

20 July 2015

Agenda Item: 5f

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

**OPERATIONAL DECISIONS TAKEN OUTSIDE THE FINANCE AND
PROPERTY COMMITTEE CYCLE APRIL – JUNE 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 decision 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. In accordance with this decision this is the quarterly report to inform the Finance & Property Committee of Operational Decisions taken outside the Finance & Property Committee Cycle, between April 2015 and June 2015.

Information and Advice

2. This report contains an exempt appendix, which is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) (Information relating to any individual and the business affairs of a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.
3. This report seeks to inform Committee Members of the decisions taken over this period. Details of the decisions taken are shown below: -

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

SP	TITLE	DESCRIPTION / open (extract from Operational decision)
April		
2827	Proposed Sale of Land at Reclaimed Colliery Tip Hucknall (A611) – Change of Purchaser Details & inclusion of overage clause to the Sale Contract	The former Hucknall Colliery Tip site, comprising a total site area of some 20.44 hectares (50.49) is jointly owned by NCC & Bolsover Properties. On 19/06/2014 an Operational Decision was obtained for the disposal of some 2.15 hectares (5.31 acres) of NCC land to Bolsover Properties. During the preparation of the sale contract, Bolsover Properties have requested the Contract to

		be in the name of Welbeck Estates Company Limited, which forms part of their Group. In addition to this, it has now come to light that they have obtained planning permission to construct a football stadium with ancillary facilities on their land. The land NCC are proposing to sell is not affected by the planning permission. However, to ensure that NCC receives best value, an overage clause has been agreed in respect of the land being sold, so should it be developed in the future, NCC will receive a share of the increase in the value of the land.
2842	St Joseph's Catholic Primary & Nursery School, Retford – Conversion to Academy Status	Proposed Conversion to Academy Status
2843	74 Middle Street, Beeston – Licence to NHS	The granting of a four year licence to NHS Community Mental Health Team to share occupation of part of Middle Street Day Centre. Period 1 st April 2015 terminating on 31 March 2019 Licence fee – 1 peppercorn (if demanded)
2820	Land off Nottingham Road, Southwell (1.22 Ha) Transfer to Nottingham Trent University	The County Council are to transfer ownership of 1.22 hectares of agricultural land off Nottingham Road, Southwell to Nottingham Trent University. The land forms part of the Brackenhurst complex and was mistakenly omitted from the original transfer of land to the University in 2003. This will resolve title issues.
2824	Beeston Fields Primary & Nursery School – Conversion to Academy Status	Proposed Conversion to Academy Status
2838	Sale of 51 High Pavement, Sutton in Ashfield, Nottingham; Deed of Surrender, Appointment of Auctioneer and Disposal by auction	The property comprises a former Caretaker's 3 bedroom house located opposite the Sutton Centre Academy. The premises has been declared surplus by the Academy in March 2015 as it has no further operational need.
2839	Disposal: Land at Hempshill Lane, Nuthall	The land in question was purchased for the Low Wood Road. Highways have confirmed that the land is surplus to requirements and can therefore be sold to the adjoining residents for garden extensions. 412 sqm land
2841	St Joseph's Catholic Primary & Nursery School, Boughton – Conversion to Academy Status	Proposed conversion to Academy Status
2840	Crompton View Primary School – Conversion to Academy Status	Proposed conversion to Academy Status
2830	Dukeries House, Claylands Avenue, Worksop – Surrender of part	A new substation is proposed to facilitate the operation of the Waste Transfer site. The substation will be sited within the existing site of the Waste Transfer Site operated by Veolia.
2828	Deed of Release for – Former Caretaker's Property: Edgewood Primary School, Hucknall	The property was sold at auction in August 2013 and a right of way into Edgewood School car park still existed by way of gates. This has constantly caused the school safe guarding problems and will prevent a right of way being established. The Deed of release will remove this problem from any future owners of the property, the access gates will be removed and Nottinghamshire County Council will erect a boundary fence and pay all legal costs for the owners of 27 Edwards Lane, Hucknall. The property owner will be responsible for all future maintenance of all the boundaries to the site.

