

## Officer Decision Record

### 1. Subject and details of the matter

#### Humberston Fitties – increased security arrangements over the closed season 2015

The Council is obliged to enforce the closed season at the above site, daily between 16.30 and 09.00, operating from 1 January 2015 through to 28 February 2015 inclusive. The standard procedural approach to the Closed Season as adopted in previous years will be followed and options have been considered in respect to the increased security measures available over the closed period.

The Closed Season prevents overnight occupation during the months of January and February in each calendar year. This is a very important condition and is preserved in the lease restricting such use and mirrors the planning condition for the site. The Council, as landlord takes this clause very seriously and has in the past rigorously enforced this, seeking injunction proceedings against individuals, deemed to have breached this condition.

The Council are legally obliged to enforce the Closed Season clause and as such the Councils Regeneration Partner Cofely is responsible for its implementation and management. This record approves that continued enforcement and reporting of the Closed Season and in the event evidence is gathered to suggest a breach, appropriate legal resource will be in place to deal with the matter effectively.

### 2. Details of Decision

1. The procedural approach as taken in previous years be adopted as the method for the 2015 Closed Season; and
2. Further to the consideration of several options in respect to increased security measures over the Closed Season, the option to provide a 24 hours security service for the duration of the closed season (1 Jan to 28 Feb 15) be implemented, to include;
  - Welfare Port-a-cabin (including Gas usage);
  - Vehicle;
  - Static guard.

**Estimated Total = £19,738.92 – based on historic costs.**

**These are additional costs over and above those already incurred in relation to security measures for this site.**

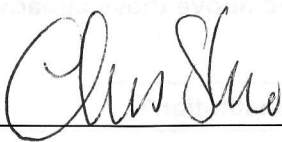

### 3. Is it a Key Decision as defined in the Constitution?

No – the decision:

- relates to and impacts solely on one Ward (Humberston and New Waltham 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.

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

Although it is not a Key Decision, it is needed to be made urgently in support of the 2015 closed season.

|  |   |   |  |
|--|---|---|--|
| <b>5. Anticipated outcome(s)</b>   |   |   |  |
| The introduction of increased security measures over the Closed Season period will provide the Council the reassurance that the condition in the lease restricting use, which mirrors the planning condition for the site, is being preserved. The Council, as landlord, has a duty to uphold the obligations as set out in the lease and will rigorously enforce this, seeking injunction proceedings, against individuals deemed to have breached this condition.  |   |   |  |
| <b>6. Background documents considered:</b>   |   |   |  |
| There are no background documents to be considered   |   |   |  |
| <b>7. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons</b>  |   |   |  |
| No   |   |   |  |
| <b>8. Monitoring Officer Comments (Assistant Director Law &amp; Solicitor to the Council or nominee) )</b>   |   |   |  |
| The Director of Finance is authorised by the Scheme of Delegation in 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. This decision is not a Key Decision and therefore falls within the ambit of the delegated authority.  |   |   |  |
| <b>9. Section 151 Officer Comments (Director of Finance or nominee)</b>  |   |   |  |
| The costs of the additional security measures are estimated at approximately £20k and this will add to the budget pressures currently being recognised within the Asset Management service area.   |   |   |  |
| <b>10. Human Resource Comments (Assistant Director Governance &amp; Democracy or nominee)</b>  |   |   |  |
| There are no direct HR implications arising from this Officer Decision.  |   |   |  |
| <b>11. Risk Assessment</b>   |   |   |  |
| <p><b>Crime and Disorder</b> – It is anticipated that by providing additional security measures during the closed period will reduce or mitigate any acts of crime or anti social behaviour.</p> <p><b>Diversity</b> – The proposal for increased security measures does not impact on Diversity.</p> <p><b>Value for Money</b> – The recommendation to increase security measures over the Closed Season will ensure the Council is taking appropriate actions in the effective management of its Assets.</p> |   |   |  |
| <b>12. Notification of Ward Councillors (Humberston and New Waltham Ward)</b>  | Cllr. S. Norton<br>Dated: <b>20/01/2015</b><br>Comments: <b>None received</b>   | Cllr. J. S. Fenty<br>Dated: <b>20/01/2015</b><br>Comments: <b>None received</b> | Cllr. S. Harness<br>Dated: <b>20/01/2015</b><br>Comments: <b>None received</b> |
| <b>13. Consultation with Portfolio Holder:</b>   | Name: Cllr C. Shaw<br>Title: Leader of the Council and Portfolio Holder for Assets and Special Projects.<br> 20/1/15<br>Signed and Dated |   |  |
| <b>14. Decision maker:</b>   | Name: Sharon Wroot<br>Title: Director of Finance<br> 20/01/15.<br>Signed and Dated   |   |  |

## Officer Decision Record – Property Transaction

### 1. Subject and details of the matter

#### Playing Field Cleethorpes

The above land is held by way of freehold title by North East Lincolnshire Council (Education Land) and comprises of a school playing field belonging to the former Lindsey Upper School. Upon the closure of the Lindsey School and the opening of Cleethorpes Academy (900 places), the sponsor at that time declined the transfer of this element of the site.

It is noted that a 900 place secondary school/academy (according to section 77 guidelines of the School Standards and Framework Act 1998) should have playing field provision of no less than 58,000m<sup>2</sup> to meet its curriculum needs.

Cleethorpes Academy currently only has 33,743m<sup>2</sup> designated playing field. The additional area of field equates to a further 40,960m<sup>2</sup> and the sponsor has formally requested that the field be transferred to the Academy for curriculum use.

If this element of the field is transferred back to the Academy it will give the site an overall area of 74,703m<sup>2</sup> which it is noted is in excess of the minimum requirement, but it is not unusual for an education site to have additional playing field space, and this surplus would assist both the Academy and LA as pupil numbers within this area rise and it be identified that there was a requirement to grow the site. It is noted that the Sponsor has confirmed that the land will solely be used for education purposes.

### 2. Details of Decision

That the former playing is transferred to the sponsor of Cleethorpes Academy for curriculum use - in accordance with the Academies Act 2010. The Academy Sponsor has agreed to a community use agreement in line with the one it currently has within its lease for the Cleethorpes Academy.

### 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 (Haverstoe);
- 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 – in accordance with 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 currently the Academy is not meeting its statutory duty with regard to the PE curriculum due to its insufficient playing field area.

**6. Anticipated outcome(s)**

The request will result in the site transferring to the Academy and the Local Authority no longer having to manage a void piece of land.

Completion of this disposal will not realise a capital receipt, however it does resolve the issue of officers time in regard to managing the site.

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

No – The piece of land in question is Education Land (school playing field) and requires a Section 77 approved application to enable commercial disposal generating a capital receipt. Any 77 application to dispose of this specific school playing field, would be unsuccessful due to the Cleethorpes Academy currently not having sufficient playing field area for a 900 place provision.

**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**

The decision will result in the identity of the Sponsor being registered at the Land Registry where it will be available for public inspection.

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

The Academy has agreed to ensuring a community use agreement is reflected within the lease for this element of school playing field.

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

There may be some small savings in management and maintenance costs 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 Officers decision.

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

**Crime and Disorder** – Whilst no vandalism has been reported during the period whilst the field has been surplus, the transfer of the field will see a school playing field back into use which will greatly reduce the chance of any future vandalism or damage to the site.

**Diversity** – The transfer of the field to the Sponsor provides opportunity for the site to be maintained to a playing field standard which will improve the street scene.

**Value for Money** – The recommendation to dispose of the property will remove the costs associated with maintaining the field as a void property.

**14. Notification of Ward Councillors (Haverstoe)**

Cllr. Keith Brookes  
Dated: 19<sup>th</sup> November 2014  
Comments: I welcome this, please see is dealt with asp

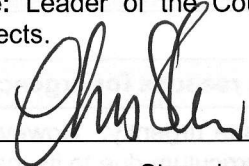
Cllr. Margaret Cracknell  
Dated: 25<sup>th</sup> November 2014  
Comments: None Received

Cllr Bill Parkinson  
Dated: 25<sup>th</sup> November 2014  
Comments: None Received

**15. Consultation with Portfolio Holder(s):**

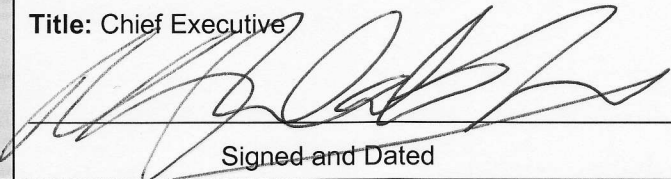
**Name:** Cllr C. Shaw

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

 21/1/15

Signed and Dated



|                              |  |
|------------------------------|--|
| <b>16. Decision maker(s)</b> | <p><b>Name:</b> Rob Walsh</p> <p><b>Title:</b> Chief Executive</p>  <hr/> <p>Signed and Dated</p> |
|------------------------------|--|

## Officer Decision Record – Property Transaction

|   |
|---|
| <b>1. Subject and details of the matter</b>   |
| <p><u>Immingham Lorry Park and Adjacent Land, Manby Road, Immingham</u></p> <p>The site comprises a total of approx. 2.91 acres (11,777sq m), of which 2.08 acres (8,414sq m) is currently leased out on a 5 year lease at £7,500 per annum (outlined blue on the attached plan at appendix one), and used as a lorry park. The remaining (0.83 acres) 3,363sq m (outlined red) is currently unused and is in an overgrown state.</p> <p>It is the opinion of Cofely Workplace Ltd ("Cofely") that the rent be renegotiated to represent market value for the entire 2.91 acre site, based on a new 25 year lease term.</p> |
| <b>2. Details of Decision</b>   |
| <p>That the terms of a new lease of Immingham Lorry Park to include the adjacent land be agreed on the condition that planning permission is successfully obtained for a change of use of the adjacent land to a lorry park at a market rent - in accordance with the recommendations of Cofely.</p>  |
| <b>3. Is it a Key Decision as defined in the Constitution?</b>  |
| <p>No – the decision:</p> <ul style="list-style-type: none"> <li>• relates to and impacts solely on one Ward (Immingham);</li> <li>• is not significant in terms of the number of residents / service users that will be affected in the ward; and</li> <li>• is not likely to result in substantial public interest</li> </ul>   |
| <b>4. Has the principle of the disposal been approved by Cabinet</b>  |
| <p>No – in accordance with Section 3 above.</p>   |
| <b>5. Is it an Urgent Decision? If yes, specify the reasons for urgency</b>   |
| <p>N/A – it is not a Key Decision needed to be made urgently.</p>   |
| <b>6. Anticipated outcome(s)</b>  |
| <p>The proposal is subject to planning permission being successfully obtained for a change of use of the adjacent land. Therefore, pending completion of the new lease the tenant will continue to hold the current lorry park on lease and the Council will continue to manage the adjacent land as surplus.</p>   |
| <b>7. Have the Premises been marketed by advertising or by auction? (if not why not)</b>  |
| <p>No – the land is currently not available on the open market and has been subject to a specific expression of interest by the current lessee of the lorry park.</p> <p>The proposed lease to the tenant to the adjacent land is recommended by Cofely, subject to planning permission, as representing market value.</p>  |
| <b>8. Background documents considered:</b>  |
| <p>There are no background documents to be considered.</p>  |
| <b>9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons</b>   |
| <p>Open</p>   |

**10. Monitoring Officer Comments**

The decision is supported as it both accords with professional advice received from the Council's Regeneration Partner, Cofely Workplace Limited, and fits within the Council's governance arrangements for transactions of this nature.

**11. Section 151 Officer Comments**

The leasing of the surplus land would generate additional lease rental income to the Council and remove any ongoing costs associated with maintaining the land as surplus.

**12. Human Resource Comments**

There are no HR implications arising from this Officers' decision.

**13. Risk Assessment**

**Crime and Disorder** – It is anticipated that by providing additional lorry parking, the number of lorries parking illegally in the town and surrounding area will be reduced.

**Diversity** – The proposed leasehold disposal provides opportunity for the site to be improved which will improve the street scene.

**Value for Money** – The recommendation to dispose of the site by way of a lease will remove any future costs associated with maintaining the land as surplus.

**14. Notification of Ward Councillors (Immingham Ward)**

Cllr. D Bolton  
Dated: **30.12.2014**  
Comments: **None Received**

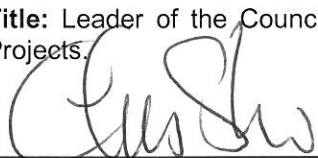
Cllr. M Burton  
Dated: **30.12.2014**  
Comments: **None Received**

Cllr. D Watson  
Dated: **30.12.2014**  
Comments: **None Received**

**15. Consultation with Portfolio Holder:**

**Name:** Cllr C. Shaw

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

 05/01/15

Signed and Dated

**16. Decision maker:**

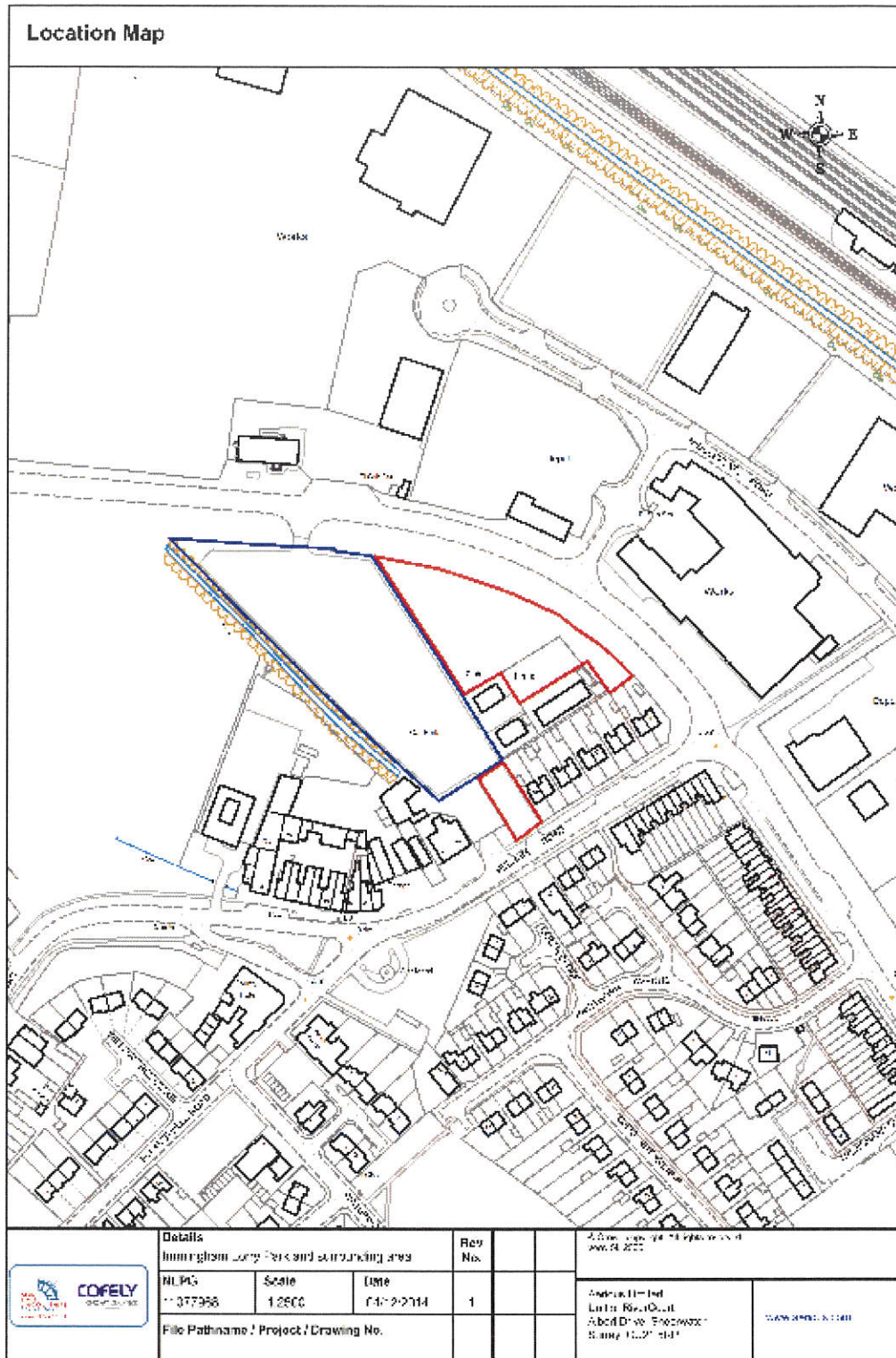
**Name:** Sharon Wroot

**Title:** Director of Finance

 05/01/15

Signed and Dated

# Appendix One – Location Plan







**Form M. O. 1 - Officer Decision Record**  
**NOT FOR PUBLICATION**

**1. Subject and details of the matter – IMMINGHAM SWIMMING POOL**

Immingham Swimming Pool is an important community leisure facility. Opening in 1970 it serves the residents of Immingham and surrounding areas of North and North East Lincolnshire attracting over 50,000 facility visits annually.

