

Cabinet

4th July 2017

Name of Cabinet Member:

Cabinet Member for Jobs and Regeneration – Councillor O’Boyle
Cabinet Member for Education and Skills – Councillor Maton

Director Approving Submission of the report:

–Deputy Chief Executive (Place)

Ward(s) affected:

Woodlands

Title:

The future provision of Woodlands Academy

Is this a key decision?

No

Executive Summary:

Woodlands School occupies a site of approximately 42 acres (17hectares) with the main school buildings situated on roughly 13 acres, with the school playing fields surrounding to the east, south and west. The Council is the freehold owner of the school site. The buildings comprised of eleven blocks, which have been classified as Grade II Listed by English Heritage/Heritage England.

Pursuant to the Academies Act 2010 the Woodlands School converted to academy status and became Woodlands Academy in 2011 and a 125 year lease was granted by the Council dated 29th July 2011 in accordance with the 2010 Act. In April 2016 a decision was taken by Woodlands Academy Trust to amalgamate Woodlands Academy with Tile Hill Wood Academy due to the unsustainability of the school. The pupils from Woodlands Academy transferred to be educated at Tile Hill Wood Academy from September 2016. These pupils will officially join the roll of the school from September 2017 and the school will be renamed West Coventry Academy. Subsequently, the Woodlands Academy will officially close from 31st August 2017 as its funding agreement will cease and it is expected that a notice will be served on the Council to terminate the long-lease.

It is anticipated by officers that the lease dated 29th July 2011 will automatically determine on the termination of the funding agreement on the 31 August 2017.

If the termination clause is triggered as per the lease, the Woodlands Academy site will revert and become the responsibility of the Council as freehold owner. There are a number of community groups using the facilities on the site and there is an expectation within the local community that this arrangement will continue despite the Academy ceasing to exist.

The long term future of the site is to be determined but in the short term, a budget will be required to continue to maintain the site once the Council assumes responsibility. It is proposed to make budgetary provision until the 31st March 2018 to allow the continuity of the on-going community arrangements whilst a longer-term plan is determined.

The Education Department will hold the site within their portfolio whilst formulating a plan for the long term use of the site.

Recommendations:

Cabinet is recommended to

- (1) Approve the allocation of a budget towards the on-going running costs of the Woodlands Academy site until 31st March 2018 subject to the presentation and approval of a long term plan for the reutilisation of the site to the Cabinet Members for Finance, Education & Skills and Jobs & Regeneration.
- (2) Approve that the Education Department fulfil the role of managing the site in the interim whilst formulating a long term strategy for the former Woodlands Academy site. A further report will be presented to Cabinet outlining the strategy at a later date.
- (3) Approve that officers will approach the Education Funding Agency seeking funding to assist with the carrying out any necessary repairs to the School buildings.

List of Appendices included:

Site plan

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No:

Will this report go to Council?

No

Report title: The future provision of Woodlands Academy

1. Context (or background)

- 1.1 Woodlands School, formerly a boy's secondary school, was opened in 1954 and was a collaboration between the Development Group of the Ministry of Education and Coventry's City Architects Department during rapid post war reconstructive work.
- 1.2 The school was one of the first purpose-built comprehensive schools in the country and was constructed using prefabricated components which was deemed innovative at that time. The campus style layout of the school buildings separated by interconnecting landscaped courtyards was also seen as pioneering. The buildings were listed in 1993 by English Heritage/ Heritage England with a Grade II designation principally due to the construction methods used and design. There are 11 buildings on the site that are protected by the listing.
- 1.3 The site is approximately 42 acres with the main footprint of the school buildings and associated parking on roughly 13 acres. The remaining land is principally playing fields situated to the east, south and west, which is within the designated Green Belt.
- 1.4 Pursuant to the Academies Act 2010 the Woodlands School converted to academy status and became Woodlands Academy with effect from 1st August 2011. In turn, the Council granted the Academy a 125 year lease dated 29th July 2011 based upon the Department for Education (DFE) model form of lease. The Academy under the terms of the lease entered into a full repairing and insuring lease and is therefore responsible for the site and buildings.
- 1.5 Prior to the conversion of the school to academy status, a lease was granted to Powerleague Fives Limited for part of the site for the use as a sports pavilion comprising a sports and leisure facility primarily aimed at the provision of ten five a side football pitches. The lease was granted for 30 years from the 7th June 2006 between the Council & Powerleague Fives Limited. When the school converted to academy status, Woodlands Academy became the immediate landlord of Powerleague Fives Limited.
- 1.6 In April 2016, the Woodlands Academy pupils were transferred to be educated at Tile Hill Wood school site. The former pupils of the Academy will enter onto the pupil roll of the Tile Hill Wood School from September 2017, thereby officially closing the Woodlands Academy.
- 1.7 As Woodlands Academy will cease to exist from September 2017, the termination clause will have to be triggered. The lease dated 29th July 2011 automatically determines on the termination of the funding agreement between the Secretary of State for Education and Woodlands Academy. The tenant (i.e. Woodlands Academy) on becoming aware that the funding agreement is to be terminated is required to notify the Council by written notice specifying the date (or likely date) of termination of the funding agreement. The Council has yet to be served a written notice specifying the date of termination despite having full knowledge that the Education Funding Agency (EFA) have agreed to the decision to close the Academy and thereby terminate the funding agreement on the 31st August 2017.
- 1.8 Despite the pupils relocating to Tile Hill Wood School, the site is still operational with Powerleague Fives Limited operating the football provision, fitness suite, exercise studio and bar area and Woodlands Academy managing the variety of community uses accessing the facilities on the wider site.

