

19 January 2015**Agenda Item: 6c****REPORT OF SERVICE DIRECTOR TRANSPORT, PROPERTY &
ENVIRONMENT****OPERATIONAL DECISIONS TAKEN OUTSIDE THE FINANCE &
PROPERTY COMMITTEE CYCLE OCT – DEC 2014****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 first annual review report, together with the final quarterly report for 2014 informing the Committee of Operational Decisions taken between October and December 2014.

Information and Advice

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 This report contains an exempt appendix, which is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) (Information relating to any individual and the business affairs of a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. Since the Committee approved amendments to the list of day to day operational decisions which can be taken by the Director in January 2014, there have been some 111 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). To date no adverse comments have been received from Ward Members in respect of the 111 Operational Decisions during the year.

The amendments 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 last January 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)
October		
2734	Farm Business Tenancy - Rushley Farm East - South of MARR	Grant of a 2 year Farm Business Tenancy
2732	Licence Agreement - Former Beardall Street Primary and Nursery School	This former school is now surplus to requirements following the construction of the replacement new primary school. Ashfield District Council are interested in extending the Byron Business Centre they recently completed on the adjacent site – however they are not in a position to commit themselves until after gaining the relevant approvals. We should know whether this will go ahead by end Oct 14. Even if they are going ahead there will be a considerable delay before anything happens on site due to the negotiations of terms, legal completion of contract etc. Indigo Kids, a registered charity, are currently in an adjacent property privately owned and have been asked to vacate due to the landlord wishing to market the property vacant. It is proposed to offer them a temporary licence at Beardall Street and potentially allow them to acquire the former school site if Ashfield do not proceed.
2735	Refresh Approval – Electricity Sub Station Lease Renewal at St Matthew C of E Primary School	Renewal of existing 21 year electricity substation leases in accordance with the terms of the existing agreements
2736	Refresh approval - Electricity Sub Station at Colwick Loop Road	Grant of 21 year lease for the purposes of installing a substation at Colwick Loop Road to provide electricity to the sewage pumping station.
2737	St Mary Magdalene C of E Primary School – Transfer of	Transfer of freehold interest of land on which school buildings sit in accordance with Paragraph 4, Schedule 3 of the Schools Standards & Framework Act 1998.

	Freehold Land Interest to Voluntary Aided School	
2750	Electricity Substation Fountaindale School - Early Entry Licence Agreement	Grant of an early entry agreement prior to the grant of a 99 year lease for the purposes of installing a substation at the newly constructed Fountaindale School
2600	Lease for Cherubs Nursery operating from Ryton Park Primary School site	Nottinghamshire County Council transferred the freehold of the site to the Governing Body of the Ryton Park Foundation School who have granted a lease back to us for the Nursery area. Nottinghamshire County Council will then grant an underlease to Cherubs (Childcare East Midlands LLP).
November		
2748	Lease renewal - Unit 4, Advance Factory No 2, Hermitage Way, Mansfield	The granting of a five year lease to Eurocell Building Plastics Limited.
2740	Stephenson Way Highway Depot, Brunel Drive, Newark Rent Review	In accordance with the rent review provisions of the lease the rent is to be increased, as set out in the exempt appendix.
2738	Compensation Payment – Land to West of Regatta Way, Gamston	Severn Trent Water Ltd (STWL) has laid a new rising main through the Council's land to the West of Regatta Way. A compensation payment has been agreed by the Council and STWL to reflect the sterilisation of the land through which the pipe is laid.
2757	Former Trowell Moor Colliery, Stapleford Road, Trowell, Nottingham, NG9 3QE – Landlord's Consent To Sub Letting & Designation To A Local Nature Reserve	This site is let on a 99 year lease to Broxtowe Borough Council with effect from 1 April 1994 at an annual rental of a peppercorn. It is let as public open space with ancillary facilities (a football pitch). The Borough Council have approached NCC seeking Landlord's consent under the terms of the lease, to approve a 25 year sub lease of the football pitch to Trowell Football Club, so that the Club can attract funding. In addition to this, they also wish to declare the remainder of the land as a Local Nature Reserve.
2755	Former Misterton Sub Depot, Station Street, Misterton, Notts, DN10 4DE – Appointment of Auctioneers	This former depot was occupied by NCC's Highways Department & they have now transferred to Bilsthorpe Depot. The premises are now surplus to County Council requirements & it is therefore proposed to dispose of the property at Auction to generate a capital receipt within this financial year.
2752	Cropwell Bishop Primary School – Lease to BJ Wrap Around CIC	Lease formalising the occupation for a nursery and wrap provision. BJ Wrap Around are currently occupying the school's IT suite but will be moving into a new fit for purpose modular building after half term.
2751	Carnarvon Primary	Licence formalising the occupation for a kids club offering

