 **Academies Property**

 **Information**

 **Note J**

## Selling land or granting a lease for a telecommunications mast (not involving playing fields)

| This Property Information Form J applies only where the academy trust owns the freehold of its land and the proposal does not involve playing fields. Refer to PIN B if playing field land is involved. |
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To ensure you use the right information and form, please also refer to:

* [the Introduction to academies property information notes;](http://www.education.gov.uk/aboutdfe/executiveagencies/efa/efafundingfinance/b00212638/efa-academies-capital/academypins)
* [Which Form;](http://www.education.gov.uk/aboutdfe/executiveagencies/efa/efafundingfinance/b00212638/efa-academies-capital/academypins)
* [The Glossary](http://www.education.gov.uk/aboutdfe/executiveagencies/efa/efafundingfinance/b00212638/efa-academies-capital/academypins).

If the academy trust holds its land on a lease from the local authority and the disposal/lease involves playing fields, then the local authority will also need consent under s.77 of the School Standards and Framework Act, 1998 in which case you, and they, will need to follow [the guidance](http://www.education.gov.uk/aboutdfe/advice/f00216527/advice-school-playing-field-protection).

[Form J](#FormJ) can also be used where an existing lease has a statutory right to renew under the Landlord and Tenant Act, 1954

#### Step 1 Decide which form to submit

If the proposal includes playing field land, please use Form B with its Annex B1 if you own the freehold of your land or lease land owned or provided by a diocese or sponsor, and publicly-funded.

Please use form SATPF1A if you hold your land under a lease from the local authority or the land has been publicly funded in the last 10 years and refer to the guidance on the protection of playing field land.

If you are unsure, browse Which Form to decide which form is most appropriate. You may also find the Glossary helpful. [Form J](#FormJ) indicates the anticipated timescale for a decision from the Secretary of State.

Be sure to allow for the time to collect all information, to appraise all options and for the EFA’s assessment process.

Do not accept any grant or sign any agreements before you have received written confirmation of the Secretary of State’s decision.

#### Step 2 Take appropriate advice

You will need to take advice on the terms of any legal agreement and we will require a valuation in support of the market rent.

Note: will consider the terms you are proposing but the Secretary of State may not make a decision until planning consent has been granted or, in some cases, grant consent conditional on planning consent being in place before you enter the lease. In this way, we will know that the proposals comply with International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines.

#### Step 3 Submit the application

Once you have agreed the terms of the lease or disposal you should apply for consent using [Form J](#FormJ). Check you have provided all the information requested and your Accounting Officer has signed the declaration. Applications submitted without this signature will not be assessed by the EFA and the indicative time shown for a decision will be delayed if you have not provided the information requested.

#### Step 4 Clarify any points in the application

Provide any further information we might request to clarify your application, so we can assess it as speedily as possible.



## Form J: Disposals and leases for telecommunication masts

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| **Form J – Disposals and leases for telecommunication masts**(on freehold land not involving playing fields)For leases having a statutory right to renew under the Landlord and Tenant Act, 1954 please complete just those sections marked \*. |
| 1\* | Academy Name and address  |  |
| Academy Address  |  |
| 2\* | Academy Trust Name  |  |
| 3\* | Unique Reference Number & UPIN  |  |
| 4\* | Contact details for further information: |  |
| Name |  |
| Position |  |
| Email address |  |
| Phone numbers |  |
| **Details of lease terms**  |
| 5\* | Please provide either the Heads of Terms or draft contract (with any other agreements (if any) ancillary to the lease.) To include:1. Lessee name
2. Lessee registered address
3. Length of lease (and proposed expiry date)
4. Will it have a right to renew under the 1954 Landlord and Tenant Act?
5. Are there any break clauses (please provide details)
6. Annual rent paid to you
7. Rent review periods
8. Basis for review (RPI/Upward only etc)
9. Area (m2) to be included in the lease and
10. Location of the installation (building/land)
11. Ancillary rights for cables, access etc
12. Rights of the lessee to assign/sub-let (provide details of how you will benefit from any rent paid to your lessee by their sub-tenants or assignees)
13. Any other rights being granted to the lessee
 |  |
| 6 | Attach plan to standard required to enable registration at the Land Registry of the land/building affected by the lease and any access routes of associated pipework/cable ways. \* |
| 7 | Provide evidence of consultation undertaken with parents and that a significant majority of them agreed that the installation should proceed. |  |
| 8 | **Explain what the risks are to academy pupils and how these will be managed** |  |
| 9 | Will the Academy \*1. be entitled to make further agreements with other telecommunications companies during the life of the lease?
2. Be restricted in any way to develop its land in future?
3. Are there any risks to the Academy pupils of the installation and, if so, how have you managed these?
 | Yes No |
| 10 | Pease tick who will pay to install/ maintain/ renew the following:1. Telecommunication Mast
2. Cables
3. Roof
4. Structure
5. Access ways

Who is responsible for 1. Insurance (public liability)
2. Insurance (installation and cables)
3. Design
4. Business rates
5. VAT
6. making sure the masts are kept clear of obstructions
 | Lessee | Academy |
| **Title and consents \*** |
| 10 | Name of firm having provided you with legal advice.Confirmation that your legal advisers have confirmed you have good title to enter into the proposed land transaction and that you have received any consents you need in addition to that of the Secretary of State for Education.Confirm the date that planning consent was granted for the mast and any associated cables.  |  |
| **Accounting Officer Declaration***The signature of the Accounting Officer below signifies confirmation that the* Trust :1. Complies with its duties and responsibilities under the Academies Act your Funding Agreement and the Academies Financial Handbook,
2. Has taken appropriate legal, financial and property advice,
3. Is satisfied the transaction represents value for money,
4. Confirms that the transaction does not involve any loan,
5. Confirms that the transaction is affordable without recourse to EFA or DfE capital or revenue budgets.
6. Is satisfied about all safeguarding issues, and
7. The information provided is a truthful statement and has brought attention to anything that might be pertinent to the Secretary of State’s decision, even if not asked directly.

Signed Accounting OfficerNameDate |

Please email the completed form with all attachments to: ***academy.questions@education.gsi.gov.uk***

We will send you an acknowledgement within three working days of receipt of this form providing a unique reference number. We will then determine if you have provided all of the information that we need to make a decision. We may well need to ask you for clarification or further information. It is your responsibility to make sure that your professional advisors, including solicitors, supply the information we have requested. We will only be able to consider your case after you have provided all necessary information. After the information is complete, we aim to provide you with a decision within 10 working days.