

# Nottingham City Council Delegated Decision



Reference Number:

3982

Author:

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Department:

Development and Growth

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Subject:

The sale on 125 year lease of the Edwards Lane Community Centre, Alderton Road, Edwards Lane Estate, Nottingham NG5 6DX

Total Value:

Contained within the Exempt Appendix (Type: Capital)

Decision Being Taken:

To declare the Edwards Lane Community Centre, Alderton Road, Edwards Lane Estate, Nottingham surplus to Operational requirements

To agree the sale of the Edwards Lane Community Centre, Alderton Road, Edwards Lane Estate, Nottingham on a 125 year lease to Nottingham Mencap on the basis of the terms set out in the exempt appendix

To agree to enter into an Agreement to Lease the property on the basis of the terms set out in the exempt appendix with Nottingham Mencap prior to the granting of the proposed lease.

To delegate authority to the Director of Strategic Assets and Property to agree any variations to the proposed terms that may be required to facilitate the final sale.

**Reasons for the Decision(s)**

The Edwards Lane Community Centre, Alderton Road, Edwards Lane Estate, Nottingham is no longer required in its current form to deliver community services in the area and is therefore surplus to the requirements of the Community Centres Team. However there is a requirement to retain a community facility in the area and the proposed lease to Mencap reserves part of the building for use by the community which will, in future be managed by the leaseholder.

Nottingham Mencap currently occupy premises near to the Edwards Lane Community Centre. However these premises are in poor condition and not fit for purpose going forward. Nottingham Mencap have therefore been looking for new premises for some time. Following an approach to the Council the Edwards Lane Community Centre was identified as potentially suitable for Nottingham Mencap and Nottingham Mencap were considered as an appropriate purchaser able and willing to deliver an ongoing community facility within the property following sale.

Nottingham Mencap propose to significantly alter and extend the existing building for which planning permission will be required. In addition there are a number of other due diligence matters that must be resolved prior to Nottingham Mencap entering into the proposed lease. It is therefore agreed that the parties will enter into an agreement to lease, allowing Nottingham Mencap time to resolve the due diligence issues and obtain planning consent for the proposed alterations before committing to a 125 year lease of the property.

It has been agreed that the sale will be on the basis of a 125 year lease of the property as this will allow the Council to retain some control over the future of the property particularly the provision of an area of community space within the property to be managed by the lessee.

Although the land being sold does not form part of the park it is within the Open Space Network therefore public consultation notices in accordance with the Local Government Act 1972 s 123 (2a) have been published to which no response has been received. Part of the land is held in the Housing Revenue Account. The Housing Strategy and Partnerships Manager has been consulted and has no objection to the proposed sale.

Some variation may be required to the final agreed terms to facilitate the proposed sale.

**Briefing notes documents:**

Edwards Lane Community Centre Red Line.pdf, Note for DDM in respect to the declared surplus status of Edwards Lane Community Centre.docx

**Other Options Considered:**

To continue using the property as a community facility. This option was rejected as a community facility of the size and nature of that provided by the existing building is no longer considered required in the area.

To offer the property for sale on the open market. This option was rejected as Nottingham Mencap have been identified as a purchaser willing and able to provide the more limited community access that is now considered appropriate in this location.

**Background Papers:**

None

**Published Works:** None

**Affected Wards:** Sherwood

**Colleague / Councillor Interests:** None

**Any Information Exempt from publication:** Yes

**Exempt Information:**

**Description of what is exempt:** The Value of the decision and the agreed terms for the proposed lease and agreement for 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 it relates to commercially sensitive information which could prejudice the Council and Nottingham Mencap in future dealings if made publicly available.

**Documents exempt from publication:**

Edwards Lane Community Centre, Exempt Appendix.doc

**Consultations:**

**Date:** 31/07/2019  
**Ward Councillors:** Adele Williams, AJ Matsiko, Lauren OGrady  
There has been ongoing consultation with Ward Councillors. See attached Briefing note

**Date:** 25/06/2019  
**Area Committees:** Basford, Berridge, Sherwood  
See attached briefing note

**Date:** 31/07/2019  
**Other:** Cllr Langton, Portfolio Holder for Communities, Highways and Strategic Transport

See attached briefing note.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

The sale and reoccupation of this relatively isolated property will reduce the risk of vandalism and crime to and in the vicinity of the property

Equality:

EIA not required. Reasons: This report does not result in a change in policy.

Relates to Council Property Assets:

Yes

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

14/09/2020

Advice Sought:

Legal, Finance, Property

Legal Advice:

The Legal team will need copies of any public consultation notices in accordance with the Local Government Act 1972 s 123 (2a)

The lease itself should be relatively straightforward, but the Agreement for Lease may be slightly more complicated and should be undertaken by a more senior member of the Legal Team. Otherwise, from the information provided in the report the proposed transaction does not appear to raise any significant legal issues of concern. The transaction will be subject to normal property legal due diligence and the drafting, agreement and negotiation of formal legal documentation between the parties.

Advice provided by Victoria McIntyre (Solicitor) on 14/08/2020.

Finance Advice:

The lease premium received as part of this decision will be used to offset the Councils current position regarding overcommitted capital receipts as disclosed at June 20 Executive Board.

Any savings achieved from disposing of this site are already included in the savings allocated to the MTFP.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 13/08/2020.

Property Advice:

This is a Property Decision, no further Property advice is required Advice provided by Rodney Alan Martin (Development Manager) on 27/08/2020.

Signatures

David Mellen (Leader/ PH Regeneration, Schools, Communications)

SIGNED and Dated: 05/09/2020

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

**SIGNED and Dated: 01/09/2020**