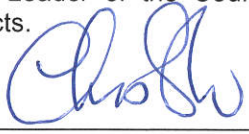



Officer Decision Record – Property Transaction

1. Subject and details of the matter
<p><u>8 Dudley Street, Grimsby</u></p> <p>The above property is held by way of freehold title by North East Lincolnshire Council and comprises of office premises which were previously been leased to the Lincolnshire Partnership NHS Foundation Trust ("LPFT"). The LPFT vacated the premises on 18 January 2014.</p> <p>The Strategic Director for Place has determined that the property has no further internal use and as such should be disposed of by way of a freehold sale. As a result, the property was placed on the open market.</p> <p>Following a period of marketing there has been limited interest; however a cash offer of £130,000 has been received from Pink Pearl (Grimsby) Limited of 107 Cleethorpe Road, Grimsby, DN31 3ER [Company No. 06488854] which runs Tree House, a fostering agency. The company intend to continue to use the premises as offices.</p> <p>The offer is conditional upon the property being taken off the market and an early completion being achieved.</p> <p>It is the opinion Cofely Workplace Ltd ("Cofely") that £130,000 represents market value for the property.</p>
2. Details of Decision
<p>That 8 Dudley Street be sold to Pink Pearl (Grimsby) Limited, generating a total capital receipt of £130,000 - in accordance with the recommendations of Cofely.</p>
3. Is it a Key Decision as defined in the Constitution?
<p>No – the decision:</p> <ul style="list-style-type: none"> • will result in a capital receipt below the threshold definition of a Key Decision; • relates to and impacts solely on one Ward (Park); • is not significant in terms of the number of residents / service users that will be affected in the ward; • is not likely to result in substantial public interest; and • will not incur a significant social, economic or environmental risk.
4. Has the principle of the disposal been approved by Cabinet
<p>No – in accordance with Section 3 above.</p>
5. Is it an Urgent Decision? If yes, specify the reasons for urgency
<p>N/A – it is not a Key Decision needed to be made urgently. However there is a risk the potential purchaser may withdraw if this decision is not made quickly.</p>
6. Anticipated outcome(s)
<p>The offer is a cash offer and is subject to the property being taken off the market with immediate effect. Therefore, pending exchange of contracts the council will continue to manage the property as void.</p> <p>Completion of this disposal will realise a capital receipt of £130,000 (less costs of sale) which will contribute to the Council's disposal programme.</p>

7. Have the Premises been marketed by advertising or by auction? (if not why not)			
<p>Yes – the Council engaged Scott's (a local firm of Chartered Surveyors) to market the premises.</p> <p>The offer received is recommended for acceptance by Scott's and also by Cofely as representing market value and the best price reasonably obtainable.</p>			
8. Background documents considered:			
There are no background documents to be considered.			
9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons			
<p>The decision will result in the identity of the purchaser and the amount of the purchase price being registered at the Land Registry where it will be available for public inspection. Although both pieces of information relate to the private or business affairs of the company submitting the offer, it is considered that public interest in treating the information as exempt from public disclosure is outweighed by the public interest in disclosure. It is therefore advised that this Decision Record should be "open".</p>			
10. Monitoring Officer Comments (Strategic Director – Resources or nominee)			
<p>The Constitution delegates authority to the Strategic Director for Place to <i>exercise all functions of the Council in respect of Asset Management and to negotiate the disposal and/or acquisition of land and property on behalf of the Council, provided that any proposed acquisition or disposal that qualifies as a Key Decision must be referred to Cabinet.</i> As this decision is not a Key Decision, there is no requirement for it to be referred to Cabinet.</p>			
11. Section 151 Officer Comments (Head of Finance or nominee)			
<p>The offer of £130,000 is above the latest valuation on the property carried out in 2013/14, so represents good value. Alongside the anticipated capital receipt which will contribute towards the delivery of the council's overall capital programme, the anticipated revenue savings resulting from the sale of this property (£5k per annum), will contribute towards the achievement of the councils property rationalisation savings target.</p>			
12. Human Resource Comments (Head of Governance & Business Support or nominee)			
There are no direct HR implications arising from this report.			
13. Risk Assessment (in accordance with the Report Writing Guide)			
<p>Crime and Disorder – Whilst no vandalism has been reported during the period whilst the property has been vacant, disposal of the building will see a vacant building brought back into use which will greatly reduce the chance of any future vandalism or damage to the building.</p> <p>Diversity – The potential sale provides opportunity for the site to be refurbished which will improve the street scene, which in the majority comprises of well-maintained office accommodation.</p> <p>Value for Money – The recommendation to dispose of the property will remove the costs associated with maintaining the building as a void and secures a capital receipt to support future capital projects.</p>			
14. Notification of Ward Councillors (Park Ward)	<p>Cllr. A De Freitas</p> <p>Dated: 25.07.2014</p> <p>Comments:</p> <p>None Received</p>	<p>Cllr. C McGilligan-Fell</p> <p>Dated: 25.07.2014</p> <p>Comments:</p> <p>None Received</p>	<p>Cllr M Barrow</p> <p>Dated: 25.07.2014</p> <p>Comments:</p> <p>None Received</p>

15. Consultation with Portfolio Holder(s):	<p>Name: Cllr C. Shaw</p> <p>Title: Leader of the Council and Portfolio Holder for Assets & Special Projects.</p> <p> <u>4/8/14</u></p> <p>Signed and Dated</p>
16. Decision maker(s)	<p>Name: Marc Cole</p> <p>Title: Strategic Director for Place</p> <p> <u>4/8/14</u></p> <p>Signed and Dated</p>

Officer Decision Record – Property Transaction

1. Subject and details of the matter

5 & 7 Eleanor Street, Grimsby

The above properties were declared surplus following the vacation of the Care Trust Plus (formerly occupying No.5) and the Council's Education Service (formerly occupying No.7) a number of years ago. Since then, the Council has been managing the properties void, which has resulted in expenditure of costs for reactive repairs and maintenance and security, despite number 7 having Grade II Listed status. Both properties have fallen into a state of disrepair through repeated acts of vandalism. On 23rd December 2013 Cabinet resolved:–

(1) That the principle of unconditional marketing and disposal of 5 and 7 Eleanor Street, Grimsby for the best price reasonably obtainable be approved, with control over the future use being reserved to the Planning process.

(2) That, following a period of open marketing, the Strategic Director Environment, Economy and Housing be authorised to settle detailed terms of the sale(s) and whilst both properties will be marketed together, this will not preclude offers to purchase either property separately.

(3) That until disposal be ultimately achieved the Council be committed to maintaining both properties.

Both properties were placed on the open market together with a defined 'open day' to encourage interest and prospective purchasers.

Whilst offers for both properties were encouraged, they were essentially marketed separately and offers for both or each individual property were sought. An offer was subsequently received for both properties. This offer was for the total sum of £60,000 and whilst presented as a whole, it was £30,000 for each property, unconditional upon any funding requirements. Other interested parties were also pressed to put forward offers, but all declined.

On receiving the offer, which at the time was considered acceptable due to the poor state of both properties, the Council wanted assurances that the purchaser would seek planning approval to develop both properties and realise this within a reasonable timeframe. Whilst these conditions (see below) were being worked up and final approval sought, one of the earlier interested parties submitted a revised offer of £70,000 (£35,000 for each property) for both properties. To be fair to both parties, it was therefore considered appropriate to seek their best and final offers which are set out in the table below.

In the absence of any other interest, these are considered to represent Market Value and the best price reasonably obtainable. The Council received as part of their final and best offers;

	5 Eleanor (Farnhurst) Street		7 Eleanor Street	
	Offer £	Funding Confirmed	Offer £	Funding Confirmed
EHN Developments Limited	45,500	Yes	45,500	Yes
Mayfair Letting (under two companies: Lomet UK and Horizon Letting Limited)	38,000	Yes	38,000	Yes

It is recommended that additional conditions will be added to the sale which will be subject to survey and contract:

- The purchaser is required to submit a full planning application within a 12 month period of the sale completing;
- The purchaser is to commence substantial works within a 12 month period of satisfactory planning consent being granted;
- The vendor will have an option to buy back both premises at £45,500 each should the purchaser not comply with the above conditions.

The conditions and option to buy back have not affected the purchase price and it remains the best price reasonably obtainable.

2. Details of Decision

That 5 & 7 Eleanor Street, Grimsby be sold to EHN Developments Limited for a combined price of £91,000 subject to:

- The purchaser submitting a full planning application within 12 months of completion of the sale.
- The purchaser commencing substantial works within a 12 months of satisfactory planning consent being granted; and
- The Council having an option to buy back both premises at £45,500 each should the purchaser not comply with the above conditions

3. Is it a Key Decision as defined in the Constitution?

No – the decision:

- will result in a capital receipt below the threshold definition of a Key Decision;
- relates to and impacts solely on one Ward (East Marsh);
- is not significant in terms of the number of residents / service users that will be affected in the ward;
- is not likely to result in substantial public interest; and
- will not incur a significant social, economic or environmental risk.

4. Has the principle of the disposal been approved by Cabinet

Yes. Minute number DN70 dated 23rd December 2013.

5. Is it an Urgent Decision? If yes, specify the reasons for urgency

N/A – it is not a Key Decision needed to be made urgently. However there is a risk the potential purchaser may withdraw if this decision is not made quickly.

6. Anticipated outcome(s)

The offer is subject to conditions outlined in section 1; and pending exchange of contracts, the council will continue to manage the properties as void.

Completion of this disposal will realise a capital receipt of £91k (less costs of sale) which will contribute as part of the Council's disposal programme.

7. Have the Premises been marketed by advertising or by auction? (if not why not)

Yes – the Council engaged Scott's (a local firm of Chartered Surveyors) to market both premises.

The offer received is recommended for acceptance by Scott's and also by Cofely as representing

market value and the best price reasonably obtainable.

8. Background documents considered:

None.

9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No.

10. Monitoring Officer Comments (*Strategic Director – Resources or nominee*)

This decision is in accordance with the delegation granted to the Director for Place by virtue of Minute Number DN70 dated 23rd December 2013.

The conditions do not impose any specific uses upon the purchaser who will be free to use them for whatever purposes it may desire, subject only, perhaps, to planning permission. The decision assumes that the purchaser will need planning permission for whatever uses are intended but as those uses are not described in this document it is not possible to validate that assumption.

The Council's option will entitle a re-purchase of either or both properties by the Council if either no planning application is submitted within 12 months of the completion of the sale and / or no works are substantial are commenced within 12 months of planning permission being granted.

The Council will be under no obligation to repurchase if either or both events arise.

It is not apparently intended to impose any condition on a date for completion of any works, nor for the standard of the works nor for the intended use. Consequently, the Council's option would not be exercisable if, for example, works commence but are never finished either satisfactorily or at all provided they were merely commenced by the required date.

11. Section 151 Officer Comments (*Head of Finance or nominee*)

The sale of these properties will generate a capital receipt of £91,000 less any disposal costs.

In addition to this, the Council will achieve direct revenue budget savings of £8,000 per annum from business rates and will also avoid ongoing void property costs.

12. Human Resource Comments (*Head of Governance & Business Support or nominee*)

There are no direct HR implications arising from this decision.

13. Risk Assessment (*in accordance with the Report Writing Guide*)

Crime and Disorder – As these sites are situated in an area with other vacant buildings in the vicinity, they have already been subject to vandalism and anti-social behaviour due to their location and whilst there is the presence of security features such as boarding and security patrols, there is a high risk of such repeats.

Diversity – The potential sales provides the opportunities for redevelopment and will ensure the local community benefit from an improved street scene and for a sympathetic solution to positively contribute to the area.

Value for Money – The recommendation to dispose of these properties within this report will remove the costs associated with maintaining two void buildings and secures a capital receipt to support future capital projects.