The town centre facility comprises of a swimming pool (5 lane 25 metres), sauna, small fitness suite and viewing gallery. The facility has been operated for NELC by Lincs Inspire Ltd since April 2013, requires significant investment to improve the community outcomes as well as building and service efficiencies.

A feasibility study cost plan, risk register and project plan was undertaken by NELC and Cofely to extend the facility life and improve operational efficiencies by introducing unisex changing village, an exercise studio, enlarge the fitness suite and address complaints about the general environment, and reduce energy consumption.

The Immingham Swimming Pool redevelopment project budget is £1,591K inclusive of all fees, provisional sums and risk contingency. NELC has successfully applied for £400K of lottery grant funding from Sport England to support this redevelopment project which needs to be formally accepted.

**2. Decision**

That the council enter into the lottery funding grant agreement to use the grant funding to redevelop Immingham Swimming Pool.

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

Yes, because:

- the outcome of the decision will be above the financial threshold definition of a Key Decision;
- relates to and impacts on more than one Ward; and
- is significant in terms of the number of residents / service users that will be affected in the ward; and
- is likely to result in substantial public interest; and
- will incur a significant social, economic or environmental risk.

**4. Has the matter been approved by Cabinet**

Cabinet have indicated that they support the project as part of the North East Lincolnshire Council, capital programme, however, a decision just on this matter has not been taken.

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

Yes, as project works are underway and the lottery funding agreement to receive the £400K needs to be formally accepted.

For these reasons, any delay would seriously prejudice the Council's and the community's interests, and the urgency is such that the decision should not be subject to call-in.

**6. Anticipated outcome(s)**

The council enter into the lottery funding grant agreement to use the grant funding and that the principal redevelopment works to Immingham Swimming Pool are continued.

**7. Have the services been subject to competitive tender, and if not why not?**

The contract to develop the Immingham Swimming Pool was competitively tendered by Cofely on North East Lincolnshire Council's behalf. Tenders were invited using the Yortender electronic hosting system and the Lot 2 shortlist from the 2014 Framework and the contract has subsequently been awarded, to F Parkinson Ltd in order to safeguard costs and achieve the necessary grant timescale.

**8. Background documents considered:**

The council has developed and considered the following documents;

- Feasibility study Immingham Swimming Pool
- Lottery application and Immingham Swimming Pool development business case
- Lottery Funding Award
- Tender documentation
- Value engineering reports

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

The decision is to enter the lottery funding grant agreement and to use that funding to redevelop Immingham Swimming Pool.

**10. Monitoring Officer Comments (*Assistant Director Law & Solicitor to the Council or nominee*)**

(a) In terms of compliance with the Special Urgency Provisions (Rule 17 of the Cabinet Procedure Rules), and because the matter is not in the Forward Plan, the Constitution requires:

- the agreement of the chair of the relevant Scrutiny Panel that the making of the decision is urgent and cannot reasonably be deferred; and
- notice (of the reasons for urgency and why the decision cannot reasonably be deferred) to be posted at the Council's offices and on the website.

(b) In terms of Exemption from call-in, the Constitution provides:

- that officer decisions are subject to call-in unless the decision maker and the consultees agree that the urgency is justified and that the decision should be exempt from call-in. The Leader and the Deputy Leader (or in their absence the Chief Executive) must agree both that the decision proposed is both reasonable in all the circumstances and should be treated as a matter of urgency;
- for a separate test for urgency under the Overview and Scrutiny Procedure Rules - 'if any delay would seriously prejudice the Council's or the community's best interests';
- that the record of the decision, and notice by which it is made public 'shall state whether in the opinion of the decision making person or body, the decision is an urgent one and the reason for this, and therefore not subject to call-in'.
- that the decision and the reasons for it should then be reported to the next Cabinet, together with the reasons for the urgency.

The reasons for urgency set out in this ODR are considered to be urgent within the meaning of the Special Urgency Provisions.

Accordingly the decision is supported subject to a review of the terms and conditions of the lottery funding grant agreement proposed to be entered and that entry into these terms and conditions is considered by the Monitoring Officer to be in the Council's best interests.

Further the decision is supported on the basis that the Special Urgency Provisions are complied with and that this matter gets placed before the next meeting of Cabinet.

**12. Section 151 Officer Comments (*Director of Finance or nominee*)**

The current approved capital budget for this scheme is £1,591k, which assumes the receipt of the £400k grant from Sport England in the financing of this scheme.



It is therefore imperative that the grant funding is accepted so that a shortfall in funding for the scheme does not arise.

**13. Human Resource Comments** (*Assistant Director Governance & Democracy or nominee*)

There are not human resources implications of this decision.

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

The decisions detailed in this decision record are considered in line with earlier cabinet decisions about the capital programmes. A delay in accepting this funding agreement risks a significant shortfall in the required capital budget to deliver the scheme.

**15. Notification of Ward Councillors**

Not Applicable – Relates to multiple Wards

**16. Agreement of Chair of Scrutiny Panel**

In accordance with the Special Urgency provisions, I agree that the decision is urgent and cannot reasonably be deferred and am satisfied that the urgency is justified and that the decision is not subject to call-in.

Signed and Dated



4.2.14

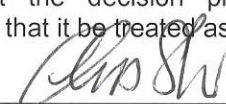
Cllr T Walker - Chair,

Scrutiny Panel

**17. Consultation with and Agreement of the Leader and Deputy Leader**

It is agreed that the decision proposed is reasonable in all the circumstances and that it be treated as a matter of urgency.

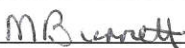
Signed and Dated



4.2.14

Cllr C Shaw - Leader of the Council & Portfolio Holder for Assets & Special Projects.

Signed and Dated



4/2/2014

Cllr M Burnett - Deputy Leader of the Council & Portfolio Holder for Tourism, Leisure & Culture.

**18. Decision maker(s)**

Signed and Dated



Sally Jack - Assistant Director Joint Delivery





## Officer Decision Record – Property Transaction

### 1. Subject and details of the matter

#### The Willows, Barmouth Drive, Grimsby

The above site (as outlined red on the attached plan) was vacated at the end of March 2014 by the out-going occupiers, NAViGO. Since then, the Council has been managing the properties void, which has resulted in expenditure and the continuing cost of security. The site is made up of three buildings, known as Willowdene (a two storey former residential care unit), Willowdene Bungalow (an adapted bungalow to provide specialist care and support) and Pine Lodge (a modular single storey building).

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 site in order to provide supported housing. Discussions commenced on a best value basis, initially with Ashley House and if those negotiations were to become fruitless, then the property was to be taken to the open market.

The proposal from Ashley House was to redevelop the site in order to provide Extra Care accommodation. Negotiations were constructive but due to issues surrounding massing on the site and Planning criteria, those discussions ceased in early November 2014. Final instructions were therefore issued to advertise the site and the property duly went on the Market in January 2015.

Due to the location, age and structure of the premises, there has been limited interest. However, on 6 February 2015 an unconditional offer of £175,000 or £225,000 conditional upon successful planning permission for an older persons housing scheme, was received from Cawthorpe Estates. Following further negotiation, the conditional offer was subsequently increased to £250,000.

The lower offer represents less risk to the Council and negates the need to wait for Planning Permission. The disadvantage of this is that the purchaser may immediately sell the property on for a small profit or may simply acquire the site and do nothing. The higher receipt carries greater risk in that until Planning Permission is obtained, the Council remain responsible for the holding costs. However, the expectation is that once Planning Permission is granted (assuming it is) then the development will hopefully proceed - although there is of course no guarantee of this.

### 2. Details of Decision

That The Willows site be sold, generating a capital receipt of £250,000 (less costs of sale) - in accordance with the recommendations and valuation of Cofely Workplace Limited ("Cofely").

The sale is subject to survey, subject to planning and subject to contract. The holding costs for the 10 months during 2014/15 when the property became vacant amounted to a total of £11,000;

This equates to an average of £1,000 per month assuming the above spend profile continues. If the conditional offer takes 18 months to obtain Planning Permission before the deal can legally complete, this would equate to additional holding costs of c£20,000.

However, the Council is able to net some of these potential costs (up to £10,000) off the ultimate sale price of £250,000 which would still generate a greater receipt to the Council than if it sold on the basis of the unconditional offer.

### 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;

|   |  |   |  |
|---|--|---|--|
| <ul style="list-style-type: none"> <li>relates to and impacts solely on one Ward (Freshney);</li> <li>is not significant in terms of the number of residents / service users that will be affected in the ward;</li> <li>is not likely to result in substantial public interest; and</li> <li>will not incur a significant social, economic or environmental risk.</li> </ul>   |  |   |  |
| <b>4. Has the principle of the disposal been approved by Cabinet</b>  |  |   |  |
| No – as per section 3 above.  |  |   |  |
| <b>5. Is it an Urgent Decision? If yes, specify the reasons for urgency</b>   |  |   |  |
| 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.   |  |   |  |
| <b>6. Anticipated outcome(s)</b>  |  |   |  |
| <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 until Planning Permission is obtained and the sale completes. The holding costs have been estimated at c£20,000.</p> <p>Completion of this disposal will realise a capital receipt of £250,000 (less costs of sale) which will contribute to the Council's disposal programme.</p>   |  |   |  |
| <b>7. Have the Premises been marketed by advertising or by auction? (if not why not)</b>  |  |   |  |
| Yes.  |  |   |  |
| <b>8. Background documents considered:</b>  |  |   |  |
| None.   |  |   |  |
| <b>9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons</b>   |  |   |  |
| Open.   |  |   |  |
| <b>10. Monitoring Officer Comments (Assistant Director Law or nominee)</b>  |  |   |  |
| The decision is supported for the reasons set out. Legal Services will support this piece of work by completing the legal elements of the transaction accordingly.  |  |   |  |
| <b>11. Section 151 Officer Comments (Director of Finance or nominee)</b>  |  |   |  |
| 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 £250,000 (less cost of sale) will be applied to the Council's Capital Investment Programme.  |  |   |  |
| <b>12. Human Resource Comments (Assistant Director Strategic Business Support or nominee)</b>   |  |   |  |
| There are no direct HR implications arising from this Officers Decision Record.   |  |   |  |
| <b>13. Risk Assessment (in accordance with the Report Writing Guide)</b>  |  |   |  |
| <p><b>Crime and Disorder</b> – The properties are 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.</p> <p><b>Diversity</b> – The potential sale provides the opportunities for the site to be redeveloped and will ensure the local community benefit from an improved offer.</p> <p><b>Value for Money</b> – The recommendation to dispose of these properties within this report will remove the costs associated with maintaining the void buildings and secure a capital receipt to support future capital projects.</p> |  |   |  |
| <b>14. Notification of Ward Councillors (Freshney)</b>  | Cllr N Pettigrew<br>Dated: 17/04/2015<br>Comments: <b>None Received.</b> | Cllr C Barber<br>Dated: 17/04/2015<br>Comments: <b>None Received.</b> | Cllr R Sutton<br>Dated: <b>14/04/2015</b><br>Comments: <b>Received and attached at Appendix Two.</b> |

|  |  |
|--|--|
| <b>15. Consultation with Portfolio Holder:</b> | <p><b>Name:</b> Cllr C. Shaw</p> <p><b>Title:</b> Leader of the Council and Portfolio Holder for Finance and Assets</p> <p> 22/4/15</p> <hr/> <p>Signed and Dated</p> |
| <b>16. Decision maker:</b>                     | <p><b>Name:</b> Sharon Wroot</p> <p><b>Title:</b> Director of Finance</p> <p> 21/04/15</p> <hr/> <p>Signed and Dated</p>  |



## Appendix One – Site Plan



## Appendix Two – Ward Councillor Comments

**From:** Fox, Jack  
**Sent:** 15 April 2015 17:45  
**To:** Cllr - Sutton, Ray  
**Cc:** Cllr - Barber, Cliff; jake.rollin@nhs.net; Tony Bramley  
**Subject:** RE: Disposal of Willowdene/ Willows - request to rethink

Good Afternoon Cllr Sutton

Thank you for your email and I note your frustrations around Ward Councillor consultation, however, the purpose of me contacting you is to notify you and raise such matters to your attention. If I have not provided you with a full explanation to the background of this particular site and discussions already held, I apologise and would appreciate the opportunity to rectify this now.

For your assurance, we have previously engaged and progressed discussions with the CCG/ Ashley House, on two occasions, as far as possible. The latter of which I believe resulted in challenges with Planning which posed restrictions for the type of development put forward.

Furthermore, we have been in discussion with Shoreline and through liaison with our own Strategic Housing colleagues. However, my interpretation here was that Shoreline were not in a position to confirm what future plans they may have surrounding the adjacent Stratford House, resulting in a wider redevelopment including Willowdene.

As a result of both parties being included within those initial discussions, without a firm decision regarding a future use for this property and rising antisocial behaviour activity and void management costs mounting up, we took the decision and marketed the site for other opportunities. This has brought us to the current position where we have a 'best value' offer on the table. Of course this is conditional upon successful Planning being obtained, the outcome of which is to be determined.

I hope that the above provides you with some clarity around the background of options under consideration leading up to this point. However if you have any comments you wish to be entered into the Officer Decision Record, either in support or not of the proposal, please let me know by return.

Regards

**Jack Fox, Assets Advanced Practitioner (Corporate), North East Lincolnshire Council**  
Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU | ☎: 01472 323388 / 07730 014287 | ✉: [jack.fox@nelincs.gov.uk](mailto:jack.fox@nelincs.gov.uk)  
**Not Protectively Marked**

**From:** Cllr - Sutton, Ray  
**Sent:** 14 April 2015 13:13  
**To:** Fox, Jack  
**Cc:** Cllr - Barber, Cliff; jake.rollin@nhs.net; Tony Bramley  
**Subject:** Re: Disposal of Willowdene/ Willows - request to rethink

Jack please accept this request to recall my previous reply. There has been little to no consultation with ward councillors on the options for Willowdene and Stratford House and informal discussions this morning suggest that there needs to be an urgent partnership meeting as soon as possible to review what has already been considered.

With Good wishes

Councillor Ray Sutton  
M. 07952 488990  
Sent from Samsung tablet

**From:** Cllr - Sutton, Ray  
**Sent:** 14 April 2015 00:14  
**To:** Fox, Jack; Cllr - Pettigrew, Nick; Cllr - Barber, Cliff  
**Subject:** Re: Disposal of Willowdene/ Willows

I am disappointed that the Ashley House deal did not go ahead and am not sure I understand 'massing' in this context. I expected 'flood risk'.

I'm pleased to see that the Council is working to avoid a derelict building and site and will, reluctantly, go along with the higher (with planning permission) offer

With Good wishes

Councillor Ray Sutton  
M. 07952 488990  
Sent from Samsung tablet

----- Original message -----

From: "Fox, Jack" <Jack.Fox@nelincs.gov.uk>

Date: 13/04/2015 17:11 (GMT+00:00)

To: "Cllr - Pettigrew, Nick" <Nick.Pettigrew@Nelincs.gov.uk>, "Cllr - Barber, Cliff" <Cliff.Barber@nelincs.gov.uk>, "Cllr - Sutton, Ray" <Ray.Sutton@nelincs.gov.uk>

Subject: RE: Disposal of Willowdene/ Willows

Good Afternoon Councillors

Further to my previous email, as outlined below, it was agreed that the above site 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 site in order to provide supported housing. Discussions commenced on a best value basis, initially with Ashley House and if those negotiations were to become fruitless, then the property was to be taken to the open market.

The proposal from Ashley House was to redevelop the site in order to provide Extra Care accommodation. Negotiations were constructive but due to issues surrounding massing on the site and Planning criteria, those discussions ceased in early November 2014. Final instructions were therefore issued to advertise the site and the property duly went on the Market in January 2015.

Due to the location, age and structure of the premises, there has been limited interest. However, in February 2015 both an unconditional offer and a conditional offer based upon successful planning permission for an older persons housing scheme, were received by the same prospective purchaser. Following further negotiation, the conditional offer was subsequently increased and represents market value.

Whilst the lower offer represents less risk to the Council and negates the need to wait for Planning Permission, the disadvantage of this is that the purchaser may immediately sell the property on for a small profit or may simply acquire the site and do nothing. The higher receipt carries greater risk in that until Planning Permission is obtained, the Council remain responsible for the holding costs. However, the expectation is that once Planning Permission is granted (assuming it is) then the development will hopefully proceed - although there is of course no guarantee of this.