- 1.9 It is anticipated that the lease will end on the 31st August 2017 and the Woodlands Academy site will revert to Council control. There will be an expectation that the current arrangements regarding facility usage will continue, therefore the Council will be obliged to manage the site in the short term. Finance colleagues have made an assessment of the budget required for the maintenance of the site up to 31st March 2018. On the basis that the school remains open to the community and the existing uses continue an indicative initial net budget of £215k (i.e after £91k income received) is required until the end of March 2018, this includes one-off costs of complying with necessary statutory obligations. If the site were to be “mothballed” with no on-going community use the costs to the 31st March 2018 are estimated to be £73k
- 1.10 In the period up to 31 March 2018, the Education Department will explore whether there is a long term educational use for the site as indicated by initial date for growth in Specialist Educational provision required for the future and what the long term aspirations for the site are. A report back to Cabinet with a sustainable plan for the future will be submitted later this calendar year.

2. Options considered and recommended proposal

2.1 Prepare a contingency plan for the surrender of the site

- 2.1.1 The lease will automatically terminate on the termination of the funding agreement and in turn the site will be surrendered by Woodlands Academy to the Council by September 2017. The site will return to Council control so there will be a requirement to manage the site in the interim. To ensure continuity and a smooth transition there will be a requirement for a budget to be established to ensure the on-going management of the site in the short term, only up until the 31st March 2018, whilst the Council’s Education department determine if there is a long term sustainable educational use for the site.
- 2.1.2 The formal legal notice has not yet been served on the Council so there may be a possibility that that funding agreement could be terminated prior to September. The lease will cease to exist from the date of termination so the Council may have the site returned sooner than expected. The provision and continuity of community facilities would still be expected.
- 2.1.3 Eleven of the buildings are Grade II listed, the Council will therefore have a liability. As we are unsure of their current condition, a condition survey will be required to establish the current position. It was recorded in the lease agreement that the block known as the “Gibraltar Block” was in need of repair and the Academy was required to undertake the necessary repairs and maintenance during the term. If the Academy have not undertaken any repairs/maintenance to the Gibraltar Block or the existing buildings, on handover the Council may have to fund a substantial repairs/maintenance programme in the short term. The condition survey will establish the liability of the repairs/maintenance required.
- 2.1.4 Early data projections indicate a significant growth in the need for specialist educational provision across both primary and secondary age ranges. This data determines an increase in specialist provision requirements for ASD is required and it is unlikely that the current net capacity within current special schools will be able to accommodate demand. The Local Authority is statutorily responsible for commissioning specialist school places in accordance with a child’s Education Health Plan. To purchase these places outside of the City would be at a significantly increased cost and Coventry City Council are committed to educating its children in-house. The Woodlands site would be a possible option to consider should the net capacity analysis determine that we cannot accommodate the increased demand current and projected within the current system. This site would be an

attractive opportunity with the range of sports, drama and dance facilities on site, but would require capital investment to secure appropriate educational accommodation.

- 2.1.5 The sports facilities at the Woodlands Academy site present a number of potential (sport/activity) development opportunities. Currently there is a wide range of sports activities on site with a variety of teams that use the sports hall, gymnastics and football facilities, but in addition a number of the outside buildings (Former school buildings converted or utilised for activities) including table tennis, cheerleading and fitness based activities.
- 2.1.6 Regaining the site provides the opportunity to explore the development of the sports facilities in line with the Coventry Sports Strategy, Coventry Sports Facility Strategy and Playing Pitch Strategy. The Council's sports service has engaged with a number of partners (local / national) around the potential usage for the site and see a site master plan / operating model as a priority to establish the way forwards for sports/leisure provision linked to educational requirements. There is significant interest in the site's development but details need to be explored further to ensure business sustainability as part of the feasibility to be undertaken.
- 2.1.7 The site could be used to house a number of key sports for the city focussing on sports from grassroots development through to talented athletes (i.e. creating a sports hub linking within other facilities within the city).

