

MAYOR & CABINET

Report Title	DISPOSAL OF FORMER WIDE HORIZONS OUTDOOR EDUCATION SITES IN KENT & WALES		
Key Decision	YES		Item No.
Ward	N/A		
Contributors	Executive Director for Housing, Regeneration & Environment Director of Regeneration		
Class	Part 1	Date: 15 January 2020	

1. Introduction

- 1.1 This report sets out a proposal to declare three Council owned former Wide Horizons leased educational sites surplus to the Council's operational requirements.
- 1.2 The report also recommends Mayor and Cabinet grants authorisation to dispose of the sites, subject to Secretary of State for Education's consent being obtained.
- 1.3 A Part 2 report sets out commercially sensitive details.

2. Summary

- 2.1 Wide Horizons was an adventure learning charity formed in 2004 as a result of a joint initiative on the part of the London Borough of Lewisham and the Royal Borough of Greenwich. It was an independent charity which served Greenwich and Lewisham, but also expanded to include many other London boroughs and Walsall in the Midlands.
- 2.2 Wide Horizons went into administration in 2018 and at the time were managing eight outdoor centres and an outreach service providing adventure experiences for nearly 47,000 children and young people each year.
- 2.3 Three of these outdoor centres are owned by Lewisham Council. Since then the Council has been responsible for maintenance and other property associated costs such as business rates. Two of the properties are located in Wales and one is in Kent.
- 2.4 The properties are :
 - Bryn Coedwig Outdoor Education Centre, Alberllefenni, Machynlleth, Powys, Wales.

- Tyn y Berth Centre, Corris, Machynlleth, Powys, Wales.
- Horton Kirby Centre, Horton Road, Horton Kirby, Dartford, Kent.

3. Recommendations

It is recommended that Mayor and Cabinet:

- 3.1 Declare the three sites surplus to the Council's requirements.
- 3.2 Authorise the Executive Director for Housing, Regeneration and Environment to seek authority to dispose of the three sites from the Secretary of State for Education.
- 3.3 Subject to that authority being obtained, delegates authority to the Executive Director for Housing, Regeneration & Environment to agree the most appropriate method of disposal, and to dispose of the sites.

4. Policy Context

- 4.1 The contents of this report are consistent with the Council's policy framework and it supports the achievement of outcomes contained in Lewisham's Corporate Strategy 2018-2022, particularly the corporate priority of giving children and young people the best chance in life. This includes supporting schools in securing much needed funds by making the case for Lewisham schools to central government.

5.0 Background

- 5.1 Wide Horizons was a charitable organisation that delivered a range of activities for all age groups of school children, from day centre nature experiences for primary school children to adventurous activities for older children and young adults. Many of these were linked to curriculum topics and were adapted to suit learning objectives and goals.
- 5.2 The organisation went into administration in 2018. At the time, they managed eight outdoor centres and an outreach service providing adventure experiences for nearly 47,000 children and young people each year. Since going into administration, three of the properties they used to occupy are back in the management of the Council. Two of these properties are located in Wales and one is in Kent.
- 5.3 Whilst Lewisham schools were significant users of Wide Horizons services, the schools also accessed a much wider market of outdoor education centres and activities. Since Wide Horizons went into administration, schools have accessed the offer provided by Kent County Council and other providers across the country. The inability to access Horton Kirby and the two Welsh centres does not appear to have created challenges for Lewisham schools in delivering services similar to those formally offered by Wide Horizons.

- 5.4 The Council became owner of the properties under The Inner London Education Authority Property Transfer Order 1990 following the abolition of the Inner London Education Authority.
- 5.5 The location of the properties, especially the two in Wales, presents significant management challenges. So far, a local resident has been assisting with recording periodic meter readings to ensure services are not disconnected.
- 5.6 Expressions of interest have been received from Skylark Adventures for the two Welsh properties. Skylark Adventures have declared an interest in either acquiring or renting the properties, though they have not submitted firm proposals despite requests from Officers.
- 5.7 Horton Kirby and South Darenth Parish Council have expressed interest in the Horton Kirby site. They have proposed to use the property for various activities ranging from a children's outdoor nursery school to a health and wellbeing centre/facilities for visiting schools.
- 5.8 Horton Kirby and South Darenth Parish Council have confirmed they will seek external funding in order to make their proposals viable. However, for such funding request to be granted, they are required to have either freehold or leasehold interest in the property.
- 5.9 Consequently, the Parish Council is proposing to lease the property for a period of 20 years. They are offering to commit profit generated towards maintaining the building and have offered to cover costs associated with building insurance and outgoings.
- 5.10 So far, Officers have asked the interested parties to provide further information on their proposals/expression of interest. However, should any of these proposal(s) become unworkable/unviable, Officers are of the view that the best option is to dispose of the properties on the open market.
- 5.11 Although we have received expression of interests from two organisations so far, the Council will need to consider on its merits any further offers or expressions of interest that are received in the future, and no parties would be discounted from this process.
- 5.12 If a decision is taken to dispose of the properties on the open market, they will be offered for sale via auction and an option of private treaty sale will be considered if offers received at auction are deemed lower than the estimated market value.