14. Notification of Ward Councillors

(East Marsh Ward)

Cllr S. Beasant

Dated: **09/07/2014**

Comments: **None Received**

Cllr J.P. Howarth

Dated: **09/07/2014**

Comments: **None Received**

Cllr T. Walker

Dated: **09/07/2014**

Comments: **None Received**

15. Consultation with Portfolio Holder(s):

Name: Cllr C. Shaw

Title: Leader of the Council & Portfolio Holder for Assets and Special Projects

Signed and Dated: _____

 15/8/14

16. Decision maker(s)

Name: Marc Cole

Title: Strategic Director for Place

Signed and Dated: _____

 15/8/14

Officer Decision Record – Property Transaction

1. Subject and details of the matter

22 & 40 Guildford Street, Grimsby

These residential properties were acquired by the Council at different times in the lead up to the whole house improvement part of the East Marsh regeneration programme. They were purchased because of complexities with their ownership being barriers to their inclusion in the project. Since then, the Council has been managing the properties void, which has resulted in expenditure of costs for repairs and maintenance and security.

On the 23rd December 2013 a Cabinet decision determined that the properties had no further use and as such should be disposed of (independently or together) by way of a freehold sale. As a result, the properties were placed on the open market for a period of 2 months'.

Following this and numerous viewings of the properties, three offers representing market value have been received by the Council and are outlined as follows:

	22 Guildford Street		40 Guildford Street	
	Offer £	Funding Confirmed	Offer £	Funding Confirmed
Mr Forman	14,000	NO	5,000	NO
Mrs Irene Myton	25,000	YES	13,000	YES
Mr R Parr			13,486	NO

Mrs Irene Myton's offer is subject to purchasing both properties therefore accepting the other offers would result in a lower yield overall. It is recommended by the Council's appointed marketing agent, Messrs' Scotts and by the Council's strategic partner, Cofely Workplace Limited that Mrs Myton's offers for both 22 and 40 Guildford Street are accepted – subject to survey and contract and the following conditions:

- The purchaser providing proof of funding for initial purchase and development works;
- The purchaser to refurbish both properties up to Decent Homes Standard, free from category 1 and 2 hazards (as defined within the Housing Act 2004) and will be brought in line with the 'New Street Standard';
- The purchaser to complete all works within a 6 month period of sale completion.

2. Details of Decision

That 22 and 40 Guildford Street, Grimsby be sold to the same purchaser, generating a total capital receipt of £38,000 - in accordance with the recommendations of Scotts and Cofely Workplace Limited subject to both properties being refurbished up to Decent Homes Standard, free from category 1 and 2 hazards (as defined within the Housing Act 2004) and brought in line with the 'New Street Standard' within 6 months of the completion of the sales.

3. Is it a Key Decision as defined in the Constitution?

No – the decision:

- will result in a capital receipt below the threshold definition of a Key Decision;
- relates to and impacts solely on one Ward (East Marsh);
- is not significant in terms of the number of residents / service users that will be affected in the ward;

<ul style="list-style-type: none"> • is not likely to result in substantial public interest; and • will not incur a significant social, economic or environmental risk.
4. Has the principle of the disposal been approved by Cabinet
Yes – Approved by Cabinet 23 rd December 2013.
5. Is it an Urgent Decision? If yes, specify the reasons for urgency
N/A – it is not a Key Decision needed to be made urgently. However there is a risk the potential purchaser may withdraw if this decision is not made quickly.
6. Anticipated outcome(s)
<p>The offer is subject to conditions; therefore, pending exchange of contracts the council will continue to manage the properties as void.</p> <p>Completion of this disposal will realise a capital receipt of £38k which will contribute as part of the Council's disposal programme.</p>
7. Have the Premises been marketed by advertising or by auction? (if not why not)
<p>Yes – the Council engaged Scott's (a local firm of Chartered Surveyors) to market the premises.</p> <p>The offer received is recommended for acceptance by Scott's and also by Cofely as representing market value and the best price reasonably obtainable.</p>
8. Background documents considered:
Cabinet Report – 23 rd December 2013.
9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons
Open
10. Monitoring Officer Comments (Strategic Director – Resources or nominee)
<p>The Strategic Director for Place is authorised by the Constitution to:</p> <ul style="list-style-type: none"> • to determine all matters in respect of the Council's portfolio of offices, operational and commercial property, save where any related decisions qualify as Key Decisions which must be referred to Cabinet; • to negotiate the disposal and / or acquisition of land and property on behalf of the Council, provided that any proposed acquisition or disposal that qualifies as a Key Decision must be referred to Cabinet <p>This decision is not a Key Decision and relates to void non-operational property.</p> <p>The decision therefore complies with the Constitution subject to (in the case of any proposed acquisition or disposal, including those not qualifying as a Key Decision):</p> <ol style="list-style-type: none"> 1. consultation with the relevant Portfolio Holder(s) prior to proceeding; and to 2. notification to the members for the relevant ward of the proposed acquisition or disposal, subject to any restrictions regarding the disclosure of "exempt" or confidential information.
11. Section 151 Officer Comments (Head of Finance or nominee)
<p>The sale of these properties will generate a capital receipt of £38,000 less any disposal costs.</p> <p>In addition to this, the Council will avoid ongoing void property costs.</p>
12. Human Resource Comments (Head of Governance & Business Support or nominee)
There are no direct HR implications arising from this report.
13. Risk Assessment (in accordance with the Report Writing Guide)
Crime and Disorder – As these sites are situated in an area with other vacant buildings in the vicinity, they have already been subject to vandalism and anti-social behaviour due to their location and whilst there is the presence of security features such as windows and doors being boarded up, there is a

high risk of such repeats.

Diversity – The potential sales provides the opportunities for these sites to be refurbished and will ensure the local community benefit from an improved street scene and for a sympathetic solution to positively contribute to the area. This will also ensure the properties are brought in line with other properties on the street as part of the East Marsh Regeneration Programme.

Value for Money – The recommendation to dispose of these properties within this report which will remove the costs associated with maintaining two void buildings and secures a capital receipt to support future capital projects.

14. Notification of Ward Councillors (East Marsh Ward)	Cllr S. Beasant Dated: Comments:	Cllr J. Howarth Dated: 05.06.2014 Comments: See Appendix 1	Cllr T. Walker Dated: Comments:
15. Consultation with Portfolio Holder(s):	Name: Cllr C. Shaw Title: Leader of the Council and Portfolio Holder for Regeneration and Assets  27/6/14 Signed and Dated		
16. Decision maker(s)	Name: Marc Cole Title: Strategic Director for Place  27/6/14 Signed and Dated		

Appendix 1: Comments from Ward Councilors.

From: Cllr - Howarth, Jon-Paul

Sent: 05 June 2014 13:16

To: Fox, Jack

Subject: Re: Disposal of 22 & 40 Guildford Street

I would only comment that these properties have been in a state of disrepair for many years and are a blight on the local community, and as such I am hopeful of a speedy improvement to improve the area.

howarj

Officer Decision Record – Property Transaction

1. Subject and details of the matter
<p><u>39 - 41 Heneage Road, Grimsby</u></p> <p>The above property was declared surplus and vacated in November 2013. Since then, the Council has been managing the property void, which has resulted in expenditure of costs for repairs and maintenance and security.</p> <p>The Strategic Director for Place determined that the property had no further internal use and as such the property should be marketed as a freehold disposal.</p> <p>Scotts, Chartered Surveyors of Town Hall Street Grimsby were appointed to market the property on behalf of the Council and has now reported receipt of an offer of £185K.</p>
2. Details of Decision
<p>That 39-41 Heneage Road, Grimsby be sold for £185K in accordance with the recommendations of Cofely Workplace Limited ("Cofely"); and</p> <p>That a maximum of £10K be allocated from the anticipated capital receipt to the provision of security up to the date of exchange of contracts for the disposal to deter vandalism and to try to prevent deterioration of the property.</p>
3. Is it a Key Decision as defined in the Constitution?
<p>No – the decision:</p> <ul style="list-style-type: none"> • will result in a capital receipt below the threshold definition of a Key Decision; • relates to and impacts solely on one Ward (East Marsh); • is not significant in terms of the number of residents / service users that will be affected in the ward; • is not likely to result in substantial public interest; and • will not incur a significant social, economic or environmental risk.
4. Has the principle of the disposal been approved by Cabinet
<p>No.</p>
5. Is it an Urgent Decision? If yes, specify the reasons for urgency
<p>N/A – it is not a Key Decision needed to be made urgently. However there is a risk the potential purchaser may withdraw if this decision is not made quickly.</p>
6. Anticipated outcome(s)
<p>The offer is subject to survey, and on the condition that marketing ceases.</p> <p>Pending exchange of contracts the council will provide increased security to deter vandalism and to try</p>

to prevent deterioration of the property and that security.

Completion of this disposal will realise a capital receipt of £185k, and will contribute as part of the Council's disposal programme.

7. Have the Premises been marketed by advertising or by auction? (if not why not)

Yes – the Council engaged Scott's (a local firm of Chartered Surveyors) to market the premises by private treaty.

The offer received is recommended for acceptance by Scotts and also by Cofely as representing market value and the best price reasonably obtainable

8. Background documents considered:

None.

9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

~~Yes – NOT FOR PUBLICATION. – Exempt information within paragraph 3 of Schedule 12A to the Local Government Act 1972 (as amended).~~ Open

10. Monitoring Officer Comments (Strategic Director – Resources or nominee)

The Strategic Director for Place is authorised by the Constitution to:

- to determine all matters in respect of the Council's portfolio of offices, operational and commercial property, save where any related decisions qualify as Key Decisions which must be referred to Cabinet
- to negotiate the disposal and / or acquisition of land and property on behalf of the Council, provided that any proposed acquisition or disposal that qualifies as a Key Decision must be referred to Cabinet

This decision is not a Key Decision and relates to operational property.

The decision to confirm that the property is surplus to the Council's requirements and to place it for sale on the open market are therefore in accordance with the scheme of delegation within the Constitution.

Similarly, this decision is also within the ambit of the scheme subject to (in the case of any proposed acquisition or disposal, including those not qualifying as a Key Decision):

1. consultation with the relevant Portfolio Holder(s) prior to proceeding; and
2. notification to the members for the relevant ward of the proposed acquisition or disposal, subject to any restrictions regarding the disclosure of "exempt" or confidential information.

11. Section 151 Officer Comments (Head of Finance or nominee)

The financial implications are set out within this decision record. The negotiated sale price continues to represent best consideration and the most advantageous value for money option.

The capital receipt of £175,000 (which excludes any requirement to use up to 10k for increased security) will be applied to finance the Council's Capital Programme.

12. Human Resource Comments (Head of Governance & Business Support or nominee)

There are no Human Resource implications arising from this disposal.

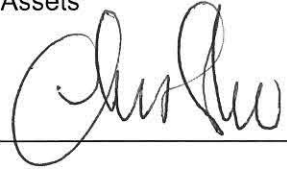
13. Risk Assessment (in accordance with the Report Writing Guide)

Crime and Disorder – As the site is situated in an area with other vacant buildings in the vicinity, it has already been subject to vandalism and anti-social behaviour due to its location and whilst there is the presence of security features such as security grilles and security patrols, there is a high risk of such repeats.

Diversity – The potential sale provides the opportunities for the site to be redeveloped and will ensure the local community benefit from an improved street scene and for a sympathetic solution to positively contribute to the area.

Value for Money – The recommendation to dispose of this property within this report will remove the costs associated with maintaining a void building and secures a capital receipt to support future capital projects.