The purpose of my email is to advise that the higher conditional offer is recommended. This has taken in to account potential void management costs whilst planning is obtained and would still yield a potential higher receipt. A formal Officer Decision Record has been produced and will include any comments you may wish to make, prior to approval from the Director of Finance in consultation with the Portfolio Holder for Finance and Assets.

Could I therefore please ask you to provide any comments you may wish to make ASAP by return of this email and no later than close of business Friday, 17 April 2015.

Regards

**Jack Fox, Assets Advanced Practitioner (Corporate), North East Lincolnshire Council**

Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU | ☎: 01472 323388 / 07730 014287 | ✉: [jack.fox@nelincs.gov.uk](mailto:jack.fox@nelincs.gov.uk)

**Not Protectively Marked**

## Officer Decision Record – Property Transaction

### 1. Subject and details of the matter

#### **Pavilion Lane, Recreational Ground known as Greenland's, New Waltham, Grimsby**

The recreation ground / open space at Greenland's (the "site") comprises a total of approx. 13.36 acres (54,095sq m) as outlined red on the attached plan at Appendix One. The site comprises in the majority of open space, and includes a small wooded copse, a bmx track, bowling green, pavilion building and car park.

Officers have been in discussions with the Parish Council regarding a lease of the Pavilion and Service Level Agreement to take over the management of the wider site, as per the approval under the Delegation of Functions to Town and Parish Councils, obtained by cabinet on the 28 April 2014.

It is the recommendation and accompanied valuation advice of Cofely Workplace Ltd ("Cofely") that the pavilion be leased to the Parish Council for a term of 25 years' at a rent representing market value, which has been set at £800 per annum. The Parish Council intend to meet the rent payment by way of Community benefit. This will be by way of a direct funded employment of a youth worker at an annual cost of £1,400 pa and by offering the pavilion to young people 3 hours per week for 48 weeks of the year at a nominal £10 per hour, which will equate to £1,440 pa. A collective sum of £2,840 per annum will therefore be used as the Community benefit which will be in lieu of payment of the rent.

The wider site maintenance will be formed by way of a Service Level Agreement which will result in the Parish Council taking on the full maintenance obligations from the commencement of Year Four. From the commencement of the agreement the Council will provide financial support on a reducing position until the Parish become wholly responsible, as set out below:

Year 1 – NELC to provide 100% of the maintenance responsibility to the site;  
 Year 2 - NELC to provide 50% of the maintenance responsibility to the site;  
 Year 3 - NELC to provide 25% of the maintenance responsibility to the site; and  
 Year 4 and thereafter under the terms of the agreement, the Parish Council will be responsible for all maintenance liability to the site.

### 2. Details of Decision

That the terms of a new lease for the term of 25 years' of the pavilion be agreed at a rent representative of market value – in accordance with the recommendations of Cofely. The rent will be paid for by way of free use to the community.

The wider site maintenance will be formed as part of a Service Level Agreement under the Delegation of Functions approval by cabinet.

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

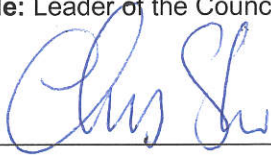
No – the decision:

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

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

No – in accordance with Section 3 above.



|   |  |  |   |
|---|--|--|---|
| <b>5. Is it an Urgent Decision? If yes, specify the reasons for urgency</b>   |  |  |   |
| N/A – it is not a Key Decision needed to be made urgently.  |  |  |   |
| <b>6. Anticipated outcome(s)</b>  |  |  |   |
| <p>The granting of a lease of the pavilion and agreement by way of the Delegation of Functions approval of the wider "Greenland's" site which will relieve the Authority of all management costs in relation to the site.</p> <p>Pending completion of the lease and agreement, the Council will continue to manage the pavilion and land in its current state.</p>   |  |  |   |
| <b>7. Have the Premises been marketed by advertising or by auction? (if not why not)</b>  |  |  |   |
| <p>No – the land is currently not available on the market.</p> <p>The proposed lease to the Parish Council is recommended for approval by Cofely, with the rent agreed as representing market value.</p>  |  |  |   |
| <b>8. Background documents considered:</b>  |  |  |   |
| There are no background documents to be considered.   |  |  |   |
| <b>9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons</b>   |  |  |   |
| No.   |  |  |   |
| <b>10. Monitoring Officer Comments (Assistant Director Law &amp; Solicitor to the Council or nominee)</b>   |  |  |   |
| The decision is supported for the reasons set out. Legal Services will support this piece of work by completing the legal elements of the transaction accordingly.  |  |  |   |
| <b>11. Section 151 Officer Comments (Director of Finance or nominee)</b>  |  |  |   |
| The transfer of the direct running costs of the Pavilion will generate savings of approximately £1k per annum to the Council. The Council will continue to provide grounds maintenance services over the next three years but at a reduced level each year and at the end of the three years the Parish Council will take on full responsibility.   |  |  |   |
| <b>12. Human Resource Comments (Assistant Director Governance &amp; Democracy or nominee)</b>   |  |  |   |
| There are no direct HR implications for the Council arising from this ODR. However, NELC needs to ensure that any liability in relation to the employment of a Youth Worker is directly attributable to New Waltham Parish Council.   |  |  |   |
| <b>13. Risk Assessment (in accordance with the Report Writing Guide)</b>  |  |  |   |
| <p><b>Crime and Disorder</b> – There have been minimal reports of vandalism or anti-social behaviour on this pavilion/ land; disposal will enable a greater the use of land.</p> <p><b>Diversity</b> – This proposal does not have an impact on diversity.</p> <p><b>Value for Money</b> – The recommendation to dispose of the site by way of a lease of the pavilion at market rent, which will be will remove any future costs associated with maintaining the land.</p> |  |  |   |
| <b>14. Notification of Ward Councillors (Humberston &amp; New Waltham Ward)</b>   | Cllr. J. S. Fenty<br>Dated: 10/04/2015<br>Comments: <b>Received and attached at Appendix Two.</b>  | Cllr. S. Harness<br>Dated: 10/04/2015<br>Comments: <b>Received and attached at Appendix Two.</b> | Cllr. S. Norton<br>Dated: 17/04/2015<br>Comments: <b>None Received.</b> |
| <b>15. Consultation with Portfolio Holder:</b>  | Name: Cllr C. Shaw<br>Title: Leader of the Council and Portfolio Holder for Finance and Assets.<br> 22/4/15<br>Signed and Dated |  |   |

|                            |   |
|----------------------------|---|
| <b>16. Decision maker:</b> | <p><b>Name:</b> Sharon Wroot<br/><b>Title:</b> Director of Finance.</p> <p><u>                    <i>SWroot</i> . 2/10/15                    </u></p> <p>Signed and Dated</p> |
|----------------------------|---|

## Appendix One - Site Plan



## Appendix Two – Ward Councillor Comments

From: Cllr - Fenty, John  
Sent: 10 April 2015 17:57  
To: Fox, Jack; grahame.williams1@btinternet.com; Cllr - Harness, Stephen; Cllr - Norton, Steve  
Cc: Fisher, Wendy  
Subject: Re: Greenland's Recreational Ground, Pavilion Lane, New Waltham

Dear Jack,

Excellent, this is good news for the village and Parish

Well done and thank you

Regards  
Cllr John Fenty

Sent from Samsung tablet

**From:** Cllr - Harness, Stephen  
**Sent:** 10 April 2015 16:33  
**To:** Fox, Jack  
**Cc:** grahame.williams1@btinternet.com  
**Subject:** Re: Greenland's Recreational Ground, Pavilion Lane, New Waltham

Dear Jack

I have no comments to make on the New Waltham takeover of the lease of Greenland's Recreational Ground other than to say " I fully support the wisdom of the Parish Council to manage the facility for the benefit of the village as per the negotiated lease".

Kindest regards

Cllr Stephen Harness

Sent from Samsung tablet

----- Original message -----

From: "Fox, Jack" <Jack.Fox@nelincs.gov.uk>  
Date: 09/04/2015 13:50 (GMT+00:00)  
To: "Cllr - Fenty, John" <John.Fenty@nelincs.gov.uk>, "Cllr - Harness, Stephen" <Stephen.Harness@Nelincs.gov.uk>, steve@grimsbyfma.com  
Cc: "Fisher, Wendy" <Wendy.Fisher@Nelincs.gov.uk>  
Subject: Greenland's Recreational Ground, Pavilion Lane, New Waltham

Good Afternoon Councillors

Officers have been in discussions with the Parish Council regarding a lease of the Pavilion and a Service Level Agreement to take over the management of the above site, as per the approval under the Delegation of Functions to Town and Parish Councils, obtained by cabinet on the 28 April 2014.

It is the recommendation and accompanied valuation advice that the pavilion be leased to the Parish Council for a term of 25 years' at a rent representing market value. The Parish Council intend to meet the rent payment by way of Community benefit. This will be by way of the direct funded employment of a youth worker and by offering the pavilion to young people 3 hours per week for 48 weeks of the year at a nominal hourly charge, which will exceed and be in lieu of payment of the rent.

The wider site maintenance will be formed by way of a Service Level Agreement which will result in the Parish Council taking on the full maintenance obligations from the commencement of Year Four. From the commencement of the agreement the Council will provide financial support on a reducing basis until the Parish become wholly responsible.

The purpose of my email is to advise you that as this proposal does not meet the criteria of a key decision required at cabinet, the recommendation has been agreed in principle by the Director of Finance and Portfolio Holder for Finance and Assets. A formal Officer Decision Record has been circulated for consideration by Monitoring Officers, and prior to consideration, approval and signature from both the above, will contain any comments you wish to make.

Could I please ask that you provide any comments to me as soon as possible and by latest close of play Tuesday 14 April 2015. If approved, the decision will form the instruction to Legal to complete the lease/ delegation of functions.

Regards

**Jack Fox, Assets Advanced Practitioner (Corporate), North East Lincolnshire Council**  
Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU | ☎: 01472 323388 / 07730 014287 |  
✉: [jack.fox@nelincs.gov.uk](mailto:jack.fox@nelincs.gov.uk)  
**Not Protectively Marked**





## Officer Decision Record – Property Transaction

### 1. Subject and details of the matter

#### 8 Dudley Street, Grimsby

The above property (as outlined red on the plan attached at Appendix One) is held by way of freehold title by North East Lincolnshire Council and comprises an office premises which was previously leased to Lincolnshire Partnership NHS Foundation Trust ("LPFT"). The LPFT vacated the premises on 18 January 2014.

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

Following a period of marketing there was limited interest; however an offer to purchase the property was received, however, the buyer withdrew their offer and the property remained on the market. An offer has now been received from Lincolnshire Quality Care Ltd of Terminal Office 1, North Moss Lane, Stallingborough, DN37 9NP (Company No. 06763473). The company intend to continue the use of the premises as offices.

The offer is for a 5 year lease with a tenant's option to break at the end of the third year, at a rent of £10,000 per annum.

It is the opinion of Cofely Workplace Ltd ("Cofely") that £10,000 per annum represents the market rent for the property.

### 2. Details of Decision

That 8 Dudley Street be leased to Lincolnshire Quality Care Ltd at an exclusive rent of £10,000 per annum – in accordance with the recommendations of Cofely.

### 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 (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

No – in accordance with 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 tenant may withdraw if this decision is not made quickly.

### 6. Anticipated outcome(s)

The offer is not subject to any onerous conditions; however pending completion the council will continue to manage the property as void.

Completion of this lease will see a void property occupied and a revenue income of £10,000 per annum.

**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 Cofely as representing market rent and the best price reasonably obtainable.

**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**

The subject matter of this decision is considered to comply with all applicable governance rules. The property has been marketed and the offer accords with advice from Cofely regarding rental value. The terms and conditions of the lease will be approved by legal services prior to execution. It is presumed that a proportionate level of due diligence has been carried out on Lincolnshire Quality Care Ltd such that the council can be reasonably satisfied about their ability to comply with their lease obligations.

**11. Section 151 Officer Comments**

Completion of this lease will see rental income generated of £10k per annum and the avoidance of void property liabilities. As the rental income is assessed as the market rate for this property then the decision to lease would offer value for money to the council.

**12. Human Resource Comments**

There are no direct HR implications arising from this ODR.

**13. Risk Assessment**

**Crime and Disorder** – Whilst no vandalism has been reported during the period that 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.

**Diversity** – The potential letting provides opportunity for the site to be refurbished which will improve the street scene, which in the majority comprises well maintained office accommodation.

**Value for Money** – The recommendation to dispose of the property will remove the costs associated with maintaining the building as a void.

**14. Notification of Ward Councillors (Park Ward)**


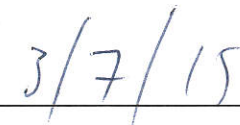
Cllr. A De Freitas  
Dated: **01/07/2015**  
Comments: **None Received.**

Cllr. C McGilligan-Fell  
Dated: **01/07/2015**  
Comments: **None Received.**

Cllr. M Barrow  
Dated: **01/07/2015**  
Comments: **None Received.**



**15. Consultation with Portfolio Holder:**

**Name:** Cllr. M Patrick  
**Title:** Portfolio Holder for Finance and Resources

   
Signed and Dated

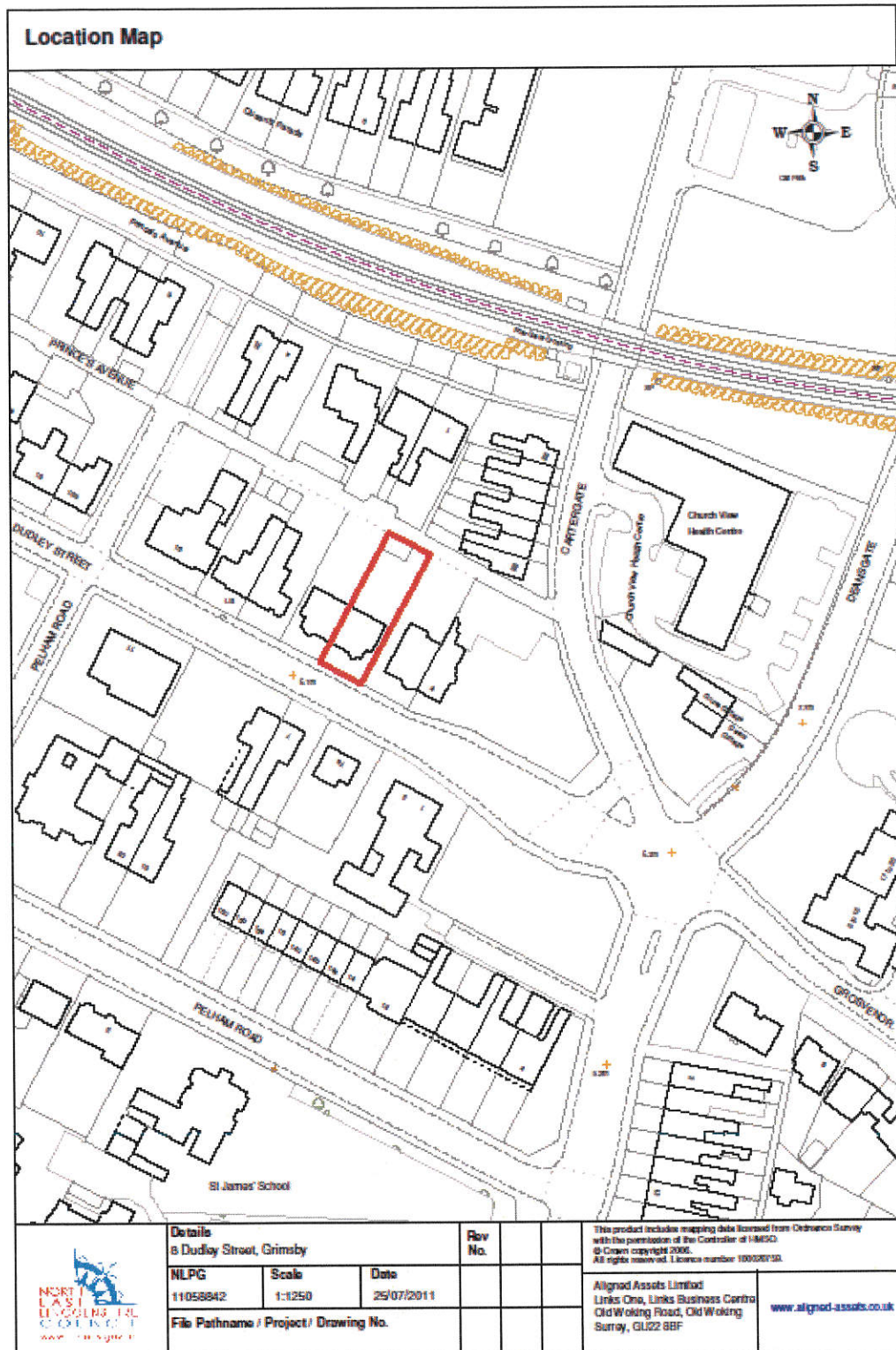
**16. Decision maker:**

**Name:** Sharon Wroot  
**Title:** Director of Finance

   
Signed and Dated



# Appendix One – Site Plan







## Officer Decision Record – Property Transaction

### 1. Subject and details of the matter

#### **Bowling Green (Number 3) and adjacent Bowling Pavilion, Barrett's Recreational Ground, Grimsby**

Officers have been in discussions with the Viking Bowling Club ("the Group") regarding a lease of the Bowling Pavilion and Service Level Agreement to take over the management of Bowling Green #3 which are situated within the wider recreation ground at Barrett's (the "site"), and as outlined red on the attached plan at Appendix One.

