

14 July 2014

Agenda Item: 7(a)

**REPORT OF SERVICE DIRECTOR TRANSPORT, PROPERTY &
ENVIRONMENT****KENTRIGG FARM, WEST BRIDGFORD – NEW LEASE****Purpose of the Report**

1. To advise Members of recent negotiations with the occupiers of Kentrigg Farm and to seek approval to granting a new lease on the terms as set out in the exempt appendix.

Information and Advice

2. Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972. Having regard to the circumstances, on balance the public interest in disclosing the information does not outweigh the reason for exemption because divulging the information would significantly damage the Council's commercial position. The exempt information is set out in the exempt appendix.
3. Following the decision taken at the Financial & Property Committee in July 2013 (SP2458), the County Council applied to Court to gain vacant possession of Kentrigg Farm. This was disputed by the occupiers who instructed solicitors to defend what they considered to be their right to remain in occupation. To enforce the Council's claim for possession an application to the County Court has been made with the trial expected to occur between October and December 2014.

An attempt was made in December 2013 to reach an amicable resolution to the situation. However, no grounds for compromise could be agreed. In a final attempt to avoid a trial both parties agreed to formal mediation which took place on 13th June, 2014. This has identified a proposal that subject to committee is agreeable to both parties, the principle points being:-

- A new lease will be granted to the Tenant on revised terms.
- The arrangement will provide for greater security in the payment of rent.
- There are clear options that can be exercised should Tenant obligations set out in the arrangement not be fulfilled.

This proposal will remove the need to progress to a court hearing and avoid the associated significant legal costs.

4. Further information is contained within the exempt appendix.

Other Options Considered

5. See exempt Appendix.

Reason/s for Recommendation/s

6. See exempt Appendix.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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 seek approval to granting a new lease on the terms as set out in the exempt appendix.

Jas Hundal

Service Director - Transport, Property & Environment

For any enquiries about this report please contact: Brian Hoyle 0115 9772479

Constitutional Comments (EP 19.6.2014)

8. The decision falls within the remit of Finance and Property Committee

Financial Comments (TR 19.6.2014)

9. The financial implications are set out in the exempt appendix to the report.

Background Papers and Published Documents

10. None.

Electoral Division(s) and Member(s) Affected

11. Ward(s): Radcliffe on Trent
Member(s): Councillor Mrs Kay Cutts