2837	Re-alignment of Easement over Rufford Colliery Branch Line, Clipstone	The re-alignment from the proposed Easement to allow a direct link between the NCC owned former colliery branch lines at Bilsthorpe/Sherwood Pines and Clipstone. The Rufford Colliery Branch is currently disused but likely to be brought back in to use (for freight) by OK Coal in the next 5 years; when this happens, NCC will be obliged to construct a formal pedestrian level crossing over the easement route.
2833	Westfield Farm, Westborough, Lincolnshire – Rent Review	Not applicable – out of County
2834	Farmland at Lings Bar, Gamston	A rent review of farmland at Lings Bar has been carried out by the County Council.
2832	2 Lees Barn Road, Radcliffe on Trent, Nottingham NG12 2DT – Approval to dispose and appointment of auctioneer	No's 1-4 Lees Barn Road were acquired back in 1921. No's 1, 3 & 4 have been disposed of and now No 2 has recently become vacant and is surplus to the County Council's requirements. It is therefore intended to dispose of the property at auction in May 2015.
May		
2826	Sale of land off Station Road, Farnsfield	The County Council purchased long lengths of land for the creation of Southwell Trail. Several plots/properties surplus to the trail have been sold off over the years and this 0.44 acres sits between two previous areas sold off some time ago and has been identified for disposal by auction in order to bring in a capital receipt. A reserve price will be agreed with the agent prior to the auction once interest has been gauged.
2845	Appointment of selling agents for Chapel Farm, Low Sreet, Elston (To be sold by Private Treaty)	Appointment of Selling Agents for Chapel Farm, Low Street, Elston
2854	Former Highway Depot Newark	Approval was requested to extend the site suitability period and the long stop date by 6 months which would then expire on 31 st March 2016.
2859	Keyworth Primary School Caretaker Bungalow – Lease renewal to Rushcliffe Play Forum	The granting of a five year lease to the Trustees of the Rushcliffe Play Forum for continued occupation of the former caretaker bungalow at Keyworth Primary School.
2826	Sale of Land at Station Road, Farnsfield	The County Council purchased long lengths of land for the creation of Southwell Trail. Several plots/properties surplus to the trail have been sold off over the years and this 0.44 acres sits between two previous areas sold off some time ago and has been identified for disposal by auction in order to bring in a capital receipt.
2854	Former Highway Depot Newark	Approval was granted in July 2013 to the sale of the former depot conditionally upon the Developer securing a pre-let of the site to a food store operator and obtaining planning consent.
2860	Academy Trusts Deeds of Variation	The Authority is to enter into Deeds of Variation with Academy Trusts which will allow the Trusts to conform to the Risk Protection Arrangement Scheme. This new Scheme deals with insurance of Academy Schools which will now be covered by Government funds rather than via commercial insurance.
2852	Proposed Addition to the Electricity Master Wayleave –	This former railway land is owned by the County Council and been restored to form part of Teversal Trail.

	Teversal Trail – Tibshelf Railway Land	Western Power Distribution (WPD) wishes to add to the current equipment with a pole and some underground cabling. The land is managed by the Green Estate and WPD has and will liaise with the Green Estate team to cause the least disruption to wildlife etc.
2853	HTCIS – Land Compensation, 50 High Street, Hucknall Compensation payment for injurious affection, basic and occupier's loss	The County Council is making a compensation payment to the Tenant of 50 High Street Hucknall for injurious affection and occupiers' loss. This is in respect of their car park part of which will be lost to the Scheme.
2836	Proposed Non-Domestic Rating Settlements – March 2015	The Council's appointed rating agents have provisionally agreed in negotiation with The Valuation Office non-domestic business rates settlements. A total of 87 properties are proposed for settlement in April and will result in a saving to the Authority of £527,685 over the life of the current rating list 2010-2017.
2851	Proposed Non-Domestic Rating Settlements – April 2015	The Council's appointed rating agents have provisionally agreed in negotiation with The Valuation Office non-domestic business rates settlements. A total of 4 properties are proposed for settlement in April and will result in a saving to the Authority of £447,202 over the life of the current rating list 2010-2017.
2739	Ernehale Infant School – Lease to Weaverthorpe Pre School	Lease formalising the occupation of the Weaverthorpe Pre School. Weaverthorpe have been offering the pre-school provision on site since 2006 without the benefit of a formal agreement. We are therefore seeking approval to enter into a lease.
2847	Licence of Land at Collis Close, Newark	Newark & Sherwood District Council (NSDC) has given notice that they will be vacating the recreation and playing field and removing play equipment on the land (approx.3.25 acres) at Collis Close, Newark by the end of May 2015. NSDC have agreed with Newark Town Council (NTC) that NSDC will devolve their landholdings within Newark to NTC and NTC is also willing to continue to maintain our land. NSDC and NTC have signed a Maintenance Agreement for three years from 1 st April 2015 to cover NSDC ex sites.
2844	Renewal of 11 Five Year Farm Business Tenancies on Former Reclamation Sites Managed by Country Parks and Green Estates Team	Terms have been agreed for the renewal of eleven Farm Business Tenancies which are situate on reclaimed former colliery sites in the County. The tenancies will be for a 5 year period, but terminable at short notice should the land be required by the Authority for strategic purposes.
June		
2862	Disposal : 1,160 sq m land adjacent to the Haxey Gate Bridge, Haxey Gate, Misterton, Notts, DN10 4BA	The land in question was purchased by NCC in 1936 to construct a new bridge over the River Idle. The land to either side of the bridge is held by Highways and NCC were approached in 2014 by the owner of nearby Haxey Quays Camping & Caravan Site to purchase this land so that he could construct a footpath along the side of the bridge to the River Idle, upon which it would run beneath the bridge toward the footbridge on the Environment Agency's land. In creating this footpath it would have enabled his clientele to safely get to & from the golf course & Haxey Gate Inn. Both Highways and Bridges & Structures are not opposed to such a disposal. An Operational Decision was approved on 14 August 2014 for this