It is the recommendation and accompanied valuation advice of Cofely Workplace Ltd ("Cofely") that the pavilion be leased for 25 years' under appropriate terms, to the Group at a rent representing market value.

This has been set and agreed at £230 per annum. The Group have however invested materials and time into renovating the Pavilion building, with materials alone costing £1,400. It is therefore proposed that a rent free period be offered for a period of five years'. All maintenance and operational costs in relation to the lease of the building will be met by the Group, commencing from 16 March 2015.

The maintenance of the Bowling Green will be formed by way of a Service Level Agreement which will result in the Group taking on the full maintenance obligations from the 16 March 2015. From the commencement of the agreement however, the Council will provide financial support, on a reducing basis, until the Group become wholly responsible from a Year Four position, as set out below.

This represents an immediate reduction in costs to the Council in maintaining the Green, as the annual cost which has been provided by the Group is at £2,700 per annum.

Year 1 – NELC to meet 100% of the maintenance responsibility of the Bowling Green only;  
Year 2 - NELC to meet 50% of the maintenance responsibility of the Bowling Green only;  
Year 3 - NELC to meet 25% of the maintenance responsibility of the Bowling Green only; and  
Year 4 and thereafter, under the terms of the agreement, the Group will be responsible for all maintenance and operational liability for the Bowling Green and Bowling Pavilion.

The Group will collect all income in relation to the use of the Pavilion and Bowling Green #3 and reinvest this money into the management and operation of the Pavilion and Bowling Green #3.

The Group will receive an annual recharge for the costs of rent, utility usage and buildings insurance, when appropriate. The Group will be responsible for providing evidence of public indemnity/ liability and contents insurance and accounts, if and when requested.

### 2. Details of Decision

That the terms of a new lease of the pavilion be agreed at a rent representative of market value – in accordance with the recommendations of Cofely.

The wider site maintenance will be agreed by way of a Service Level Agreement, which will include financial assistance by the Council on a reducing amount over a Three year period, resulting in no further contributions from a Year Four position.

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

No – the decision:

- will not result in a rental receipt above 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;

|   |   |   |  |
|---|---|---|--|
| <p>and</p> <ul style="list-style-type: none"> <li>• is not likely to result in substantial public interest</li> </ul>   |   |   |  |
| <p><b>4. Has the principle of the disposal been approved by Cabinet</b></p>   |   |   |  |
| <p>No – in accordance with Section 3 above.</p>   |   |   |  |
| <p><b>5. Is it an Urgent Decision? If yes, specify the reasons for urgency</b></p>  |   |   |  |
| <p>N/A – it is not a Key Decision needed to be made urgently.</p>   |   |   |  |
| <p><b>6. Anticipated outcome(s)</b></p>   |   |   |  |
| <p>The granting of a lease of the Bowling Pavilion and Service Level Agreement of the Bowling Green will relieve the Authority of all management costs in relation to the site from a Year Four position.</p> <p>Pending completion of the lease and Service Level Agreement, the Group have taken occupation of the Bowling Pavilion and Green from 16 March 2015. The Council will continue to provide financial assistance on a reducing basis over the next three years, from 2015/16 – as outlined in section 1 of this report.</p>  |   |   |  |
| <p><b>7. Have the Premises been marketed by advertising or by auction? (if not why not)</b></p>   |   |   |  |
| <p>No – the land is currently not available on the market.</p> <p>The proposed lease and Service Level Agreement to the Viking Bowling Club is recommended for approval by Cofely, with the rent agreed as representing market value.</p>   |   |   |  |
| <p><b>8. Background documents considered:</b></p>   |   |   |  |
| <p>There are no background documents to be considered.</p>  |   |   |  |
| <p><b>9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons</b></p>  |   |   |  |
| <p>No.</p>  |   |   |  |
| <p><b>10. Monitoring Officer Comments (Assistant Director Law &amp; Solicitor to the Council or nominee)</b></p>  |   |   |  |
| <p>Legal services will ensure that the lease and SLA arrangements proposed with Viking Bowling Club will both be completed on terms and conditions that protect the council's interests to the greatest degree reasonably possible in the circumstances. The Monitoring Officer consulted with Lincs Inspire Limited (LIL) in respect of this matter. LIL responded "we are aware of the history of this site and would see this as a positive move for the bowls club. Putting it simply, bowlers use our facility in the winter months and in the summer play on grass so actually an outcome that is keeping bowls going is good all round. We would support this proposal."</p> |   |   |  |
| <p><b>11. Section 151 Officer Comments (Director of Finance or nominee)</b></p>   |   |   |  |
| <p>The proposed leasing of the bowling pavilion and transfer of the management of the bowling green will result in ongoing savings and a reduction in maintenance liabilities to the Council, whilst retaining a service for NELC residents.</p>  |   |   |  |
| <p><b>12. Human Resource Comments (Assistant Director Strategic Business Support or nominee)</b></p>  |   |   |  |
| <p>There are no direct HR implications arising from this Officers decision.</p>   |   |   |  |
| <p><b>13. Risk Assessment (in accordance with the Report Writing Guide)</b></p>   |   |   |  |
| <p><b>Crime and Disorder</b> – There have been minimal reports of vandalism and/ or anti-social behaviour at this pavilion/ land; however these agreements will enable a greater use of both.</p> <p><b>Diversity</b> – This proposal does not have an impact on diversity.</p> <p><b>Value for Money</b> – The recommendation to dispose of the Bowling Pavilion by way of a lease at market rent; and the maintenance of the Bowling Green which will reduce and at Year Four, remove any future costs associated with maintaining this part of the site.</p>   |   |   |  |
| <p><b>14. Notification of Ward Councillors (Park)</b></p>   | <p>Cllr. M. Barrow<br/>Dated: <b>03/07/2015</b><br/>Comments: <b>None Received.</b></p> | <p>Cllr. A. De-Freitas<br/>Dated: <b>03/07/2015</b><br/>Comments: <b>None Received.</b></p> | <p>Cllr. C. McGilligan-Fell<br/>Dated: <b>03/07/2015</b><br/>Comments: <b>None Received.</b></p> |

|  |  |
|--|--|
| <b>15. Consultation with Portfolio Holder:</b> | <p><b>Name:</b> Cllr M. Patrick<br/><b>Title:</b> Portfolio Holder for Finance and Resources.</p> <p><u>M. Patrick 27/7/15</u></p> <p>Signed and Dated</p> |
| <b>16. Decision maker:</b>                     | <p><b>Name:</b> Sharon Wroot<br/><b>Title:</b> Director of Finance.</p> <p><u>SWroot 24/07/15.</u></p> <p>Signed and Dated</p>                             |



## Appendix One - Site Plan



## Officer Decision Record – Property Transaction

### 1. Subject and details of the matter

#### Premises

The Bradley Street Fruit and Veg Warehouse (the 'Premises') is held by way of two ground leases from North East Lincolnshire Borough Council (the 'Council') each for a term of 99 years with effect from 25 May 1978 and 2 June 1981 respectively. The passing rents total £3,775 per annum reviewable to market rent every 14 years. The Premises abut Ellis Way which is a busy thoroughfare through the Grimsby town centre.

#### Context

A representative of 'S. Clift (Grimsby) Limited' (the 'Tenant') attended a ward surgery of Councillor Beasant on 31 May 2014 enquiring if they could purchase the freehold of the Premises as he was selling the business. The Premises being leasehold was deterring potential interested parties and the only interest was from out-of-town companies that would close the Grimsby Premises resulting in the loss of staff.

Mr Steven Brickett, the Managing Director, sent written correspondence on 2 July 2014 in which he confirmed the stance and also cites additional information in support of the company purchasing the freehold. To summarise;

- The owner is retiring and wishes to sell the business as a going concern. Two previous interested parties withdrew in the past as *"negotiations faltered because buyers were unable to secure finance for the purchase, as banks were not willing to lend money on premises with a diminishing value as a going concern."*
- The original premises occupied by the company were freehold; the Council purchased them under Compulsory Purchase Powers and only offered a new leasehold title to these current Premises. Despite asking for a freehold the Council refused; they did however proceed to sell the opposite site freehold to ASDA shortly after.
- If the Premises are not freehold it has been stated the only interested parties would close the current location and transfer the business out of the area. This would see the business close which has 17 employees and has undergone a period of expansion over the last 5 years.

#### Options

##### 1. Retain the freehold

The Council would continue to receive an annual rent of a minimum of £3,775, potentially increasing at review. The risk is that the business is sold outside of the area and this impacts on the current and future employment opportunities at the site. Potentially the site in a prominent location could be left vacant and become derelict. There could also be loss of local employment.

Alternatively the business remains unsold and in time the business closes as the tenant retires; the results could be the same.

##### 2. Dispose of the freehold

The Council would receive a capital receipt of between £155-200,000 (of which between £40-90,000 is 'profit' through synergistic value) and the business would potentially remain at the current site, protecting jobs and avoiding another vacant building. The Council would lose a revenue stream.

|   |
|---|
| <b>2. Details of Decision</b>   |
| It is recommended that the freehold of the property known as Bradley Street Fruit and Veg Warehouse be disposed of to the tenant for a <i>minimum</i> price of £155,000 (one hundred and fifty five thousand pounds).   |
| <b>3. Is it a Key Decision as defined in the Constitution?</b>  |
| No – the decision: <ul style="list-style-type: none"> <li>• does not result in a capital receipt in respect to the threshold definition of a Key Decision;</li> <li>• relates to and impacts solely on one Ward (East Marsh);</li> <li>• is not significant in terms of the number of residents / service users that will be affected in the ward;</li> <li>• is not likely to result in substantial public interest; and</li> <li>• will not incur a significant social, economic or environmental risk.</li> </ul>  |
| <b>4. Has the principle of the disposal been approved by Cabinet</b>  |
| No.   |
| <b>5. Is it an Urgent Decision? If yes, specify the reasons for urgency</b>   |
| N/A – it is not a Key Decision needed to be made urgently.  |
| <b>6. Anticipated outcome(s)</b>  |
| The freehold is disposed of to the tenant enabling them to sell the business as a viable concern and therefore it will remain at the current site, protecting jobs and avoiding another vacant building.  |
| <b>7. Have the Premises been marketed by advertising or by auction? (if not why not)</b>  |
| N/A – this decision is seeking to dispose to the existing tenant who is a special purchaser and enables the Council to receive a receipt in excess of 'market value.'   |
| <b>8. Background documents considered:</b>  |
| None.   |
| <b>9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons</b>   |
| <b>Yes</b> – Exempt information within paragraph 3 of Schedule 12A to the Local Government Act 1972 (as amended) which is commercially sensitive as it is both confidential to the tenant and would compromise the Council in active negotiations with other tenants on property matters.   |
| <b>10. Monitoring Officer Comments (Assistant Director Law &amp; Solicitor to the Council or nominee)</b>   |
| <p>The Director of Finance is authorised by the Constitution to:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> </ul> <p>This decision is not a Key Decision and relates to part of the Council's commercial portfolio. It is therefore in accordance with 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):</p> |

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 (*Director of Finance*)

The recommendation outlined within this proposal supports the Council's aim to place economic growth at the heart of its strategic change agenda by supporting business and protecting jobs. As outlined above, a decision to dispose of the freehold will lead to a capital receipt up front with a corresponding reduction in future rental income (currently £3,775 per annum). Based upon the completion of an internal quality assessment, a price for the freehold in the range £155k to £200k would provide the Council with an appropriate return. Should the Council decide to approve the recommendation, it should aim to negotiate a price towards the top end of this range in order to obtain best value for money for the borough.

#### 12. Human Resource Comments (*Assistant Director Governance & Democracy or nominee*)

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

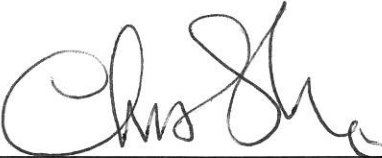
#### 13. Risk Assessment (*in accordance with the Report Writing Guide*)

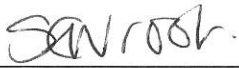
**Crime and Disorder** – The disposal should ensure the buildings remain in their current use avoiding a derelict building which could attract anti-social behaviour.

**Diversity** – The disposal should ensure the business remains in the area protecting local employment.

**Value for Money** – The Council will forego a small revenue stream *however* the capital receipt received will include a 'profit' over and above the market value of the property.

|  |  |  |  |
|--|--|--|--|
| <b>14. Notification of Ward Councillors</b><br>(East Marsh Ward) | Cllr S. Beasant<br>Dated: <b>20/01/2015</b><br>Comments: <b>Attached at Appendix Two</b> | Cllr JP. Howarth<br>Dated: <b>28/01/2015</b><br>Comments: <b>None Received</b> | Cllr T. Walker<br>Dated: <b>28/01/2015</b><br>Comments: <b>None Received</b> |
|--|--|--|--|

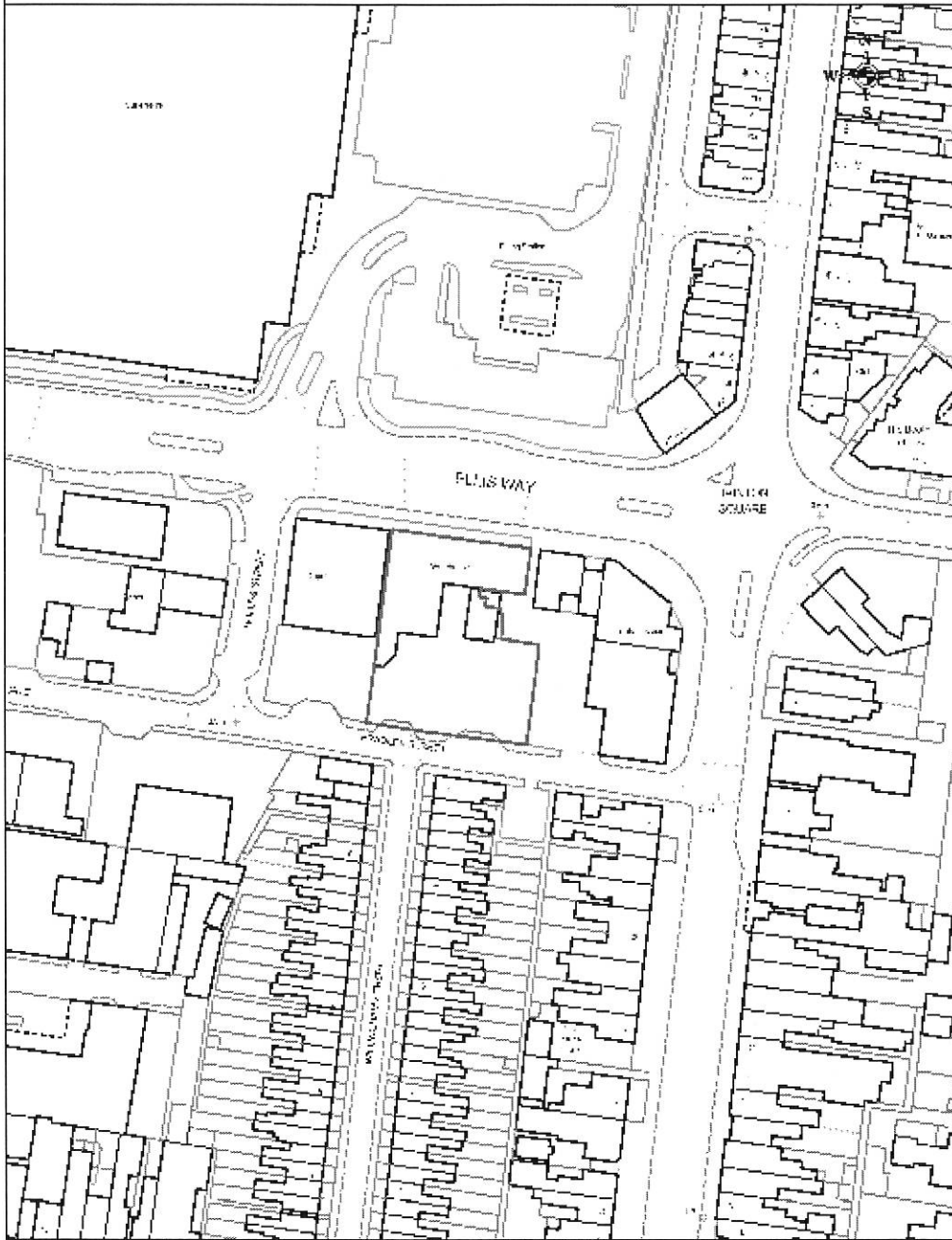
|  |   |
|--|---|
| <b>15. Consultation with Portfolio Holder:</b> | <p><b>Name:</b> Cllr C. Shaw</p> <p><b>Title:</b> Leader of the Council &amp; Portfolio Holder for Assets and Special Projects and Finance</p> <p>Signed and Dated:  02/02/15</p> |
|--|---|


|                            |  |
|----------------------------|--|
| <b>16. Decision maker:</b> | <p><b>Name:</b> Sharon Wroot</p> <p><b>Title:</b> Director of Finance</p> <p>Signed and Dated:  02/02/15</p> |
|----------------------------|--|



## Appendix One – Site plan

### Location Map



|   |  |                        |                           |                   |  |  |                                   |                          |
|---|--|------------------------|---------------------------|-------------------|--|--|-----------------------------------|--------------------------|
|  | <b>Details</b><br>Bradley Surr, Trillick Way |                        |                           | <b>Rev</b><br>No. |  |  | 25/06/2015 14:04:19<br>25/06/2015 |                          |
|   | <b>NLPG</b><br>11-073340                     | <b>Scale</b><br>1:1250 | <b>Date</b><br>26/06/2015 |                   |  |  | 25/06/2015<br>26/06/2015          | 25/06/2015<br>26/06/2015 |
| <b>File Pathname:</b> Project / Drawing No.   |  |                        |                           |                   |  |  | 25/06/2015<br>26/06/2015          |                          |

## Appendix Two – Ward Councillor comments

**From:** Cllr - Beasant, Steve  
**Sent:** 20 January 2015 13:47  
**To:** Fox, Jack  
**Subject:** RE: Freehold disposal - Ground Lease Bradley Street

Jack

I agree, the best way forward is for the sale of the freehold to support this long standing local business – and hopefully the name will continue.

