

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	3856
Author:	John West
Department:	Development and Growth
Contact:	John West (Job Title: Estates Surveyor, Email: john.west@nottinghamcity.gov.uk, Phone: 01158763086)
Subject:	Former Nursery Building at Milford Academy, Dungannon Road, Clifton
Total Value:	Nil (Type: Nil)
Decision Being Taken:	To enter in to a lease with the Milford Academy (Dungannon Road, Clifton Estate, Nottingham, NG11 9BT) for the former day nursery building located within the current Academy site. The lease will take effect from 1 April 2020 and will be co-terminus with the existing lease of the Academy site, on as near to identical terms as possible. The period of the lease will be for just over 117 years, with further terms included in the Exempt Appendix.
Reasons for the Decision(s)	The nursery building was built around 2004 as part of the Neighbourhood Nursery Initiative (NNI), using NNI funding, and was later incorporated into the Children's Centre Strategy. It was let on multiple leases to a third-party nursery operator but, following the expiry of the most recent lease in September 2019, the tenant handed the property back and it has been vacant since, whilst options were explored for its future use. The school has identified a potential use for the nursery building and has allocated the funds to refurbish it to their requirements. This is supported by Children's Services as no other realistic use of the building has been identified.
Briefing notes documents:	2019.02.21 PLAN Former Nursery Milford Academy Tenancy at will.pdf

**Other Options Considered:** The option of not entering in to the recommended lease was rejected as no other suitable alternative proposals for use have been identified, and suitable terms have been agreed.

**Background Papers:** None

**Published Works:** None

**Affected Wards:** Clifton East

**Colleague / Councillor Interests:** None

**Any Information Exempt from publication:** Yes

**Exempt Information:**

**Description of what is exempt:** The terms of the recommended lease.

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

**3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure could prejudice other similar negotiations in the future.

**Documents exempt from publication:**

Exempt Appendix Former Nursery Building Additional Info.docx

**Consultations:** Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:**

There are no Crime or disorder implications included in this decision.

**Equality:**

EIA not required. Reasons: This decision does not represent a new or changing policy, service or function. The decision adheres to all Council Equality policies.

**Relates to Council Property Assets:**

Yes

**Decision Type:**

Portfolio Holder

**Subject to Call In:**

Yes

**Call In Expiry date:**

22/04/2020

**Advice Sought:**

Legal, Finance, Property, Other: Nick Lee(Nicholas.Lee@Nottinghamcity.gov.uk)

**Legal Advice:**

Following a review of the information contained in the report and in correspondence with the Property Department, the proposed transaction does not appear to raise any substantive legal issues. The completion of the transaction will be subject to normal property legal work and the drafting, agreement and completion of formal legal documentation between the parties.

Advice provided by Mick Suggett (Team leader: Conveyancing) on 12/03/2020.

**Finance Advice:**

The historical leasing of this site to the former tenant had a nil impact to the Local Authority budget; any income was offset by the cost of the caretaking and cleaning services of the site undertaken by Milford Academy. The former tenant has given notice and Milford Academy currently have a short term tenancy arrangement which will be removed when the long term lease is implemented. This longer term arrangement will negate any future risk to the Local Authority for the up keep of the site. The long term lease will be for a peppercorn value and will be a full repair and insuring lease; this aligns to the arrangement for the remainder of the site. These costs will be managed within the schools budget. Any costs associated with the implementation of this lease will be met by the tenant.

Advice provided by Ceri Walters as Finance Co-ordinator (Head of Commercial Finance) on 29/01/2020.

**Other Advice:**

**Early Years Team have confirmed that there is no requirement for additional nursery places in the area. The Education directorate has been fully consulted on this decision and is supportive of the proposed arrangements. It is confident that it will ensure that children attending the Milford Academy, a member school of the Nottingham Schools Trust, will benefit from enhanced educational provision. Additionally it has the potential to benefit the wider membership of the Nottingham Schools Trust by providing training facilities for staff based across the city.**

**Advice provided by Nick Lee (Head of Access and Learning) on 09/12/2019 (reviewed and confirmed on 18/03/20).**

**Property Advice:**

**Discussion with Education Services Early years confirmed that there is no requirement for additional nursery places in the area. Access to the building is through the school site, which means that it is not suitable to be leased privately to anything other than children's services as safeguarding of the children at school would be an issue. The Headteacher and governors at Milford Academy have plans use the building to offer a sensory room, music room facility and training facility which would also be used by the Nottingham Schools Trust. From a Strategic Assets perspective it makes sense to grant the lease to the Academy relieving the Council of liability for a building for which it has no requirement whilst allowing the academy to improve its offer.**

**Advice provided by John West (Estates Surveyor) on 10/12/2019 (reviewed and confirmed on 17/03/20).**

**Signatures**

**David Mellen (Leader/ PH Regeneration, Safety and Communications)**

**SIGNED and Dated: 11/04/2020**

**Chris Henning (Corporate Director for Development and Growth)**

**SIGNED and Dated: 08/04/2020**