14. Notification of Ward Councillors (East Marsh Ward)	Cllr S. Beasant Dated: 31.03.2014 Comments: None received	Cllr J-P. Howarth Dated: 31.03.2014 Comments: None received	Cllr T. Walker Dated: 31.03.2014 Comments: None received
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15. Consultation with Portfolio Holder:	Name: Cllr C. Shaw Title: Leader of the Council and Portfolio Holder for Regeneration and Assets  23/4/14 <hr style="width: 100%;"/> <p style="text-align: center;">Signed and Dated</p>
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16. Decision maker	Name: Marc Cole Title: Strategic Director for Place  23/4/14 <hr style="width: 100%;"/> <p style="text-align: center;">Signed and Dated</p>
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Officer Decision Record – Property Transaction

1. Subject and details of the matter

Nomination of land known as Humberston Fitties Chalet Park (The "Fitties") as an Asset of Community Value.

The Fitties land was nominated by FORAB (Fitties Owners Residents Association Bungalows) as an Asset of Community Value on the 16 October 2013. This is in line with 'The Assets of Community Value (England) Regulations 2012', which is part of the Localism Act (the "Act") which came in to effect in September 2012.

The Council has a duty to respond to nominations within an eight week window, however, on this occasion, due to the internal review and decision making process, the timescale has elapsed by some 9 months'.

The Act defines only certain groups are able to nominate. FORAB, the group making the nomination, are deemed eligible under the Act as they were an un-constituted group of 21 members of the local electoral register.

Schedule 1, Regulation 3 of the Act defines only certain buildings and land can be nominated. The Fitties has a large number of privately owned chalet buildings placed on the land which would be classed as 'residences' under paragraph 1, sub-paragraph 1 of Schedule 1, Regulation 3 of the Act. As such these buildings are not classed as land which is of community value.

Sub-paragraph 2 of Schedule 1, Regulation 3 of the Act, defines land that is connected with a residence as per section (a) of the same paragraph. This criterion is not met as the owners of the land and the residences are not the same and therefore all the remaining land within the nominated boundary, with the exception of the residences, is eligible for nomination.

None of the remaining criteria within Schedule 1, Regulation 3 of the Act is relevant.

For the purposes of the nomination, a plan showing the land edged and shaded green is attached at Appendix One - with the exception of the blocks outlined in red, which are to be excluded as these are the residences referred to above. The nomination therefore is in relation to the remaining land, i.e.:

- Roads, verges, tracks and pathways;
- Open space, bank to the river;
- Humber Mouth Yacht Club and Community Centre;
- Dykes and ditches; and
- Woodland and Copses.

In the spirit of the Localism Act however, the Regulations are not considered in isolation. What determines the nomination is whether, in the opinion of the Local Authority, an asset would meet the definition of an asset of community value as set out in section 88 of the Act.

In summary, the definition of 'community' value within the meaning of the Act requires that land or buildings in a local authority's area:

- has in the recent past or is currently used of having; or
- continues to have; or
- to have a realistic prospect within the next 5 years of having

a non-ancillary* use that furthers social wellbeing or social interests.

(*for example, an ancillary use is something that is "secondary" (or "incidental") to another use.)

In line with section 88 of the Act, it is for the Local Authority to test these criteria in relation to the value that nominations have and to Communities of North East Lincolnshire.

2. Details of Decision

The Act determines that the chalets, which are privately owned, are excluded from the nomination.

It is considered that the remaining land contributes to the unique character of the site, and whilst it is land primarily enjoyed for holiday or recreational use, it is not limited to and is free and open to the wider public. By the very nature and location of the site, and that there has been no significant investment, the site has been allowed to remain undeveloped for many years, and as such benefits from its natural surroundings. It would be the opinion of the Local Authority that the land furthers the social wellbeing or interests of the Public.

The nomination has been read in conjunction with the criteria outlined in section 1 and demonstrates by its own virtue should be accepted as an Asset of Community Value; namely that:

'the Humberston Fitties Chalet Park of which are the roads, verges, tracks and pathways; open spaces and banks to the river; the Humber Mouth Yacht Club and Community Centre; dykes and ditches; woodland and copses;

1. has in the recent past or is currently used of having;

a non-ancillary* use that **furthers social wellbeing or social interests** of the public'

(*for example, an ancillary use is something that is "secondary" (or "incidental") to another use.)

Agreement to the nomination will result in the land being entered on to the register held by the Council as an 'Asset of Community Value' for a period of five years'.

Once an asset has been listed, nothing further will happen unless and until, the owner (in this case the Council) decides to dispose of the asset, either through a freehold sale, or the grant or assignment of a qualifying lease (i.e. originally granted for at least twenty-five years).

It is noted however, should the Council consider disposal, there is a pre-emption clause in the current lease agreement between the Council and the tenant of the adjacent land. This means as outlined in Schedule 3, regulation 13 'Relevant disposals to which section 95(1) of the Act does not apply', the following exemption applies.

Section 4, subject to sub-paragraph (2) (which is not relevant) a disposal (sub-paragraph (b)) "made in pursuance of the exercise of a legally enforceable (i) option to buy, (ii) nomination right, (iii) pre-emption right or (iv) right of first refusal - only if the agreement was entered into before the land was listed (and in this context it should be noted that an option etc. entered into after the land is listed would count as a relevant disposal under section 96(4) of the Act).

The moratorium rules would therefore not be relevant.

Should the disposal, in line with the pre-emption clause not proceed, a community interest group has 6 weeks of the Council informing the nominator and publicising the disposal to the Community to register their interest. The remaining full moratorium period of 6 months' applies whereby Community Groups are given the opportunity to prepare a business plan and finance for the owner (in this case, the Council) to consider. The Council will then determine a sale to whoever it chooses, once the full moratorium period has concluded.

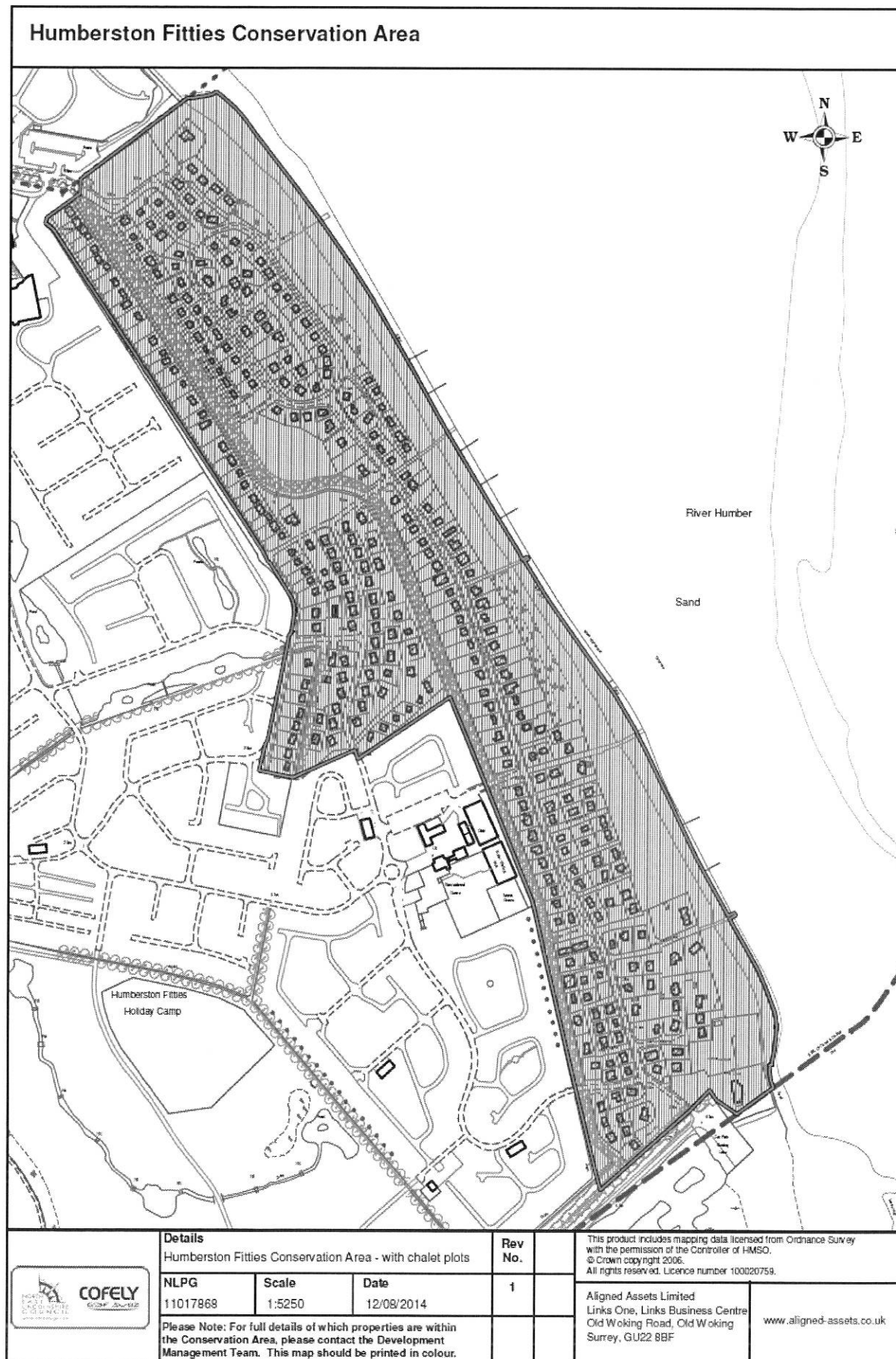
3. Is it a Key Decision as defined in the Constitution?

No – the decision:

- will not result in a capital receipt;
- relates to and impacts solely on one Ward (Humberston and New Waltham);
- is not significant in terms of the number of residents / service users that will be affected in the ward;
- is not likely to result in substantial public interest; and

<ul style="list-style-type: none"> will not incur a significant social, economic or environmental risk. 			
4. Has the principle of the disposal been approved by Cabinet			
N/A – this does not relate to a disposal.			
5. Is it an Urgent Decision? If yes, specify the reasons for urgency			
N/A – it is not a Key Decision needed to be made urgently. However there is a risk the potential purchaser may withdraw if this decision is not made quickly.			
6. Anticipated outcome(s)			
That the land known as Humberston Fitties Chalet Park as detailed in section 1, with the exception of all chalets as determined as being included in the category of 'residences', is defined as an Asset of Community Value and will be entered onto Part 1 of the register – 'Assets Held on the Register' for 5 years, in line with the Localism Act. The residences will be entered on to Part 2 of the register 'List of Assets of Unsuccessful Community Nominations'.			
7. Have the Premises been marketed by advertising or by auction? (if not why not)			
N/A			
8. Background documents considered:			
None.			
9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons			
Open.			
10. Monitoring Officer Comments (Strategic Director – Resources or nominee)			
The Legal implications are included in the main body of this report.			
11. Section 151 Officer Comments (Head of Finance or nominee)			
There are no direct financial implications as a result of this decision.			
12. Human Resource Comments (Head of Governance & Business Support or nominee)			
There are no direct HR implications arising from this officer decision.			
13. Risk Assessment (in accordance with the Report Writing Guide)			
<p>Crime and Disorder – the site is operational and each chalet is privately owned and as such does not fall within the responsibility of the Council. The site is situated adjacent to an operational Holiday Park, and is less likely to receive regular or high levels of vandalism and acts of anti-social behaviour due to its location. The Council provide routine security patrols, plus increased security over the closed season of two months (January and February of each year) mitigating the risk of these instances.</p> <p>Diversity – The review of the nomination has tested the benefit to the local community in respect to an asset of value. The Council recognise that since the site was formed, by the very nature of the site being left in its natural surroundings and later being classified as a Conservation Area, that there is value to the Community. Within the Act however, as the chalets are privately owned, they are classed as residences, which are not eligible to be nominated.</p> <p>Value for Money – There has not been a decision by this Council or its predecessors to invest in the site as a tourist attraction or manage the site as a holiday park. The site therefore features as part of the Council's commercial property portfolio and managed accordingly. The decision comes as per the Localism Act whereby groups of a certain standing can nominate eligible assets of community value and pause any subsequent disposal of an asset. It is of the opinion of the Local Authority whether to accept any nomination, as it is to accept any bid in relation to any subsequent sale, neither of which it has any obligation to do.</p>			
14. Notification of Ward Councillors (Humberston)	Cllr S. Norton Dated: 08/09/2014 Comments: None	Cllr J. S. Fenty Dated: 08/09/2014 Comments: None	Cllr S. Harness Dated: 08/09/2014 Comments: Received

	Received	Received	04/09/2014 and attached at Appendix Two.
15. Consultation with Portfolio Holder(s):	<p>Name: Cllr C. Shaw Title: Leader of the Council and Portfolio Holder for Assets and Special Projects.</p> <p> 15/10/14</p> <p>Signed and Dated</p>		
16. Decision maker(s)	<p>Name: Rob Walsh Title: Chief Executive</p> <p> 15/10/14</p> <p>Signed and Dated</p>		



From: Cllr - Harness, Stephen

Sent: 04 September 2014 16:22

To: Fox, Jack

Subject: Re: Asset of Community Value nomination - Humberston Fitties

Comments - Cllr Stephen Harness

Comprehensive and welcome report.

