

Nottingham City Council Delegated Decision



Nottingham
City Council

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| Reference Number: | 5137 |
| Author: | John West |
| Department: | Growth and City Development |
| Contact: | John West (Job Title: Property Business Partner, Email: john.west@nottinghamcity.gov.uk, Phone: 01158763086) |
| Subject: | Grant of a licence at Eastcroft Depot, London Road, Nottingham |
| Key Decision (decision valued at more than £1million): | Yes |
| Total Value: | See Exempt Appendix (Type: Revenue) |
| Decision Being Taken: | 1. To grant a licence agreement to Rushcliffe Borough Council for land and buildings within parts of the Eastcroft Depot, London Road, Nottingham. Full terms of this licence are enclosed within the exempt appendix, including details of the licence fee to be received.2. To grant delegated authority to the Director of Economic Development and Property to agree to any reasonable amendments or alterations to the Heads of Terms provided that they are not deemed to be material to the decision being made. |
| Reasons for the Decision(s) | Rushcliffe Borough Council have been using part of the Eastcroft Depot for the storage and maintenance of their Refuse Collection Vehicle (RCV) fleet since 2019, occupying the Conway building, car parking, and yard space. They also have use of welfare facilities, use of fuel station and vehicle wash (subject to additional payments).This current licence will expire 7th May 2024 and negotiations have been ongoing for some time for this arrangement to continue as it has worked well for both parties. Terms are now agreed, and approval is now sought to allow the respective council's legal teams to complete the agreement. Further commentary is provided in the exempt appendix. |
| Briefing notes documents: | 2024.04.30 Eastcroft Depot Licence Plan.pdf |

Other Options Considered: The option of not agreeing to enter in to a new licence agreement was rejected as suitable terms have been agreed for both parties. The recommended decision will ensure that the risk of a loss of revenue to the council is minimised, ensures good working practice is maintained with an adjacent local authority and keeps together a collaborative approach to waste management in line with One Public Estate principles that help deliver efficiencies to both organisations.

Background Papers: None

Published Works: None

Affected Wards: Meadows

Colleague / Councillor Interests: None

Any Information Exempt from publication: Yes

Exempt Information:

Description of what is exempt: Terms of the agreement to be entered in to, including details of the licence fee.

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 contains financially sensitive information which may prejudice other negotiations if made public.

5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it contains confidential legal advice in respect of the proposed transaction.

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| Documents exempt from publication: | Exempt Legal Appendix 29.04.2024.docx, 2024.05.24 Exempt Appendix Licence Eastcroft Additional Info.docx, 2024.04.29 Draft Heads of Term Rushcliffe BC final.pdf, Eastcroft - Property Advice on Rushcliffe Letting.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 is not a new or changing policy, service or function. The decision adheres to all Council Equality policies. |
| Relates to Council Property Assets: | Yes |
| Decision Type: | Leader's Key Decision |
| Subject to Call In: | Yes |
| Call In Expiry date: | 01/07/2024 |
| Advice Sought: | Legal, Finance |
| Commissioner Comments: | Commissioners have noted the content of the paper and have no comments. Commissioners are content for this to go forward. |
| Legal Advice: | This advice is exempt from publication and is contained within an exempt appendix Advice provided by Fezil Veli (solicitor) on 29/04/2024. |

Finance Advice:

The purpose of this decision is to grant a new licence of 10 years for a previously existing licence to Rushcliffe Borough council for use of land at the Eastcroft depot.

The value of the decision as mentioned in the Heads of Terms is an increase from the previous contract which had already been included as part of the service area's budgeted MTFP. This licence fee will increase annually based on index figures with Cap and Collar rates listed in the heads of terms as well.

The business partner would need to adjust the income budget associated with this licence to reflect the increase in each year as agreed on the heads of terms.

Advice provided by Sohaib Chaudhry (Senior Commercial Business Partner) 20th May 2024.
 Advice provided by Sohaib Chaudhry (Senior Commercial Business Partner) on 20/05/2024.

Other Advice:

Nottingham City Council has been working in partnership with Rushcliffe successfully for ten years and this agreement will extend this relationship. There is enough flex within the lease to enable the Council to continue to meet any future changes to the depot and to continue this collaborative working. Advice provided by Mary Lester (Strategic Director of Operational and Resident Services) on 22/05/2024.

Property Advice:

This advice is exempt from publication and is contained within an exempt appendix. Advice provided by Richard Hawkes on 8/5.2024
 Advice provided by John West (Property Business Partner) on 08/05/2024.

Signatures:

Neghat Khan (Leader / Exec member, Strategic Regeneration)

SIGNED and Dated: 21/06/2024

Sajeeda Rose (Corporate Director of Growth & City Development)

SIGNED and Dated: 24/06/2024