

Notice of Non-key Executive Decision

Subject Heading:	Acquire Land at Harris Academy Rainham, Lambs Lane South, Rainham RM13 9XD
Cabinet Member:	Councillor Roger Ramsey
CMT Lead:	Andrew Blake-Herbert – Deputy Chief Executive Responsible
Report Author and contact details:	Garry Green, Head of Property Tel: 01708 432 566 Email: Garry.Green@onesource.co.uk
Policy context:	Corporate Asset Management Plan 2015-2019
Financial summary:	The transfer of the land back to the local authority freehold will be at a nil value. The Academy Trust having received the land at the same value from LBH. Minor Legal fees funded from the capital budget for the expansion of Brady Primary.
Relevant OSC:	Overview & Scrutiny Board
Is this decision exempt from being called-in?	No

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

That the Council acquire the freehold interest in the land at Rainham, shown red on the attached plan on the terms set out in the exempt appendix to this report.

That the Head of Property be authorised, in consultation with the Director of Legal and Governance to deal with all matters arising in order to complete the acquisition.

AUTHORITY UNDER WHICH DECISION IS MADE

The decision is made in accordance with Part 3 Paragraph 2.5 (t) of the Constitution of the London Borough Of Havering, that reads:

To approve the 'in principle' decision of the Council disposing of or acquiring an interest in property or land when the disposal or acquisition receipt is not considered likely to exceed £1,000,000.

STATEMENT OF THE REASONS FOR THE DECISION

This report is in respect of LBH acquiring land back from Harris Academy Rainham which extends to measures 0.77 acres (0.31 ha).

The site is designated as greenbelt and falls within the definition of playing field land and lies between Brady Infant Community School and Harris Academy (formally Chafford School).

The London Borough of Havering needs to expand Brady Primary School (a Havering Council Community School) from a 1-Form Entry School to a 2-Form Entry School Commencing September 2019, but there is not enough land within the Brady School site to achieve this.

Land in question measures 0.77 acres (0.31 ha) of the Harris Academy Rainham land is owned freehold by Harris Federation, has been used by Brady Primary School for a number of years for recreation purposes, under an informal arrangement between the head teachers of both schools.

This report recommends the use is now regulated and that the land be transferred from Harris Federation to The Mayor and Burgesses of the London Borough of Havering. This will enable Brady to expand their buildings on their existing land and use the transferred land as a playing field.

The transferred land will have a user restriction placed on it and will be used for recreational use only.

This arrangement will be documented by way of a Deed of Transfer Agreement TP1.

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The reasonable legal fees will be covered by LBH. Total Legal expenditure amounts to £2,250.00 plus vat. LBH spend equates to £1,206.00.

OTHER OPTIONS CONSIDERED AND REJECTED

The only other option is to decide not to take the site to acquire the land. This would impact on Local Authority plans to meet their statutory duty to ensure sufficient school places within the borough.

PRE-DECISION CONSULTATION

None

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Pooneeta Mahadeo

Designation: School Organisation Officer

Signature:



Date: 21/12/2017

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The Council has a statutory duty under section 13 of the Education Act 1996 to ensure the continued provision of sufficient school places within its borough and the acquisition proposed within this report is aimed at furthering that objective.
2. The Council has the power to acquire land by virtue of the following pieces of legislation:-
 - (a) Section 120 of the Local Government Act 1972, which gives the Council the power to acquire any land for purposes of any of its functions (the function here being the provision of sufficient school places pursuant to section 13 of the Education Act 1996).
 - (b) Section 111 of the Local Government Act 1972, which gives the Council the power to do anything (including acquisition or disposal of any property) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions (the function here being the provision of sufficient school places pursuant to section 13 of the Education Act 1996).

Consequently, the acquisition proposed in this report is permitted by and in compliance with both sections 120 and 111 of the Local Government Act 1972

3. The two main risks associated with the proposed acquisition are:-
 - 3.1 The Council may suffer a set back in its efforts to ensure that it continues to comply with section 13 of the Education Act if the scheme fails to proceed.
 - 3.2 The acquired land has been designated for use as playing fields only and the transfer documentation will place a restriction on the title to that effect. This means that in the future if the Council decided to use the acquired land or parts of it for a different purpose, such as car parking, it would be unable to do so without the consent of both Harris School and the Department of Education.

FINANCIAL IMPLICATIONS AND RISKS

The Land will be transferred at nil value.

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Proposal NOT agreed because

Details of decision maker

Signed



Name:

ROGER RAMSEY

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

LEADER

Date:

4.1.18

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

For use by Committee Administration

This notice was lodged with me on

8/1/18

Signed



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Legal fees/costs associated with the transfer are expected to be minimal (below £1.5k) and as such can be contained within existing property services budgets. Legal expenditure amounts to £2,250.00 plus vat. LBH spend equates to £1,206.00. This came from the school expansion budget earmarked for the expansion of Brady Primary.

The financial implications associated with the proposed expansion of Brady Primary School will be assessed separately and raised through the appropriate channels.

**HUMAN RESOURCES IMPLICATIONS AND RISKS
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

There are no Human Resource Implications or risks arising directly as a result of this decision. Other than Brady School will now have use of the land for recreational use only.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

There are no Equality or Social Inclusions implications.

BACKGROUND PAPERS

~~Stipend~~ NONE



oneSource
supporting public services

Havering
LONDON BOROUGH

Property Services

River Chambers
High Street
Romford | RM1 1HR
Tel: 01708 434343

rev/by date amendment

Brady School
Wennington Road, Rainham, RM13 9DT



Transfer of Harris Academy Land (Formerly Chafford School)

drawn by	nt	drawing number
date	August 2017	sps2446
scale	1:1250 @ A4	

