

28 May 2012**Agenda Item: 7d****REPORT OF SERVICE DIRECTOR TRANSPORT, PROPERTY AND
ENVIRONMENT**

- 1. KIRKBY COLLEGE, TENNYSON STREET, KIRKBY-IN-ASHFIELD**
- 2. KIMBERLEY COMPREHENSIVE SCHOOL, NEWDIGATE STREET,
NOTTINGHAM**

Purpose of the Report

- 1 To seek approval of the Finance and Property Committee to the freehold transfer of the land and property assets to the Governing Body of the following schools this being subject to subsequent approval of any site-specific terms: -
 - (i) Kirkby College, Tennyson Street, Kirkby-in-Ashfield, Nottingham, NG17 7DH
 - (ii) Kimberley Comprehensive School, Newdigate Street, Kimberley, Nottingham, NG16 2NJ
- 2 To authorise the Corporate Director. Environment & Resources, (or his nominee) to approve site-specific terms and the transfer date, in consultation with the Chair (or Vice Chair in his absence) of the Finance and Property Committee.

Information and Advice**Background**

- 3 Councillors are probably aware that managed schools are able to acquire Foundation status.
- 4 The legislation and guidance governing such asset transfers require that all land and property held or used by the local authority for the purposes of the school should transfer to the governing body, with specific provision for sites, which are shared with other, non-school, users.
- 5 It is proposed to transfer to the school's governing body the County Council's freehold interest in the school site subject to site-specific details as referred to above.

- 6 The Kirkby College and Kimberley Comprehensive School will shortly be confirmed as having acquired Foundation status with the land and property assets transferring to the school's governing body, from the date of Foundation Transfer subject to formal agreement on the extent of the site to transfer.

Other Options Considered

- 7 The County Council is under a statutory obligation to transfer the school site to the Governing Body of the Foundation School. In the event of the parties, failing to reach agreement then the matter is referred to the Office of the Schools Adjudicator for determination. It is considered unlikely that the Adjudicator would agree to a basis of transfer other than that outlined above.

Reason/s for Recommendation/s

- 8 To comply with statutory requirements.

Statutory and Policy Implications

- 9 This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

That the Finance and Property Committee: -

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Jas Hundal
Service Director, Transport, Property and Environment

For any enquiries about this report please contact: Patrick Robinson 0115 9772086

Constitutional Comments (CEH 02.05.12)

10. This decision falls within the remit of the Finance and Property Committee.

Financial Comments (PB 2-05-12)

11. The financial implications are as outlined in the report.

Background Papers

12. none

Electoral Division(s) and Member(s) Affected

13. Kirkby in Ashfield South - Cllr Rachel Madden
Nuthall – Cllr Philip Owen

File ref.: PS /PG/SL
SP: 2227
Properties affected:
01722 - Kirkby College
01751 - The Kimberley School