

**16 January 2017****Agenda Item: 5b****REPORT OF SERVICE DIRECTOR ENVIRONMENT, TRANSPORT &  
PROPERTY****OPERATIONAL DECISIONS ANNUAL REVIEW & QUARTERLY UPDATE  
SEPT – NOV 2016****Purpose of the Report**

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

**Information and Advice**

3. 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.
4. In accordance with the above decision this is the third annual review report, together with the final quarterly report for 2016 informing the Committee of Operational Decisions taken between September and November 2016.
5. This report contains an exempt appendix, which is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) (Information relating to any individual and the business affairs of a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.
6. 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 2016, there have been some 98 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.

7. 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 originally approved in January 2014 by Committee are confirmed.

8. 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)
3126	Redhill Academy Underlease to Cornerstone Communications Ltd	Underlease for Redhill Academy with Cornerstone Telecommunications Ltd for replacement phone mast.
3131	Licence to occupy a room at Kings Mill Hospital	A licence to occupy a room for Registrars in the Bereavement Centre at Kings Mill Hospital.
3133	Killisick Junior School, Arnold Conversion to Academy Status	Conversion to Academy Status with 125 year lease
3130	Lease renewal – 125 sqm at Horsendale Primary School, Nuthall	The County Council are to renew the existing lease of 125 sqm at Horsendale Primary School to Nuthall Parish Council
3142	Caretakers Property, Killisick Junior School, Killisick Road, Arnold	Caretakers Property to be let to the Academy on a 10 year lease following the recent Academy Transfer on a 125 year lease.
3137	Unit 1 Fulwood View, Brookside Way, Huthwaite	The granting of a 3 three year lease.
3138	Unit 1 & 2 Fulwood Place, Brookside Way, Huthwaite	The granting of a new 5 year lease to the existing tenant, The Bakkavor Group
3141	Farm Business Tenancy – Rushley Farm East – South of MARR, Nottingham Road, Mansfield NG18 5BG	Grant of a 1 year Farm Business Tenancy

3140	Chapel Farm, Elston Lease surrender and re-grant of lease	The County Council propose to accept a surrender of the tenancy of 30.9 acres arable land at Elston prior to marketing and selling the land.
3136	Offers for land at Gotham Lane, Bunny	Approval was obtained on 7 March 2016 to market the woodland by informal tender and to appoint an agent following a mini tender exercise. Following the marketing exercise 3 offers were received, these are outlined in the exempt appendix.
3132	Deed of Variation – Rufford Abbey	The County Council entered into a guardianship arrangement with the Historic Buildings and Monuments Commission for England in 1959. The rights of way provided under the 1959 guardianship deed have subsequently been amended through correspondence and practice to reflect changes in the physical arrangements for access and parking at the Country Park. In practical terms the access provided in the original deed is no longer applicable (please see deed plan attached) as the Victorian Gates entrance is no longer used as these were closed off to protect them into the future. It is proposed to amend the deed to show the new access.
3145	Albany Junior School, Stapleford	NG Active provide a breakfast club and sport activities for the pupils attending the Albany Junior School. They have been on site since the beginning of the Autumn Term 2016. Acting in accordance with the principles of good estate management a licence has been negotiated formalising the arrangement.
3146	Westdale Infant School – Licence to Westdale Pre-School	Westdale Pre School have been operating from the mobile classroom on the school site since 2006 without the benefit of a formal agreement. They share the building with Woodpeckers After School Club, an arrangement which works well. Westdale Pre School is a thriving Early Years provision operating in term time, whilst the Out of School Club runs for 50 weeks of the year delivering before and after school care as well as holiday care for children up to 11 years of age. Acting in accordance with the principles of good estate management a licence has been negotiated formalising the arrangement.
3147	Westdale Infant School – Licence to Woodpeckers After School Club	Woodpeckers After School Club have been operating from the mobile classroom on the school site since 2006 without the benefit of a formal agreement. They share the building with Westdale Pre School, an arrangement which works well. Westdale Pre School is a thriving Early Years provision operating in term time, whilst the Out of School Club runs for 50 weeks of the year delivering before and after school care as well as holiday care for children up to 11 years of age. Acting in accordance with the principles of good estate management a licence has been negotiated formalising the arrangement.
3144	Sir Edmund Hillary Primary School	The polish school have been utilising the school site on Saturdays for some time on a lettings agreement. Acting in accordance with the principles of good estate management a licence has been negotiated formalising the arrangement. The rates have been agreed with the school, based on the costs of the cleaning and caretaking charges incurred by the school, along with the running costs of the Premises.

3150	Grove Lane Playing Fields, Retford, Notts DN22 6ND – Licence Erection of CCTV Aerial Mast	The school playing field on Grove Lane, Retford is used and maintained by St Swithuns C of E Primary School. NCC have been approached by the Environment Agency to erect a CCTV aerial mast within the hedgerow so that they can monitor the water levels of the Retford Beck which runs along the boundary of the site. It is proposed to enter into a formal licence with them.
3149	Sale of 222 sqm land to rear of 16/22 High Street, Hucknall	The County Council are to sell 222m <sup>2</sup> land situated adjacent to the Hucknall Town Centre relief road to allow the purchaser to continue to access their existing car park.
3151	Proposed Addition to the Electricity Master Wayleave – Shirebrook Pit Wood, Sookholme	The former Shirebrook Colliery tips are owned by the County Council and have been restored to forestry and public open space. Western Power Distribution (WPD) wishes to lay underground cables as part of a diversion scheme on a 33kv circuit to supply the adjacent Brook Park development.
3153	Proposed Garden Licence to the rear of 9 Parkgate, Hucknall Nottingham NG15 8FS	Since 2006, NCC has granted Garden Licences to 14 residents whose properties on The Drift, Parkgate & Piper Close, Hucknall, back onto the Robin Hood Railway Line. Between the railway line & their rear boundaries is a strip of vacant land & this has been let to individuals who have requested to extend their rear gardens. A garden licence was granted to the resident in May 2013 who is now in the process of selling the property. The purchaser is requesting that a new licence be granted to her.

## Other Options Considered

9. 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.
10. 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.
11. 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

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 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 originally approved by the Committee on 20 January 2014.
2. That the information set out in this report is noted.

**Jas Hundal**

**Service Director, Environment, Transport & Property**

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

### **Constitutional Comments (CEH 29.12.16)**

The recommendations fall within the remit of the Finance and Property Committee under its terms of reference.

### **Financial Comments (RWK 04.01.17)**

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

### **Background Papers and Published Documents**

None.

### **Electoral Division(s) and Member(s) Affected**

Ward(s): All

Member(s): All

File ref.: /SB/SB/09998

SP: 3160

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