I am of the opinion that the residents should have the opportunity to manage their own affairs. This Community Nomination appears to sanction such a possibility.

I am sure that the residents will be anxious for the delay and lack of consultation.

Sent from Samsung tablet

Officer Decision Record – Property Transaction

1. Subject and details of the matter

Immingham Resource Centre

Cabinet, at its meeting of 22 July 2013, considered a report on this issue ("the Report") and resolved that Oasis be granted a lease of the Immingham Resource Centre site for a term of 125 years to be co-terminus with the existing lease of the adjoining Immingham Academy.

Since the decision of cabinet, officers have been negotiating with Oasis to confirm the detail of the transfer in accordance with the original decision of Cabinet.

There are two aspects that Cofely Workplace Limited ("Cofely") and the Solicitor to the Council are prepared to recommend, but are unique to this particular transaction and amount to a variance to the decision of Cabinet:

- a) change of name;
- b) break clause;

Name change

The Report stated the disposal of the Centre would be to Oasis, whilst the particular Oasis company was not stated, it was implicit in the report that this would be Oasis Community Learning Limited. Oasis has since advised that they would prefer, "Oasis Community Development" (company number is 084749179) to be the Tenant due to their own internal arrangements. Oasis has also asked for permission to be able to assign the Lease to a Group Company from time to time without consent from the Council.

Break clause

The cabinet report envisioned that the Term of the Lease would be coterminous with the Lease to the Oasis Academy Immingham, 125 years from 1st September 2007. Under the current proposals the Lease term would remain the same, but Oasis would have an option to end the lease on six months' notice at any time after five years from the date the Lease is completed. The Council would have the ability to refuse to accept the Property back if Oasis do not first ensure vacant possession has been achieved, although Oasis will not be required to remove the two existing Tenants of the Council. This has been requested as the only other stated option in the Cabinet report was for the Council to demolish the site, as it is anticipated the Council would not have any budget to run the Premises if the break clause is triggered. The parties have agreed that Oasis can ask the Council to waive the obligation to obtain vacant possession, but that this would be at the Council's sole and absolute discretion and would require a Key Decision at that point.

2. Details of Decision

That the details of the negotiated lease as described above and in accordance with the recommendations of Cofely and the Solicitor to the Council be approved.

3. Is it a Key Decision as defined in the Constitution?

Yes

4. Has the principle of the disposal been approved by Cabinet

Yes – Approved by Cabinet 22 July 2013.

DN.20 IMMINGHAM RESOURCE CENTRE

Cabinet considered a report from the Portfolio Holder for Regeneration and Assets seeking authority to dispose of Immingham Resource Centre by way of a long lease.

RESOLVED - That Oasis be granted a lease of the Immingham Resource Centre site for a term of 125 years to be co-terminus with the existing lease of the adjoining Immingham Academy.

REASON FOR DECISION - As part of the Councils on-going drive for efficiencies, an Outline Business Case has been approved for the withdrawal of Council services from the Immingham Resource Centre. This withdrawal has been underpinned by a review and assessment of options for the future use of the Resource Centre.

OTHER OPTIONS CONSIDERED –

Do Nothing – this is not considered a viable option as the Council will remain wholly liable for the building and site together with the associated out-goings.

Decommission the site – this has previously been considered as an option should the Oasis proposal not be forthcoming. However, it should be noted that the Resource Centre and Immage 2000 Studios share services requiring a continued agreement with any new tenant. Any resultant decommissioning and demolition will require additional works to ensure the Immage 2000 Studios retain full access and utilities. Furthermore, there could be considerable costs to surrender the lease of CERT and possible grant funding claw-back implications.

A freehold disposal of the Resource Centre building at market value – the option of testing the market to achieve this would take time and would result in a missed opportunity to utilise the approach by Oasis. Furthermore, interest will be limited in the site from any other commercial operators and the Council would incur costs associated with the holding the asset void until funding could be established to demolish the buildings. This would trigger the same issues relating to Immage 2000 as discussed above, unless of course, it was a freehold disposal of the whole site. However, this has been examined and reported as an option to an earlier Cabinet when it was discounted in favour of further dialogue with Oasis.

5. Is it an Urgent Decision? If yes, specify the reasons for urgency

Yes. Oasis are setting a time frame of the end of June for completion as funding may be lost if this date is not met. The changes have come about due to extensive negotiations and therefore were not considered in the Report.

6. Anticipated outcome(s)

The essence of the transfer as originally approved by Cabinet are broadly the same and have been negotiated to protect the Council in operating the Centre and should any future event whereby the Centre becomes unsustainable for Oasis to operate and they are faced with no choice but to look to end their involvement in the Centre.

7. Have the Premises been marketed by advertising or by auction? (if not why not)

No. However, the transfer was subject to an open and extensive consultation exercise within the immediate Ward and wider Borough.

8. Background documents considered:

Cabinet Report – 22 July 2013.

9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

Open.

10. Monitoring Officer Comments (Strategic Director – Resources or nominee)

As stated in the Cabinet Report

11. Section 151 Officer Comments (Head of Finance or nominee)

The transfer of this property was part of an OBC that will remain as unachieved if the property isn't transferred to Oasis. The property will continue to incur costs & will result in a budget pressure if this doesn't go ahead.

12. Human Resource Comments (Head of Governance & Business Support or nominee)

There are no HR implications arising from this report.

13. Risk Assessment *(in accordance with the Report Writing Guide)*

Crime and Disorder – The site is still operational and has not been subject to any impacts on Crime or Disorder.

Diversity – The transfer will protect the operational activities of the Centre which will continue to benefit the immediate vicinity as well as the wider Borough.

Value for Money – The recommendation to transfer this property will remove all future operational costs associated with running the building as well as continuing to provide a Resource Centre facility to support the needs of the Community.

14. Notification of Ward Councillors (Immingham Ward)

Cllr D. Bolton
Dated: **30/06/2014**
Comments: **None received.**

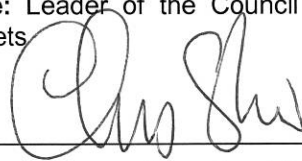
Cllr M. Burton
Dated: **30/06/2014**
Comments: **None received.**

Cllr D. Watson
Dated: **30/06/2014**
Comments: **None received.**

15. Consultation with Portfolio Holder(s):

Name: Cllr C. Shaw

Title: Leader of the Council and Portfolio Holder for Regeneration and Assets

 30/6/14

Signed and Dated

16. Decision maker(s)

Name: Marc Cole

Title: Strategic Director for Place

 30/6/14

Signed and Dated

Officer Decision Record

1. Subject and details of the matter – APPOINTMENT OF LEISURE FACILITY CONTRACTOR

The following decision record confirms the process undertaken and outcome of the recent procurement exercise to secure an external contractor to build a new leisure facility at Cromwell Road, Grimsby.

In December 2011 Cabinet approved a closed report setting out options for the development of a new swimming pool/leisure facility. The original budget set in 2011 was an indicative sum of £8.4m, and proposed the delivery of a six lane swimming pool, plus learner pool and gym.

In December 2012 Cabinet approved an open report setting out the detailed plans for the new leisure facility and included a swimming pool with eight lanes, ensuring compliance with competition standards. The indicative budget breakdown was revised and included as follows:

Replacement Pool and Gym (2012)	£k
Turnkey Build Costs	7,199
Contingency (Design, Price and Ground Remediation)	195
Contract charges including fees, Planning Building Regulations, environmental and specialist surveys and costs	1,006
Total estimated cost:	8,400

A detailed breakdown of costs was attached to the Cabinet report as prepared by Walker Sime Limited (independent cost engineers). The report included the following recommendations:

1. That Cabinet approves the design, construction costs and timeline as described in sections 2, 3, and 4 within this report, enabling the submission of a planning application to take place.
2. That Cabinet notes the budget breakdown for this programme of work, as described in section 3 of this report, and its compliance with the indicative sum allocated within the current capital programme
3. That subject to the above approvals, the Strategic Director for Environment, Economy and Housing be authorised to:
 - (i) submit a planning application for the new leisure facility located at Cromwell Road, and;
 - (ii) commission and complete the construction of the new facility as detailed within section 2.

In August 2013 a contract was signed between Balfour Beatty Workplace (Cofely)

and the Council to deliver the Cromwell Road leisure project. This was treated as a strategic project under the terms of the partnership agreement dated 23 April 2010. The contract covers the complete project; all professional services, project management, architecture, engineering, cost control and CDM coordination.

Following which planning permission was secured and the construction contract was tendered on an open tender basis during September 2013. A tender process using the OJEU Open Procedure was not the recommended route based on advice from Cofely, the Council's Regeneration Partner. However, the views of both the District Auditor and Cabinet Office were that the Council should use the OJEU Open Procedure. Unfortunately the use of the OJEU Open Procedure failed to deliver any bids capable of acceptance. As a consequence, time was lost and abortive procurement costs were incurred.

A further procurement process using the OJEU Restricted Procedure commenced in January 2014. This process is open to all potential bidders but requires a two stage approach of pre-qualification and then substantive bid. This Restricted Procedure procurement exercise has now been completed, providing suitable bids for consideration. Cofely, assisted by Walker Sime Limited have on behalf of the Council assessed all tenders for both quality and cost using an industry standard scoring matrix. The highest scoring bidder and therefore the recommended construction company is Interserve Construction.

The costs of the recommended bid from Interserve Construction are within the limits set out in the December 2012 Cabinet Report shown above. The contract will be awarded on the basis of a design and build contract and all necessary clarifications, if any, will be resolved. The costs do not reduce the specification in terms of pool size, gym, fitness, sauna and other elements contained within the original specification.

A further client Contingency Sum of £0.250m is included and Cofely Workplace have advised on the suitability of both contractor and client contingencies. As part of the Restricted Procedure procurement process, bidders were required to include their own contractor contingency sum for design development risks. This contractor contingency could reduce some of the potential calls upon the client contingency sum.

The original budget allocation contained a sum of £0.352m in respect of gym, office and café equipment. It is expected that these will be purchased separately to ensure best value and will be installed by the contractor. These items will be obtained by Lincs Inspire Limited through a mixture of purchase, lease, supplier contribution and re-use of assets as considered most financially advantageous. These potential costs are therefore now outside the scope of the capital spend covered within this document.

