

25 January 2016

Agenda Item: 6d

REPORT OF SERVICE DIRECTOR TRANSPORT, PROPERTY & ENVIRONMENT

OPERATIONAL DECISIONS ANNUAL REVIEW & QUARTERLY UPDATE SEPT - DEC 2015

Purpose of the Report

1. As Members will recall at the meeting of this Committee in January 2014 approval was given to amend the list of day to day operational decisions which can be taken by the Director, subject to the chair of Finance & Property Committee determining whether operational decisions should still be reported to Committee. It was also agreed that a report should be submitted to the Finance & Property Committee on a quarterly basis outlining all operational decisions made, supplemented annually by a review report on Estate Management operational decisions.
2. In accordance with the above decision this is the second annual review report, together with the final quarterly report for 2015 informing the Committee of Operational Decisions taken between September and November 2015.
3. This report contains an exempt appendix, which is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) (Information relating to any individual and the business affairs of a particular person (including the authority holding that information)). The exempt appendix provides details of the terms agreed. Disclosure of this information would prejudice the parties' commercial interests.
4. Committee approved amendments to the list of day to day operational decisions which can be taken by the Director in January 2014. Since the last annual update in January 2015, there have been some 109 such decisions. Given that the process of preparing and submitting Committee reports takes on average 6 - 7 weeks (As a result of the time required to prepare the report, undertake consultation and meeting various deadlines for the despatch of reports and agenda) the reduction in the number of reports to be prepared has significantly reduced the time taken to approve operational decisions and has reduced the amount of staff time/cost being spent on routine relatively low value transactions.
5. In accordance with the recommendations in the report relevant Ward Members have been invited to comment on appropriate Estate Management decisions that are progressed via all operational decisions (except where Committee have been specifically advised otherwise). The new arrangements have enabled the more routine low value transactions to be progressed with greater efficiency, reducing the previously, relatively significant, time and cost involved in dealing with these

matters. The changes have also ensured continuing appropriate governance relating to Estate Management decisions whilst providing greater clarity regarding which decisions should be reported to Committee for approval and which can be dealt with by means of operational decisions. It is therefore recommended that the amendments for authorising operational decisions as approved in January 2014 by Committee are confirmed.

6. Details of the decisions taken are shown below: -

Please note relevant Ward Members have been invited to comment on these proposals.

| SP | TITLE | DESCRIPTION (extract from Operational decision) |
|------------------|--|---|
| September | | |
| 2935 | Kentrigg Farm, Adbolton Lane, West Bridgford – New Lease | The granting of a five year lease to Moo Haven, a registered charity who rescue, rehabilitate and find new homes for ponies. |
| 2918 | South Wolds Academy and Sixth Form – Transfer to Est Midlands Education Trust | Assign the Transferee's Right of Pre-Emption from South Wolds Academy and Sixth Form to East Midlands Education Trust |
| 2923 | Former Library, Scout Hut & 0.458 Hectares (1.13 Acres) of Land to the rear, Wharf Road, Misterton – Dispose to Misterton Parish Council | On 16 June 2014 Finance and Property Committee approved the disposal of the former Library and scout hut buildings, along with 0.458 hectares of land to the rear, to Misterton Parish Council. Whilst the sale was proceeding discussions commenced for the Parish council to run the Library Service which is also on the same site. At our request, the sale was put on hold whilst these negotiations took place. However, the sale is now continuing, but due to the pause in proceedings and in order to comply with financial regulations, i.e. the sale has not completed within 6 months of F & P approval, an Operational Decision is sought to continue with the sale to the Parish Council. |
| 2931 | Worksop Bus Station – Lease to Café Unit | Following a marketing campaign, offers have been received and the County Council are to let the café unit at Worksop Bus Station. This will be on a 10 year lease to a commercial operator. |
| 2921 | East Markham County Primary – Licence to the Voluntary Management Committee of Pippin Pre-School | Pippins Pre-school have been on site for 4 years without the benefit of a formal agreement. The Heads of Terms have been agreed with the School and the Pre-School and the licence will formalise their occupation; good Estate Management Practice. |
| 2925 | Edwalton Primary School – Conversion to Academy Status | Proposed conversion to Academy Status |
| October | | |
| 2938 | Heathlands Primary School – Lease to Townrow Tiny Tots Day Nursery Ltd | Following a successful tender process Townrow Tiny Tots Day Nursery Ltd will take up occupation on 2 nd November 2015. The lease formalises their occupation. |
| 2936 | Cotgrave Library ATM | The County Council are to renew the lease for an ATM point at |