6. Financial Implications

- 6.1 The financial implications are contained within the Part 2 report.

7. Legal Implications

- 7.1 The Council holds the three properties for education purposes. All three properties have open recreational land. Accordingly, this falls within the definition of playing fields under Section 77 of the School Standards and Framework Act 1998 (*“playing fields”* means land in the open air which is provided for the purposes of physical education or recreation, other than any prescribed description of such land). Section 77 consent from the Secretary of State for Education will be required to any disposal.
- 7.2 Under the Academies Act 2010, if a freehold or leasehold interest in land is held by a local authority and the authority proposes to make a disposal in respect of the land, and at any time in the period of eight years ending with the day on which the disposal is proposed to be made, the land was used wholly or mainly for the purposes of a school or a 16 to 19 Academy, then unless the Secretary of State consents, the authority must not make the disposal. All the facilities were used by schools in the last eight years. Accordingly the Secretary of State for Education’s consent under the Academies Act 2010 will be required.
- 7.3 Any approval from Mayor and Cabinet to dispose of the sites will therefore be subject to the above consents being obtained.
- 7.4 The original Inner London Education Authority Property Transfer Order 1990 contained various conditions, including conditions that required proceeds of disposal of the properties to be apportioned between inner London councils and giving other inner London councils the right to take a transfer of the land for nil consideration should the Council wish to dispose but they required the land for the purpose of their LEA functions. However, these conditions have since either expired or been revoked meaning the Council is able to dispose and retain any proceeds of sale.
- 7.5 On disposal the Council will be required to get best consideration under Section 123 of the Local Government Act 1972, otherwise Secretary of State’s consent under Section 123 will also be required.
- 7.6 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.7 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.

- 7.8 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 9.3 above.
- 7.9 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 7.10 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

8 Crime and Disorder Implications

- 8.1 There are no implications.

9. Equalities Implications

- 9.1 Wide Horizons was formed and registered as a charity following a joint initiative by Lewisham and Greenwich Councils in 2010. As a charity, its aim was to create adventures for disadvantaged children and young people (age 2 to 25)

who may be growing up in poverty, have special educational needs or were not in employment, education or training.

- 9.2 Wide Horizons provided a range of outdoor learning and adventure activities that enhanced children's education and developed their social and emotional skills. They worked with schools and local community groups to provide a mixture of day and residential programmes that included environmentally focused activities such as mini-beast hunts, river studies, canoeing and climbing.
- 9.3 Wide Horizons also formed partnerships with GLL, Lewisham Homes, L&Q and the Peter and Teresa Harris Charitable Trust, to deliver an expanded sponsored programme with a focus on supporting children and young people as they transition from primary to secondary school.
- 9.4 In its last year prior to going into administration, the charity worked with 54% of Lewisham schools (55) and 67% of Greenwich schools (73).
- 9.5 The closure of Wide Horizons affects young people (age 2 to 25) and their parents/carers.
- 9.6 The Council's newly designed Beckenham Place Park recently opened in the Borough. The park covers circa 98 hectares of land, including ancient woodland ideal for woodland walks. It hosts various outdoor activities and events periodically at affordable prices for local residents. The park is used by Lewisham residents and residents from neighbouring boroughs. Beckenham Place Park serves as an ideal replacement for activities and services previously provided by Wide Horizons.
- 9.7 The Homestead building within Beckenham Place Park is occupied by the Field Studies Council (FSC). FSC delivers outdoor educational services within the park and also run family workshops over the summer months where families can go for walks in the park and explore nature.

10. Environmental Implications

- 10.1 There are no environmental implications arising directly from the recommendations set out in this report.

11. Conclusion

- 11.1 Mayor and Cabinet are recommended to proceed with the proposal as set out in this report.

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