As this project has been under development since 2012 a proportion of the originally allocated £8,400k has already been utilised, as follows:

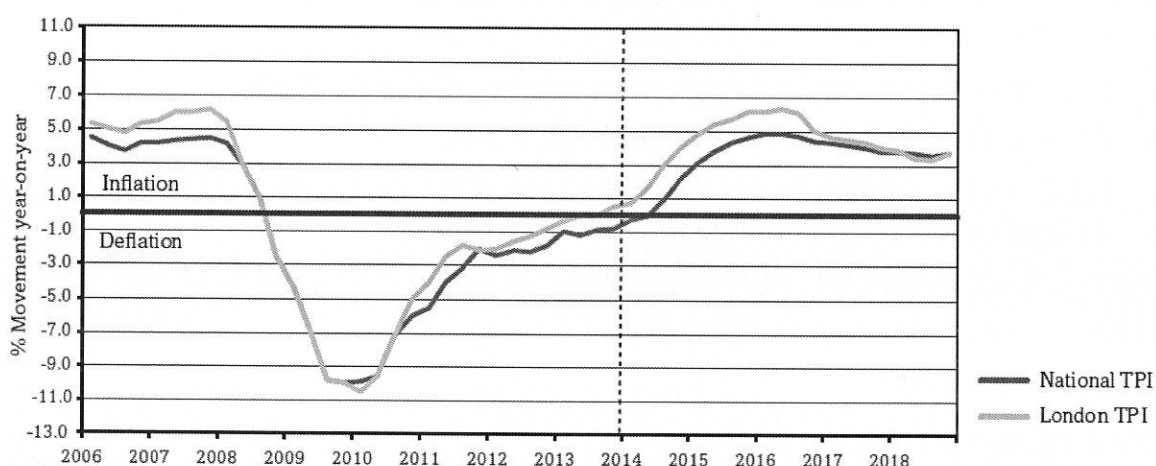
Year	Expenditure Type	Cost
2012/13	£307k Design Fees / £32k Surveys and Approvals	£339k (paid)
2013/14	£299k Design Fees / £87k Surveys and Approvals	£386k (paid)
	Total Expenditure to date:	£725k (paid)

2014/15	£3,300k Construction / £77k fees / £16k Surveys	£3,393k (estimated)
2015/16	£3,866k Construction / £150k Fees / £11k Surveys	£4,027k (estimated)
	Contingency	£250k
	Total Estimated Spend:	£8,395k

Combining all capital both utilised and estimated for this project the total construction cost for the new leisure facility will be within the envelope agreed by cabinet shown above.

Cofely have provided independent research to demonstrate the impact on raw material costs since 2011/12 when the budget was first set. This data (attached below) shows construction prices were lower in 2011 and have now risen.

EC Harris Tender Price Movement (December 2013)



In real terms the cost of the new leisure facility has increased since 2011 based on the value of the original bids received. However, value engineering has enabled the overall project cost to be reduced in line with the original budget.

2. Decision

The appointment of Interserve Construction to build the new leisure facility will be subject to the normal Alcatel period (10 working days). Following which further work will be undertaken to project manage and plan the delivery of the design and build contract by Interserve Construction.

The appointment of Interserve Construction is subject to Cofely advising the Council that the transaction is deliverable within the budgets set out, that the level of contingency proposed is sufficiently prudent and that the contract will be on terms advised to be in the best interests of the Council. This advice has been received from Cofely.

Having conducted two procurement exercises to secure a suitable contractor, previously carrying out a bench-mark exercise to ascertain a competitive rate for professional fees and finally undertaking value engineering to obtain further reductions in construction costs, it can therefore be considered that the above price

demonstrates value for money. It is expected that prices will increase further given the inflationary pressures detailed above within the construction and construction materials sectors.
3. Is it a Key Decision as defined in the Constitution?
Yes – delegated by Cabinet to the Strategic Director of Place (previously Environment, Economy & Housing)
4. Has the matter been approved by Cabinet
Yes – as noted above.
5. Is it an Urgent Decision? If yes, specify the reasons for urgency
Yes – contract needs to be awarded to ensure current price remains firm and avoids any further price increases as a result of the current construction market and raw materials increases.
6. Anticipated outcome(s)
<ul style="list-style-type: none"> • Contract awarded June 2014, subject to Alcatel period • Following Alcatel period further value engineering takes place • Contractor commences on site July/August 2014 • Build programme estimated to be 55 weeks – giving a potential launch of the new facility September/October 2015
7. Background documents considered:
<p>Cabinet reports as noted above</p> <p>Planning Approval</p> <p>Tender process documentation</p>
8. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons
No
9. Advice from Head of Commissioning & Information Systems
The issue of risk transference to the Council must be considered and mitigated appropriately.
10. Monitoring Officer Comments (<i>Solicitor to the Council</i>)
<p>The subject matter covered in this Officer Decision Record raises a number of legal issues.</p> <p>Firstly in terms of governance, it is considered that the decision proposed falls within existing delegated authorities and it is therefore supported on that basis. Secondly Legal services have not considered the form of contract proposed and therefore the suitability of the form of contract proposed must be confirmed by Cofely to be in the best interests of the Council in their expert opinion. Thirdly, the details through which the construction project will be governed are not set out in this document. It is advised that project governance be deployed such that a Council Officer with the appropriate skills be appointed as the project executive to ensure continued oversight and appropriate management of Cofely in their delivery role on behalf of the Council. It is further advised that the Chief Executive of Lincs Inspire Limited be invited to sit on the project board in the Senior User role given that Lincs Inspire Limited will be operating the facility on behalf of the Council. The project governance structure deployed must ensure that risk is not improperly transferred back to the Council but</p>

instead should mitigate risks to the Council particularly in the context of a value engineered project proceeding with challenging contingency levels.

In addition to the points made above, it is advised that the impact of this construction project on local labour, local training and local supply chain be considered. Furthermore it is advised that opportunities for greater energy efficiency and sustainable energy solutions be considered by the project team referred to above. Both of these points demonstrate the potential extra benefits from the construction project to the Borough outside of direct provision and the impact on the ability of Lincs Inspire Limited to deliver its business plan and objectives for increased participation in sport and leisure and the attendant public health benefits that could be derived from that.

On the basis of the above assurances being received from Cofely, contract award and the commencement of the Alcatel period is recommended.

11. Section 151 Officer Comments

The revised capital budget for this scheme currently stands at £8.604m, which represents an underspend of £0.209m which could then be utilised as additional contingency, given the risks already associated with such a small sum (3.5%) being set aside currently.

The majority of financial commentary is contained within the body of this report. In value for money terms, the project still represents good value, after taking into account the increased cost of materials over the last 2 years in the construction industry – value engineering has enabled this pressure to be offset within the overall cost of the build.

Good value is also demonstrated via the opportunity to provide the fixtures, fittings and café facilities via alternative means, thereby reducing the need to spend another £0.352m on capital. Further opportunities to explore energy efficiency opportunities with Cofely, will be undertaken to improve VFM still further.

12. Human Resource Comments

There are no human resources implications for the Council in respect of this decision. When the facility becomes operational there will be a relocation of staff from other facilities managed by Lincs Inspire Limited and those changes will be subject to appropriate consultation in 2015.

13. Risk Assessment (in accordance with the Report Writing Guide)

A delay in awarding this contract has two significant risks:

- As noted above risk of further price increases as construction industry continues to grow. Tender prices are valid for 90 days only.
- Risk of delayed start and therefore completion puts added pressure on the current Grimsby Swimming Pool which has significant structural risks and continues to require on-going maintenance expenditure
- Current facility continues to incur high costs for energy due to the facility's lack of efficiency measures. (To note the design of the new facility aims to significantly reduce energy costs, supporting on-going revenue savings for the Council).

14. Notification of Ward Councillors

Not Applicable – Relates to All Wards

15. Consultation with Portfolio Holder(s):	<p>Name: Cllr M. Burnett</p> <p>Title: Portfolio Holder for Tourism, Leisure and Culture</p> <p>Signed and Dated <u>MBurnett</u></p> <p>Name: Cllr C. Shaw</p> <p>Title: Portfolio Holder for Regeneration and Assets</p> <p>Signed and Dated <u>C. Shaw</u></p>
16. Decision maker(s)	<p>Name: Marc Cole</p> <p>Title: Director of Place</p> <p>Signed and Dated <u>M. Cole</u> <u>10/6/14</u></p>

Officer Decision Record – Property Transaction

1. Subject and details of the matter

Pavilion at Sussex Recreation Ground, Brereton Avenue, Cleethorpes

The Pavilion forms part of the Sussex Recreation Ground and is therefore part of the charity registered with the Charity Commission. Cabinet will shortly consider a report proposing that:

1. Subject to approval by the Charity Commission, "Sidney Sussex Community Group" (the "Group") be granted a lease of the Pavilion building for a term to be determined at a peppercorn rent; and
2. The Strategic Director for Place in conjunction with the Monitoring Officer be authorised to advertise and submit a scheme to the Charity Commission for approval; and
3. The Solicitor to the Council be authorised to complete a lease to Sidney Sussex Community Group on whatever terms are stipulated by the Charity Commission.

If Cabinet were to adopt the above proposals it would trigger a lengthy process of advertising and consideration by the Charity Commission before any lease could be granted. In the meantime, the Council and the Group want to create an interim arrangement that does not prejudice the Charity Commission process and that retains flexibility for the Council to revert to the current arrangements.

The decision set out below would enable the Group to take possession and responsibility for the Pavilion whilst retaining the Council's ability to terminate the interim arrangement and re-assume sole control and occupation. In view of the onerous conditions that would be imposed upon the Group, the Council is able to grant this interim leasing arrangement at a peppercorn rent. In the circumstances, the Group is willing to accept this interim arrangement in order to commence occupation of the Pavilion.

2. Details of Decision

That a lease of the Pavilion be granted to the Sidney Sussex Community Group for a period of 12 months in which:

1. the tenant will covenant to observe and comply with all of the charitable covenants and conditions imposed upon the Council in respect of the Recreation Ground;
2. the tenant will have full responsibility for maintenance, repairs, and utility costs;
3. the tenant will have no rights of renewal; and
4. the Council (as landlord) will have the right to terminate the lease at any time on one calendar months' notice without having to give any reason.

3. Is it a Key Decision as defined in the Constitution?

No – the decision:

- will result in no capital receipt, therefore being below the threshold definition of a Key Decision;
- relates to charitable property wholly situated in one Ward (Sidney Sussex) although many users of

<p>the Recreation Ground and the Pavilion will be resident in other Wards;</p> <ul style="list-style-type: none"> • is not significant in terms of the number of residents / service users that will be affected in the ward because it can easily be reversed; • is not likely to result in substantial public interest because the anticipated Cabinet decision will, when advertised, become the focus of such interest; and • will not incur a significant social, economic or environmental risk because it can easily be reversed.
<p>4. Has the principle of the disposal been approved by Cabinet</p>
<p>No.</p>
<p>5. Is it an Urgent Decision? If yes, specify the reasons for urgency</p>
<p>N/A – it is not a Key Decision needed to be made urgently.</p>
<p>6. Anticipated outcome(s)</p>
<ol style="list-style-type: none"> 1. An interim lease will be granted to the Group who will then take on all responsibilities for the management and letting of the Pavilion on behalf the Council and subject to all covenants affecting the Recreation Ground; 2. Cabinet will then consider a report on a more formal longer-term leasing arrangement 3. Subject Cabinet's decision, the intention to lease more formally and for a longer term to the Group will be advertised and objections invited 4. The Charity Commission will consider a more formal longer-term lease to the Group <p>If at any time the Council should wish to terminate the interim lease then it will be able to do so quickly and without having to justify the decision.</p>
<p>7. Have the Premises been marketed by advertising or by auction? (if not why not)</p>
<p>No – the proposal for a formal longer term lease came from the Group and was not procured or invited by the Council.</p>
<p>8. Background documents considered:</p>
<p>Draft report to Cabinet in August 2014</p>
<p>9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons</p>
<p>Yes – It contains exempt information within paragraph 3 of Schedule 12A to the Local Government Act 1972 (as amended), namely information relating to the financial or business affairs of the Group and of the Council. However, as the subject matter is charitable land in which the Council is not the beneficial owner but is merely the "trustee" of the charity, it is considered that public interest in maintaining the exemption is outweighed by the public interest in disclosing the information. It is therefore advised that this Decision Record should be "open".</p>
<p>10. Monitoring Officer Comments (Strategic Director – Resources or nominee)</p>
<p>The Strategic Director for Place is authorised by the Constitution to:</p> <ul style="list-style-type: none"> • to determine all matters in respect of the Council's portfolio of offices, operational and commercial property, save where any related decisions qualify as Key Decisions which must be referred to Cabinet; • to negotiate the disposal and / or acquisition of land and property on behalf of the Council, provided that any proposed acquisition or disposal that qualifies as a Key Decision must be referred to Cabinet. <p>This decision is not a Key Decision, relates to a disposal (albeit conditional) of operational property and is within the ambit of the scheme of delegation in the Constitution subject to (in the case of any</p>

proposed acquisition or disposal, including those not qualifying as a Key Decision):

1. consultation with the relevant Portfolio Holder(s) prior to proceeding; and
2. notification to the members for the relevant ward of the proposed acquisition or disposal, subject to any restrictions regarding the disclosure of "exempt" or confidential information.

