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# NOTTINGHAM CITY COUNCIL TRUSTS AND CHARITIES COMMITTEE

Date: Friday, 21 July 2017

**Time:** 2.00 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham,

NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

gbudenell-

**Corporate Director for Strategy and Resources** 

Governance Officer: Catherine Ziane-Pryor Direct Dial: 0115 876 4298

### 1 APPOINTMENT OF VICE-CHAIR

### 2 APOLOGIES FOR ABSENCE

### 3 MEMBERSHIP

To note that Councillor Pat Ferguson has been appointed as the Independent Member and that Councillor Glyn Jenkins is no longer a member of the Committee.

### 4 DECLARATIONS OF INTERESTS

Report of the Director of Sport and Leisure

5	MINUTES Of the meeting held on 31 March 2017 (for confirmation)	5 - 8
6	NOTTINGHAM ENTERPRISE ZONE SUSTAINABLE TRANSPORT PACKAGE Report of the Director of Major Programmes	to follow
7	TRUSTS AND CHARITIES FINANCIAL OUTTURN Report of the Director of Strategic Finance	9 - 14
8	HARVEY HADDEN STADIUM PITCH AND PAVILION	15 - 18

15	EXEMPT - BRIDGE ESTATE PROPERTY PORTFOLIO UPDATE (EXEMPT APPENDIX)	43 - 84
14	<b>EXEMPT MINUTES</b> Of the meeting held on 31 March 2017 (for confirmation)	39 - 42
13	EXCLUSION OF THE PUBLIC TO CONSIDER EXCLUDING THE PUBLIC FROM THE MEETING DURING CONSIDERATION OF THE REMAINING ITEM(S) IN ACCORDANCE WITH SECTION 100A(4) OF THE LOCAL GOVERNMENT ACT 1972 ON THE BASIS THAT, HAVING REGARD TO ALL THE CIRCUMSTANCES, THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION	
	29 September 2017 24 November 26 January 2018 23 March	
12	FUTURE MEETING DATES To approve the following future meeting dates:	
11	BRIDGE ESTATE PORTFOLIO UPDATE AND REVISION OF DELEGATED AUTHORITY Report of Director of Strategic Assets and Property.	23 - 38
10	HIGHFIELDS PARK RESTORATION PROJECT AND ADVENTURE GOLF CONCESSION UPDATE Report of the Director of Sport and Culture	19 - 22
9	LEASE OF LAND FOR GRASS TENNIS COURTS ON HIGHFIELDS SPORTS GROUND Report of the Director of Sport and Culture	to follow

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

#### NOTTINGHAM CITY COUNCIL

### TRUSTS AND CHARITIES COMMITTEE

MINUTES of the meeting held at LB 32 - Loxley House, Station Street, Nottingham, NG2 3NG on 31 March 2017 from 2.00 pm - 3.24 pm

### Membership

<u>Present</u> <u>Absent</u>

Councillor John Hartshorne (Chair) Councillor Steve Young
Councillor Liaqat Ali Councillor Toby Neal

Councillor Glyn Jenkins (Vice Chair)

Councillor Carole-Ann Jones

Councillor Anne Peach Councillor David Smith Councillor Andrew Rule

### Colleagues, partners and others in attendance:

Bevis Mackie - Senior Estates Surveyor

Connie Green - Solicitor

Thomas Straw - Senior Accountant for Capital Programmes
Eddie Curry - Parks, Open Spaces and Investment Funding

Catherine Ziane-Pryor - Governance Officer

### 58 APOLOGIES FOR ABSENCE

Councillor Steve Young - personal

### 59 <u>DECLARATIONS OF INTERESTS</u>

None.

### 60 MINUTES

Subject to listing Councillor Andrew Rule as in attendance, the minutes of the meeting held on 9 February 2017 were confirmed as a true record and signed by the Chair.

### 61 <u>BUDGET 2017/18 - BRIDGE ESTATE TRUST / HARVEY HADDEN</u> STADIUM TRUST AND HIGHFIELDS TRUST

Thomas Straw, Senior Accountant for Capital Programmes presented the report which set out the proposed 2017/18 budgets for Bridge Estate, Harvey Hadden Stadium Trust and Highfields Trust. Eddie Curry, Head of Parks, Open Spaces and Investment Funding, updated the Committee on the progress of the project work taking place at Highfields Park.

The following points were highlighted:

### **Bridge Estate**

- premises costs are forecast to rise sharply due to the lift repairs required at Century House;
- (ii) due to an early repayment of loan principal in 2015/16, the budget for the repayment of debt has been reduced accordingly;
- (iii) £51,000 is projected to be drawn down from the un-earmarked reserves during Financial Year 2017/18 for charitable purposes a closing balance of £97,000 is projected at 31<sup>st</sup> March 2018.

### Highfields Park

- (iv) the new adventure golf facility is in the process of being built. The terms of the Heritage Lottery Grant require a commitment to enhance maintenance at the site, so a Head Gardener will be appointed later next year. This will increase the cost of maintenance. There will be a full update report to Trustees in relation to this Project at the June meeting of the Committee;
- (v) the rents budget has reduced from the 2016/17 budget due to the loss of the Nottinghamshire County Football Club income but additional income from the Tennis Centre and Adventure Golf has partly mitigated the reduction.

