



20 March 2017

Agenda Item: 7b

**REPORT OF SERVICE DIRECTOR ENVIRONMENT, TRANSPORT &
PROPERTY**

TRANSFER (DISPOSAL) OF LAND AT ELM AVENUE, NEWARK

Purpose of the Report

1. To seek approval to the disposal of land at Elm Avenue, Newark to Newark and Sherwood District Council, on terms detailed in this report and 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 Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972.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. The County Council own a property known as Elm Avenue Playing Field in Newark. The site comprises 1.37Ha / 3.13 Acres. Although designated as playing fields, the fields are not hired out because the changing room facilities are inadequate.
4. Close by the site is a proposed sporting development known as the 'Sports Hub' which is being delivered by Newark and Sherwood District Council (NSDC), involving, it is understood, charitable designated operators. Part of that development is on land owned freehold by NSDC and part on land which NSDC lease from NCC. The site is known as the NSK Sports ground. The NSK Sports ground has historically provided both cricket and football provision. NSDC have a lease of 50 years from NCC with an option to extend for a further 50 years on the same terms.
5. NSDC have approached NCC with a proposal for the Elm Avenue land, that would enable both parties to benefit by releasing value in the site which could be then be used by NSDC to potentially undertake upgrading works to the Sports Hub. NCC would have the benefit of an enhanced capital receipt.
6. The proposal involves the transfer of land to NSDC at a nominal consideration as more fully outlined within the exempt part of this report. This would then allow the current use on the Elm Avenue site to be considered in the wider context of sports provision in the locality and the consideration of alternative uses to enhance the value of the land.
7. Due to the particular circumstances described in this report, NCC has engaged in sole negotiations with NSDC and has not marketed the site more widely. The Council has an obligation under s123 Local Government Act 1972 to obtain the best price

reasonably obtainable for the disposal of its assets. In accordance with Paragraph 20.3.6.1 of the County Council's Financial Regulations 2012, the Service Director, Environment Transport, & Property, in consultation with the Chairman of the Finance and Property Committee have considered the circumstances of the proposed sale with the group Manager for Legal Services and the Section 151 Officer. Given the current use designation for the land, the proposed disposal terms are considered to represent "best value" to NCC and, in any event, 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 sell for less than best value.

8. In addition, the intended share proceeds from the sale of the land will enable NSDC to relocate and upgrade the cricket ground, enabling the football pitches from Elm Avenue to be relocated to the Sports Hub. In doing so this will help to support the Council's strategic priorities of promoting thriving communities and health.

Other Options Considered

9. Retain the site. Potential liability, as investment would be needed in upgrading the changing room facilities.
10. Seek to secure an alternative use of the land that would enhance capital value. This is likely to be problematic as alternative provision would be required for the current football designated use.

Reason/s for Recommendation/s

11. To enhance value of a site and to promote sports provision by joint co-operation between two public sector bodies.

Statutory and Policy Implications

12. 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 services), the public sector equality duty, safeguarding of children and adults at risk, 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 approve the disposal of land at Elm Avenue, Newark to Newark and Sherwood District Council, on terms detailed in this report and the exempt appendix.

Jas Hundal
Service Director – Environment, Transport & Property

For any enquiries about this report please contact: Ian Brearley on Tel: 07775 541641

Constitutional Comments (EP 03.03.2017)

13. The recommendation falls within the remit of the Finance and Property Committee by virtue of their terms of reference. The Council is under a duty to ensure that land is not disposed of for consideration less than the best that can reasonably be obtained subject to the application of the Secretary of State's general consent (Circular 06/03: Disposal of land for less than best consideration, Local Government Act 1972: Draft General Disposal Consent 2003). Other consents may also be required prior to disposal e.g. if the land is open space it must be advertised in accordance with s123 (2A) of the LGA 1972. All documentation for the transfer of the land to Newark & Sherwood District Council shall be in a format approved by Legal Services.

Financial Comments (JPEG 02.03.2017)

14. The financial implications are set out within the report and exempt appendix.

Background Papers and Published Documents

15. Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None

Electoral Division(s) and Member(s) Affected

16. Ward(s): Newark East
Member(s): Councillor Stuart Wallace

File ref.: /IB/SB/

SP: 3193

Properties affected: 02618 - Elm Avenue Playing Fields