Cheers  
Steve

**From:** Fox, Jack  
**Sent:** 20 January 2015 12:03  
**To:** Cllr - Beasant, Steve; Cllr - Howarth, Jon-Paul; Cllr - Walker, Terry  
**Subject:** Freehold disposal - Ground Lease Bradley Street

Good Afternoon Cllrs

The Bradley Street Fruit and Veg Warehouse is held by way of two ground leases each for a term of 99 years with effect from 1978 and 1981 respectively.

A representative of S. Clift (Grimsby) approached the Council enquiring if they could purchase the freehold of the Premises due to retirement prompting a sale of the business. The Premises being leasehold was deterring potential interested parties and the only interest had been from out-of-town companies that would close the Grimsby Premises resulting in the loss of staff.

The options considered by the Council were to:

1. **retain the freehold** continue to receive an nominal annual rent. The risk is that the business is sold outside of the area and this impacts on the current and future employment opportunities at the site. The site in a prominent location and potentially could be left vacant and become derelict. There could also be loss of local employment. Alternatively the business remains unsold and in time the business closes as the tenant retires; the results being the same; or
2. **dispose of the freehold** and receive a one off capital receipt. The business would potentially remain at the current site, protecting jobs and avoiding another vacant building. The Council however would lose the associated rental revenue stream.

It is recommended and accompanied with valuation advice of Cofely that the freehold of the property be disposed of to the tenant for a price to be negotiated, but which represents market value.

The purpose of my email is to advise you that as this proposal does not meet the criteria of a key decision required at cabinet, the recommendation has been agreed in principle by the Director of Finance and Portfolio Holder for Assets and Special Projects. A formal Officer Decision Record is being circulated for consideration by Monitoring Officers, plus the report will contain any comments you may wish to make. This will then be sent for approval and signature from both the above which will form the instruction to Legal to complete the sale.

Could I please ask that you provide any comments to me by close of play Monday 26 January 2015.

Regards

**Jack Fox, Assets Advanced Practitioner (Corporate), North East Lincolnshire Council**  
Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU | ☎: 01472 323388 / 07730 014287 | ✉: [jack.fox@nelincs.gov.uk](mailto:jack.fox@nelincs.gov.uk)

**Not Protectively Marked**



## Officer Decision Record – Property Transaction

### 1. Subject and details of the matter

The former Youth Centre buildings at Clee, Ladysmith Road; Western, Cambridge Road and Nunsthorpe, Wootton Road; and The former Library building, Wootton Road.

The former Youth Centre buildings as stated above (and as outlined in red at Appendix One) were subject to a tender exercise to procure a new Provider for Youth Services. Once a new provider had been selected, these buildings were not required as part of the new delivery model and therefore are now surplus to the councils requirements.

The cabinet meeting of the 10 December resolved (the decision is shown below) in relation to these surplus buildings that “...the principle of disposal or demolition of surplus buildings, as outlined in section 1.12 of Appendix A of the report now submitted, be approved ...”.

#### **DN.92 ALTERNATIVE DELIVERY MODEL FOR UNIVERSAL YOUTH PROVISION**

##### **RESOLVED –**

**(1) That Concession contracts be entered into as detailed in Appendix 1 of the report now submitted.**

**(2) That the principle of disposal by way of a lease at less than best consideration (as outlined in Appendix A of the report now submitted) and the principle of disposal or demolition of surplus buildings, as outlined in section 1.12 of Appendix A of the report now submitted, be approved.**

**(3) That the Director of Finance, in conjunction with the Monitoring Officer, be authorised to agree terms for the disposal or demolition of buildings as referred to in Appendix A of the report now submitted.**

The building at Clee is situated within the boundary of the wider Clee Fields site, that in part, is still utilised and therefore it is proposed that this building be retained and alternative opportunities for the re-use are explored by way of a leasehold disposal.

The building at Western is situated in the boundary of the former Western Technology School/ Offices which have been demolished. This building should therefore be included into the wider demolition at a cost of circa £12,000.

The building at Nunsthorpe is considered of a very poor condition and therefore it is recommended that this building is also demolished.

In addition to the former Youth Centre buildings, the former Library building, situated adjacent to the former Nunsthorpe Youth Centre, Wootton Road, Nunsthorpe is also vacant and of a poor condition.

This site is shown outlined red at Appendix One. This building up until recently had been leased to a tenant operating a Gym, however, the lease term had expired and the tenant had no further interest in occupying the building. As such a deed of surrender has been executed resulting in the building returning to the council. It is recommended this building also be demolished; a total cost for both buildings is circa £15k and £20k respectively.



## 2. Details of Decision

That the buildings known as former Youth Centres' at Western and Nunsthorpe and the former Nunsthorpe Library, be demolished.

It is proposed that the land at Western is included in the adjacent site demise and that the land at Nunsthorpe be returned to grass and included as part of the adjacent open space.

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

No – the decision:

- is not one of a disposal and therefore does not result in a capital receipt in respect to 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.

## 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 of increased vandalism and anti social behaviour if this decision is not made quickly.

## 6. Anticipated outcome(s)

Ultimately, the demolition of these buildings will remove the financial implications to the council for managing buildings void. Once demolished, the land would be included within adjacent land/ open space.

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

N/A – this decision is seeking demolition of the property and not disposal.

## 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 (Assistant Director Law or nominee)

The three demolitions decided to be undertaken and the two resulting decisions regarding the inclusion of land into the Western demise and returning to grass at Nunsthorpe must be carried out with terms and conditions considered to protect the council's interests to the greatest degree commercially and reasonably possible. Legal services will assist with regards to the decisions to include the cleared site at Western into the broader demise and to return the cleared site at Nunsthorpe to open space. For all future similar activities it is noted that the closer links between regeneration, development and asset management colleagues emerging will add further value.

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

The council will achieve direct revenue budget savings of £17,000 per annum from the proposed demolitions and will also avoid ongoing void property costs. As outlined in the decision record, there will be some one-off demolition costs incurred.

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

There are no direct HR implications arising from this Officers Decision Report.

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

**Crime and Disorder** – As these sites are situated in areas with other vacant buildings in the vicinity; there has already been some degree of vandalism, with a high risk of such instances being repeated.

**Diversity** – The demolition and inclusion of these sites into adjacent land provides the opportunity for disposal and redevelopment which would ensure the local community benefit from an improved street scene and the potential for a sympathetic solution to positively contribute to the area.

**Value for Money** – The recommendation to demolish these surplus properties as outlined within this report will remove the costs associated with maintaining void buildings and could secure a capital receipt if disposed of which would support future capital projects.

**14. Notification of Ward Councillors**  
(South Ward)

Cllr J. Bramley  
Dated: **30/06/2015**  
Comments: **None Received.**

Cllr C. Stanland  
Dated: **30/06/2015**  
Comments: **None Received.**

Cllr R. Oxby  
Dated: **30/06/2015**  
Comments: **None Received.**

**15. Consultation with Portfolio Holder:**

**Name:** Cllr M. Patrick

**Title:** Portfolio Holder for Finance and Resources

Signed and Dated: \_\_\_\_\_

*M. Patrick*      *3/7/15*

**16. Decision maker**

**Name:** Sharon Wroot

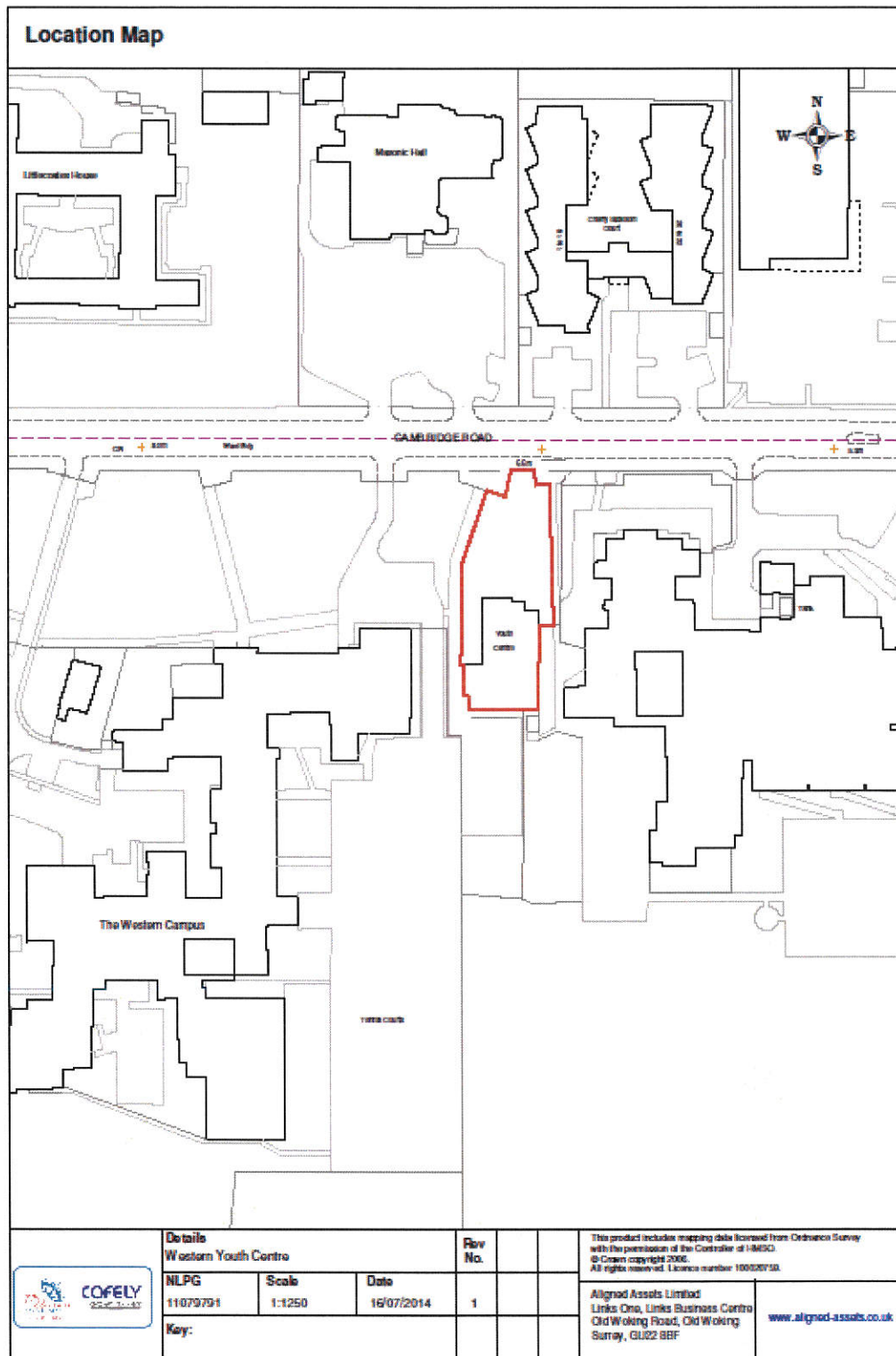
**Title:** Director of Finance

Signed and Dated: \_\_\_\_\_

*SWroot*      *01/07/15*

## Appendix One – Site plans

### Former Western Youth Centre, Cambridge Road





# Former Nunsthorpe Youth Centre, Wootton Road





**Former Nunsthorpe Library (latterly leased for use as a Gym), Wootton Road**



## Officer Decision Record – Property Transaction

|  |
|--|
| <b>1. Subject and details of the matter</b>  |
| <p><u>Highway Land at Gilbey Road, Grimsby</u></p> <p>An Officer Decision Record was signed by the Director of Finance in consultation with the Leader and Portfolio Holder for Assets and Special Projects on 14th November 2014 in relation to the freehold sale of Plot 1 South Humberside Industrial Estate, Grimsby.</p> <p>That decision related to the freehold sale of land to the current tenant, of two long leases, and land that the Tenant has access to under a licence agreement.</p> <p>Part of the land to be sold however, shaded brown on the attached plan at Appendix One, is adopted highway land, albeit it is not directly used for the flow of traffic (whether vehicular or pedestrian). As such, advice has been received from the council's highway agent that the land is not needed in relation to the adopted highway network and it is therefore proposed to stop up the highway and include the land in the sale of the wider site.</p> |
| <b>2. Details of Decision</b>  |
| <ol style="list-style-type: none"> <li>1 That a decision in principle be made to apply to the magistrates court for an order to stop up the highway land as shaded brown on the attached plan;</li> <li>2 That the necessary notices be sent out to statutory consultees in accordance with the relevant legislation; and</li> <li>3 That, provided there are no objections from the statutory consultees, that the Assistant Director of Law be instructed to commence proceedings in the Magistrates Court to stop up the Highway.</li> </ol>  |
| <b>3. Is it a Key Decision as defined in the Constitution?</b>   |
| <p>No – the decision:</p> <ul style="list-style-type: none"> <li>• will result in a capital receipt below the threshold definition of a Key Decision;</li> <li>• relates to and impacts solely on one Ward (West Marsh);</li> <li>• is not significant in terms of the number of residents / service users that will be affected in the ward;</li> <li>• is not likely to result in substantial public interest; and</li> <li>• will not incur a significant social, economic or environmental risk.</li> </ul>  |
| <b>4. Has the principle of the disposal been approved by Cabinet</b>   |
| <p>No – in accordance with Section 3 above.</p>  |
| <b>5. Is it an Urgent Decision? If yes, specify the reasons for urgency</b>  |
| <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>   |
| <b>6. Anticipated outcome(s)</b>   |
| <p>That, pending consultation (provided there are no objections from the statutory consultees); the highway land is stopped up and included in the freehold sale of the wider site.</p>  |
| <b>7. Have the Premises been marketed by advertising or by auction? (if not why not)</b>   |
| <p>No – the site is subject to a ground lease and it is the tenant who is seeking to buy the freehold.</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**

Open.

**10. Monitoring Officer Comments**

The decision is supported as it regularises the position regarding the sale of the land subject to the decision by the section 151 officer in November 2014 – namely Plot 1 South Humberside Industrial Estate, Grimsby. Legal services colleagues will carry out the necessary work to enable this matter to progress such that the highway land can now be stopped up. This process is however subject to input from statutory consultees and cannot progress until it becomes clear that there are no objections.

**11. Section 151 Officer Comments**

The integration of the respective highway land into the wider site would facilitate the proposed freehold sale of the site. This would generate a capital receipt to the council that would be reinvested in the council's capital investment programme.

As the land is not needed for the adopted highway network, the proposal to stop up the highway and include the land in the sale of the wider site would offer value for money to the council.

**12. Human Resource Comments**

There are no direct HR implications arising from this Officers' Decision.