### Harvey Hadden Stadium

(vi) there has been very little change, other than a slight reduction in the cost of grounds maintenance. There have been marginal increases in rents. However, the venue is now suitable to host and attract regional events.

### RESOLVED to approve the 2017/18 budgets.

### 62 BRIDGE ESTATE PROPERTY PORTFOLIO UPDATE

Bevis Mackie, Senior Estates Surveyor, introduced the report which updates Trustees on the key matters relating to the Bridge Estate property portfolio, including progress since the last meeting and future recommended actions.

The following information was discussed:

- (a) there is confidence that the tenancy of 34 Lister Gate can be sustained during the development of the Broadmarsh Centre, and the public right of way will remain open during the majority of the work;
- (b) an 'assessment of historic significance' will be undertaken on Trent Bridge, followed by a review of the planned maintenance schedule with a focus on conservation. The City Council Conservation Officer will be invited to attend a future meeting of the Committee;

Trusts and Charities Committee - 31.03.17

- (c) clarity will be sought regarding the historic agreement between Nottingham City Council and Nottinghamshire County Council regarding the responsibility and maintenance arrangements for Trent and Lady Bay Bridges;
- (d) Trustees noted that Trent Bridge is protected as a Listed Building and as a result the protected status brings with it increased costs in terms of maintaining the Bridge to the standard required and in manner compliant with its protected status;
- (e) Trustees commented that they would like to be a position whereby the 'assessment of historic significance' and planned maintenance schedule have both been fully assessed and costed in advance of the 2019 planned maintenance programme.

Further details are included within the exempt appendix.

RESOLVED to note the report.

### 63 DATE OF NEXT MEETING

Noted that the date of the next scheduled meeting is 2 June 2017.

### 64 EXCLUSION OF THE PUBLIC

RESOLVED to exclude the public from the meeting during consideration of the remaining items in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs in the public interest in disclosing the information.

### 65 **EXEMPT MINUTES**

Subject to listing Councillor Andrew Rule as in attendance, the exempt minute of the meeting held on 9 February 2017 were confirmed and signed by the Chair.

### 66 BRIDGE ESTATE PROPERTY PORTFOLIO UPDATE - EXEMPT APPENDIX

Bevis Mackie, Senior Estates Surveyor, presented the exempt appendix to the report of the Director of Strategic Asset and Property Management with contributions from Connie Green, Solicitor.

RESOLVED to note the update and approve the recommendations.



### TRUSTS AND CHARITIES COMMITTEE - 21 JULY 2017

Title	e of paper:	2016/17 Draft Outturn - Bridge Estate, Harvey Hadden Stadium and					
		Highfields Park Trust	_	-			
Dire	ctor(s)/	Geoff Walker		Wards affected:			
Corp	oorate Director(s):	Director of Strategic Finance	ce	All			
Rep	ort author(s) and	Tom Straw, Senior Accoun	om Straw, Senior Accountant – Capital Programmes				
con	tact details:	thomas.straw@nottingham	city.gov.uk	_			
		0115 8763659					
Othe	er colleagues who	Eddie Curry, Head of Parks	s & Open Space	es			
have	e provided input:	Connie Green, Solicitor					
Date	of consultation wit	h Portfolio Holder(s)					
(if re	elevant)	, ,					
		•					
Rele	vant Council Plan k	(ey Theme:					
Stra	tegic Regeneration a	nd Development					
Schools							
Planning and Housing							
Community Services							
Energy, Sustainability and Customer							
	s, Growth and Transp						
Adul	ts, Health and Comm	nunity Sector					
Child	dren, Early Intervention	on and Early Years					
Leis	ure and Culture						
Res	ources and Neighbou	rhood Regeneration					
		luding benefits to citizens					
	This report details the draft 2015/16 outturn for Bridge Estate, Harvey Hadden Stadium Trust and						
Highfields Leisure Park Trust, detailing any variance from the relevant budget.							
Rec	Recommendation(s):						
1		n for each of the trusts for 20					
2	Delegated authority	be granted to the Chair to si	gn the audited	accounts on behalf	of the		
	Committee.						

### 1 REASONS FOR RECOMMENDATIONS

- 1.1 This report is an integral part of the Council's regular monitoring, forecasting and reporting system. The report enables the Trusts and Charities Committee to be aware of the financial position of the Charities and therefore allows any appropriate decisions or actions to be taken in their role as Trustee.
- 1.2 The Bridge Estate Trusts Financial Statements are consolidated as part of Nottingham City Council's Financial Statements, therefore the Trust is required to provide the Council with signed accounts by the 28<sup>th</sup> July.

This is earlier than prior Financial Statements due to the Council having to comply with the Accounts and Audit Regulations 2015 by providing full consolidated accounts by the end of July 2018. The Council is trialling the early close process in 2016/17.

### 2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 As Trustee, the Council has responsibility for making recommendations on the management of the Charities. The financial outturn is a key part of the framework for the financial management of the trusts and any subsequent recommendations.

### 3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

### 3.1 None

### 4 <u>FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)</u>

### 4.1 BRIDGE ESTATE

The draft outturn for 2016/17 is detailed in **Table 1**. The draft outturn figures are subject to external audit and have been compared to 2015/16 outturn.