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| | Outlet – Lloyds Banking Group | Cotgrave Library to Lloyds Banking Group. |
| 2934 | Abbey Gates Primary School – Lease to Ravenshead Parish Council | The lease agreed in 2005 has expired. A new lease has been negotiated. |
| 2941 | Disposal of two parcels of land at Linby | Disposal of two parcels of former highway land at Main Street, Linby. |
| 2937 | Storey Gardens, Hucknall: Deed of Confirmation of Determination of Rights | Network Rail has asked that NCC release any rights they have over this crossing. Although NCC does not have documented rights NCC have been asked to surrender any informal rights that may have been acquired over time. This crossing does not serve any NCC land and therefore NCC interests are not affected by agreeing to this request. |
| 2951 | Welshcroft Close, Kirkby in Ashfield – Collateral agreement | Veolia Environmental Services are the current waste PFI provider who are proposing to take a lease of a site off Welshcroft Close for the purposes of a Waste Transfer Site. Under the terms of that lease there will be an option for the County Council to take the remainder of that lease if it chooses to do so. |
| 2945 | Sutton on Trent Library, Main Street, Sutton on Trent | It is proposed to renew the County Council's lease of the property for a term expiring on 31 March 2017 at a revised rent. |
| 2958 | 49.52 Hectares (122.3 acres) at Sutton sum Lound DN22 8PY – Approval to dispose and appointment of agent | Finance & Property Committee resolved to dispose of this land in October 2015. Following consultation with the Council's agricultural specialists, the land is to be placed for sale via private treaty with Savills plc. |
| 2949 | Top Wighay Farm, Linby: Renewal of Farm Business Tenancies | The Authority are to renew the two Farm Business Tenancies (FBT) for the agricultural land at Top Wighay Farm. These will be short term lettings owing to the ongoing development proposals for the site; however this will ensure that the land remains cultivated with a good level of husbandry in the meantime. |
| 2959 | Farm Business Tenancy – Rushley Farm West – South of MARR Nottingham Road, Mansfield NG18 5BG | The Authority is to renew the Farm Business Tenancy (FBT) for the agricultural land at Rushley Farm West. This will be a short term letting owing to the ongoing development proposals for the land. This will however ensure that the land remains cultivated with a good level of husbandry in the meantime. |
| 2953 | Greythorn Primary School - Conversion to Academy Status | Proposed conversion to Academy Status with 125 year lease. |
| 2954 | Haddon Primary & Nursery School – Conversion to Academy Status | Proposed conversion to Academy Status |
| 2952 | Arnold Hill Academy – Assignment of pre-emption agreement to Trent Academies | Assign pre-emption agreement from Arnold Hill Academy to Trent Academies Group |

| | Group | |
|------|---|---|
| 2950 | Vehicle Access Easement for a single dwelling along Middlefield Lane, Ollerton | The owners of a building plot on Middlefield Lane have requested a vehicle access easement over the public track from Wellow Road to the plot. For clarity – some vehicle access rights already exist along this track. Approval is sought to approve the vehicle access easement. |
| 2963 | Unit 6, Meden Court, Netherfield Lane, Meden Vale, Warsop – Accept lease surrender from existing tenant and grant a lease to a new occupier | Accepting a lease surrender from the existing tenant and granting a new six year lease. |
| 2961 | Misson Primary School – Lease for Telecommunication Mast | Misson Primary School has arranged a contract with a new broadband supplier. Misson is a remote village in Bassetlaw and a new telecommunication mast is required. Following the installation of the mast, the provider hopes to serve the village of Misson in providing a new faster broadband. |
| 2962 | St John's C of E Primary School – Conversion to Academy Status | Proposed conversion to Academy Status |
| 2947 | Proposed 19 year lease from Trustees of Thoresby Settlement: Sherwood Forest Country Park, Edwinstowe, Mansfield NG21 9HN | NCC currently holds a 60 year lease of the Sherwood Forest Country Park which is due to expire on 31/03/2035. Within the Country Park is the Sherwood Forest Visitor Centre currently run by NCC. |
| 2960 | Former Highways Depot, Newark | Contracts were exchanged on 7 July 2014. Approval is sought to extend the site suitability period and longstop date. |

Other Options Considered

7. Reduce the number of transactions that can be progressed by means of operational decisions, this would lead to a loss of the current advantages outlined within the report which could prove problematic from a governance perspective. Lack of clarity on operational decisions may create uncertainty on whether a legal contract can be concluded without a committee decision.
8. An alternative option is to provide officers with delegated powers on routine estate decisions. This would require a significant change in the Council's constitutional arrangements and brings few added benefits beyond a clear and functioning operational decision process.

Reason/s for Recommendation/s

9. The changes, it is suggested have, provided an important and continuing degree of governance relating to Estate Management decisions enabling Committee members to concentrate on those cases of significance, while more routine transactions are more efficiently progressed.

Statutory and Policy Implications

10. 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) Members confirm their continued support for the amendments to the authorising of operational decisions as approved by the Committee on 20 January 2014.
- 2) That the information set out in paragraph 3 of this report is noted.

Jas Hundal

Service Director, Transport, Property and Environment

For any enquiries about this report please contact: Andrew Stevens 0115 977 2085

Constitutional Comments (EP 16.12.2015)

11. The report is for noting purposes only.

Financial Comments (SES 13.01.16)

12. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

13. None.

Electoral Division(s) and Member(s) Affected

14. Ward(s): All
Member(s): All

File ref.: /SB/SB/

SP: 2970

Properties affected: 09998 - Various NCC Properties/non-property item