**13. Risk Assessment**

**Crime and Disorder** – Disposal of the freehold will not impact on crime and disorder.

**Diversity** – The stopping up order will allow the sale of the wider site to complete and provides opportunity for the tenant to invest and refurbish the site, which will improve the street scene.

**Value for Money** – The recommendation to dispose of the freehold of the site which will secure a capital receipt to support future capital projects.

**Name:** Ange Blake

**Title:** Director of Economy and Growth.

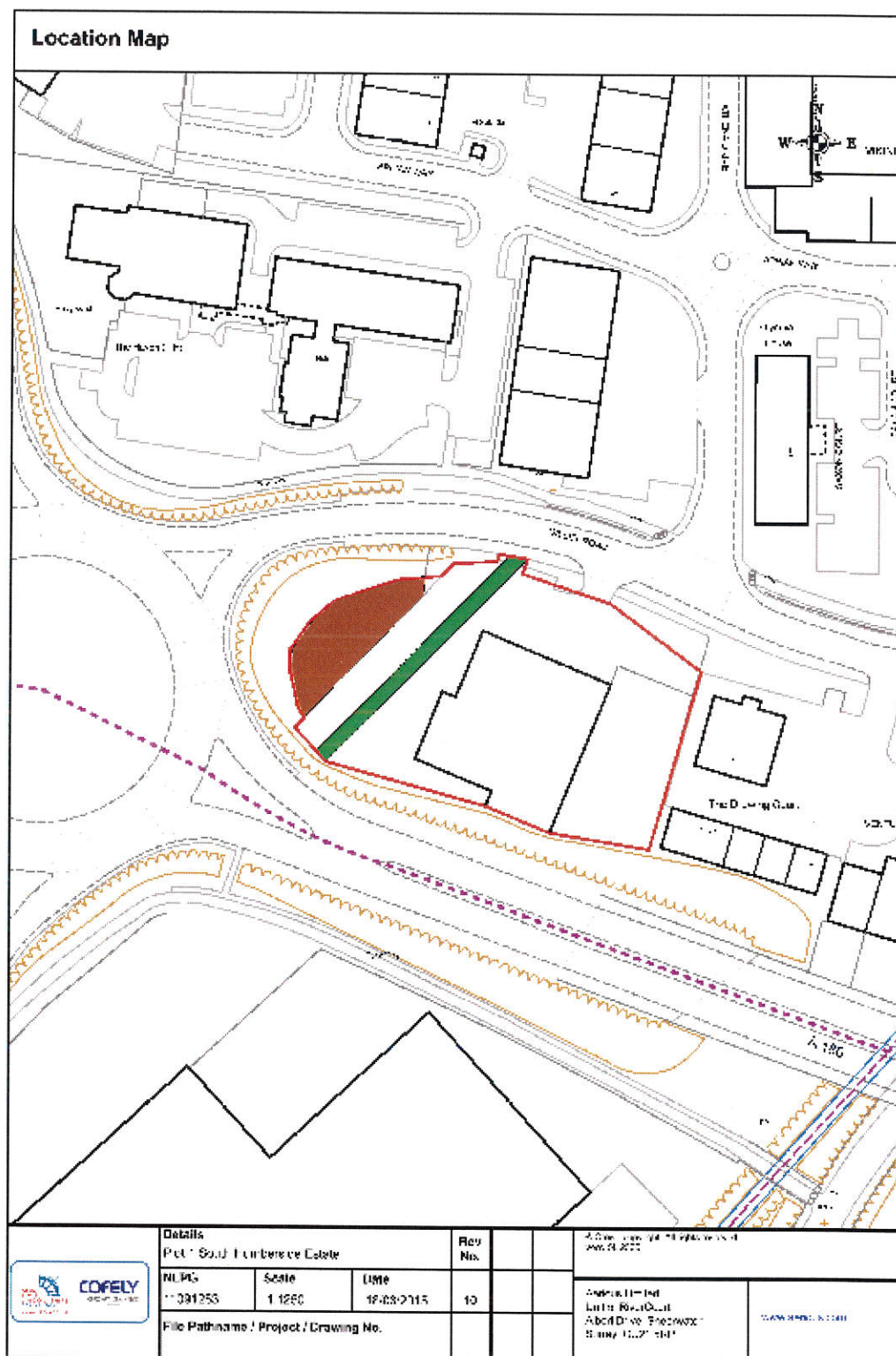


Signed and Dated

22nd July 2015



## Appendix One – Site Plan







## Officer Decision Record – Property Transaction

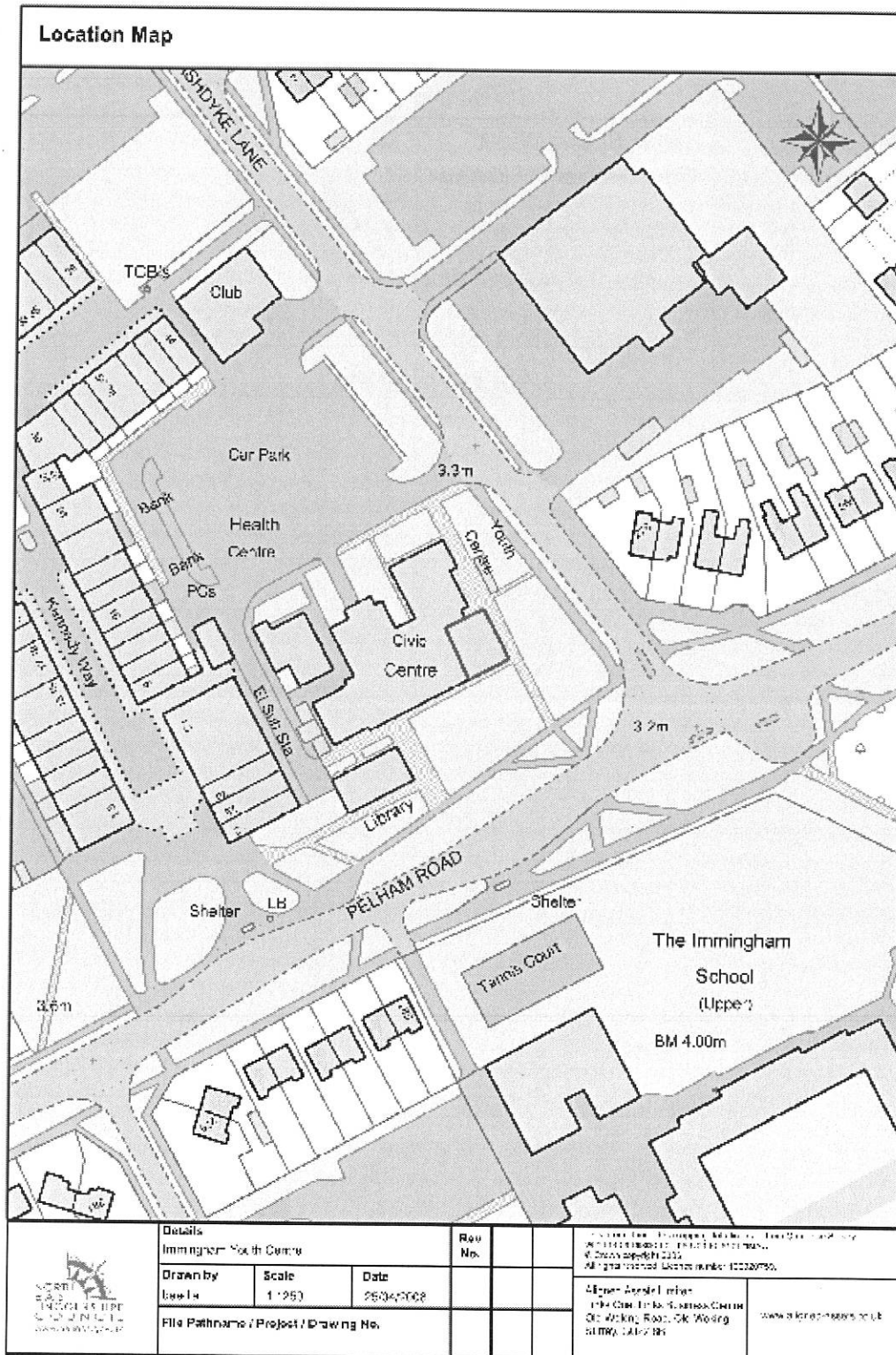
| 1. Subject and details of the matter  |
|---|
| <p><u>Immingham Youth Centre, as part of the Civic Centre, Immingham</u></p> <p>The premises known as “Immingham Youth Club” are held by the Council as Tenant under the auspices of a Lease dated 29<sup>th</sup> March 1974 made between Immingham Parish Council (now Immingham Town Council) (1) and The County Council of Lincoln Parts of Lindsey (now NELC) (2).</p> <p>The lease is for a term of 60 years commencing on 1<sup>st</sup> September 1965. Therefore there are 10 years unexpired.</p> <p>The current level of rent is based on a peppercorn, if demanded.</p> <p>Immingham Town Council, the successor of Immingham Parish Council, has expressed their ambition to create a Community Hub and Immingham Youth Club forms part of their proposed development.</p> <p>In order to enable such development, the Council has agreed to voluntarily surrender the lease of Immingham Youth Club and further has agreed to take responsibility for National Non-Domestic Rates (Business Rates) until the earlier date of:</p> <ol style="list-style-type: none"> <li>1. When the development reaches practical completion; or</li> <li>2. 31<sup>st</sup> March 2016.</li> </ol> <p>Furthermore, by taking this approach, any continuing void holding costs (standing charges, repairs and maintenance, security etc.), together with the anticipated costs associated with the latest identified condition works (replacement boiler and lighting) at approx. £16k, will be avoided. Therefore the financial case for surrendering the lease, taking into account continued Rates Liability for a further year, is considered best value.</p> <p>Cofely Workplace Limited have also confirmed that under clauses (i) redecoration and (vi) recharging of apportioned costs, within the lease, a surrender will remove the potential for any further liability being placed on the Council.</p> |
| 2. Details of Decision  |
| <p>That the existing lease of Immingham Youth Club be surrendered and that the Council continue with their liability to pay National Non-Domestic Business Rates until 31<sup>st</sup> March 2016.</p>  |
| 3. Is it a Key Decision as defined in the Constitution?   |
| <p>No – the decision:</p> <ul style="list-style-type: none"> <li>• does not result in a disposal and therefore the threshold definition of a Key Decision is not applicable;</li> <li>• relates to and impacts solely on one Ward (Immingham);</li> <li>• is not significant in terms of the number of residents / service users that will be affected in the ward; and</li> <li>• is not likely to result in substantial public interest</li> </ul>  |
| 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.</p>   |

|  |  |  |  |
|--|--|--|--|
| <b>6. Anticipated outcome(s)</b>   |  |  |  |
| By surrendering the lease the Council is enabling the development of a Community Hub in Immingham led by Immingham Town Council. This will see the now surplus building being incorporated into a broader development of the site than that which exists now and which will directly benefit the town of Immingham.  |  |  |  |
| <b>7. Have the Premises been marketed by advertising or by auction? (if not why not)</b>   |  |  |  |
| <p>No – The Council are Tenants of the premises. Although alienation (the right to assign) is available, albeit subject to the Landlords consent, it is thought that the surrender of the premises and enablement of redevelopment proposals by Immingham Town Council would be a better use of the premises rather than attempting to market and assign the unexpired residual term (10 years) to a third party.</p> <p>Furthermore, a user clause within the lease restricts use “for education purposes” only which would limit the pool of prospective buyers/Tenants.</p>   |  |  |  |
| <b>8. Background documents considered:</b>   |  |  |  |
| There are no background documents to be considered.  |  |  |  |
| <b>9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons</b>  |  |  |  |
| Open   |  |  |  |
| <b>10. Monitoring Officer Comments (Monitoring Officer or nominee)</b>   |  |  |  |
| The decision to dispose of the lease represents best value going forwards. It avoids continuing to suffer costs that have been incurred since the planned exit in July 2014 from the Youth Service review. Legal services colleagues assist with the implementation of the decision on terms and conditions considered fit by the Monitoring Officer.  |  |  |  |
| <b>11. Section 151 Officer Comments (Director of Finance or nominee)</b>   |  |  |  |
| The decision to dispose of the lease represents best value in terms of further cost avoidance to the Council and is in line with the Councils property strategy. The Council vacated the property in July 2014 as a consequence of no longer delivering Youth Services. Subsequently, the building was surplus to the Councils requirements. Negotiation and agreement to a surrender of the lease with the Town Council will enable redevelopment of the site and, with the exception of payment of NNDR (Business Rates) up until March 2016, all additional liabilities of the Council will cease.  |  |  |  |
| <b>12. Human Resource Comments (Assistant Director of Strategic Business Support or nominee)</b>   |  |  |  |
| There are no direct HR implications arising from this Officer's Decision.  |  |  |  |
| <b>13. Risk Assessment</b>   |  |  |  |
| <p><b>Crime and Disorder</b> – By surrendering the lease to the Landlord, the wider development opportunity (inclusive of this building) can progress, which is proposed to result in the re-use of this building and proactive management by Immingham Town Council .</p> <p><b>Diversity</b> – The proposed development of the wider site will provide the opportunity for the building to be improved, which will improve the street scene and services offering, within the overall complex, to the local area.</p> <p><b>Value for Money</b> – The recommendation to surrender the lease will remove any future costs associated with maintaining the building as surplus, subject only to a further 12 months exposure to NNDR as worse.</p> |  |  |  |
| <b>14. Notification of Ward Councillors (Immingham Ward)</b>   | Cllr. D Bolton<br>Dated: <b>29/05/2015</b><br>Comments: <b>None Received</b> | Cllr. M Burton<br>Dated: <b>29/05/2015</b><br>Comments: <b>None Received</b> | Cllr. D Watson<br>Dated: <b>29/05/2015</b><br>Comments: <b>None Received</b> |

|  |   |
|--|---|
| <b>15. Consultation with Portfolio Holder:</b> | <p><b>Name:</b> Cllr M. Patrick</p> <p><b>Title:</b> Portfolio Holder for Finance and Resources</p><br><p><i>M. Patrick</i></p> <hr/> <p>Signed and Dated</p> |
| <b>16. Decision maker:</b>                     | <p><b>Name:</b> Sharon Wroot</p> <p><b>Title:</b> Director of Finance</p><br><p><i>Sharon Wroot</i>      <i>29/5/15</i></p> <hr/> <p>Signed and Dated</p>     |



## Appendix One – Site Plan



## Officer Decision Record – Property Transaction

|   |
|---|
| <b>1. Subject and details of the matter</b>   |
| <p><u>Land at Jackson Place, Wilton Road Industrial Estate, Humberston, Grimsby</u></p> <p>The site comprises a total of approx. 0.39 acres (1576sq m) of which 0.024 acres (98sq m) is let to EE (formerly Orange) for a telecommunications mast. The remaining 0.37 acres (1478sq m) (outlined red on the attached plan at Appendix One) comprises a small wooded copse which has been created through natural regeneration and which is currently unmaintained.</p> <p>It is the recommendation and accompanied valuation advice of Cofely Workplace Ltd (“Cofely”) that the remaining land be disposed of by way of a long lease at market rent to the occupier of the adjoining site. The occupier, John Clarks (Bodyworks), approached the Council with a view to use the additional land for storage/ parking and space for turning. A rent representing market value will be negotiated in the region of £6,000 - £9,500 per annum.</p> |
| <b>2. Details of Decision</b>   |
| <p>That the terms of a new lease of the subject land at Jackson Place be agreed at a rent representative of market value, subject to planning permission being successfully obtained for a change of use - in accordance with the recommendations of Cofely.</p>  |
| <b>3. Is it a Key Decision as defined in the Constitution?</b>  |
| <p>No – the decision:</p> <ul style="list-style-type: none"> <li>will not result in a rental receipt above the threshold definition of a Key Decision;</li> <li>relates to and impacts solely on one Ward (Humberston &amp; New Waltham);</li> <li>is not significant in terms of the number of residents / service users that will be affected in the ward; and</li> <li>is not likely to result in substantial public interest</li> </ul>   |
| <b>4. Has the principle of the disposal been approved by Cabinet</b>  |
| <p>No – in accordance with Section 3 above.</p>   |
| <b>5. Is it an Urgent Decision? If yes, specify the reasons for urgency</b>   |
| <p>N/A – it is not a Key Decision needed to be made urgently.</p>   |
| <b>6. Anticipated outcome(s)</b>  |
| <p>The granting of a long lease of the site is subject to planning permission being successfully obtained for a change of use, as outlined in Section 1. However, pending completion of the lease the Council will continue to manage the land in its current state.</p> <p>The lease will relieve the Authority of any management costs and result in the receipt of an income stream where none existed before.</p>   |
| <b>7. Have the Premises been marketed by advertising or by auction? (if not why not)</b>  |
| <p>No – the land is currently not available on the market.</p> <p>The proposed lease to the occupier of the adjacent site is recommended for approval by Cofely, subject to planning permission, and the rent agreed as representing market value.</p>  |
| <b>8. Background documents considered:</b>  |
| <p>There are no background documents to be considered.</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**

Yes - Exempt information within paragraph 3 of Schedule 12A to the Local Government Act 1972 (as amended).