Table 1: Bridge Estate Year End 31.03.17					
	2016/17 £	2015/16 £	Variance £		
External Income	(2,218,334)	(2,278,178)	59,844		
Expenditure					
Premises, Supplies & Services	122,017	303,348	(181,331)		
Support Services	159,850	120,897	38,953		
Grant to NCC	1,545,000	1,585,972	(40,972)		
Investment Expenditure	80,316	153,438	(73,122)		
Total Expenditure	1,907,183	2,163,655	(256,472)		
Other (gains) / loses	(242,612)	969	(243,581)		
NET Position	(553,763)	(113,554)	(440,209)		
Contribution to Funds/Reserves	70 704	74.022	4.600		
Repairs and Renewal Funds Un-Earmarked Reserve	72,731 481,032	71,032 42,522	1,699 438,510		
Oli-Lailliaikeu ixeselve	401,032	42,322	430,510		

Draft outturn variances against the 2015/16 outturn greater than £100,000 are explained below:

- Premises, Supplies & Services (£181,331) A number of expenditure items were accrued at 31<sup>st</sup> March 2016 for works to be carried out on Bridge Assets the costs did not occur as expected and did not require re-accruing.
- Other (gains) / loses (£243,581) Within the Bridge Estate HMRC Creditors it
  was carrying an amount that is set aside due to discussions with HMRC, as
  part of a balance sheet review this amount has been moved to the UnEarmarked Reserve. Depending upon the outcome of the discussion some /
  all of this may need to be drawdown from the reserve.
- Contribution to Un-Earmarked Reserve (£438,510) To match the Net Position within table 1 after the contribution to the Repairs and Renewals Fund has been made. The unrestricted fund movements are shown in Table 2 below:

Table 2: Bridge Estate Unrestricted Fund Movements				
	Repairs & Renewals Fund £	Un-Earmarked Reserve £		
Balance at 1st April 2016	401,731	103,276		
In year movements	72,731	481,032		
Balance at 31st March 2017 474,462 584,308				

### 4.2 HARVEY HADDEN STADIUM TRUST

The draft outturn for 2016/17 is detailed in **Table 3**. The draft outturn figures are subject to an independent review and have been compared to 2015/16 outturn.

Table 3: Harvey Hadden Stadium 31.03.17					
	2016/17 £	2015/16 £	Variance £		
Income Rents	(32,680)	(24,636)	(8,044)		
Expenditure					
Grounds Maintenance	94,739	82,410	12,329		
Building Repairs	523	889	(366)		
Utilities	20,187	30,116	(9,929)		
Finance Charges	2,450	2,700	(250)		
Total Exepnditure	117,899	116,115	1,784		
NCC grant	(85,219)	(91,479)	6,260		
NET Income / Expenditure	-	-	-		

### 4.3 HIGHFIELDS TRUST

The draft outturn for 2016/17 is detailed in **Table 4**. The draft outturn figures are subject to an independent review and have been compared to 2015/16 outturn.

Table 4: Highfields Park Trust 31.03.17				
	2016/17 £	2015/16 £	Variance £	
Income				
Investment Income	(2,221)	(4,443)	2,222	
Fees & Charges	(49,827)	(53,679)	3,852	
Rents	(50,588)	(44,126)	(6,462)	
Concessions	(32,836)	(31,503)	(1,333)	
Total Income	(135,472)	(133,751)	(1,721)	
Expenditure				
Grounds Maintenance	213,455	201,110	12,345	
Building Repairs	893	7,367	(6,474)	
Utilities	18,223	14,504	3,719	
Finance Charges	2,450	2,700	(250)	
Total Exepnditure	235,021	225,681	9,340	
NCC grant	(99,549)	(91,930)	(7,619)	
Contribution to Capital Works	700,000	-	700,000	
NET Income / Expenditure	700,000	-	700,000	

Draft outturn variances against the 2015/16 outturn greater than £20,000 are explained below:

 Contribution to Capital Works (£700,000) – The £700,000 payment was approved by the Trustees has been funded as approved via drawing down the dowry.

# 5 <u>LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)</u>

5.1 Trustees have a fiduciary duty to protect their charity's assets and resources and to make sure they are only used to further the charity's aims. This report updates Trustees on the financial outturn for the Bridge Estate Trust, Harvey Hadden Stadium Trust and Highfields Leisure Park Trust for 2016/2017

Outturun reports are part of the Council's overall financial management framework. It provides Trustees with the opportunity to see the current financial position of all three Trusts, scrutinise and make any appropriate recommendations regarding the future management of the Trusts.

Connie Green, Solicitor 21 June 2017

# 6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

6.1	There are no further comments with respect to the Bridge Estate, the position of which as outlined within the report serves to document the financial position. Advice will continue to be provided to the Trustees in order to further the Charity's aims.
	Bevis Mackie, Senior Estates Surveyor 22/06/2017
7	EQUALITY IMPACT ASSESSMENT
7.1	Has the equality impact of the proposals in this report been assessed?
	No Substitution No An EIA is not required because:  The report does not relate to new or changing policies, services or policies.
	Yes Attached as Appendix x, and due regard will be given to any implications identified in it.
8	LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION
8.1	Budget and final account working papers. Bridge Estate Draft Accounts

