

DERBYSHIRE COUNTY COUNCIL

CABINET

10 January 2012

**Joint Report of the Strategic Director for Children & Younger Adults and
the Director of Property**

**Shirland Primary School (Chesterfield Road site) – Site Disposal –
(Education)**

1. **Purpose of Report** To approve the disposal of the former Chesterfield Road site of Shirland Primary School under the terms of the general consents under Section 77 of the School Standards and Framework Act 1998 and Schedule 35A to the Education Act 1996.
2. **Information and Analysis**
 - 2.1. Shirland Primary School relocated to its new site and building in August 2011. A report was presented to Cabinet on 16 November 2010 declaring the Chesterfield Road site surplus to requirements and transferring responsibility for the site to the Director of Property Services for disposal, upon the school moving to its new site and building.
 - 2.2. Prior to disposal, the Authority must inform the Department for Education if it is decided that a 'General Consent' applies, as explained in Section 4 of this report.
3. **Financial Considerations** The sale of the site will produce a capital receipt which will contribute to the Authority's resources to fund the Capital Programme.
4. **Legal & Human Rights Considerations** Consent to the disposal of this land is required in accordance with Section 77 of the School Standards and Framework Act 1998 and Schedule 35A to the Education Act 1996. The School Playing Fields General Disposal and Change of Use Consent (No. 3) Order 2004 provides a general consent for certain classes of disposal that would otherwise require the specific consent of the Secretary of State.

The Director of Legal Services has advised that a general consent applies to the proposed disposal of the land because the school site is substantially less than 8,000m² and the authority does not have any interest in adjoining land.

5. **Other Considerations** In preparing this report the relevance of the following factors has been considered:- prevention of crime & disorder, equality of opportunity; and environmental, financial, health, human resources property and transport considerations.
6. **Background Papers** A file on the relocation of this school and the declaration of the site as surplus is held by the CAYA Development Section and by the Corporate Property (Estates) Division.
7. **Key Decision** No
8. **Officer Recommendations** That Cabinet approves the disposal of the former Chesterfield Road site of Shirland Primary School under the terms of the general consents for disposal covered by Section 77 of the School Standards and Framework Act 1998 and Schedule 35A to the Education Act 1996.

Ian Thomas, Strategic Director for Children & Younger Adults