**10. Monitoring Officer Comments** (*Assistant Director Law & Solicitor to the Council or nominee*)

The Director of Finance 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 is therefore in accordance with 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 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** (*Director of Finance or nominee*)

The proposal to grant a long lease of the site supports the Council's financial objective to develop a more commercial approach to generating and retaining external income and funding. On the basis that a market rent is obtained for the site, the proposal will generate additional income which can be reinvested to support the delivery of the Council's services. The rental value of the land is in the region of £9,000 per annum although it is recommended a higher rent is proposed taking into account the interest that the proposed tenant has in the adjoining land. Recurrent costs associated with maintaining the site are minimal and each party will bear its own Legal costs, ours being in-house.

**12. Human Resource Comments** (*Assistant Director Governance & Democracy or nominee*)

There are no HR implications for the Council arising in respect of the decision notice

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

**Crime and Disorder** – There have been no reports of vandalism or anti-social behaviour on this land; however disposal will bring a vacant piece of land into use.

**Diversity** – This proposal does not have an impact on diversity.

**Value for Money** – The recommendation to dispose of the site by way of a lease at market rent which will remove any future costs associated with maintaining the land and secures future revenue.

**14. Notification of Ward Councillors**  
(Humberston & New Waltham Ward)

Cllr. S Norton

Dated: **05/02/2015**

Comments: **Received and attached at Appendix Two**

Cllr. J Fenty

Dated: **06/02/2015**

Comments: **Received and attached at Appendix Two**

Cllr. S Harness

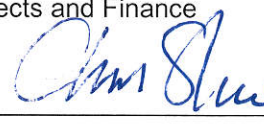
Dated: **05/02/2015**

Comments: **Received and attached at Appendix Two**

**15. Consultation with Portfolio Holder:**

**Name:** Cllr C. Shaw

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


 12/2/15

Signed and Dated

**16. Decision maker:**

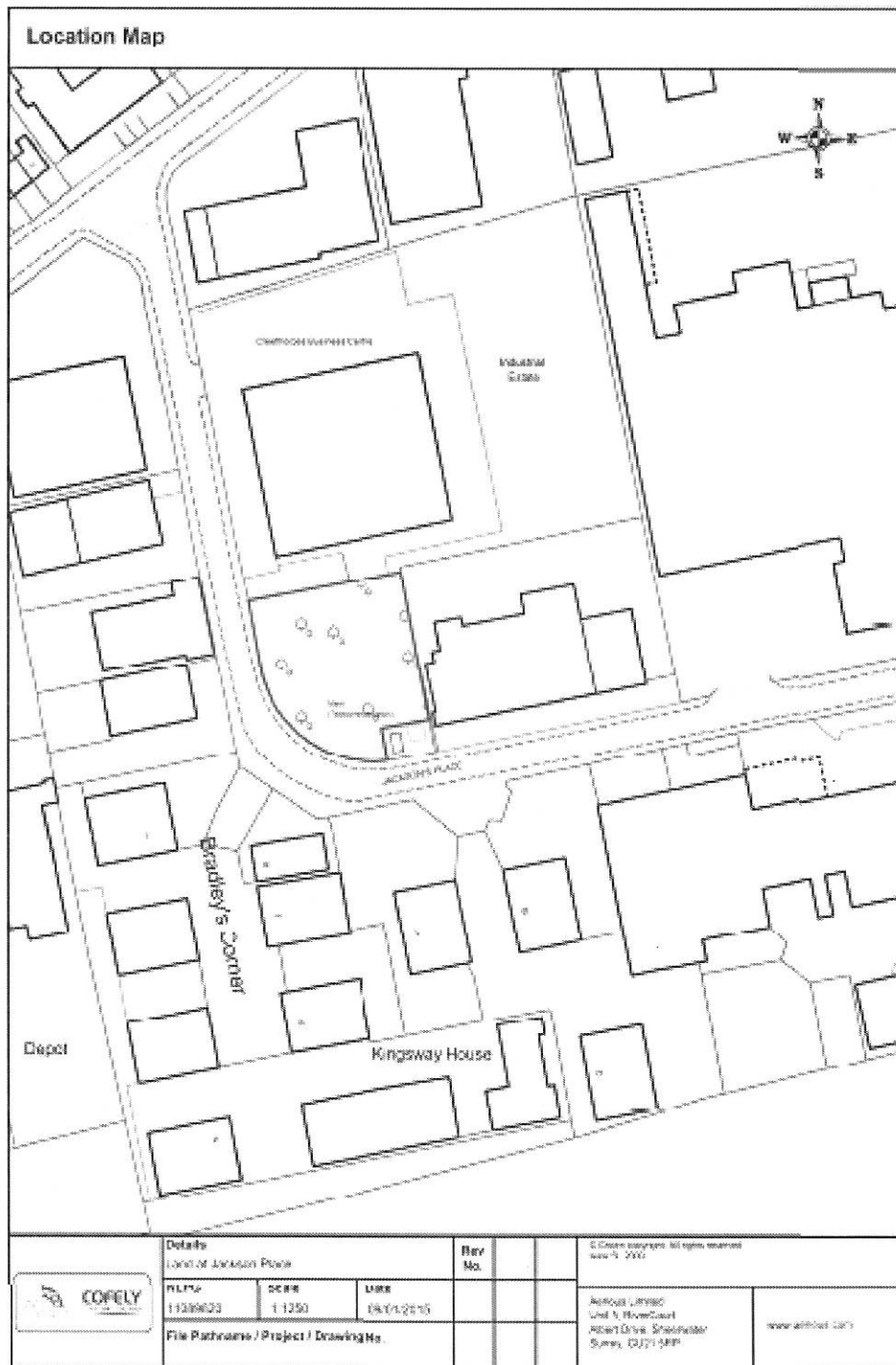
**Name:** Sharon Wroot

**Title:** Director of Finance

 12/2/15

Signed and Dated

## Appendix One - Site Plan





Appendix Two – Ward Councillor comments

**From:** Cllr - Fenty, John  
**Sent:** 06 February 2015 10:20  
**To:** Fox, Jack  
**Subject:** Re: Land at Jackson Place

Thank You Jack  
Sounds business sense  
fentyj

**From:** Cllr - Harness, Stephen  
**Sent:** 05 February 2015 12:51  
**To:** Steve Norton; Fox, Jack; Cllr - Fenty, John  
**Subject:** Re: Land at Jackson Place

Dear Jack

I agree with Cllr Norton and I have no objections. Perhaps an agreement to plant some replacement trees in the authority, just a thought?

Regards

Stephen Harness  
Sent from Samsung tablet

**From:** Steve Norton [mailto:steve@grimsbyfma.com]  
**Sent:** 05 February 2015 07:24  
**To:** Fox, Jack; Cllr - Fenty, John; Cllr - Harness, Stephen  
**Subject:** RE: Land at Jackson Place

Dear Jack,

Thank you for the information.  
I have no objection to the proposal.

Best regards,

*Stephen J Norton*  
Chief Executive  
Grimsby Fish Merchants Association  
T: +44 (0) 1472 350022  
M: +44 (0)7710 058 686  
F: +44(0) 1472 240775  
E: [steve@grimsbyfma.com](mailto:steve@grimsbyfma.com)  
Twitter@GrimsbyFMA

 please don't print this e-mail unless you really need to.

**From:** Fox, Jack [mailto:Jack.Fox@nelincs.gov.uk]  
**Sent:** 04 February 2015 17:42  
**To:** Cllr - Fenty, John; Cllr - Harness, Stephen; [steve@grimsbyfma.com](mailto:steve@grimsbyfma.com)  
**Subject:** Land at Jackson Place

Good Afternoon Councillors

I am writing in relation to Council owned land situated on the corner of Jackson Place, Wilton Road Industrial Estate, Humberston, Grimsby.

The site comprises a total of approx. 0.39 acres (1576sq m) of which 0.024 acres (98sq m) is currently let to "EE" (formerly Orange) which houses a telecommunications mast. The remaining 0.37 acres (1478sq m) comprises a small wooded copse which has been created through natural regeneration and which is currently unmaintained.

I have attached a plan of the site. The hatched area within is that which is leased to EE. The building and land to the rear of the site is the Council owned Cleethorpes Business Centre.

The occupier of the adjacent site has approached the Council to take a lease of this land with a view to developing it for additional storage/ parking and space for turning. It is recommended, accompanied with valuation advice of Cofely, that a lease of the site be granted at an annual rent representing market value. Completion of the lease would be subject to a successful change of use thorough the Planning process.

The purpose of my email is to advise you that as this proposal does not meet the criteria of a key decision required at cabinet, the recommendation has been agreed in principle by the Director of Finance and Portfolio Holder for Assets and Special Projects and Finance. A formal Officer Decision Record has being circulated for consideration by Monitoring Officers, and will any contain any comments you may wish to make. This will then be sent for approval and signature from the above which will form the instruction to Legal to complete the lease.

Could I please ask that you provide any comments to me by close of play Wednesday 11 February 2015.

Regards

**Jack Fox, Assets Advanced Practitioner (Corporate), North East Lincolnshire Council**  
Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU | ☎: 01472 323388 / 07730 014287 | ✉: [jack.fox@nelincs.gov.uk](mailto:jack.fox@nelincs.gov.uk)

**Not Protectively Marked**



## Officer Decision Record – Property Transaction

### 1. Subject and details of the matter

#### **Pavilion Lane, Recreational Ground known as Greenland's, New Waltham, Grimsby**

The recreation ground / open space at Greenland's (the "site") comprises a total of approx. 13.36 acres (54,095sq m) as outlined red on the attached plan at Appendix One. The site comprises in the majority of open space, and includes a small wooded copse, a bmx track, bowling green, pavilion building and car park.

Officers have been in discussions with the Parish Council regarding a lease of the Pavilion and Service Level Agreement to take over the management of the wider site, as per the approval under the Delegation of Functions to Town and Parish Councils, obtained by cabinet on the 28 April 2014.

It is the recommendation and accompanied valuation advice of Cofely Workplace Ltd ("Cofely") that the pavilion be leased to the Parish Council for a term of 25 years' at a rent representing market value, which has been set at £800 per annum. The Parish Council intend to meet the rent payment by way of Community benefit. This will be by way of a direct funded employment of a youth worker at an annual cost of £1,400 pa and by offering the pavilion to young people 3 hours per week for 48 weeks of the year at a nominal £10 per hour, which will equate to £1,440 pa. A collective sum of £2,840 per annum will therefore be used as the Community benefit which will be in lieu of payment of the rent.

The wider site maintenance will be formed by way of a Service Level Agreement which will result in the Parish Council taking on the full maintenance obligations from the commencement of Year Four. From the commencement of the agreement the Council will provide financial support on a reducing position until the Parish become wholly responsible, as set out below:

Year 1 – NELC to provide 100% of the maintenance responsibility to the site;  
 Year 2 - NELC to provide 50% of the maintenance responsibility to the site;  
 Year 3 - NELC to provide 25% of the maintenance responsibility to the site; and  
 Year 4 and thereafter under the terms of the agreement, the Parish Council will be responsible for all maintenance liability to the site.

### 2. Details of Decision

That the terms of a new lease for the term of 25 years' of the pavilion be agreed at a rent representative of market value – in accordance with the recommendations of Cofely. The rent will be paid for by way of free use to the community.

The wider site maintenance will be formed as part of a Service Level Agreement under the Delegation of Functions approval by cabinet.

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

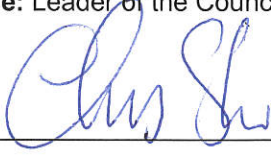
No – the decision:

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

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

No – in accordance with Section 3 above.



|   |  |   |  |
|---|--|---|--|
| <b>5. Is it an Urgent Decision? If yes, specify the reasons for urgency</b>   |  |   |  |
| N/A – it is not a Key Decision needed to be made urgently.  |  |   |  |
| <b>6. Anticipated outcome(s)</b>  |  |   |  |
| <p>The granting of a lease of the pavilion and agreement by way of the Delegation of Functions approval of the wider "Greenland's" site which will relieve the Authority of all management costs in relation to the site.</p> <p>Pending completion of the lease and agreement, the Council will continue to manage the pavilion and land in its current state.</p>   |  |   |  |
| <b>7. Have the Premises been marketed by advertising or by auction? (if not why not)</b>  |  |   |  |
| <p>No – the land is currently not available on the market.</p> <p>The proposed lease to the Parish Council is recommended for approval by Cofely, with the rent agreed as representing market value.</p>  |  |   |  |
| <b>8. Background documents considered:</b>  |  |   |  |
| There are no background documents to be considered.   |  |   |  |
| <b>9. Does the taking of the decision include consideration of Exempt Information? If yes, specify the relevant paragraph of Schedule 12A and the reasons</b>   |  |   |  |
| No.   |  |   |  |
| <b>10. Monitoring Officer Comments (Assistant Director Law &amp; Solicitor to the Council or nominee)</b>   |  |   |  |
| The decision is supported for the reasons set out. Legal Services will support this piece of work by completing the legal elements of the transaction accordingly.  |  |   |  |
| <b>11. Section 151 Officer Comments (Director of Finance or nominee)</b>  |  |   |  |
| The transfer of the direct running costs of the Pavilion will generate savings of approximately £1k per annum to the Council. The Council will continue to provide grounds maintenance services over the next three years but at a reduced level each year and at the end of the three years the Parish Council will take on full responsibility.   |  |   |  |
| <b>12. Human Resource Comments (Assistant Director Governance &amp; Democracy or nominee)</b>   |  |   |  |
| There are no direct HR implications for the Council arising from this ODR. However, NELC needs to ensure that any liability in relation to the employment of a Youth Worker is directly attributable to New Waltham Parish Council.   |  |   |  |
| <b>13. Risk Assessment (in accordance with the Report Writing Guide)</b>  |  |   |  |
| <p><b>Crime and Disorder</b> – There have been minimal reports of vandalism or anti-social behaviour on this pavilion/ land; disposal will enable a greater the use of land.</p> <p><b>Diversity</b> – This proposal does not have an impact on diversity.</p> <p><b>Value for Money</b> – The recommendation to dispose of the site by way of a lease of the pavilion at market rent, which will be will remove any future costs associated with maintaining the land.</p> |  |   |  |
| <b>14. Notification of Ward Councillors (Humberston &amp; New Waltham Ward)</b>   | Cllr. J. S. Fenty<br>Dated: 10/04/2015<br>Comments: Received and attached at Appendix Two.   | Cllr. S. Harness<br>Dated: 10/04/2015<br>Comments: Received and attached at Appendix Two. | Cllr. S. Norton<br>Dated: 17/04/2015<br>Comments: None Received. |
| <b>15. Consultation with Portfolio Holder:</b>  | Name: Cllr C. Shaw<br>Title: Leader of the Council and Portfolio Holder for Finance and Assets.<br><br>Signed and Dated |   |  |

**16. Decision maker:**

**Name:** Sharon Wroot

**Title:** Director of Finance.

SWroot . 21/04/15.

Signed and Dated

## Appendix One - Site Plan



## Appendix Two – Ward Councillor Comments

From: Cllr - Fenty, John  
Sent: 10 April 2015 17:57  
To: Fox, Jack; grahame.williams1@btinternet.com; Cllr - Harness, Stephen; Cllr - Norton, Steve  
Cc: Fisher, Wendy  
Subject: Re: Greenland's Recreational Ground, Pavilion Lane, New Waltham

Dear Jack,

Excellent, this is good news for the village and Parish

Well done and thank you

Regards  
Cllr John Fenty

Sent from Samsung tablet

**From:** Cllr - Harness, Stephen  
**Sent:** 10 April 2015 16:33  
**To:** Fox, Jack  
**Cc:** grahame.williams1@btinternet.com  
**Subject:** Re: Greenland's Recreational Ground, Pavilion Lane, New Waltham

Dear Jack

I have no comments to make on the New Waltham takeover of the lease of Greenland's Recreational Ground other than to say " I fully support the wisdom of the Parish Council to manage the facility for the benefit of the village as per the negotiated lease".

