

REPORT OF THE LEADER OF THE COUNTY COUNCIL**PROPOSED DISPOSAL OF LINBY MEADOW AND HERITAGE CENTRE,
MAIN STREET, LINBY****Purpose of the Report**

1. To seek in principle approval to the disposal of Linby Meadow and Heritage Centre, Main Street, Linby, Nottinghamshire NG15 8AG to Linby Parish Council, on terms detailed in this report.

Information and Advice

2. Linby Parish Council currently occupy Linby Heritage Centre by way of a lease which expired in 2015 and pay a rent of £90 per year. They are currently holding over on the lease.
3. Linby Heritage Centre is housed in the former GNR weighbridge building which was restored in 2003. The building has a single room approximately 5m x 3m without water or drainage. The Heritage centre is a small brick building used to display historical information about Linby Village. It is open on specific days per year.
4. The land surrounding the building is on greenbelt land and of conservation interest and is managed as a wildflower meadow by Green Estates on behalf of the Authority. Periodic maintenance is also carried out by supervised community volunteers. The cost to NCC are currently negligible, but they could rise if ownership remained with NCC.
5. The lease dated 2010 expired in 2015 and Linby Parish Council have expressed an interest in purchasing the property and the surrounding meadow. The area forms part of Linby Heritage Trail.
6. The proposed freehold disposal is by private treaty. S.17.5.5.2 of the Council's financial regulations allows the matter to be dealt with in this way provided that special circumstances exist that identify there is only likely to be one potential party to enter into the transaction. The property is within the green belt and part of the Linby Heritage Trail, therefore the use of the site is limited and a change of use highly unlikely. In addition, Linby Parish Council already have a legal interest through the existing lease. They currently maintain the site and are committed to the continued maintenance and improvement of the site. If the proposed disposal did not proceed, the Council would continue with the existing lease. Accordingly, the property would hold no interest to any other user as the current user's interest would pertain.

7. Under S.17 of the Council's Financial Regulations the Service Director of Economic Growth has sought approval from the Section 151 Officer and Group Manager of Legal Services to the proposed disposal being by private treaty.
8. The Council has an obligation under s123 Local Government Act 1972 to obtain the best price reasonably obtainable for the disposal of its assets. Given the current use designation for the land, the proposed disposal terms are considered to represent "best value" to NCC. The open market value of the Property is approximately £5,000 and the proposed disposal is for £1 with all maintenance liability going to Linby Parish Council. The proposed transaction is also considered to promote or improve social well-being, which is one of the caveats to s123 allowing the Council to dispose of for less than best value. The transaction will also secure the long term use and future of the Property and protect public open space for generations to come.
9. In accordance with Paragraph 17.4.4 of the County Council's Financial Regulations 2016 Policy Committee approval is sought to this disposal. Consideration has been given to whether Secretary of State approval is required to the disposal at an undervalue. As the value of the land does not exceed £2,000,000 this is not required.
10. In addition to the above, under Section 123 of the Local Government Act 1972, there is a requirement to advertise the proposed disposal due to the property being designated as Public Open Space. Members of the public are then able to comment on the proposal.
11. State Aid implications has been considered and as the Property only has a nominal value it is considered to be de minimis in terms of State Aid Regulations. Linby Parish Council will be made aware of the requirement to comply with any obligations in respect of State Aid and Public Funds.
12. The following heads of terms have been provisionally agreed subject to contract and formal approval: -

Vendor:	Nottinghamshire County Council
Purchaser:	Linby Parish Council
Premises:	Linby Heritage Centre and Linby Meadow
Use:	To be used only as a public asset
	The meadow to be cut and raked once per year to maintain its conservation Interest.
Maintenance:	The commemorative tree to be looked after and maintained.
Other Matters:	The property cannot be sold. It must be returned to the Council if it is no longer required by Linby Parish Council for the price of £1.
Sale Price:	£1
Costs:	Linby Parish Council to meet NCC reasonable legal fees.

Other Options Considered

13. Continue to lease the land on a short-term lease.

Reason/s for Recommendation/s

14. To remove the maintenance liability from the County Council and allow Linby Parish Council to manage the area and preserve its conservation interest.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) To approve in principle the disposal of Linby Meadow and Heritage Centre to Linby Parish Council, on terms detailed in this report subject to recommendation 2 and 3.
- 2) If no representations are made to the Public Consultation delegation is given to the Corporate Director of Place in consultation with the Chair or Vice Chair to approve the disposal.
- 3) If any representations are received to the Public Consultation a further report will be brought back to Policy Committee.

Councillor Mrs Kay Cutts
Leader of the County Council

For any enquiries about this report please contact:
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Constitutional Comments (CEH 10/06/19)

16. The recommendations fall within the delegation to Policy Committee under its terms of reference

Financial Comments (RWK 23/05/2019)

17. The sale of the land for £1 will result in the loss of the annual rental income of £90 per annum. The Council will no longer be responsible for the maintenance of the land.

Background Papers and Published Documents

- None.

Electoral Division(s) and Member(s) Affected

- Electoral Division(s): Newstead
Member(s): Councillor Chris Barnfather