

LONDON BOROUGH OF BRENT

Executive - 11 July 2005

Report from Director Arts, Education & Libraries

For action

Wards affected:
Willesden Green
Kensal Green

**TRANSFER OF ST MARY MAGDALEN RC JUNIOR, WILLESDEN GREEN
AND JOHN KEBLE MEMORIAL C of E PRIMARY SCHOOL LAND**

Forward Plan Ref: EAL-05/06-007

1.0 Summary

- 1.1 This report seeks Members' consent to transfer the Council's interests in St Mary Magdalen RC Junior School, Willesden Green and John Keble Memorial CofE Primary School, Kensal Green sites to the foundation body or the Trustees (as appropriate) of each of the schools.

2.0 Recommendations

- 2.1 That the Executive authorises the disposal of the Council's interest in the St Mary Magdalen RC Junior School, Willesden Green and John Keble Memorial CofE Primary School, Kensal Green sites to the foundation body or the Trustees of each of the schools, as determined by the Borough Solicitor to be legally entitled to receive a transfer of the land.

3.0 Detail

3.1 St Mary Magdalen RC Junior School

- 3.2 St Mary Magdalen RC Junior School is a voluntary aided school and the same comprises three tranches of land, shown at Appendix 'A' Plan 'A' herewith and thereon edged with a heavy black line.
- 3.3 The area hatched black on Plan 'A' herewith was acquired by the Council on 1st May 1970 from the Roman Catholic Diocese of Westminster and was intended to be transferred to the Diocese Trustee (or other appropriate educational trust) on completion of rebuilding of the school but this appears to have been overlooked. The land at right angles thereto and forming one half of the 'L' shape was acquired by the Council on 14th August 1969 from

the Diocese for the extension of the school and was likewise intended to be transferred back on completion of the rebuilding of the school, but this appears to have been overlooked. Finally, with regard to the remaining and larger area of land forming the site and shown on the plan, the title to individual properties since demolished that comprised this area of land was acquired by the Council on a property by property basis and over a period from 1970 to 1996 for educational purposes and in order to provide a school playground.

- 3.4 The Council has had an obligation to transfer the title of the land provided for the school to the appropriate body to hold for the purposes of the school for some time under the School Standards and Framework Act 1998 and earlier legislation to the same effect.
- 3.5 The timing of such transfer of the land is opportune in that the Local Education Authority has supported St Mary Magdalen RC Junior School in the Target Capital Funding (TCF) Bid, which was submitted to the Department for Education and Skills on 27 May 2005. However, the land transfer is not conditional upon the outcome of the TCF Bid; the transfer should take place in any event. The area of land that is subject to the transfer forms the site of the proposed new school.
- 3.6 Further work is being undertaken by Legal Services to establish the correct body to which the land must be transferred.

3.6 John Keble Memorial CofE Primary School

- 3.7 John Keble Memorial CofE Primary School is a voluntary aided school. The land forming the school site is shown at Appendix 'B' Plan 'B' herewith and thereon edged with a heavy black line.
- 3.8 The title to the land comprising the school was acquired by the Council in stages and for educational purposes commencing on 14 December 1964 through to 5th January 1973.
- 3.9 The Council's Legal Services received a request from the London Diocesan Board for Schools in February 2004 to transfer the Council's interest in the site to the London Diocesan Board for Schools pursuant to the School Standards and Framework Act 1998.
- 3.10 The Council has had an obligation to transfer the title of the land provided for the school to the appropriate body to hold for the purposes of the school for some time under the School Standards and Framework Act 1998 and earlier legislation to the same effect.
- 3.11 Further work is being undertaken by Legal Services to establish the correct body to which the land must be transferred.

4.0 Financial Implications

- 4.1 The transfers to the bodies entitled to hold the land will be for a nil consideration as they are pursuant to a statutory provision. Should either body later wish to sell their interest they will need to apply to the Secretary of State for approval in that respect. The Secretary of State is able to authorise such a sale subject to a condition that any money received is repaid to the Council or applied towards the costs of any school in the London Borough of Brent. Thus the Council will receive the benefit of any future disposal either directly or indirectly.
- 4.2 Each school will meet its own legal costs; the Council's legal costs will be met within and discharged from existing Council (statutory/legal) budgets.

5.0 Legal Implications

- 5.1 The School Standard and Framework Act 1998 provides that where a site is provided for a voluntary aided school by the local education authority, the local education authority shall transfer its interests in the site to the trustees of the school (if any) or to the school's foundation body for the relevant purposes. The Council is therefore under an obligation to transfer its interests in the sites to the relevant body in each case. These provisions in the School Standards and Framework Act replace similar provisions in earlier legislation.
- 5.2 As indicated earlier in the report, Legal Services is carrying out further work to establish the correct body in each case and it is therefore recommended that members agree that the transfer be made to the appropriate body as determined by the Borough Solicitor for each school.

6.0 Diversity Implications

- 6.1 There are no diversity implications for the immediate purpose of this report.

7.0 Staffing Implications

- 7.1 There are no staffing implications for the purpose of this report.

Background Papers

- i) EAL Asset Management Service: St Mary Magdalen RC Junior School file.
- ii) EAL Asset Management Service: John Keble Memorial CofE Primary School file.

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