Kindest regards

Cllr Stephen Harness

Sent from Samsung tablet

----- Original message -----

From: "Fox, Jack" <Jack.Fox@nelincs.gov.uk>  
Date: 09/04/2015 13:50 (GMT+00:00)  
To: "Cllr - Fenty, John" <John.Fenty@nelincs.gov.uk>, "Cllr - Harness, Stephen" <Stephen.Harness@Nelincs.gov.uk>, steve@grimsbyfma.com  
Cc: "Fisher, Wendy" <Wendy.Fisher@Nelincs.gov.uk>  
Subject: Greenland's Recreational Ground, Pavilion Lane, New Waltham

Good Afternoon Councillors

Officers have been in discussions with the Parish Council regarding a lease of the Pavilion and a Service Level Agreement to take over the management of the above site, as per the approval under the Delegation of Functions to Town and Parish Councils, obtained by cabinet on the 28 April 2014.

It is the recommendation and accompanied valuation advice that the pavilion be leased to the Parish Council for a term of 25 years' at a rent representing market value. The Parish Council intend to meet the rent payment by way of Community benefit. This will be by way of the direct funded employment of a youth worker and by offering the pavilion to young people 3 hours per week for 48 weeks of the year at a nominal hourly charge, which will exceed and be in lieu of payment of the rent.

The wider site maintenance will be formed by way of a Service Level Agreement which will result in the Parish Council taking on the full maintenance obligations from the commencement of Year Four. From the commencement of the agreement the Council will provide financial support on a reducing basis until the Parish become wholly responsible.

The purpose of my email is to advise you that as this proposal does not meet the criteria of a key decision required at cabinet, the recommendation has been agreed in principle by the Director of Finance and Portfolio Holder for Finance and Assets. A formal Officer Decision Record has been circulated for consideration by Monitoring Officers, and prior to consideration, approval and signature from both the above, will contain any comments you wish to make.

Could I please ask that you provide any comments to me as soon as possible and by latest close of play Tuesday 14 April 2015. If approved, the decision will form the instruction to Legal to complete the lease/ delegation of functions.

Regards

**Jack Fox, Assets Advanced Practitioner (Corporate), North East Lincolnshire Council**  
Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU | ☎: 01472 323388 / 07730 014287 |  
✉: jack.fox@nelincs.gov.uk

**Not Protectively Marked**





## Officer Decision Record – Property Transaction

### 1. Subject and details of the matter

#### The Willows, Barmouth Drive, Grimsby

The above site (as outlined red on the attached plan) was vacated at the end of March 2014 by the out-going occupiers, NAViGO. Since then, the Council has been managing the properties void, which has resulted in expenditure and the continuing cost of security. The site is made up of three buildings, known as Willowdene (a two storey former residential care unit), Willowdene Bungalow (an adapted bungalow to provide specialist care and support) and Pine Lodge (a modular single storey building).

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 site in order to provide supported housing. Discussions commenced on a best value basis, initially with Ashley House and if those negotiations were to become fruitless, then the property was to be taken to the open market.

The proposal from Ashley House was to redevelop the site in order to provide Extra Care accommodation. Negotiations were constructive but due to issues surrounding massing on the site and Planning criteria, those discussions ceased in early November 2014. Final instructions were therefore issued to advertise the site and the property duly went on the Market in January 2015.

Due to the location, age and structure of the premises, there has been limited interest. However, on 6 February 2015 an unconditional offer of £175,000 or £225,000 conditional upon successful planning permission for an older persons housing scheme, was received from Cawthorpe Estates. Following further negotiation, the conditional offer was subsequently increased to £250,000.

The lower offer represents less risk to the Council and negates the need to wait for Planning Permission. The disadvantage of this is that the purchaser may immediately sell the property on for a small profit or may simply acquire the site and do nothing. The higher receipt carries greater risk in that until Planning Permission is obtained, the Council remain responsible for the holding costs. However, the expectation is that once Planning Permission is granted (assuming it is) then the development will hopefully proceed - although there is of course no guarantee of this.

### 2. Details of Decision

That The Willows site be sold, generating a capital receipt of £250,000 (less costs of sale) - in accordance with the recommendations and valuation of Cofely Workplace Limited ("Cofely").

The sale is subject to survey, subject to planning and subject to contract. The holding costs for the 10 months during 2014/15 when the property became vacant amounted to a total of £11,000;

This equates to an average of £1,000 per month assuming the above spend profile continues. If the conditional offer takes 18 months to obtain Planning Permission before the deal can legally complete, this would equate to additional holding costs of c£20,000.

However, the Council is able to net some of these potential costs (up to £10,000) off the ultimate sale price of £250,000 which would still generate a greater receipt to the Council than if it sold on the basis of the unconditional offer.

### 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 (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

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 onerous conditions; therefore, pending exchange of contracts the council will continue to manage the property as void until Planning Permission is obtained and the sale completes. The holding costs have been estimated at c£20,000.

Completion of this disposal will realise a capital receipt of £250,000 (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.

#### 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 (Assistant Director Law or nominee)

The decision is supported for the reasons set out. Legal Services will support this piece of work by completing the legal elements of the transaction accordingly.

#### 11. Section 151 Officer Comments (Director 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 £250,000 (less cost of sale) will be applied to the Council's Capital Investment Programme.

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

There are no direct HR implications arising from this Officers Decision Record.

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

**Crime and Disorder** – The properties are 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 buildings and secure a capital receipt to support future capital projects.

#### 14. Notification of Ward Councillors (Freshney)

Cllr N Pettigrew  
Dated: 17/04/2015  
Comments: **None Received.**

Cllr C Barber  
Dated: 17/04/2015  
Comments: **None Received.**

Cllr R Sutton  
Dated: **14/04/2015**  
Comments: **Received and attached at Appendix Two.**

|  |  |
|--|--|
| <b>15. Consultation with Portfolio Holder:</b> | <p><b>Name:</b> Cllr C. Shaw</p> <p><b>Title:</b> Leader of the Council and Portfolio Holder for Finance and Assets</p> <p> 22/4/15</p> <hr/> <p>Signed and Dated</p> |
| <b>16. Decision maker:</b>                     | <p><b>Name:</b> Sharon Wroot</p> <p><b>Title:</b> Director of Finance</p> <p> 21/04/15</p> <hr/> <p>Signed and Dated</p>  |



## Appendix One – Site Plan



## Appendix Two – Ward Councillor Comments

**From:** Fox, Jack  
**Sent:** 15 April 2015 17:45  
**To:** Cllr - Sutton, Ray  
**Cc:** Cllr - Barber, Cliff; jake.rollin@nhs.net; Tony Bramley  
**Subject:** RE: Disposal of Willowdene/ Willows - request to rethink

Good Afternoon Cllr Sutton

Thank you for your email and I note your frustrations around Ward Councillor consultation, however, the purpose of me contacting you is to notify you and raise such matters to your attention. If I have not provided you with a full explanation to the background of this particular site and discussions already held, I apologise and would appreciate the opportunity to rectify this now.

For your assurance, we have previously engaged and progressed discussions with the CCG/ Ashley House, on two occasions, as far as possible. The latter of which I believe resulted in challenges with Planning which posed restrictions for the type of development put forward.

Furthermore, we have been in discussion with Shoreline and through liaison with our own Strategic Housing colleagues. However, my interpretation here was that Shoreline were not in a position to confirm what future plans they may have surrounding the adjacent Stratford House, resulting in a wider redevelopment including Willowdene.

As a result of both parties being included within those initial discussions, without a firm decision regarding a future use for this property and rising antisocial behaviour activity and void management costs mounting up, we took the decision and marketed the site for other opportunities. This has brought us to the current position where we have a 'best value' offer on the table. Of course this is conditional upon successful Planning being obtained, the outcome of which is to be determined.

I hope that the above provides you with some clarity around the background of options under consideration leading up to this point. However if you have any comments you wish to be entered into the Officer Decision Record, either in support or not of the proposal, please let me know by return.

Regards

**Jack Fox, Assets Advanced Practitioner (Corporate), North East Lincolnshire Council**  
Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU | ☎: 01472 323388 / 07730 014287 | ✉: [jack.fox@nelincs.gov.uk](mailto:jack.fox@nelincs.gov.uk)  
**Not Protectively Marked**

**From:** Cllr - Sutton, Ray  
**Sent:** 14 April 2015 13:13  
**To:** Fox, Jack  
**Cc:** Cllr - Barber, Cliff; jake.rollin@nhs.net; Tony Bramley  
**Subject:** Re: Disposal of Willowdene/ Willows - request to rethink

Jack please accept this request to recall my previous reply. There has been little to no consultation with ward councillors on the options for Willowdene and Stratford House and informal discussions this morning suggest that there needs to be an urgent partnership meeting as soon as possible to review what has already been considered.

With Good wishes

Councillor Ray Sutton  
M. 07952 488990  
Sent from Samsung tablet

**From:** Cllr - Sutton, Ray  
**Sent:** 14 April 2015 00:14  
**To:** Fox, Jack; Cllr - Pettigrew, Nick; Cllr - Barber, Cliff  
**Subject:** Re: Disposal of Willowdene/ Willows

I am disappointed that the Ashley House deal did not go ahead and am not sure I understand 'massing' in this context. I expected 'flood risk'.

I'm pleased to see that the Council is working to avoid a derelict building and site and will, reluctantly, go along with the higher (with planning permission) offer

With Good wishes

Councillor Ray Sutton  
M. 07952 488990  
Sent from Samsung tablet

----- Original message -----

From: "Fox, Jack" <Jack.Fox@nelincs.gov.uk>

Date: 13/04/2015 17:11 (GMT+00:00)

To: "Cllr - Pettigrew, Nick" <Nick.Pettigrew@Nelincs.gov.uk>, "Cllr - Barber, Cliff" <Cliff.Barber@nelincs.gov.uk>, "Cllr - Sutton, Ray" <Ray.Sutton@nelincs.gov.uk>

Subject: RE: Disposal of Willowdene/ Willows

Good Afternoon Councillors

Further to my previous email, as outlined below, it was agreed that the above site 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 site in order to provide supported housing. Discussions commenced on a best value basis, initially with Ashley House and if those negotiations were to become fruitless, then the property was to be taken to the open market.

The proposal from Ashley House was to redevelop the site in order to provide Extra Care accommodation. Negotiations were constructive but due to issues surrounding massing on the site and Planning criteria, those discussions ceased in early November 2014. Final instructions were therefore issued to advertise the site and the property duly went on the Market in January 2015.

Due to the location, age and structure of the premises, there has been limited interest. However, in February 2015 both an unconditional offer and a conditional offer based upon successful planning permission for an older persons housing scheme, were received by the same prospective purchaser. Following further negotiation, the conditional offer was subsequently increased and represents market value.

Whilst the lower offer represents less risk to the Council and negates the need to wait for Planning Permission, the disadvantage of this is that the purchaser may immediately sell the property on for a small profit or may simply acquire the site and do nothing. The higher receipt carries greater risk in that until Planning Permission is obtained, the Council remain responsible for the holding costs. However, the expectation is that once Planning Permission is granted (assuming it is) then the development will hopefully proceed - although there is of course no guarantee of this.

The purpose of my email is to advise that the higher conditional offer is recommended. This has taken in to account potential void management costs whilst planning is obtained and would still yield a potential higher receipt. A formal Officer Decision Record has been produced and will include any comments you may wish to make, prior to approval from the Director of Finance in consultation with the Portfolio Holder for Finance and Assets.

Could I therefore please ask you to provide any comments you may wish to make ASAP by return of this email and no later than close of business Friday, 17 April 2015.

Regards

**Jack Fox, Assets Advanced Practitioner (Corporate), North East Lincolnshire Council**

Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU | ☎: 01472 323388 / 07730

014287 | ✉: [jack.fox@nelincs.gov.uk](mailto:jack.fox@nelincs.gov.uk)

**Not Protectively Marked**

## Officer Decision Record – Property Transaction

### 1. Subject and details of the matter

#### Nomination of 'Immage 2000' as an Asset of Community Value.

The above named property was nominated by One Voice on the 22 September 2015, as an 'Asset of Community Value' under the Localism Act 2011 (the "Act") which came in to effect in September 2012.

The Council recognises it has a duty to respond to nominations within an eight week window and therefore has determined the nomination by the 19 November 2015.

The Act defines only certain groups are able to nominate. One Voice, the group making the nomination, are deemed eligible under the Act as they are a constituted in a number of categories: community/voluntary group, company by guarantee and registered charity.

Regulation 3, and Schedule 1 of the Assets of Community Value (England) Regulations 2012 (the "Regs") defines only certain buildings and land can be nominated. None of the criteria within Regulation 3, Schedule 1 of the Regs is relevant and therefore the nomination is eligible under the definition of the Act.

For the purposes of the nomination, the boundary of the property has been described as *"an access path and road to the building and the green space area behind the building we are aware that 2/3rds of this field is leased to Oasis and we are only referring to the remaining 1/3rd of the field"* – it is shown edged blue on the attached plan at Appendix One.

In the spirit of the Localism Act however, the above Regulation is 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.

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

### 2. Details of Decision

The subject property and adjacent land is now vacant having not been in use for some time, however, it could contribute once more to the viability of the local area and has been of benefit in its recent past use of being enjoyed by various sectors of the Community. It has been stated by One Voice that to prevent its use would be detrimental to the viability of the area through use of the building and land by the Community.

However, the local authority has to consider the nomination against the criteria set out in the Act and Regulations. The Local Authority therefore has determined that:

- the property known as the Immage 2000 building, the land adjacent to it and the access road and pedestrian footpath would be eligible for listing as an Asset of Community Value;

The effect of land being an asset of Community Value is that there cannot be what is described as a



“relevant disposal” without there first being a six week period to allow community groups to request to be treated as a potential bidder, and then a further four and a half month period (total not to exceed six month’s) to allow groups to put together and submit a proposal.

The way the Act and Regs are currently written, should the Council seek to dispose of the Property with other neighbouring land that it owns, then this would not meet the definition of “relevant proposal”.

Whilst this is not a material consideration for the Council in assessing whether or not the Property is of ‘community value’ it is thought that by virtue that the Council is actively seeking to dispose of the whole site, and for this reason, the remainder of the site would not be listed as such and allow a disposal to progress.

### **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 (Immingham);
- 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**

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 the wider site known as the Immingham Resource Centre has been declared surplus by the Council and has been marketed for disposal over the last three or so months. A programme exists which sets out the timescale in which to serve notice to licensees and relocate a tenant occupying by way of a lease, therefore resulting in the site being disposed of with vacant possession.

### **6. Anticipated outcome(s)**

That the nomination as detailed in section 1, has only in part been defined by the Local Authority as an Asset of Community Value and will therefore be entered onto Part 1 of the register – ‘Assets Held on the Register’ The wider site has not been nominated and is therefore not subject to a decision.

As a result, section **96 Meaning of “relevant disposal” etc. in section 95**”, sub section (2) applies and “A disposal of the freehold estate in land is a relevant disposal of the land if it is a disposal with vacant possession would apply.” Therefore the Local Authority will progress the programme to vacate the wider site and dispose of the site without triggering the moratorium period.

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

The wider site is currently being marketed for disposal.

### **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 (Assistant Director Law or nominee)**

The nomination detailed in this document is eligible within the applicable legislative framework and a decision to treat the asset in question as proposed would not be unreasonable.

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

There are no direct implications as a result of this decision record. As outlined, the nomination as an asset of community value will still allow disposal of the wider site to progress.

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

There are no direct implications arising from the contents of this report.

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

**Crime and Disorder** – the site is situated amongst operational property and due to the type of asset is less likely to receive regular or high levels of vandalism and acts of anti-social behaviour. The Council provide routine security patrols which mitigate the risk of these instances.

**Diversity** – the review of the nomination has been tested against the relevant criteria of the Act. Whilst the Council recognise that part of the site could have future community benefit, the nomination is defined as ancillary to the principal asset, and is only part of a wider site. Therefore within the definition it will be listed as an Asset of Community Value, in part, which will be subject to exemption which would grant a disposal of the freehold land, relevant if it is a disposal with vacant possession.

**Value for Money** – The decision considers nominations 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 by testing the relevant criteria.

**14. Notification of Ward Councillors** (Immingham)

Cllr D Bolton  
Dated: **23/11/2015**  
Comments: **None Received.**

Cllr M Burton  
Dated: **23/11/2015**  
Comments: **None Received.**

Cllr D Watson  
Dated: **23/11/2015**  
Comments: **None Received.**


**15. Consultation with Portfolio Holder:**

**Name:** Cllr M Patrick  
**Title:** Portfolio Holder for Finance and Resources.

 24/11/15  
Signed and Dated

**16. Decision maker:**

**Name:** Sharon Wroot  
**Title:** Director of Finance

 24/11/15  
Signed and Dated



## Appendix One – Site Plan

Nomination area hatched blue, consisting of Imimage 2000 property, land to the rear and access road and footpath.

Nomination of Former Imimage 2000 building, footpath, access road and part of the field as an Asset of Community Value.  
part of the Immingham Resource Centre site, Margaret Street, Immingham, North East Lincolnshire, DN40 1LE  
24.09.2015

