

## CABINET

11 December 2018

<b>Title:</b> Robert Clack School Lymington Fields Site: Sub-Station Lease	
<b>Report of the Cabinet Member for Educational Attainment and School Improvement</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> Heath & Whalebone	<b>Key Decision:</b> No
<b>Report Author:</b> Richard Hallgate-Hills, Senior Project Sponsor: School Investment, Organisation and Admissions	<b>Contact Details:</b> T: 0208 227 3555 E: <a href="mailto:richard.hallgate-hills@lbbd.gov.uk">richard.hallgate-hills@lbbd.gov.uk</a>
<b>Accountable Director:</b> Jane Hargreaves, Commissioning Director Education	
<b>Accountable Leadership Strategic Director:</b> Elaine Allegretti, Director of People & Resilience	
<b>Summary</b>  Cabinet approval was given for the expansion of Robert Clack Comprehensive School by two additional forms of entry on the existing upper and lower school sites together with the development of a three-form entry primary and six-form entry secondary facility at the Lymington Fields site, (Min. No. 29; 19 July 2016 refers) and to the allocation of £28.75m, comprising DfE Basic Need Grant and S106 'Planning gain' funds for this purpose.  A new electrical sub-station will be needed to provide sufficient power for the new school site currently under construction by Mid-Group sub-contracted to Thames Partnership for Learning, the Council's Local Education Partnership, (LEP). UK Power Networks, (UKPN) the area network provider, require a 99-year lease to be in place before the new mains connection from Royal Anglian Way into the new sub-station can be made.  Under the terms of the proposed lease, there is a one-off nominal £1 payment from UKPN to the Council to complete the lease and an annual peppercorn rent.	
<b>Recommendation(s)</b>  The Cabinet is recommended to:  (i) Agree that the Council enters into a 99-year lease with UK Power Networks in respect of the new electricity sub-station at Robert Clack School Lymington Fields Site, Royal Anglian Way, as shown on the site plan at Appendix I to the report, on the proposed terms; and  (ii) Authorise the Director of Law and Governance to enter into the lease agreement with UK Power Networks and any other agreements deemed necessary to facilitate the delivery of the Robert Clack School Lymington Fields Site project.	

## **Reason(s)**

To assist the Council to achieve its priorities of 'Growing the Borough' and 'Enabling social responsibility' through the delivery of the school expansion programme.

### **1. Introduction and Background**

- 1.1 Cabinet approval was given for the expansion of Robert Clack Comprehensive School by two additional forms of entry on the existing upper and lower school sites together with the development of a three-form entry primary and six-form entry secondary facility at the Lymington Fields site, (Min. No. 29; 19 July 2016 refers) and to the allocation of £28.75m, comprising DfE Basic Need Grant and S106 'Planning gain' funds for this purpose.
- 1.2 A new electrical substation and 99-year lease is required for the Robert Clack School Lymington Fields site so that the new accommodation will have adequate electrical supply.
- 1.3 Following approval by the Procurement Board, (4 July 2016 and subsequently by the 'Virtual Procurement Board' on 25 July 2016) the delivery of the project is being managed by Thames Partnership for Learning, the Council's Local Education Partnership, (LEP), whose sub-contractor Mid-Group are responsible for the construction works. This appointment was made by delegated Authority Award of Contract on 10 July 2018. Be First are acting as Technical Advisor to Children's Services' School Investment, Organisation & Admissions service.

### **2. Proposal and Issues**

- 2.1 The LEP's contractor, Mid-Group, have conducted initial discussions with UKPN's solicitors on behalf of the School Investment, Organisation and Admissions service and determined that a lease with a term of 99 years, at a premium of £1 and an annual peppercorn rent, is required by UKPN before the power connection can be made. Legal Services have been instructed to draft the 99 year term lease in consultation with My Place's Sales Leasing and Conveyancing Chartered Surveyor and to liaise with UKPN's solicitors in this regard.
- 2.2 It is proposed that an area of approximately 62m<sup>2</sup>, located in the north-east corner of the school site immediately off Royal Anglian Way, is fenced off and set aside for the new substation and affords direct access for UKPN from the public highway without entering the school as shown on the site plan attached at Appendix I.
- 2.3 The Council's Constitution states that a Cabinet decision is required before any leases over 20 years can be entered into; the sub-station building is already in place awaiting connection by UKPN, but power cannot be connected until the lease is in place. The programmed 'power on' date is in mid-April 2019, therefore the lease agreement needs to be concluded urgently, so that the new building can be fully commissioned.
- 2.4 It is not foreseen that any similar utility issues will arise during this development, but in order to ensure there are no further delays, this report also requests approval to

any other agreements deemed necessary to facilitate the delivery of the Robert Clack School Lymington Road Site project.

### **3. Options Appraisal**

- 3.1 There are no other alternatives as UKPN cannot provide electrical power connection without the proposed lease. School Investment, Organisation and Admissions have no objection to the 99-year lease.

### **4. Consultation**

- 4.1 The proposal is fully supported by representatives of Robert Clack School and its contractors, Thames Partnership for Learning/Mid-Group. The Council's Legal Service has been liaising with UKPN's solicitors and officers from My Place and Be First.
- 4.2 Advice from the Council's Democratic Services Manager, Alan Dawson confirms that this matter is not a key decision and does not therefore require prior consideration by the Assets & Capital Board before being presented to Cabinet for approval. The Chief Operating Officer, Claire Symonds has also acknowledged this.

### **5. Financial Implications**

Implications completed by: David Folorunso, Principal Accountant: Children's Services

- 5.1 There are minimal financial implications connected to the lease agreement. Under the terms of the proposed lease, there is a one-off nominal £1 payment from UKPN to the Council to complete the lease and an annual peppercorn rent.
- 5.2 There are no other financial issues.

### **6. Legal Implications**

Implications completed by: Shahina Shaikh, Property Solicitor: Law & Governance

- 6.1 In accordance with the Constitution, Part 4, Chapter 4 (Land Acquisition and Disposal Rules), Section 2.2 (Control by the Cabinet), the disposal of all property either long-lease (over 20 years) or by the sale of the freehold must be approved by the Cabinet.
- 6.2 As the proposed demise is contained within school grounds a notification of class consent under The School Playing Fields General Disposal and Change of Use Consent (No 5) 2014 is required. This notification or an alternative means of obtaining the requisite consent is in the process of being requested from the Education & Skills Funding Agency.

## **7. Other Implications**

- 7.1 Corporate Policy and Customer Impact** – there are no issues, other than the new school facilities once opened, will provide greater opportunity for parental preference and the school and pupils will have improved and expanded facilities.
- 7.2 Safeguarding Children** – the pupils will have improved and expanded facilities as a result of this expansion project. UKPN operatives will have direct access to the substation from Royal Anglian Way, without entering the school grounds.
- 7.3 Property / Asset Issues** – the building project will increase the Council's assets. My Place and LBBD Legal are protecting the School and LBBD's interests re the substation lease.

**Public Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

**Appendix 1:** Site Plan