- 9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT
- 9.1 None



### **Trust and Charity Committee 21 July 2017**

Title	e of paper:	Harvey Hadden Stadium Pitch and Pavilion Improvements			
	ctor(s)/ porate Director(s):	Hugh White -Director of	f Sport and Culture	Wards affected: Bilborough	
	ort author(s) and act details:	eddie.curry@nottinghai	arks Open Spaces & Investm mcity.gov.uk Tel:- 0115 876	_	
have	er colleagues who e provided input:	John.west@nottingham Connie Green – Solicito connie.green@nottingh Thomas Straw – Finance Thomas.straw@notting	or Tel:(0115) 8764294 amcity.gov.uk ce Officer Tel: (0115) 876365	i9	
		th Portfolio Holder(s)	Cllr Dave Trimble Portfolio I and Culture 19 <sup>th</sup> May 2017	Holder for Leisure	
Strate School Plan Com Ener Jobs Adul Child Leise Resort This with Bilbo stad					
Rec	ommendation(s):				
1					
2		ent to agree the format ar	nority to the Director of Strate and terms of the both the Deed	•	

- The committee approves the proposed improvement works to the pavilion and stadium as detailed in section 2 and as required by the Football Association.
- The committee approves and delegates authority to the Director of Sport & Culture to continue the preparation of the detailed key holder agreement and pitch hire agreement for the use of the Harvey Hadden stadium and stadium pitch, the changing rooms and pitches on Bilborough park.

### 1 REASONS FOR RECOMMENDATIONS

1.1 The recommendations are being sought in order to support Bilborough Town FC progress up the EFL pyramid system at Harvey Hadden and Bilborough Park. The deed of dedication and the extended licence will allow the club to grow with confidence and will help secure investment funding to improve the changing rooms, stadium and pitch quality. These improvements will bring back into use the currently underused pavilion and generally improve facilities for the wider community.

### 2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Bilborough Town Football Club was formed in 2007 and has steadily grown adding some junior teams to their senior side. The club 1<sup>st</sup> team has played at step 7 in the English Football League's (EFL) pyramid system. In recent weeks Bilborough Town FC has been promoted to step 6 in the EFL's. For the club to progress further they require long-term security of tenure for Harvey Hadden Stadium and surrounding facilities. This will then allow the club to apply for funding from the Football Association Stadia Improvement Grant Fund.
- 2.2 It is proposed that the club will take on an extended licence to use the pavilion, stadium and pitches but whilst the club will have guaranteed use of the facilities, this will not be exclusive use and the stadium, changings facilities and the pitches will remain available for the other groups to hire under their individual agreement's. This includes Notts Athletics Club, Caesars American Football Club and other users of the facility.
- 2.3 The improvement will include:
  - Improvements to the changing rooms including new showers & changing rooms.
  - Improvements to the toilets.
  - Improved fire safety features including a new fire escape.
  - The creation of a clubroom.
  - Changes to the stadium to allow a new doorway to be created allowing players to access the pitch without mixing with the crowd.
  - Pitch improvements to the stadium pitch and Bilborough Park pitches.

### 3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 Without full approval of the recommendations the club will not have a compliant facility and therefore will not be able to take up their place in step 6 of the EFL.

3.2 No other funding source has been identified to carry out the improvements to the pavilion so this partnership with Bilborough FC is considered to be beneficial to both the Harvey Hadden Trust and the wider community.

## 4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

4.1 The proposed licence agreement will be subject to an annual payment of hire fees consistent with the existing fees and charges for the facility administered by the parks and open space team. The improvement works will also help reduce ongoing maintenance costs as the facility will be restored and brought back into full community use. Whilst the improved facility will give the Trust the opportunity to generate a marginal increased return.

Thomas Straw - Finance Officer 22/6/17

# 5 <u>LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)</u>

5.1 The proposed new deed of dedication and extended licence will need to be on terms and conditions which provide value to the charity and which satisfy the requirements of the Charity Commission. In this regard further discussion will need to be had with the Charity Commission regarding its exact requirements.

Connie Green – Solicitor 22/6/17

# 6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

- 6.1 Careful consideration will need to be given to the nature of the agreements that are entered in, in order to satisfy the requirements of all interested parties. There are no objections to the principle of entering in to agreements with the interested parties, and the recommendations are supported.
- 6.2 If it is ultimately felt that the best option is to enter in to a Deed of Dedication to the Grant Funder, and a fixed term licence to the football club, suitable Heads of Term will need to be drafted and subsequently agreed by the deed and licence holders. All appropriate risks will need to be covered to minimise any future liability on the council. Careful consideration will also need to be given around other users of the site, and to ensure that the council are still able to deliver their own objectives (and those of the Trust).

John West- Estates Surveyor 22 /6/17

### 7 **EQUALITY IMPACT ASSESSMENT**

7.1 Has the equality impact of the proposals in this report been assessed?

An EIA has not been completed as this proposal will secure improvement to existing community facilities and will help improve access and participation.

