

**Executive Board  
17 August 2021**

<b>Subject:</b>	Grant of a Lease Renewal for 15/16 Finepoint, Walter Nash Road, Kidderminster
<b>Corporate Director(s)/Director(s):</b>	Wayne Bexton, Interim Corporate Director of Growth and City Development
<b>Portfolio Holder(s):</b>	Councillor David Mellen, Portfolio Holder for Strategic Regeneration and Communications
<b>Report author and contact details:</b>	Pippa Hall, Acting Head of Corporate Portfolio and Investment <a href="mailto:pippa.hall@nottinghamcity.gov.uk">pippa.hall@nottinghamcity.gov.uk</a>
<b>Other colleagues who have provided input:</b>	None
<b>Subject to call-in:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Key Decision:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Criteria for Key Decision:</b>	
(a) <input checked="" type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision	
<b>and/or</b>	
(b) Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Type of expenditure:</b> <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital	
<b>Total value of the decision:</b> See Exempt Appendix	
<b>Wards affected:</b> Citywide	
<b>Date of consultation with Portfolio Holder(s):</b> 2 August 2021	
<b>Relevant Council Plan Key Theme:</b>	
Nottingham People	<input type="checkbox"/>
Living in Nottingham	<input type="checkbox"/>
Growing Nottingham	<input checked="" type="checkbox"/>
Respect for Nottingham	<input type="checkbox"/>
Serving Nottingham Better	<input type="checkbox"/>

**Summary of issues (including benefits to citizens/service users):**

The industrial unit of 22,577 square feet, which forms part of a small industrial estate, was acquired by the Council in 2017. The tenant has been in occupation since 2010, with their lease ending in June 2021. The tenant has the right to a new lease and the Council, as landlord, has no grounds to refuse to grant a new lease. The Council appointed an external agent to negotiate terms for a new lease and terms have been agreed.

**Exempt information:**

An appendix to the report is exempt from publication under Paragraph 3 of Schedule 12A to the Local Government Act 1972 because it contains information relating to the financial or business affairs of particular persons (including the authority holding the information) and, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the report includes financial information in respect of the terms of the lease that, if disclosed, could prejudice the Council's negotiating position.

**Recommendation(s):**

1. To re-let 15/16 Finpoint, Walter Nash Road, Kidderminster to the existing tenant on the terms as set out in the Exempt Appendix.

2. To approve the payment of the associated fees.

**1 Reasons for recommendations**

- 1.1 The occupational lease for the property has expired and a lease renewal has been negotiated and terms agreed.

**2 Background (including outcomes of consultation)**

- 2.1 The industrial unit of 22,577 square feet, which forms part of a small industrial estate, was acquired by the Council in 2017. The tenant has been in occupation since 2010, with their lease ending in June 2021. The tenant has the right to a new lease and the Council, as landlord, has no grounds to refuse to grant a new lease. The Council appointed an external agent to negotiate terms for a new lease and terms have been agreed.

**3 Other options considered in making recommendations**

- 3.1 Not to approve the terms: this option has been rejected as the tenant has a right to renew the lease under the Landlord and Tenant Act 1954.

**4 Finance colleague comments (including implications and value for money/VAT)**

- 4.1 See Exempt Appendix.

Advice provided by Susan Tytherleigh, Finance Business Partner, on 26 July 2021.

**5 Legal and Procurement colleague comments (including risk management issues, and legal, Crime and Disorder Act and procurement implications)**

- 5.1 From the information provided in the report and from review of the terms agreed between the parties for the renewal letting, the proposed transaction does not raise any legal issues of concern and is supported. The proposed lease will be subject to normal property legal due diligence and the drafting, negotiation, agreement and completion of formal legal documentation between the parties.

Advice provided by Mick Suggett, Solicitor (Team Leader – Conveyancing), on 26 July 2021.

**6 Strategic Assets & Property colleague comments (for decisions relating to all property assets and associated infrastructure)**

- 6.1 Letting the property on the terms contained in the Exempt Appendix is supported by Strategic Assets and Property. The tenant has a right to renew the lease and the Council has no grounds to oppose a renewal.

The terms have been negotiated by an external specialist and as such represent Best Consideration under the Local Government Act 1972. The lease renewal ensures the Council continues to receive a secure income.

Advice provided by Beverley Gouveia, Development and Disposals Manager, on 26 July 2021.

**7 Social value considerations**

- 7.1 Not applicable.

**8 Regard to the NHS Constitution**

- 8.1 Not applicable.

**9 Equality Impact Assessment (EIA)**

- 9.1 An EIA is not required because this decision does not include proposals for a new or changing policy, service or function.

**10 List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

- 10.1 None.

**11 Published documents referred to in this report**

- 11.1 None.