11. Section 151 Officer Comments (*Head of Finance or nominee*)

Assignment of a temporary lease will prevent the council incurring further costs towards the overall maintenance of the pavilion, resulting in a saving to the council of approx. £4.5k p.a. This will contribute towards the achievement of the council's property rationalisation target. Whilst it is acknowledged there is also a small loss in rental income, the Council has not proactively invited interest in approving any lease of the building, and instead will benefit from savings in relation to operational costs. It should be noted that the long term proposal is subject to final approval by the Charity Commission and could result in delay or non-approval of the long term lease of the pavilion.

12. Human Resource Comments (*Head of Governance & Business Support or nominee*)

There are no HR implications arising from this report.

13. Risk Assessment

Crime and Disorder – There have been minimal acts of vandalism reported during the period whilst the property has been largely vacant. Granting a short lease will see the building brought back into regular use, which will greatly reduce the chance of any future vandalism or damage to the building.

Diversity – The potential lease provides the opportunity for the building undergo a light touch refurbishment, which will improve its condition, use and enjoyment of both the building and wider site by the public.

Value for Money – The recommendation to lease the property, albeit at peppercorn rent, will enable the Group to improve the Pavilion and use it for benefit of the Community. As all liability will pass to the group, the costs associated with maintaining the building as a void will be removed.

14. Notification of Ward Councillors (Sidney Sussex Ward)

Cllr Hazel Chase

Dated:

Comments:

Cllr Matt Stinson

Dated:

Comments:

Cllr Chris Shaw


Dated:

Comments:

15. Consultation with Portfolio Holder(s):

Name: Cllr C. Shaw

Title: Leader of the Council and Portfolio Holder for Assets and Special Projects.



4/8/14

Signed and Dated

16. Decision maker(s)

Name: Marc Cole

Title: Strategic Director for Place


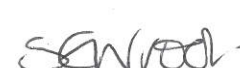


4/8/14

Signed and Dated

Officer Decision Record – Property Transaction

1. Subject and details of the matter
<p><u>Plot 1, South Humberside Industrial Estate, Grimsby</u></p> <p>The site is located on South Humberside Industrial Estate and is currently held by way of two long ground leases (as outlined in red on the attached plan – Appendix One) both of which expire in 2114, and are at a peppercorn rent as the tenant paid a premium at the start of the lease term.</p> <p>The tenant would like to purchase the freehold of the site to allow them more control over the use, sub-tenancies, alterations, etc., without having to seek the permission of the Council under the terms of the current leases, and to enable them to invest in the site, which they have recently acquired.</p> <p>The Council's registered freehold extends to that area outlined blue on the attached plan – Appendix Two. This differs from the current leased area but should not impact on the value of the land. The area coloured green is registered to the Secretary of State for Transport and is therefore unable to be included in any potential disposal.</p> <p>It is the opinion of Cofely Workplace Ltd ("Cofely") that a figure representing market value for the site will be negotiated and agreed. It is usual practice to negotiate a percentage split in the final figure between the parties and a range of figures is based on a split of between 50% and 100% of the synergistic value (the current lease, the tenant's interest and the unencumbered site value) plus potential hope value and the Council's present interest.</p>
2. Details of Decision
<p>That the freehold of Plot 1, South Humberside Industrial Estate, be sold to Waverley Properties Ltd (the tenant) generating a capital receipt at market value - in accordance with the recommendations of Cofely.</p>
3. Is it a Key Decision as defined in the Constitution?
<p>No – the decision:</p> <ul style="list-style-type: none"> • will result in a capital receipt below the threshold definition of a Key Decision; • relates to and impacts solely on one Ward (West Marsh); • is not significant in terms of the number of residents / service users that will be affected in the ward; • is not likely to result in substantial public interest; and • will not incur a significant social, economic or environmental risk.
4. Has the principle of the disposal been approved by Cabinet
<p>No – in accordance with Section 3 above.</p>
5. Is it an Urgent Decision? If yes, specify the reasons for urgency
<p>N/A – it is not a Key Decision needed to be made urgently. However there is a risk of frustrating the potential sale resulting in the purchaser withdrawing if this decision is not made quickly.</p>

6. Anticipated outcome(s)		
Pending negotiations and completion, the tenant will continue to occupy the site under the terms of the existing leases. Completion of this disposal will realise a capital receipt and as the rent is a peppercorn there will be no loss of rental income.		
7. Have the Premises been marketed by advertising or by auction? (if not why not)		
No – the site is subject to a ground lease and it is the tenant who is seeking to buy the freehold.		
8. Background documents considered:		
There are no background documents to be considered.		
9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons		
Open.		
10. Monitoring Officer Comments		
<p>The Constitution delegate's authority for the <i>exercise all functions of the Council in respect of Asset Management and to negotiate the disposal and/or acquisition of land and property on behalf of the Council, provided that any proposed acquisition or disposal that qualifies as a Key Decision must be referred to Cabinet.</i> As this decision is not a Key Decision, there is no requirement for it to be referred to Cabinet.</p> <p>The Director of Finance now exercises all responsibilities in relation to Asset Management.</p>		
11. Section 151 Officer Comments		
The sale of the freehold will generate a capital receipt which will be used in support of the Council's Capital Investment Programme.		
12. Human Resource Comments		
There are no HR implications arising from this Officers' Decision.		
13. Risk Assessment		
<p>Crime and Disorder – Disposal of the freehold will not impact on crime and disorder.</p> <p>Diversity – The potential sale provides opportunity for the tenant to invest and refurbish the site, which will improve the street scene.</p> <p>Value for Money – The recommendation to dispose of the freehold of the site will secure a capital receipt to support future capital projects.</p>		
14. Notification of Ward Councillors (West Marsh Ward)	Cllr. D. Billard Dated: 13/11/2014 Comments: Received and attached at Appendix Three.	Cllr. T. Mickleburgh Dated: 14/11/2014 Comments: Received and attached at Appendix Three.
15. Consultation with Portfolio Holder:	Name: Cllr C. Shaw Title: Leader of the Council and Portfolio Holder for Assets and Special Projects  14/11/14 Signed and Dated	
16. Decision maker:	Name: Sharon Wroot Title: Director of Finance  14/11/14 Signed and Dated	

Officer Decision Record – Property Transaction

1. Subject and details of the matter

The Cedars, Eastern Inway, Grimsby

The above property (the extent of which is shown edged red on the plan attached at Appendix One) was declared surplus and vacated at the end of March 2014. Since then, the Council has been managing the property void, which has resulted in expenditure and the continuing cost of security.

The Strategic Director for Place has determined the property has no further internal use and as such should be disposed of by way of a freehold sale. As a result, the property was placed on the open market.

Following exposure to the market, there has been limited interest from the development community. An offer has however been received from Mr Richard Ellis for £175,000 on the 10 April 2014. This was considered to be below current market levels and therefore rejected.

The purchaser has now revised the offer to £180,000 and given the lack of interest, on-going holding costs and increasing risks of vandalism, this revised offer is now considered to represent Market Value.

The purchaser intends to convert the premises into a multi-let residential unit. It is confirmed by Planning that the legal use for the aforementioned property is offices A2 use. The proposed change if the sale is completed would be to Flats C3 use.

It is the informal opinion of the Planning Department, that planning permission would be required for this proposed change of use. Planning would look favourably on an application for residential use on this site; as it is a large plot of land in a predominantly residential area. The site has the ability to provide sufficient parking and open space for residents which could mitigate any impact on neighbours. As well as this, Planning records show that the site is not in a Flood Zone, a safety hazard area, or adjacent to a listed building; scheduled monument or a conservation area.

2. Details of Decision

That The Cedars be sold, generating a capital receipt of £180,000 (less costs of sale) - in accordance with the recommendations of Cofely Workplace Limited ("Cofely").

The sale is subject to survey, to successful planning permission for change of use and to contract.

3. Is it a Key Decision as defined in the Constitution?

No – the decision:

- will result in a capital receipt below the threshold definition of a Key Decision;
- relates to and impacts solely on one Ward (South);
- is not significant in terms of the number of residents / service users that will be affected in the ward;
- is not likely to result in substantial public interest; and
- will not incur a significant social, economic or environmental risk.

4. Has the principle of the disposal been approved by Cabinet

No – as per section 3 above.

5. Is it an Urgent Decision? If yes, specify the reasons for urgency

N/A – it is not a Key Decision needed to be made urgently. However there is a risk the potential purchaser may withdraw if this decision is not made quickly.

6. Anticipated outcome(s)

The offer is not subject to any conditions; therefore, pending exchange of contracts, the council will continue to manage the property as void.

Completion of this disposal will realise a capital receipt of £180,000 (less costs of sale) which will contribute to the Council's disposal programme.

7. Have the Premises been marketed by advertising or by auction? (if not why not)

Yes – the Council engaged Scott's (a local firm of Chartered Surveyors) to market the premises.

The offer received is recommended for acceptance by Scott's and also by Cofely as representing market value and the best price reasonably obtainable.

8. Background documents considered:

None.

9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

Open.

10. Monitoring Officer Comments (Solicitor to the Council or nominee)

The Constitution delegates authority to the Strategic Director for Place to *exercise all functions of the Council in respect of Asset Management and to negotiate the disposal and / or acquisition of land and property on behalf of the Council, provided that any proposed acquisition or disposal that qualifies as a Key Decision must be referred to Cabinet.* As this decision is not a Key Decision, there is no requirement for it to be referred to Cabinet.

11. Section 151 Officer Comments (Chief Finance Officer or nominee)

The realisation of a capital receipt of £180,000 will contribute towards the delivery of the council's overall capital programme, and anticipated revenue savings resulting from the sale of this property (£7k per annum); will contribute towards the achievement of the council's property rationalisation savings target.

12. Human Resource Comments (Assistant Director Strategic Business Support or nominee)

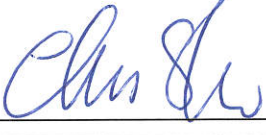

There are no direct HR implications arising from this report.