- 8 <u>LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION</u>
- 8.1 N/A
- 9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT
- 9.1 N/A

### <u>Trust and Charities Committee – 21 July 2017</u>

Title of paper: Highfields Park Restoration Project and Adventure Golf Concession Update					
Director(s)/	Andy Vaughan, Corpora	ato Director	Wards affected: Dunkirk and		
Corporate			Lenton		
Director(s):					
` ,		Hugh White, Director, Sport & Culture  Eddie Curry Head Parks, Open Spaces and Investment Funding			
Report author(s) and contact			id investment Funding		
details:	eddie.curry@nottinghar Tel: 0115 8764982	ncity.gov.uk			
		Dayalanmant Man	n a a r		
Other colleagues	James Dymond, Parks		agei		
who have	James.Dymond@nottin				
provided input:	Connie Green, Solicitor				
	Connie.green@nottingh		al Dragrammaa		
	Thomas Straw Senior		ai Programmes		
Date of consultatio	Thomas.straw@notting		, Portfolio Holder for Leisure and		
		Culture	, Portiono Holder for Leisure and		
Holder(s) (if relevan	11.)	Culture			
Polovant Council P	lan Kov Thoma:				
Relevant Council P	ion and Development				
Schools	on and Development				
	2				
Planning and Housin Community Services					
-					
Energy, Sustainabilit					
Jobs, Growth and Tr					
Adults, Health and C					
	vention and Early Years				
Leisure and Culture	bbounkaad Danasassia				
Resources and ineig	hbourhood Regeneration	<u> </u>			
Cummary of incurs	/inaludina hanafita ta	aiti=ana/aan/iaa u	ooro).		
Summary of issues	(including benefits to	citizens/service u	sers).		
This was ant many idea and undertaken the Highfields Dayly restauration music at including the many					
This report provides an update on the Highfields Park restoration project including the new					
adventure golf course.					
Recommendation(s		- Constitution of the Cons			
Note the updates on the Highfields Park restoration project.					

### 1 REASONS FOR RECOMMENDATIONS

1.1 Highfields Park is held in trust under the Highfields Park Leisure Trust.

### 2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

### **Restoration Project**

2.1 The Highfields Park restoration was originally scheduled to start on site in early 2016 but was delayed due to major complications about the disposal of the silt from the lake. A new timetable has now been agreed and financial close completed.

- 2.2 Due to a change in Environment Agency regulations, the 4,000m<sup>3</sup> of silt extracted from the lake will be treated and dried out on site and then removed to an off-site tip. As a result, the costs of the silt works themselves have risen but only minor changes to the rest of the cost plan have been necessary to accommodate this.
- 2.3 The major park and heritage restoration works are still within scope and include the pavilions, ticket office, bridges, lake balustrade, gas lamps, signage and path / entrance resurfacing.

#### **Adventure Golf**

- 2.4 The Adventure Golf area was removed from the cost plan in agreement with the Heritage Lottery Fund (HLF) on the basis that it would be tendered out to a private operator.
- 2.5 Showcase Greens Ltd won the tender and completed the construction of the 18-hole course in May 2017. The course is now open to the public and receiving rave reviews online and on social media.
- 2.6 Highfields Park Leisure Trust will receive an agreed annual rent for the 10-year lease, in addition to a percentage share of the business' turnover.

### Costs

2.7 The final restoration costs total £4,836,037 including capital works and revenue items (e.g. Park Ranger, park events programme).

### **Programme**

- 2.8 Carillion will be the main contractor and will begin to mobilise on 3<sup>rd</sup> July 2017, placing orders with sub-contractors and ordering materials for the works.
- 2.9 Work on site itself will begin on 31<sup>st</sup> July 2017 with the setup of site cabins and safety fencing.
- 2.10 Desilting work will commence in September 2017 once bird nesting on the lake has finished. Other work will start in August 2017 and continue until early 2018.

### Disruption

- 2.11 The Western end of the park and entrance near the old paddling pool will be closed to the public during the majority of the works as this will act as the main route in and out for contractors and for silt haulage. Park visitors will still be able to walk a circular route around the Eastern end of the park and over the island.
- 2.12 Other works will be zoned around the individual buildings in order to minimise disruption. Extensive communication with the University of Nottingham is ongoing to help communicate key messages to students and other park users.

### 3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 If the restoration project does not proceed now, the HLF funding may be at risk.

### 4 <u>FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)</u>

- 4.1 When a finance monitoring update is next taken to the Committee it will include any projected income generated from the Adventure Golf site.
- 4.2 The Trust has previously approved a contribution of £700,000 in relation to the works being carried out at Highfields. The Trust has paid this contribution over to the Council to fund the works as agreed.

Tom Straw, Senior Accountant – Capital Programmes

# 5 <u>LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK</u> <u>MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)</u>

5.1 Trustees may recall consideration of a report relating to this Project at their meeting held on 29 July 2016. At that meeting, Trustees approved the release of £200,000 from the Highfields Park Leisure Trust dowry to bridge the funding gap and help deliver the Park restoration project.

Trustees will be aware that the primary objective of the charity is to provide public recreation and pleasure grounds for the people of Nottingham forever.

To achieve this, a programme of ongoing maintenance of grounds and equipment is completed each year. This ensures the provision of well maintained, good quality public recreation facilities.

Highfields is open to the public at large assuring public benefit on an open access basis. There are no restrictions regarding the members of public who may use Highfields. No fees are charged for access to the park but some fees are charged for various concessions within the park.

This report now updates Trustees in relation to the impact and timelines of the Restoration Project on Trust Land.