		proposal. However, after consultation with the Environment Agency, this was not feasible and the plans were abandoned. A request now has been received to purchase the land which will be for the purposes of creating a picnic area and for storage. By disposing of the land, it would relieve NCC of its maintenance liabilities.
2869	Disposal : Land at Hemsill Lane, Nuthall	The land in question was purchased for the Low Wood Road scheme. Highways have confirmed that the land is surplus to requirements & can therefore be sold to the adjoining residents for garden extensions. After negotiating with the adjoining land owners, the site will be split into 3 parcels and sold to adjoining land owners.
2863	Lease Renewal - Borehole, Oxtun Bypass	The County Council is to renew a 21 year lease to the Environment Agency for a small area of land off the Oxtun Bypass which contains a small water test borehole used in connection with nitrate level monitoring. The land in question was purchased for the Low Wood Road scheme. Highways have confirmed that the land is surplus to requirements & can therefore be sold to the adjoining residents for garden extensions. After negotiating with the adjoining land owners, the site will be split into 3 parcels and sold to adjoining land owners.
2864	Lease Renewal - Borehole, Daneshill Road, Lound	The County Council is to renew a 21 year lease to the Environment Agency for a small area of land (4 sqm) off Daneshill Road at Lound which contains a small water test borehole used in connection with nitrate level monitoring.
2865	Lease of Rights at Weston Road to Burnmoor Lane, Egmont, Nottinghamshire	Nottinghamshire County Council have been requested to prepare a Lease of Rights along part an access track from Weston Road, Egmont to land owned by Paul Ducksbury Limited. The track is registered to the Highways England Company Limited (Secretary of State) but NCC still has responsibility for a small section of the track. In order to put this on a legal footing, it is proposed that a Lease of Rights is entered into between all parties.
2870	Licence to underlet for a Substation at Sutton Centre Academy	Sutton Centre Academy has requested landlords consent from the County Council for a licence to underlet land for a substation on the detached school playing field.
2871	To release Covenants on Bakkavor Foods, Brookside Way, Nunn Park, Huthwaite NG17 2NL	Application to remove restrictive covenants on land previously owned by NCC as the site is now being bought by NCC's Pension Fund as an investment.

Other Options Considered

4. This report is information only.

Reason/s for Recommendation/s

5. This report is for information only.

Statutory and Policy Implications

6. 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) That the information set out in this report is noted.

Jas Hundal

Service Director – Transport, Property & Environment

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

Constitutional Comments (SOM 23.06.2015)

7. The recommendation is for noting purposes only.

Financial Comments (TR 23.06.2015)

8. As this report is for noting only, financial comments are not required.

Background Papers and Published Documents

9. None.

Electoral Division(s) and Member(s) Affected

10. Ward(s): Other
Member(s): n/a Outside Nottinghamshire

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SP: 2892

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