13. Risk Assessment (in accordance with the Report Writing Guide)

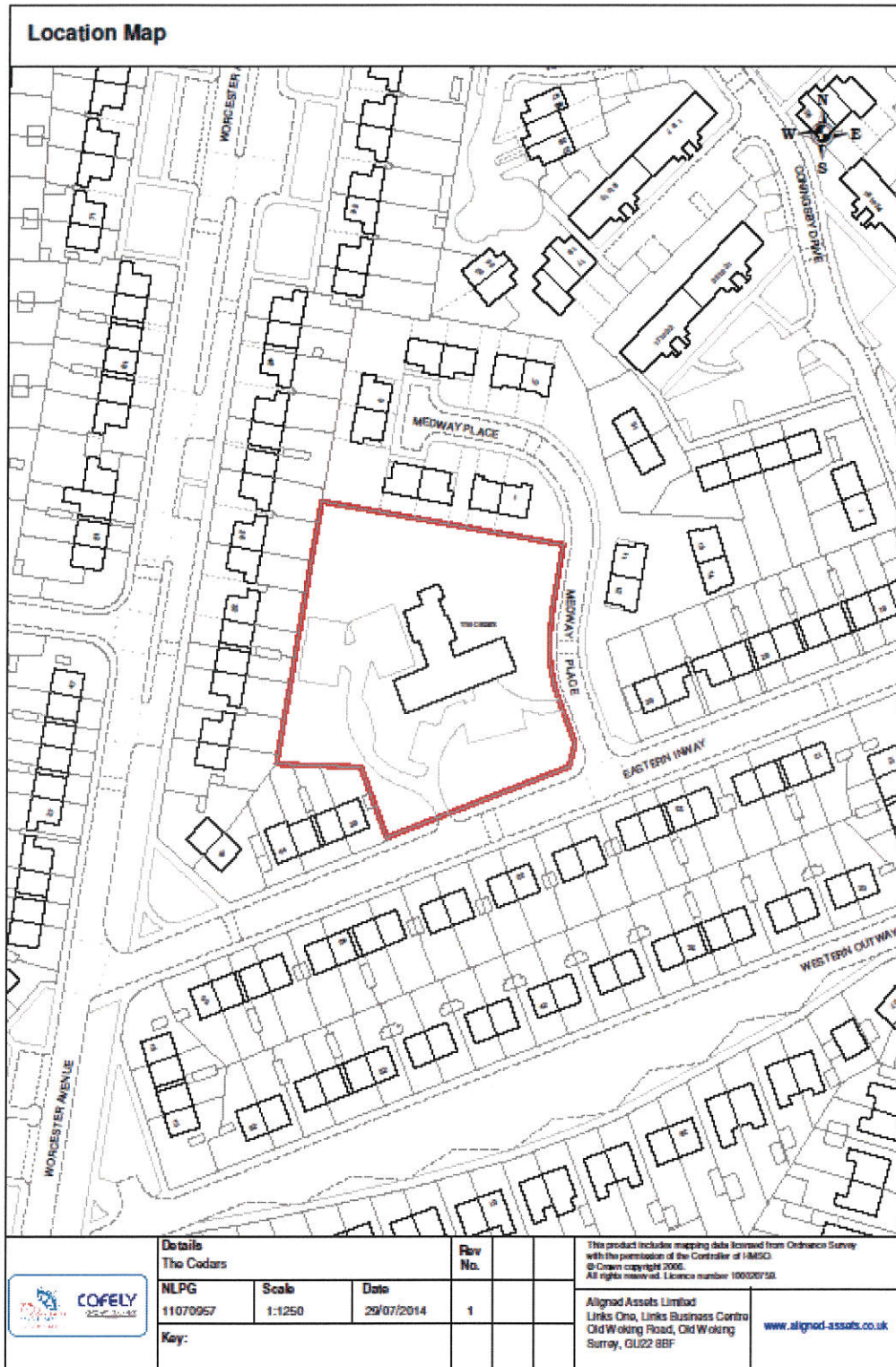
Crime and Disorder – The property is in an established residential location and whilst acts of crime and vandalism have so far been limited, disposal of this premise will ultimately remove any on-going risk to the Council.

Diversity – The potential sale provides the opportunity for the site to be refurbished and will ensure the local community benefit from an improved asset.

Value for Money – The recommendation to dispose of the property within this report will remove the costs associated with maintaining the void building and secure a capital receipt to support future capital projects.

14. Notification of Ward Councillors (South Ward)	Cllr J. Bramley Dated: 29.07.2014 Comments: None Received	Cllr N. Lincoln Dated: 29.07.2014 Comments: None Received	Cllr R. Oxby Dated: 17.07.2014 Comments: Email attached at Appendix Two.
15. Consultation with Portfolio Holder(s):	<div> Name: Cllr C. Shaw Title: Leader of the Council and Portfolio Holder for Assets & Special Projects </div> <div> Signed and Dated  13/8/14 </div>		
16. Decision maker(s)	<div> Name: Marc Cole Title: Strategic Director Place </div> <div> Signed and Dated  15/8/14 </div>		

Appendix One – Site Plan



Appendix Two - Ward Councillor Comments

From: Cllr - Oxby, Ray
Sent: 17 July 2014 11:37
To: Fox, Jack; Cllr - Lincoln, Norma
Subject: Re: The Cedars, Eastern Inway, Grimsby - disposal

Thanks Jack.

No issues for me.

Cheers.

Ray

Sent from Samsung tablet

Officer Decision Record – Property Transaction

1. Subject and details of the matter
<p><u>The Willows, Barmouth Drive Grimsby</u></p> <p>The above site (outlined in red on the attached plan at Appendix One) was vacated at the end of March 2014 by the out-going occupiers, NAViGO. Since then, the Council has been managing the property void, which has resulted in expenditure and the continuing cost of security. The site is made up of three premises, known as Willowdene (a former two storey care unit), Willowdene Bungalow (an adapted bungalow to provide care and support) and Pine Lodge (a modular single storey building).</p> <p>The Strategic Director for Place on 3 March 2014 determined that the property had no further internal use and as such should be disposed of by way of a freehold sale. Ashley House Plc., who have worked with the Council on other schemes, most notably the former Strand Street School and former Burwell Housing Offices, expressed an interest in purchasing the property. It was therefore authorised that discussions should commence firstly with Ashley House and if those negotiations were to become fruitless, then the property was to be taken to the open market.</p> <p>The proposal from Ashley House was to redevelop the site in order to provide Extra Care Accommodation. Negotiations were constructive and an offer of £190,000 has now been received. Given the on-going holding costs and increasing risks of vandalism, this offer is considered to represent Market Value.</p>
2. Details of Decision
<p>That The Willows be sold, generating a capital receipt of £190,000 (less costs of sale) - in accordance with the recommendations of Cofely Workplace Limited ("Cofely").</p> <p>The sale is subject to survey, subject to planning and subject to contract.</p>
3. Is it a Key Decision as defined in the Constitution?
<p>No – the decision:</p> <ul style="list-style-type: none"> • will result in a capital receipt below the threshold definition of a Key Decision; • relates to and impacts solely on one Ward (Freshney); • is not significant in terms of the number of residents / service users that will be affected in the ward; • is not likely to result in substantial public interest; and • will not incur a significant social, economic or environmental risk.
4. Has the principle of the disposal been approved by Cabinet
<p>No – as per section 3 above.</p>
5. Is it an Urgent Decision? If yes, specify the reasons for urgency
<p>N/A – it is not a Key Decision needed to be made urgently. However there is a risk the potential purchaser may withdraw if this decision is not made quickly.</p>
6. Anticipated outcome(s)
<p>The offer is not subject to any onerous conditions; therefore, pending exchange of contracts the council will continue to manage the property as void.</p>

Completion of this disposal will realise a capital receipt of £190,000 (less costs of sale) which will contribute to the Council's disposal programme.

7. Have the Premises been marketed by advertising or by auction? (if not why not)

No – the Council through Cofely have been in negotiations with Ashley House who are an established provider for this type of accommodation and scheme. The offer received is recommended for acceptance by Cofely as representing market value and the best price reasonably obtainable.

8. Background documents considered:

None.

9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

Open

10. Monitoring Officer Comments (Strategic Director – Resources or nominee)

The Strategic Director for Place is authorised by the Constitution to:

- determine all matters in respect of the Council's portfolio of offices, operational and commercial property, save where any related decisions qualify as Key Decisions which must be referred to Cabinet
- negotiate the disposal and / or acquisition of land and property on behalf of the Council, provided that any proposed acquisition or disposal that qualifies as a Key Decision must be referred to Cabinet

This decision is not a Key Decision and relates to operational property.

The decision is within the ambit of the scheme of delegation within the Constitution subject to (in the case of any proposed acquisition or disposal, including those not qualifying as a Key Decision):

1. consultation with the relevant Portfolio Holder(s) prior to proceeding; and
2. notification to the members for the relevant ward of the proposed acquisition or disposal, subject to any restrictions regarding the disclosure of "exempt" or confidential information.

The selling price reflects the fact that the proposed sale is not subject to any conditions to be imposed by the Council in terms of future use or development.

11. Section 151 Officer Comments (Head of Finance or nominee)

The financial implications are set out within this decision record. The negotiated sale price has been confirmed as representing market value and the estimated capital receipt of £190,000 (less cost of sale) will be applied to the Council's Capital Investment Programme.

12. Human Resource Comments (Head of Governance & Business Support or nominee)

There are no direct HR implications arising from this Officer Decision.



13. Risk Assessment (in accordance with the Report Writing Guide)

Crime and Disorder – The property is located within an established residential location and whilst acts of crime and vandalism have so far been limited, disposal of these premises will ultimately remove any on-going risk to the Council.

Diversity – The potential sale provides the opportunities for the site to be redeveloped and will ensure the local community benefit from an improved offer.

Value for Money – The recommendation to dispose of these properties within this report will remove the costs associated with maintaining the void building and secure a capital receipt to support future capital projects.

14. Notification of Ward Councillors (Freshney)	Cllr N Pettigrew Dated: 10/10/2014 Comments: None Received	Cllr C Barber Dated: 10/10/2014 Comments: None Received	Cllr R Sutton Dated: 10/10/2014 Comments: None Received
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15. Consultation with Portfolio Holder(s):	<p>Name: Cllr C. Shaw</p> <p>Title: Leader of the Council and Portfolio Holder for Assets and Special Projects</p> <p> 20/10/14</p> <p>Signed and Dated</p>
16. Decision maker(s)	<p>Name: Sharon Wroot</p> <p>Title: Director of Finance</p> <p> 20/10/14</p> <p>Signed and Dated</p>



Officer Decision Record – Property Transaction

1. Subject and details of the matter
<p><u>12 Town Hall Street, Grimsby</u></p> <p>The above property has been vacant since the previous external tenant surrendered their lease interest in May 2012. Since then, albeit using the property for a temporary period of occupation by the Council at the end of 2013, the Council has been managing the property void, which has resulted in expenditure of marginal utility and rates liability.</p> <p>The Strategic Director for Place determined that the property had no further internal use and as such the property should be marketed for both freehold and leasehold disposal.</p> <p>Scotts, Chartered Surveyors of Town Hall Street Grimsby were originally appointed to market the property on behalf of the Council from January 2014, however, due to a potential conflict of interest, PPH Commercial were instructed and took over marketing and has now reported receipt of an unconditional offer of £90K.</p>
2. Details of Decision
<p>That 12 Town Hall Street, Grimsby be sold for £90K in accordance with the recommendations of Cofely Workplace Limited ("Cofely").</p>
3. Is it a Key Decision as defined in the Constitution?
<p>No – the decision:</p> <ul style="list-style-type: none"> • will result in a capital receipt below the threshold definition of a Key Decision; • relates to and impacts solely on one Ward (West Marsh); • is not significant in terms of the number of residents / service users that will be affected in the ward; • is not likely to result in substantial public interest; and • will not incur a significant social, economic or environmental risk.
4. Has the principle of the disposal been approved by Cabinet
<p>No.</p>
5. Is it an Urgent Decision? If yes, specify the reasons for urgency
<p>N/A – it is not a Key Decision needed to be made urgently. However there is a risk the potential purchaser may withdraw if this decision is not made quickly.</p>
6. Anticipated outcome(s)
<p>The property will be sold and the capital receipt of £90k will be available to support the Council's Capital Investment Programme. Until completion of the sale the Council will continue to manage the property as void.</p>
7. Have the Premises been marketed by advertising or by auction? (if not why not)
<p>Yes – the Council engaged PPH (a local firm of Chartered Surveyors) to market the premises by private treaty. The offer received is recommended for acceptance by PPH and also by Cofely as representing market value and the best price reasonably obtainable.</p>
8. Background documents considered:
<p>None.</p>

9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons

No – This Decision Record is Open.