Connie Green Solicitor 22/6/17

- 6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)
- 6.1 N/A

### 7 EQUALITY IMPACT ASSESSMENT

7.1	Has the equality	v impact of the	proposals in this	report been	assessed?
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No	$\boxtimes$
An EIA is not required because:	
(Please explain why an EIA is not necessary)	

There is on direct equality impact regarding this report

- 8 <u>LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION</u>
- 8.1 None.
- 9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT
- 9.1 Highfields park restoration delegated decision No 2634 19/10/16

### <u>Trusts and Charities Committee – 21<sup>st</sup> July 2017</u>

Title	e of pape	r:	Bridge Estate Property P	ortfolio Update					
Dire	ctor(s)/		Kevin Shutter, Director of Strategic Wards affected:						
Cor	porate Dir	ector(s):	Assets and Property						
Rep	ort autho	r(s) and	Bevis Mackie – Senior Estates Surveyor						
	tact detail		0115 876 3635						
			Bevis.Mackie@nottinghamcity.gov.uk						
Oth	er colleag	ues who	Connie Green - Solicitor		ommercial Team)				
	e provide		Tom Straw - Senior Acc			nnical			
	•	•	Accounting)						
			Peter Wells – Infrastructu	ire Asset Manage	r (Eneray Services	;			
			Directorate)	3	( - 3)				
Date	e of consu	ultation wit	h Portfolio Holder(s)						
	elevant)		(0)						
	,								
Rele	evant Cou	ncil Plan k	(ey Theme:						
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Res	ources and	a iveignbou	rhood Regeneration						
			la l'ara la ara C'Ara Ara a'A' ara						
			luding benefits to citizer			a Duida			
			ey property events that have	e taken place or	are proposed for th	ie Briag	je		
ESta	ite since tr	ie date of tr	ne last meeting.						
Rec	ommenda	ation(s)							
1		Committee	notes:						
•	(i)		es relating to individual pro	nerties as detaile	d in sections 1.1 to	1 9 an	d the		
	(1)		ating to the Trent Bridge A						
		1.10.3;							
	(ii)		e relating to Trent Bridge N	Maintenance Fund	ling as detailed in s	ection	1.10		
	(ii) the update relating to Trent Bridge Maintenance Funding as detailed in section 1.10 and provides its comments.								
2	That the	Committee	considers and provides its	response to the	advertising request	t detaile	ed in		
_	That the Committee considers and provides its response to the advertising request detailed in section 1.10.2 of the report.								
ı	section 1	.10.2 of the	•						
	section 1	.10.2 of the	•						
3			report.	·	markings on Trent	Bridge	as		
3	That the	Committee	report.	·	markings on Trent	Bridge	as		
3	That the	Committee	report.	·	markings on Trent	Bridge	as		
	That the detailed i	Committee n section 1.	report.  notes the impending chan 10.4 of the report.	·	markings on Trent	Bridge	as		
3	That the detailed i	Committee n section 1.	report.  notes the impending chan 10.4 of the report.	ges to Highways					
	That the detailed i	Committee n section 1: Committee:	report.  notes the impending chan 10.4 of the report.	ges to Highways  Delegation set out	in appendix 1 to th	nis repo	rt		

recording of decisions); and

(ii) that the Corporate Director of Development and Growth and the Director of Strategic Assets and Property be authorised to sub-delegate his/her power to the appropriate Head of Service to enable the management of trust and charity land and property subject to that delegation being recorded in writing.

That the Committee agrees a date for the annual Bridge Property Portfolio Tour.

### **UPDATE**

5

1.1 Part of Building no. 3 and Building no. 7, Woolsthorpe Close, Nottingham

Further to our recent meeting with Homeserve Membership Ltd, we understand the tenant has secured alternative accommodation elsewhere within the City, and has confirmed its intention to vacate the above mentioned premises. Further details are provided within the exempt appendix.

1.2 34 Lister Gate, Nottingham, NG1 7DD

We remain in discussions with two prospects tenants with respect to the re-letting of these premises. Pending the outcome of these further discussions, heads of terms for the lease will be provided within the exempt appendix for consideration by the Trustees.

1.3 Units 22, 23 & 24 Whitemoor Court, Nuthall Road, Nottingham, NG8 5BY

Arrangements have been agreed with the prospective tenant to put into effect a short-term tenancy, which will provide early occupation pending completion of the lease. Further details are provided for the Trustees information within the exempt appendix.

1.4 24-30 Castle Gate House, Nottingham, NG1 7AT

The tenant has made informal enquiries regarding the renewal of its lease held in respect of the above mentioned property. Further details regarding the above are provided for the Trustees information within the exempt appendix.

1.5 140 Vernon Road, Nottingham, NG6 0AD

A new prospective tenant has been identified and we remain in discussions with a view to finalising heads of terms for lease. Further details are provided within the exempt appendix.

1.6 The Abattoir & Buildings at the Cattle Market, Nottingham

We understand the lease document has been agreed between all parties with completion expected to place imminently.

1.7 Land and Buildings at Hungerhill Road, Nottingham

Further details regarding the potential disposal of these premises are provided within the exempt appendix.

1.8 Ground Floor and Basement Premises, Century House, 8-16 Chapel Bar, NG1 6JQ

In response to a breach of tenant covenant, the premises were repossessed on behalf of the Charity on 10th May. We can confirm the former tenant Curious Bars Ltd has appointed FRP Advisory LLP as joint liquidator to oversee the liquidation of the company.

In order to ensure for the earliest re-letting of these premises HEB Surveyors have been instructed as letting agent with the property marketed at a quoting rent of £75,000 per annum. Further details regarding the grounds for repossession and the re-letting are provided within the exempt appendix.

1.9 Upper Floors, Century House, 8-18 Chapel Bar, NG1 6JQ

The tenant has advised that they wish to enter into discussions as necessary to extend its occupation at these premises. Further details are provided within the exempt appendix.

