

REPORT TITLE: Closure of Hampton College, Academy Transfer Agreement and Lease of Premises

Councillor John Holdich, Cabinet Member for Education, Skills and University

July 2014

Cabinet portfolio holder:	Councillor John Holdich, Cabinet Member for Education, Skills and University
Responsible Director:	John Harrison, Executive Director, Resources
Is this a Key Decision?	YES If yes has it been included on the Forward Plan : Yes Unique Key decision Reference from Forward Plan : KEY/30JUN14/02
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO

R E C O M M E N D A T I O N S

The Cabinet Member is recommended:

1. To approve the closure of Hampton College;
2. To approve the execution of a commercial transfer agreement; and
3. To grant a 116 year sub-lease of the premises known as Hampton College at a peppercorn rent to Hampton Academy from 1 September 2014.

1. SUMMARY OF MAIN ISSUES

- 1.1 It is the Government's policy for schools to become Academies.
- 1.2 Hampton College is a popular and successful school which was judged to be good at the Ofsted inspection in May 2013. The governing body applied to become an academy and an academy order was issued in May 2014.
- 1.3 As part of the Academy Order made by the Government the Council is obliged to transfer the contracts and assets of the school and to grant a 116 year lease of the land and property to the academy.
- 1.4 The lease will be for a peppercorn rent. Should the grant funding for the Hampton Academy be withdrawn the sub-lease would automatically terminate and the land and assets would revert to the Council
- 1.5 Employees of the school will transfer to Hampton Academy under a TUPE – transfer of undertaking (protection of employment) – agreement. The prescribed consultations meetings with staff and trade unions have been held.

2. PURPOSE OF THIS REPORT

- 2.1 This decision is proposed in accordance with the delegations for Councillor Holdich, Cabinet Member for Education, Skills and University exercising delegated authority under paragraph 3.3.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph 3.5(a).

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
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4. DETAILS OF DECISION REQUIRED

- 4.1 Approval is required for the closure of Hampton College, which is currently a community school, on 31 August 2014, so that the new Academy can open on 1 September 2014.
- 4.2 Approval is required for a 116 year sub-lease of the land and buildings of Hampton College to Hampton Academy.
- 4.3 Approval is required for the transfer of the contracts and assets of Hampton College to Hampton Academy by a commercial transfer agreement.

5. CONSULTATION

- 5.1 The formal consultation process started on 14 May 2014 and ended on 27 June 2014. A Transfer of Undertaking Protection of Employment (TUPE) Meeting was held on 10 June with staff and on 19 June 2014 with trade union representatives to inform them of the process. To date no concerns have been raised.

6. ANTICIPATED OUTCOMES

- 6.1 The anticipated outcome is that Hampton College will close and re-open as an academy, the land and buildings of Hampton College will be sub-leased and the assets transferred to Hampton Academy from 1 September 2014

7. REASONS FOR RECOMMENDATIONS & ANY RELEVANT BACKGROUND INFORMATION

- 7.1 Hampton College secondary school was built by O and H Hampton, the developers of Hampton Township, under a S106 agreement. The developers retain ownership of the land and buildings which are leased to the Council for a peppercorn rent. The lease to the academy will therefore be a sub-lease and the term of 116 years is the period remaining on the Council's lease from O and H Hampton. The Council is required to co-operate with the Academy conversion, once approved by the Secretary of State for Education, under the 2011 Education Act.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Refuse the closure of Hampton College and transfer to academy status. Once the school has been accepted for academy status by the Secretary of State the Council is required to support the decision.
- 8.2 Not to grant a sub-lease of the premises: This option was rejected because the Academy Order requires the Council to grant a lease of the premises to the new Academy.

9. IMPLICATIONS

- 9.1 Property - The land and buildings will remain under the ownership of O and H Hampton, leased to the Council. Hampton Academy will have full control of them for a 116 year period, unless the Academy's grant funding is withdrawn in which case the lease will revert to the Council.
- 9.2 Finance – Hampton Academy will receive its funding direct from the Department for Education. Government funding for Peterborough schools will be reduced proportionately.
- 9.3 Admissions Hampton Academy will be its own admissions authority and will determine its own admissions arrangements. Places will continue to be allocated via the co-ordinated admissions scheme.
- 9.4 Legal and Governance – The Council is required to co-operate with the Academy conversion once approved by the Secretary of State for Education, under the 2011 Education Act.

10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

Declarations by any cabinet member consulted by the decision maker and any dispensation granted by the Audit Committee or Head of Paid Service (Chief Executive). Note, the Audit Committee grants dispensations where the member concerned has a pecuniary interest, whereas the Chief executive may grant a dispensation for these purposes to any cabinet member consulted on these proposals whether by an officer or another individual cabinet member where there is a common law conflict of interest that may not amount to a pecuniary interest under the Regulations.

None.

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

None.