct negative equality implications for groups with protected characteristics, under the Equality Act 2020, by the approval of the Greenside Cottage lease.

Risk Management Implications

11. The recommendation to grant a 125-year lease for the property to the Academy Trust will enable risks relating to safeguarding to be managed, which is in line with the Council's priorities. In addition, the Academy Trust will be responsible for renovating the building to bring it into use, which is in line with the objective of being ruthlessly financially efficient.

Implications completed by: David Hughes, Director of Audit, Fraud, Risk and Insurance, 5 March 2022.

Climate and Ecological Emergency Implications

12. Elliot Foundation Academy Trust is responsible for the condition of school buildings and grounds and has access to the Government's School Condition Allocation capital grant.
13. The H&F Education Service and Climate Emergency Unit will shortly begin work to co-produce a H&F schools decarbonisation plan with our school community. This process will include H&F Academies, including Elliot Foundation Academy Trust.

Implications verified by: Hinesh Mehta, Strategic Lead – Climate Emergency, tel: 07960 470125

14. Consultation

N/A

Appendices:

N/A