

**Cabinet Member delegated decision**

**Decision Due 24 March 2015**

**Sale of Land at Lollard Street – Former Ethelred Youth Centre site**

**Ward: Prince's**

**Report Authorised by: Sue Foster, Strategic Director Delivery**

**Portfolio:** Councillor Paul McGlone, Deputy Leader (Finance and Resources)

Councillor Imogen Walker, Deputy Leader (Policy/LMCS)

**Contact for enquiries:**

Alan Westlake – Project Manager – Education Capital Delivery Team

0207 926 9370 [awestlake@lambeth.gov.uk](mailto:awestlake@lambeth.gov.uk)

**Report summary**

By working in partnership with the Department for Education (DfE), the Education Funding Agency (EFA) and the National Autistic Society (NAS), Lambeth is able to develop a 78 place secondary free school for children and young people with Autistic Spectrum Disorder (ASD).

This will dramatically improve the quality of life for many of our young residents, and their families, who currently have to go out of borough for their education and support needs to be met. At the same time as delivering excellent wellbeing outcomes, reducing the need for external placements will help achieve essential revenue savings.

This free school - Vanguard - will be built on Lollard Street in Kennington on a site currently occupied by the Ethelred Youth Centre (EYC). The school will include a 250sqm hall which will be available, free of charge, to the EYC and other community groups for up to 25 hours a week.

**Introduction**

There are 1519 children and young people in Lambeth with an SEN. 1169 are educated in the borough. 350 are educated externally.

The average local journey time for children educated in the borough is 40 minutes. The average journey time to an external school is 75 minutes.

2% of children and young people who are educated out of borough stay away from home during the school week.

The average cost of a local SEN package is £21k for a specialist provision. The average cost of an external SEN package is £53k.

### **Finance summary**

To enable delivery of Vanguard School the Council must transfer ownership of land currently used by EYC to the DfE.

So that no net loss of community facilities arises from this agreement the Council's capital receipt, will be reinvested in the construction of a larger multi-use hall.

A service level agreement will be negotiated and will include 25 hours per week of community access including at least 5 years free access for the EYC.

### **Recommendations**

- 1 To agree transfer the Council's freehold interest in the land at Lollard Street, SE11 6QH (as shown on the attached plan) to the Education Funding Agency.
- 2 To reinvest capital receipt in enhanced multi-use hall complete with free community use.
- 3 To authorise the Head of Asset Strategy to act in the best interest of the council in the remaining stages of this negotiated agreement.

### Reason for Exemption from Disclosure

The accompanying part II report is exempt from disclosure by virtue of the following paragraphs of Schedule 12A to the Local Government Act 1972:

Information relating to the financial or business affairs of a particular person. (Including the authority holding that information).

## **1. Context**

- 1.1 In 2012 an opportunity arose to work with the NAS and DfE on the development of a much needed 78 place SEN/ASD free school in LBL.
- 1.2 78 places breaks down to 8 pupils per class per year, as recommended in SEN best practice/official guidance.
- 1.3 Such a development requires at least 2,200sqm. Following an extensive assessment of potential sites, Lollard Street was found to be most appropriate. As well as size, criteria included current usage, planning restrictions and proximity to complementary facilities.

## **2 Proposal and Reasons**

- 2.1 In 2012 an opportunity arose to work with the NAS and DfE on the development of a much needed 78 place SEN/ASD free school in LBL.
- 2.2 78 places breaks down to 8 pupils per class per year, as recommended in SEN best practice/official guidance. The school will provide places to Lambeth pupils which will be assured through a services level agreement.
- 2.3 Such a development requires at least 2,200sqm. Following an extensive assessment of potential sites, Lollard Street was found to be most appropriate. As well as size, criteria included current usage, planning restrictions and proximity to complementary facilities.
- 2.4 It is therefore proposed that land used by the Ethelred Youth Centre, excluding an area required for completion of the Lambeth Walk Doorstep Green improvements, is developed to provide a new SEN School.
- 2.5 The site is located in Kennington and is approximately 0.817 acres (3306.28sq.m). It is situated on the junction of Kennington Road (A23) and Lollard Street. Lambeth Walk Doorstep Green is adjacent to the site.
- 2.6 The current building on the southern end of the site is a concrete framed double height Youth Centre under a pitched roof with a hard-standing play area at the northern end.
- 2.7 The Lollard Street site, which currently accommodates the Ethelred Youth Club (EYC), was acquired by the Greater London Council in connection with Comprehensive Development Area proposals for the provision of housing and public open space. The land was initially transferred to Lambeth in 1981 under a lease and subsequently in 1986 the freehold passed to Lambeth.
- 2.8 In March 1984 the Council granted a licence to the Ethelred Tenants Association for the provision of a youth club and community recreational facilities. This licence was reassigned to the the EYC in 1985 and is determinable on one month's notice.