### 1.10 Trent Bridge

### 1.10.1 Grant funding

A further update with respect to the options for grant funding concerned with improving the fabric of the bridge is provided by the Highway's department as shown detailed within the table below: -

Option	Update (June 2017)
Submit a comprehensive bid to the Department for Transport (DfT) Maintenance Challenge Fund	The DfT have confirmed that there is a total of £75 million available in 2017/18 and that each Local Authority can submit one bid.
	The Challenge Fund requires a minimum of 10% match funding as previously communicated.
	However because the DfT are now seeking bids of £5m this would now discount Trent Bridge as a bidding option. Plans are underway to put forward an alternative bid to support increased carriageway maintenance activity across the City.

2. Bring forward the It is still an option and preferred but we would Local Plan **Transport** (LTP) need to consider the match needed for Option Maintenance Programme with 1 and other maintenance priorities across the 50:50 funding from Bridge Estate City. to replace the paving over a 2year period. The LTP maintenance funding will require Executive Board approval (February 2018) 3. Bring forward the LTP It is still an option but <u>not preferred</u>. We would need to consider the match needed for Option Maintenance Programme and carry out the paving works in 1 and other maintenance priorities across the phases over a 2-year period. City would be deferred for a two year period. The LTP maintenance funding will require Executive Board approval (February 2018)

### 1.10.2 Advertising

A request has been made by a mental health service for permission to affix advertising posters onto Trent Bridge in raising awareness of its support services.

Trustees are asked to consider the request and confirm the Charity's position. If Trustees are minded to support the request, it should be noted that the applicant will need to make enquiries with the Planning Authority to ensure any consents as may be required are obtained.

### 1.10.3 Assessment of Significance

Fee proposals have been received from consultants specialising in heritage conservation with respect to producing an Assessment of Significance for Trent Bridge in accordance with the following specification:

- detailed description of the Listed Building structure
- information confirming the type of construction and fabric of the structure
- detailed list of the features which serve to underpin the Listing and relative importance
- information concerning the history of the structure and its architect
- significance behind the structure's physical presence and also its setting
- relative value of the heritage asset with regard to architectural, artistic, aesthetic and historic importance
- cultural and heritage values attached to the structure and how they interrelate
- regard to local planning policy
- any other issues of significance and there possible effects

- commentary providing comparison with other similar structures within the local area / region

The Trustees are asked to confirm a preferred consultant for the commissioning of the report.

### 1.10.4 Trent Bridge Highway

The Highways Authority has advised us that the carriage markings on Trent Bridge has been altered in the interest of protecting public safety.

Traffic barriers were installed outside Trent Bridge in line with safety advice handed down by the Government for major events. They were installed overnight on Wednesday (July 12).

### 1.11 Bridge Estate Property Portfolio Review

A separate report will be provided for the Trustees consideration consisting of an up-to-date overview of the portfolio together with analysis in respect of the performance of the property assets to be provided within the exempt appendix.

### 1.12 Scheme of Delegation

The Committee at its meeting on 6 September 2011 approved a Scheme of Delegation for the Management of Trust and Charity Land. The Committee has not reviewed this Scheme since its first adoption. The delegated powers in the attached appendix in general terms mirror those currently in place in respect of other properties held in the Property Trading Account and are managed by the Director of Property and Workplace Strategy. It is recommended that the approves two additional delegations to the Scheme and that an existing delegation be amended. The proposed amendments are highlighted in 'bold' and 'underlined' on the attached appendix.

### 1.13 Trustees Annual Property Portfolio Tour

The last annual tour was conducted on 27th June 2016. The Trustees are asked to advise on their availability to attend the annual tour late July / early August 2017.

### 2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

### 2.1 Not applicable

### 3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

### 3.1 Not applicable as the report is for information only

## 4 <u>FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)</u>

- 4.1 Not applicable
- 5 <u>LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)</u>
- 5.1 Charity Commission guidance states that the Trust may purchase and lease property for the charity to generate income to meet its purposes, but Trustees must make sure that it is in the charity's best interests. Trustees are responsible for protecting the charity's money and assets. Therefore, Trustees should satisfy themselves that:-
  - the property is suitable for its needs.
  - the price is fair, or even discounted, compared with similar properties on the market.
  - they understand any legal obligations relating to the land, such as planning restrictions.
  - any loan or mortgage terms are reasonable and competitive.
- 5.2 The above paragraph is extracted from Charity Commission guidance to assist and remind Trustees generally about their obligations in relation to the Bridge Estate. Further legal comment in relation to individual property transactions are provided within the exempt appendix to this report.
- 5.3 The proposed delegations set out in Appendix 1 are deliberately more limited than those proposed for the Property Trading Account. This is to allow for the fact that Trustees should have more active and transparent involvement in the decision making process. Consequently, whilst there is a need for some element of delegation, a balance needs to be struck between the ability to move forwards on smaller transactions quickly whilst still providing effective closer trustee scrutiny of larger value matters. The additional delegations proposed are administrative in nature, contain a financial cap and still require consultation with the Chair of the Trusts and Charities Committee before they can be utilised by the Officers to whom the functions have been delegated.
- 6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)
- 6.1 Not applicable

### 7 EQUALITY IMPACT ASSESSMENT

7.1 Has the equality impact of the proposals in this report been assessed?

No. In accordance with Sections A and B under Guidance Note – carrying out equality impact assessment (EIA) 2.11.11 as it does not involve change of policy, services or functions and some aspects for information only.

