



City of Westminster

Cabinet Member Report

Meeting or Decision Maker:

Cabinet Member for Finance and
Council Reform

Date:

04 January 2024

Classification:

Part Exempt - Appendix A is restricted
under Paragraph 3, Schedule 12A
Local Government Act 1972 (as
amended)

Title:

Grant of New Lease for an Academy
School

Wards Affected:

Westbourne

Key Decision:

No

Financial Summary:

Under the terms of the lease the tenant
is responsible for repairs and insurance
costs. The rent demanded is a
peppercorn, but the building will be
used for educational purposes under
the terms of the lease.

Report of:

Claire Nangle – Interim Director of
Corporate Property and Strategic Asset
Management

1. Executive Summary

- 1.1 This Cabinet Member report recommends that Westminster City Council (WCC) grant a 125 year lease of an Academy School in W9 (the subject property) to Ark Schools in accordance with the Academies Act 2010 (the Act), on the commercial terms detailed in the restricted appendix.
- 1.2 The Academy has been in occupation of the subject property since 2013 by virtue of a licence and a lease is now being granted to regularise the position.

2. Recommendations

- 2.1 To approve the grant of a 125 year lease from 06 March 2013 to Ark Schools by WCC in accordance with the Act and on the terms within the exempt appendix.

3. Reasons for Decision

- 3.1 WCC is required under the terms of the Act to grant a 125 year lease to Ark Schools at a peppercorn rent.
- 3.2 A Cabinet Member Decision is required due to the length of the lease.

4. Background, including Policy Context

- 4.1 The subject property is a purpose-built school set over ground to third floor and located in the Westbourne Park ward. Ark Schools occupy the ground to second floor which they use as a primary school and WCC retain ownership of the third floor for use by WAES. The subject property is owned freehold by WCC and sits within the general fund.
- 4.2 In accordance with the Development Agreement dated 6 March 2013 and made between (1) The Lord Mayor and Citizens of the City of Westminster and (2) Ark Schools, WCC contracted to grant Ark Schools a 125 year lease under the Act, at a peppercorn rent and on the terms detailed in Appendix A. A lease granted under the Act will be substantially in the standard format provided by the Department for Education.

5. Financial Implications

- 5.1 Under the terms of the lease the tenant is responsible for repairs and insurance costs. The rent demanded is a peppercorn, but the building will be used for educational purposes under the terms of the lease.

6. Legal Implications

- 6.1 A Council cannot without the consent of the Secretary of State dispose of land for less than the best consideration reasonably obtainable under s123 of the Local Government Act 1972.
- 6.2 The Department for Education has confirmed that consent is not required under Section 123 of the Local Government Act 1972 (disposals of land by principal councils) and paragraph 20 of Schedule 1 to the Academies Act 2010 dis-applies the requirement in section 123(2) of the Local Government Act 1972 not to dispose of land for less than the best consideration that can reasonably be obtained. The leasehold interest can therefore be granted at a peppercorn rent.
- 6.3 The arrangements relating to the school land are firstly a matter for agreement between WCC and the relevant Academy Trust but the Secretary of State has reserve powers to make a scheme relating to School land under Part 1 of Schedule 1 to the Academies Act 2010.
- 6.4 The Cabinet Member Terms of Reference delegate the powers of this decision to the Cabinet Member. Paragraph 33.12 of the Council's Constitution requires that all Cabinet Member decisions must be published on the Council's website for five clear days before the decision is taken. Any representations received during this period must be considered by the decision-maker before the decision is taken.

7. Carbon Impact

- 7.1 There is no carbon impact from this decision which relates to the grant of a new lease.

8. Equalities Implications

- 8.1 There are no equalities implications from this decision which relates to the grant of a new lease.

9. Consultation

- 9.1 A briefing note notifying Ward Councillors was circulated on 12 October 2023.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Davina Dawkins, ddawkins@westminster.gov.uk

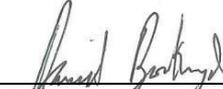
APPENDICES

Appendix A – Summary of Lease Terms (Restricted under Paragraph 3, Schedule 12A of Local Government Act 1972)

For completion by the **Cabinet Member for Finance and Council Reform**

Declaration of Interest

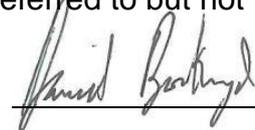
I have no interest to declare in respect of this report

Signed:  Date: 22 December 2023
NAME: Councillor David Boothroyd

State nature of interest if any:

(N.B: If you have an interest, you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled **Grant of New Lease for an Academy School** and reject any alternative options which are referred to but not recommended.

Signed: 

Cabinet Member for Finance and Council Reform

Date: 22 December 2023

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.