- 2.9 Although the EYC own the buildings on the land, under the terms of the Licence granted in 1984, the Council should be able to obtain possession of the site in a relatively short period of time.
- 2.10 It has been proposed to EYC that in return for the land and buildings
- The Council will support the construction of a multi-use hall of 250sq.m as part of the new School;(see appendix 1)
  - There will be a long term agreement between the School and the Council for use of the hall up to a maximum of 25hrs/week;
  - The Council will hire out the space to the EYC and other local community organisations. There will be no hire charge in the case of the EYC for the initial five year period.
- 2.11 The Doorstep Green improvements to Lambeth Walk public open space will be achieved on completion of the development
- 2.12 Adjoining the site on the eastern boundary is a strip of land 8 metres by 100 metres approx. currently occupied by advertising hoardings. Incorporation of this land with the main site was discussed with EFA and NAS and rejected. The land will remain in Council ownership with the tenant responsible for upkeep.

### **3 Finance**

- 3.1 Valuation and Strategic Property Services have negotiated with the Department for Education the sale of land currently occupied by the Ethelred Youth Centre for re-development of a Special Educational Needs Free School.
- 3.2 The negotiation has included the re-provision of the existing community use provided by EYC.
- 3.4 The cap of a capital receipt or equivalent at £450,000 was included in the Heads of Terms based on a Department for Education (DfE) funding formula linked to pupil places. Ministerial approval has now been awarded for this project. In view of the potential reduction loss of revenue costs for Lambeth (up to £3.9 m per annum) arising from this new provision it is recommended that the Council agrees to the EFA's proposal and accepts the equivalent of £450,000 for the site.

### **4 Legal and Democracy**

- 4.1 The Council has the power to dispose of properties under Section 32 of the Housing Act 1985 subject to the consent of the Secretary of State. The Secretary of State issued a general consent in 2013.
- 4.2 This disposal is covered by paragraphs A3 of the General Housing consents 2013, which enables the Council to dispose of vacant land held for the purposes of part 2 of the Housing Act 1985 at any price determined by the Council.

- 4.3 The Council's constitution requires that notice of a key decision is published in the Forward Plan 28 days in advance. The constitution also requires the report to be published on the Council's website for five clear days before the proposed decision is approved by the Cabinet Member. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days - the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.
- 4.4 Due to time constraints following detailed discussions with the Deputy Leader and the need to value the site, it was not possible to follow these procedures and it was therefore necessary to seek permission from the Chair of the Overview and Scrutiny Committee for the decision to be taken using "Special Urgency Procedure". The Chair agreed to the use of the procedure on 23 March. The reasons for the use of the procedure are set out in the attached form. The use of special urgency procedure will be reported to the Council meeting on 20 May 2015.

## **5 Consultation and co-production**

- 5.1 The sale of the land and re-provision of the Ethelred Youth Centre has been the subject of community consultation with ward councillor involvement. The proposed new school has been welcomed by the local community and wider special educational needs user community within Lambeth. EYC expressed concerns regarding the perceived loss of support for youth in the community. They have been made aware of the enhanced plans for a multi-use hall and the provision of free, long term access.

## **6 Risk management**

- 6.1 There is a financial risk to the Council if the school is not provided due to the cost of placement outside of the borough. There is a potential maximum revenue saving of £3.9 million a year if the school is provided within Lambeth.
- 6.2 There is a planning risk in that under the current policy framework any proposal to develop the site for use which is not ancillary to the open space use would be contrary to the Core Strategy and would have to be treated as a departure from the development plan.
- 6.3 There is a management risk of establishing a school with a new school management and staff.
- 6.4 There is a risk to Lambeth's potential revenue savings unless Lambeth children are afforded priority of admission.