- 8 <u>LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION</u>
- 8.1 None
- 9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT
- 9.1 None

### **Scheme of Delegation – Trust and Charity Land and Property**

### Please note:

- 1. Any proposed amendments to the existing Scheme are in 'Bold' type and underlined.
- 2. The job titles of Officer(s) to whom functions are delegated have all been updated to reflect the current organisational structure in place in the Council.

	Description	Legislation	Executive or Non- Executive	Officer(s) to whom function delegated
1.	Trust and Charity Land and Property – Assignment and Under lettings  To agree assignment and under lettings of leases and tenancies.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property
2.	Trust and Charity Land and Property – approval of plans  To approve plans where the trust or charity's consent is required as owner from the trustees.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property
3.	Trust and Charity Land and Property – Claims under the Leasehold Reform Act 1967  To admit or deny claims and where admitted settle the sale price under the Leasehold Reform Act 1967.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property

	Description	Legislation	Executive or Non- Executive	Officer(s) to whom function delegated
	Trust and Charity Land Property – To authorise the grant of licences, wayleaves and easements.			Corporate Director of Development and Growth  Director of Strategic Assets and Property
5.	Trust and Charity Land and Property – To grant tenancies and leases of property for up to 20 years where rent does not exceed £50,000 per annum.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property
6.	Trust and Charity Land and Property – Dilapidations  (1) To settle terms, agree dilapidations and accept the surrender of existing leases and to recover possession of premises on expiry of leases.  (2) To approve settlement of the dilapidations claim up to £10,000 where the Charity or Trust has been the tenant.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property

	Description	Legislation	Executive or Non- Executive	Officer(s) to whom function delegated
7.	Trust and Charity Land and Property – Notice and Review  (1) To authorise service of appropriate notices to determine tenancies and leases to initiate possession, rent review and lease renewal or where there has been a breach of covenant.  (2) To settle upward only rents on review and renewal.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property
8.	Trust and Charity Land and Property – Variations of covenants  To approve variations of covenants in leases and tenancies and to agree terms where the financial effect does not exceed £10,000 per annum.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property
9.	Trust and Charity Land and Property – Statutory Compensation to Tenants  To settle statutory compensation payable to tenants up to the value of £50,000.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property

	Description	Legislation	Executive or Non- Executive	Officer(s) to whom function delegated
10.	Trust and Charity Land and Property – Sales  To market, negotiate and approve sales of land and property for values up to £75,000 where the property has been declared surplus to Charity or Trust requirements.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property
11.	Trust and Charity Land and Property – Purchase  To approve the purchases of land and property and the taking of wayleaves, easements, licences, tenancies and leases by the Charity or Trust over property up to a maximum capital payment of£25,000 or £10,000 initial rental payment and for to terms up 10 years in respect of leases and 50 years in respect of easements.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property
12.	Trust and Charity Land and Property – Release of Covenants  To negotiate and approve terms of release of covenants on freehold land to a maximum value of £50,000.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property

	Description	Legislation	Executive or Non- Executive	Officer(s) to whom function delegated
13.	Trust and Charity Land and Property – Planning  To submit planning applications in relation to Charity or Trust held land and property.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property
14.	Trust and Charity Land and Property – Overdue Rent  In consultation with the Deputy Chief Executive/Corporate Director of Resources to determine arrangements for reduction and recovery of overdue rent.  Note: For the avoidance of doubt as to the meaning of 'recovery of rent' it includes the authority to agree repayment arrangements and settlement in relation to overdue rents.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
15.	Trust and Charity Land and Property – Rental Reductions  To agree rental reductions and rent-free periods in appropriate cases where the tenant or lessee undertakes work to the premises, up to a maximum of financial value of £10,000 in any one year.		Non - Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property
16.	Trust and Charity – Recovery of Land  To authorise recovery of possession of land and property from trespassers			Corporate Director of Development and Growth  Director of Strategic Assets and Property  Director of Legal and Democratic Governance Services and Legal Services Managers

	Description	Legislation	Executive or Non- Executive	Officer(s) to whom function delegated
<u>17.</u>	Trust and Charity – Instructions to Professional Property Advisors  In consultation with the Chair of the Trusts and Charities Committee, authority be granted to commission reports, written advice, surveys, inspections and/or valuations up to the value of £10,000.  By way of example this delegation includes but is not limited to:-  • Independent property valuations; • Building condition and structural surveys; • Dilapidation surveys; • Planning and Conservation advice; • Environmental advice; • Health and Safety testing certificates, appraisals and/or audit; • Architectural advice; • Statutory Certificates and/or reports.		Non-Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property  Director of Legal and Governance Services and Legal Services Manager

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
18.	Trust and Charity - Re-letting of property - Marketing costs and Agents fee  In consultation with the Chair of the Trusts and Charities Committee, authority be granted to instruct professional property advisors for the purpose of reletting property and agreeing the marketing costs and agents fee, subject to the following conditions:  (i) that any administration fee for the advertisement and marketing costs is below the threshold of £2000; and (ii) that the proposed property advisors commission fee is below £15,000 upon successful completion of the property transaction.		Non-Executive	Corporate Director of Development and Growth  Director of Strategic Assets and Property  Director of Legal and Governance Services and Legal Services Manager















