

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	5180
Author:	Darren Fabris
Department:	Growth and City Development
Contact:	Darren Fabris (Job Title: Disposals Surveyor, Email: darren.fabris@nottinghamcity.gov.uk, Phone: 07956842460)
Subject:	To approve disposal of the former Thorneywood PRU, Fairmead Close, NG3 3AL
Total Value:	Exempt (Type: Capital)
Decision Being Taken:	<p>1.To grant delegated authority to the Director of Economic Development and Property to approve the method, disposal price and terms of sale of the freehold interest in this property as set out in the exempt appendix. The property has been previously declared surplus to requirements under Delegated Decision 4712 and consent was subsequently obtained from the Secretary of State for Education on 30 March 2023 for the disposal under Schedule 1 of the Academies Act 2010, which requires the capital receipt to be ring fenced for spending on education improvement projects.</p> <p>2.To delegate authority to the Director of Economic Development and Property to appoint, via a procurement compliant procedure, and pay appropriate fees associated with any external resource required to dispose of the subject property to achieve Best Consideration and comply with the Council's adopted disposals policy.</p>
Reasons for the Decision(s)	The asset has been declared surplus by Education and disposal is required to generate a capital receipt which can be used by Education to fund other provision in the city.

Other Options Considered:

1. Do nothing: a) Risk - this option has been rejected as retention of the asset presents a financial risk to the Council in terms of capital expenditure for repairs and maintenance. Retaining the asset would also prevent generating a capital receipt. This is not a viable option as the property could become management intensive. b) Risk mitigations - Ensure a successful disposal is achieved. Ensure the asset approved for disposal is marketed effectively, at the earliest opportunity, to ensure sufficient exposure, generating a high level of awareness amongst potential purchasers. Adoption of an asset-specific marketing strategy to ensure the asset is targeted at specific market segments to maximise likelihood of a successful disposal. Use of auction process provides increased certainty of securing a disposal within a defined timescale, and on an unconditional basis. Allocate dedicated specialist resource with significant experience of commercial property disposal transactions.

2. Retain the property: a) Risk - this option has been rejected as the property is a purpose-built educational facility requiring significant capital expenditure and there is no allocated budget. It is unlikely a pro-active asset management approach would materially enhance the asset and is unlikely to be an effective and efficient use of resources. b) Risk mitigations - successfully dispose of the property (see 1b above).

Background Papers:

None

Published Works:

None

Affected Wards:

Mapperley

Colleague / Councillor Interests:

None

Any Information Exempt from publication:

Yes

Exempt Information:

Description of what is exempt:

Financial information and legal comments

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 information relating to the financial or business affairs of 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. It is not in the public interest to disclose this information because it includes valuation figures and the anticipated price achievable for the property which, if disclosed, will prejudice the Councils position in negotiations relating to the proposed sale.

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 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings relating to a proposed transaction and, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is not in the public interest to disclose this information because it contains confidential legal advice in respect of the proposed transaction and disclosure could prejudice the Council's position.

Documents exempt from publication:

Exempt Appendix Legal Comments 13.8.24..pdf, Exempt Appendix - Former Thorneywood PRU Fairmead Close Nottingham SFB TS FINAL.doc

Consultations:

Date: 11/07/2024

Ward Councillors: Leslie Ayoola, Sajid Mohammed, Kirsty L Jones

No feedback has been received.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

There are no Crime and Disorder implications arising from the disposal.

Equality:

EIA not required. Reasons: The decision does not include changing policies, services or functions.

Relates to Council Property Assets:

Yes

Decision Type:	Executive Member
Subject to Call In:	Yes
Call In Expiry date:	08/10/2024
Advice Sought:	Legal, Finance, Procurement, Property
Commissioner Comments:	The Commissioners are content with this decision
Legal Advice:	This advice is exempt from publication and is contained within an exempt appendix. Advice provided by Helen Bell (Senior Solicitor) on 13/08/2024.
Finance Advice:	This advice is exempt from publication and is contained within an exempt appendix Advice provided by Sarah Baker (Senior Commercial Business Partner - Corporate Landlord) 28/08/24 Advice provided by Tom Straw (Senior Accountant - Capital Programmes) 28/08/24
Procurement Advice:	This decision raises no procurement concerns as the property will be auctioned off to the highest bidder via the contracted Auctioneer. Advice provided by Paul Ritchie (Procurement Manager) on 12/09/2024.
Property Advice:	The property has been declared surplus by Education Services and is recommended for sale. Sale will be undertaken in line with the adopted Disposals Policy and any proposed refresh of the policy. An appropriate method of sale will be chosen to ensure best consideration obligations are met and that the sale occurs in a timely period. The capital receipt from the sale is ringfenced for Education use. Advice provided by Beverley Gouveia (Head of Property) on 13/08/2024.
Signatures	Ethan Radford (Exec Member - Skills, Growth, Economic Development) SIGNED and Dated: 30/09/2024 Nicki Jenkins (Corporate Director of Growth and City Development) SIGNED and Dated: 27/09/2024