## **7 Equalities impact assessment**

- 7.1 An Equalities Impact Assessment was completed as part of the Lambeth Special Educational Needs (SEN)/ Disability Strategy agreed by the Cabinet and reported to the Equalities Impact Board in September 2013.

## **8. Community safety**

- 8.1 None.

## **9. Organisational implications**

### 9.1 Environmental

The provision a new school will reduce the travelling distance for children currently in out of borough placements. In addition the allocation of land to Lambeth Walk Doorstep Green will provide an enlarged public open space.

### 9.2 Staffing and accommodation

None.

### 9.3 Procurement

None

### 9.4 Health

The development of the school will have a positive impact on the wellbeing of children attending the school.

## **10 Timetable for implementation**

- 10.1 A Section 25 Notice under the 1954 Landlord and Tenants Act has been served on EYC terminating its occupation on 13 August 2015.
- 10.2 Ministerial approval for the purchase of the land by EfA was given on 9 March 2015. Subject to successful planning vacant possession will be given to EfA on 13 August 2015.
- 10.3 The new 78 place SEND free school is planned to open September 2016 with full capacity achieved within 12 months. The school will organically grow over 3-5 years. However, we expecting the school to open with at least 16 young people in the first instance.

<b>Audit trail</b>				
<b>Consultation</b>				
<b>Name/Position</b>	<b>Lambeth cluster/division or partner</b>	<b>Date Sent</b>	<b>Date Received</b>	<b>Comments in para:</b>
Sue Foster	Strategic Director Delivery	4 March 15	5 March	
Cathy Twist	Delivery Director, Education	4.3.15	4 March	
Uzo Nwanze	Head of VAMS Transformation	12.2.15	12.2.15	
Finance	Business Partnering	18 Feb 15	25 Feb 15	Section 3
Legal Services	Enabling: Integrated Support	18 Feb 15	25 Feb 15	4.1 and 4.2
Democratic Services	Enabling: Corporate Affairs	18 Feb 15	3.3.15	
Councillor Meldrum	Cabinet Member for Children & Adult Services	14 Feb 15	16 Feb 15	Various inc sections 5, 6 and 7
Councillor McGlone	Deputy Leader (Finance and Investment)	18 Feb 15	20 Feb 15 And 19 March	All
Councillor Walker	Deputy Leader (Policy)	18 Feb 15	19 Feb 15 And 19 March	All
Cllr Davie, Parr and Dyer	Overview and Scrutiny Committee	03.03.15	03.03.15	Agreed special urgency
<b>Internal Officer Board</b>	<b>Date of meeting</b>			
Procurement Board	N/ A			
<b>External</b>				
Educational Funding Agency		18 Feb 15	20 Feb 15	All

<b>Report history</b>	
<b>Original discussion with Cabinet Member</b>	20.02.15
<b>Report deadline</b>	
<b>Date final report sent</b>	
<b>Report no.</b>	N/a
<b>Part II Exempt from Disclosure/confidential accompanying report?</b>	No
<b>Key decision report</b>	Yes
<b>Date first appeared on forward plan</b>	n/a
<b>Key decision reasons</b>	Expenditure, income or savings in excess of £500,000 OR 3. Meets community impact test

<b>Background information</b>	Lambeth SEN Review (update April 2014) Report to Cabinet 28 April 2014
<b>Appendices</b>	Plan of the Lollard Street site

**APPROVAL BY CABINET MEMBER OR OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION**

**I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board and taken account of their advice and comments in completing the report for approval:**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Post**

Alan Westlake – Project Manager – Education Capital Delivery Team  
0207 926 9370 [awestlake@lambeth.gov.uk](mailto:awestlake@lambeth.gov.uk)

**I confirm I have consulted the relevant Cabinet Members, including the Leader of the Council (if required), and approve the above recommendations:**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Post** Councillor Paul McGlone,

Deputy Leader, Finance and Investment.

**Any declarations of interest (or exemptions granted):**

<b>Issue</b>	<b>Interest declared</b>
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**I confirm I have consulted the relevant Cabinet Members, including the Leader of the Council (if required), and approve the above recommendations:**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Post** Councillor Imogen Walker ,

Cabinet Member, Education.

**Any declarations of interest (or exemptions granted):**

<b>Issue</b>	<b>Interest declared</b>
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