	School – Licence to Carnarvon Kids Club	wrap around care. The Kids Club have been on site for 9 years without a formal agreement.
2742	Carnarvon Primary School – Licence to Carnarvon Pre School	Licence formalising the occupation for a Pre School. The Pre School have been on site for 9 years without a formal agreement.
2758	Sale of Land at Chesterfield Road North, Mansfield	This County Council Land was originally acquired in connection with the Mansfield Ashfield Regeneration Route (MARR). NCC Highway Team have confirmed that the land is no longer required by the County Council. The purchaser applied to buy the land some time ago and paid the £6000 fee for the 'Stopping Up' order.
2754	Surrender of Leased in Land at Welbeck Colliery	
2764	Licence of Car Parking Spaces for MASH at Mercury House	It is proposed that the County Council renew an existing Licence for 40 car parking spaces; the Licence can be terminated at any time subject to 2 weeks' Notice.
2763	The Old School House, Whinney Moor Lane, Retford, Notts DN22 7AF – Removal of Reserved Access Rights	On 17 July 1981 Nottinghamshire County Council sold the Old School House, Whinney Moor Lane at Retford. Within the Conveyance, rights of access were reserved in connection with proposed drainage works to be undertaken by British Waterways Board. However, the drainage issues were resolved elsewhere and these access rights are no longer required. The premises are currently on the market for sale and the vendor's solicitor has requested that these access rights are removed from the original conveyance.
2767	Ravensdale and Forest Town Children's Centre at Mansfield Primary Academy	Underlease allowing the occupation of Zoe's Childcare at the Children's Centre. The site has been leased to Mansfield Primary Academy, but Nottinghamshire County Council has taken an underlease back from the Academy. The childcare services are needed in this locality and so we have procured Zoe's Childcare to offer the provision at this Children's Centre.
2768	County Offices – Thoroton Road, West Bridgford, APPOINTMENT OF AUCTIONEERS	The property is currently being used as County Council offices and staff are in the process of being re-located elsewhere. The premises are surplus to the County Council's requirements. Approval to dispose of the property by auction was granted at Finance and Property Committee on 13 October 2014.
December		
2768	Disposal : 61 sq m surplus highway land fronting 10 Marsh Lane, Farndon, Newark, Notts, NG24 3SZ	The land in question has been let on Licence to the owner of 10 Marsh Lane. The same applies to No's 12 & 14. This was following a Highway Improvement Scheme in 1972. Highways have confirmed that the land is surplus to requirements & can therefore be sold to the 3 residents. Approval has already been obtained to dispose of the land fronting 12 & 14 Marsh Lane.

2773	Balderton Gate Offices, Newark - Dilapidations Settlement (Operational Decision)	The County Council leased the above premises from Newark and Sherwood District Council (NSDC) the lease from NSDC was recently terminated. Under the terms of that lease the County Council as tenant are responsible for all repairs and maintenance to the property and are covenanted to hand the property back to the landlord in good and substantial repair. The landlord has submitted a claim for dilapidations seeking a cash settlement in lieu of the County Council undertaking the dilapidations work. Following negotiations agreement has now been reached to settle this, as set out in the exempt appendix.
------	---	---

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 20th 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 (CEH 16.12.14)

11. The first recommendation falls within the remit of the Finance and Property Committee, and the second recommendation is for noting purposes only.

Financial Comments (TR 23.12.2014)

12. There are no direct financial implications as a result of this decision.

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/09998

SP: 2774

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