2.2 Close Site

- 2.2.1 The site could be "mothballed" and closed. If the option was pursued there would be an impact on groups and the local community who access this site and its facilities. This would be contrary to the Coventry Sports Strategy, Coventry Indoor Facilities Strategy 2014-2024 and the major implications on Stakeholders, if facilities were closed without alternative provision being secured. There would still be an obligation to provide access to Powerleague Fives Limited as they have rights under their lease and currently operate the football provision, fitness suite and exercise studio on site.

2.3 Do nothing

- 2.3.1 This is not an option as the funding agreement will be terminated by September 2017 at the very latest. Once the funding agreement is terminated the lease automatically ceases to exist so the site will return to the Council unless the DFES has another educational body prepared to use the facility but this remains a slim possibility.

2.4 Recommendation

- 2.4.1 It is expected the site will be in Council control with effect from September 2017. An indicative net budget of £215k will be required up until the 31st March 2018 to ensure in the short term that existing community facilities on site remain in operation. To ensure the continuity of the wide range of community uses located at Woodlands Academy, the Education Department will be responsible (directly or via an operator) for the day to day management of the site including the sports facilities. In parallel, a feasibility study and strategy will be prepared by the Council's Education Department and Sports and Culture services for the long term future of the site which will be presented to Cabinet at a later date.

3. Results of consultation undertaken

- 3.1 No consultation has been undertaken

4. Timetable for implementing this decision

- 4.1 Officers anticipate that the lease to Woodlands Academy will cease from September 2017 and thereafter the Council will be responsible for the site from the date of termination. If the EFA decides to terminate the funding agreement prior to September, the lease will cease to exist from the date of termination so the Council may have the site returned sooner than expected.

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

Based on information supplied by Woodlands Academy Trust and Council officers, the part year costs (net of £91K assumed of income received) requiring funding for the site from the 1st September 2017 – 31st March 2018 total £215k. This is an estimated cost based on the best available information at the time and will need to be kept under review. If approved, it is proposed that this one off budget is funded from un-earmarked reserves.

5.2 Legal implications

Pursuant to the Academies Act 2010 the School converted to academy status and became Woodlands Academy in 2011 and in turn a 125 year lease was granted by the Council dated 29th July 2011, in accordance with the said 2010 Act.

It is expected that the funding agreement for the operation of the Academy (made pursuant to Section 1 of the Academies Act 2010 made between the Secretary of State for Education (1) and Woodlands Academy (2) will be terminated

In accordance with the terms of the lease dated 29th July 2011 the lease will automatically determine on the termination of the said funding agreement. The site will revert back to the Council subject to any occupational tenancies that exist as at the date of the lease (including the lease to Powerleague Fives Limited)

In accordance with the terms of the lease the Academy is responsible for the keeping the school site to 1) keep the property clean and tidy and 2) making good any damage caused to the property and deterioration to the property and 3) repair maintenance and safety measures to the "Gibraltar Block" In accordance with clause 3.4 of the lease dated 29th July 2011 the Council acting as landlord has the right to enter the property at reasonable times to review the state of repair of the property. If the Council believes there has been a breach of the repairing obligations then it may serve a "repair notice" on the Academy Trust.

In accordance with the lease if the required repairs amount to a safety breach then the repair works are to be carried out within 56 days of the Council's "repair notice", if the repairs do not constitute a safety breach then in the event that the Academy Trust has no immediate funds to undertake the works then it is required to make a funding application to the Secretary of State for funding to carry out the works under the funding agreement.

Officers should consider the state of repair and condition whilst the Academy Trust still exists and prior to the anticipated termination of the lease.

6. Other implications

6.1 How will this contribute to achievement of the Council's Plan?

The Coventry Sports Strategy, Coventry Indoor Facilities Strategy 2014-2024 and Coventry Aquatics Strategy 2014-2024 are partnership documents developed through consultation with a range of stakeholders.

The report recommendations present and support opportunities to contribute to strategy objectives for sport and active recreation.

6.2 How is risk being managed?

The risks have been outlined earlier in the report

6.3 What is the impact on the organisation?

The impact on the organisation will be the additional pressures on the budget and on the need for additional management resources if the site should be transferred back into Council control.

6.4 Equalities / EIA

The proposal does not require an EIA because the position will remain unchanged in the short term however any longer term proposals may require an EIA as they may impact upon the groups using the local facilities and the local community.

6.5 Implications for (or impact on) the environment

There are no impacts on the environment

6.6 Implications for partner organisations?

The position will remain unchanged in the short term so there will be no implications for any partner organisations.

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