10. Monitoring Officer Comments (Strategic Director – Resources or nominee)

The Constitution delegates authority to the Strategic Director for Place to *exercise all functions of the Council in respect of Asset Management and to negotiate the disposal and/or acquisition of land and property on behalf of the Council, provided that any proposed acquisition or disposal that qualifies as a Key Decision must be referred to Cabinet.* As this decision is not a Key Decision, there is no requirement for it to be referred to Cabinet.

11. Section 151 Officer Comments (Head of Finance or nominee)

The capital receipt of £90,000 from the sale of the building will be available to support the Council's Capital Investment Programme. In addition, the disposal of the property will remove some small ongoing void property costs.

12. Human Resource Comments (Head of Governance & Business Support or nominee)

There are no Human Resource implications arising from this disposal.


13. Risk Assessment (in accordance with the Report Writing Guide)

Crime and Disorder – The property is situated in an area with other vacant buildings in the vicinity, however is centrally located to Grimsby Town Centre and therefore has not been subject to vandalism and anti-social behaviour due to its location and presence of security features such as security grilles.

Diversity – The potential sale provides the opportunity to bring a vacant building back in to use and improve the street scene to the area.

Value for Money – The recommendation to dispose of this property within this report will remove the costs associated with maintaining a void building and secures a capital receipt to support future capital projects.

14. Notification of Ward Councillors (West Marsh)	Cllr D. Billard	Cllr I. Lindley	
	Dated: 29/05/2014	Dated: 29/05/2014	
	Comments: None	Comments: None	
	Received	Received	

15. Consultation with Portfolio Holder:	Name: Cllr C. Shaw
	Title: Leader of the Council and Portfolio Holder for Regeneration and Assets
	 30.05.14
	Signed and Dated

16. Decision maker	Name: Marc Cole
	Title: Strategic Director for Place
	 30/5/14
	Signed and Dated

Officer Decision Record – Property Transaction

1. Subject and details of the matter

17 & 19 Wootton Road, Grimsby

The above properties were declared surplus and vacated in March 2012 and Autumn 2006 respectively. Since then, the Council has been managing the properties void, which has resulted in expenditure of costs for repairs and maintenance and security.

The Strategic Director for Place on the 20 November 2013 determined that the properties had no further internal use and as such should be disposed of (independently or together) by way of a freehold sale. As a result, the properties were placed on the open market for a period of 3 months'.

Following this, five offers representing market value have been received by the Council and are outlined as follows:

	Both		17 Wootton Road		19 Wootton Road	
	Offer £	Funding Confirmed	Offer £	Funding Confirmed	Offer £	Funding Confirmed
Mr Aaron Hill	90,000	YES				
Mr Martin Smith			60,000	YES		
Messrs' Nicholls & Hulbert	90,000	YES	49,689	YES	40,311	YES
Mr Robert Wardlow			52,000	NO		
Mr Rahman	60,000	NO	30,000	NO	30,000	NO

To achieve the highest yield it is recommended that the respective offers from Mr Martin Smith for 17 Wootton Road and Messrs' Nicholls & Hulbert for 19 Wootton Road are accepted – subject to survey and contract and the following conditions:

- The purchaser provides proof of funding for initial purchase and development works;
- The purchaser is required to submit a full planning application (if required) within a 12 month period of the sale completing;
- The purchaser is to commence substantial works within a 12 month period of satisfactory planning consent being granted or from the date of the sale completing;
- The vendor will have an option to buy back both premises at the agreed sale price should the purchaser not comply with the above conditions

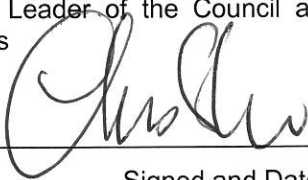

2. Details of Decision

That 17 & 19 Wootton Road, Grimsby be sold independently, generating a total capital of £100,311 (less costs of sale) - in accordance with the recommendations of Cofely Workplace Limited ("Cofely").

That both properties be sold:

1. subject to survey;
2. subject to the purchasers providing satisfactory proof of funding for the purchase price and for the cost of the development works required to bring the properties back to standard for residential use;
3. subject to planning (if required); and
4. subject to contract in which:
 - a) The purchaser will submit a full planning application (if required) within a 12 month period of the sale completing;
 - b) The purchaser will commence substantial works within a 12 month period of satisfactory

<p>planning consent being granted or from the date of the sale completing (whichever occurs first); and</p> <p>c) The Council will have an option to buy back both properties at the agreed sale price should the purchaser not comply with the above conditions.</p>
<p>3. Is it a Key Decision as defined in the Constitution?</p>
<p>No – the decision:</p> <ul style="list-style-type: none"> • will result in a capital receipt below the threshold definition of a Key Decision; • relates to and impacts solely on one Ward (South Ward); • is not significant in terms of the number of residents / service users that will be affected in the ward; • is not likely to result in substantial public interest; and • will not incur a significant social, economic or environmental risk.
<p>4. Has the principle of the disposal been approved by Cabinet</p>
<p>No – as per section 3 above.</p>
<p>5. Is it an Urgent Decision? If yes, specify the reasons for urgency</p>
<p>N/A – it is not a Key Decision needed to be made urgently. However there is a risk the potential purchaser may withdraw if this decision is not made quickly.</p>
<p>6. Anticipated outcome(s)</p>
<p>Although neither offer is subject to any conditions, the acceptances will be subject to the conditions set out in the Decision at section 2 and until compliance with those conditions that pre-requisite to contract the Council will continue to manage the properties as voids pending completion of the sales.</p> <p>Completion of both sales will realise a capital receipt of c£100k (less costs of sale) which will contribute as part of the Council's disposal programme.</p>
<p>7. Have the Premises been marketed by advertising or by auction? (if not why not)</p>
<p>Yes – the Council engaged Scott's (a local firm of Chartered Surveyors) to market the premises.</p> <p>The offers received are both recommended for acceptance by Scott's and also by Cofely as representing market value and the best price reasonably obtainable.</p>
<p>8. Background documents considered:</p>
<p>None.</p>
<p>9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons</p>
<p>Open</p>
<p>10. Monitoring Officer Comments (<i>Strategic Director – Resources or nominee</i>)</p>
<p>The Strategic Director for Place is authorised by the Constitution to:</p> <ul style="list-style-type: none"> • to determine all matters in respect of the Council's portfolio of offices, operational and commercial property, save where any related decisions qualify as Key Decisions which must be referred to Cabinet; • to negotiate the disposal and / or acquisition of land and property on behalf of the Council, provided that any proposed acquisition or disposal that qualifies as a Key Decision must be referred to Cabinet <p>This decision is not a Key Decision and relates to void non-operational property.</p> <p>The decision to confirm that both properties are surplus to the Council's requirements and to place them for sale on the open market are therefore in accordance with the scheme of delegation within the Constitution.</p> <p>Similarly, this decision is also within the ambit of the scheme subject to (in the case of any proposed</p>

<p>acquisition or disposal, including those not qualifying as a Key Decision) subject to:</p> <ol style="list-style-type: none"> 1. consultation with the relevant Portfolio Holder(s) prior to proceeding; and 2. notification to the members for the relevant ward of the proposed acquisition or disposal, subject to any restrictions regarding the disclosure of "exempt" or confidential information. 			
<p>11. Section 151 Officer Comments (Head of Finance or nominee)</p>			
<p>The sale of these properties will generate a capital receipt of £100,311 less any disposal costs. In addition to this, the Council will achieve direct revenue budget savings in excess of £3,000 per annum and will also avoid ongoing void property costs.</p>			
<p>12. Human Resource Comments (Head of Governance & Business Support or nominee)</p>			
<p>There are no direct HR implications arising from this report (decision).</p>			
<p>13. Risk Assessment (in accordance with the Report Writing Guide)</p>			
<p>Crime and Disorder – As these sites are situated in an area with other vacant buildings in the vicinity, they have already been subject to vandalism and anti-social behaviour due to their location and whilst there is the presence of security features such as security fencing, metal boarding and security patrols, there is a high risk of such repeats.</p> <p>Diversity – The potential sales provides the opportunities for the site to be redeveloped and will ensure the local community benefit from an improved street scene and for a sympathetic solution to positively contribute to the area.</p> <p>Value for Money – The recommendation to dispose of these properties within this report which will remove the costs associated with maintaining two void buildings and secures a capital receipt to support future capital projects.</p>			
<p>14. Notification of Ward Councillors (South Ward)</p>	<p>Cllr J. Bramley Dated: Comments:</p>	<p>Cllr N. Lincoln Dated: Comments:</p>	<p>Cllr R. Oxby Dated: Comments:</p>
<p>15. Consultation with Portfolio Holder(s):</p>	<p>Name: Cllr C. Shaw Title: Leader of the Council and Portfolio Holder for Regeneration and Assets</p> <p> 27/6/14</p> <p>Signed and Dated</p>		
<p>16. Decision maker(s)</p>	<p>Name: Marc Cole Title: Strategic Director for Place</p> <p> 27/6/14</p> <p>Signed and Dated</p>		

Officer Decision Record Amendment – Property Transaction

1. Subject and details of the matter

17 Wootton Road, Grimsby

The Strategic Director for Place and Portfolio Holder for Regeneration and Assets on the 27 June 2014 agreed to the sale of the above property, at market value (£60,000) to Mr Martin Smith as per the attached Officer Decision Record at appendix A.

Since the decision was taken, there have been two requests from the perspective purchaser:

1. Mr Martin Smith wishes to purchase the property through his limited company Elsfal Limited; and
2. To have consent to transfer the property after completion of the purchase (but prior to completion of the refurbishment works) into his wife's name to create 5 new titles.

In relation to point two above, the transfer imposes obligations on Mr Smith to refurbish the property for residential purposes. This is agreed. However, in order to secure the grant funding that has been offered to Mr Smith, there is a requirement to split the title into 5 residential units.

There are two ways to achieve the split of title. 1. the Council could transfer the land by way of four separate TP1s and a final TR1 creating 5 titles, which are all then charged to the grant provider, or 2. Mr Smith would transfer the property in a similar way after completion of the purchase (but before completion of the refurbishment works) into his wife's name to create 5 new titles.

This being the preferred method as under the first option a clause in the transfer could potentially prevent the grant provider's charges being secured against the 5 newly created titles. Under the second option a clause could also prevent the transfer of the property into 5 titles owned by Mrs Smith.

It is recommended that the Council grants consent to an amendment to the clause of the transfer to various transfers by Elsfal Limited to Mrs Smith, subject to Mrs Smith entering into a Deed of Covenant to comply with the provisions of the transfer, and protecting the Council's option to buy back the property, for the same price, if it is not brought back up to Housing Standard within 12 months from the date of the transfer by the Council.

It is further noted that planning permission has already been obtained (ref DM/0768/14/FUL).

2. Consultation with Portfolio Holder:

Name: Cllr C. Shaw

Title: Leader of the Council and Portfolio Holder for Assets and Special Projects



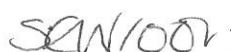
19 DEC 2014

Signed and Dated

3. Decision maker:

Name: Sharon Wroot

Title: Director of Finance



19 DEC 2014

Signed and Dated