

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	5184
Author:	Christopher Cocks
Department:	Growth and City Development
Contact:	Christopher Cocks (Job Title: Disposals Surveyor, Email: christopher.cocks@nottinghamcity.gov.uk, Phone: 07903 822575)
Subject:	To request approval to dispose of property known as 9/9a Poulton Drive, Nottingham
Total Value:	See Exempt Appendix (Type: Capital and Revenue)
Decision Being Taken:	<p>1. To declare the premises known as 9/9A Poulton Drive, Nottingham, NG2 4BN, surplus to the Trading Account and to make the freehold available for disposal. No alternative operational, regeneration, community or other requirements have been identified (Officer Operational Decision).2. To delegate 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 receipt will be held as a corporate capital receipt and used in accordance with the Capital Strategy (Executive Member Decision). 3. To delegate authority to</p> <p>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)	<p>1. The Council has faced a budget gap of over £50m for 2024/25 due to issues facing councils across the country including increased demand for children's and adults' social care, rising homelessness presentations and inflation. This has meant savings of over £36m need to be made between 2025 to 2027/28 to set a balanced budget, which is a legal requirement for all councils. In addition, the Council has been granted Exceptional Financial Support (EFS) from the Government of up to c£66.143m - £25m for 2023/24 and £41.143m in 2024/25. EFS is not additional funding from Government but allows the Council to use capital resources, including from asset sales to fund revenue costs for services. Asset rationalisation is also a significant part of the Council's Improvement Plan 2024 and Budget Strategy. 2. The property has been reviewed and informally approved via an Asset Rationalisation Review as being suitable for disposal.3. This disposal supports the Council's Improvement Plan and provides a capital receipt.</p>

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, maintenance and compliance works. Retaining the asset would also forego potentially significant capital receipts. 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 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 this is a fair quality asset requiring capital expenditure and is likely to under-perform in the future. It is unlikely a pro-active asset management approach will 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: Nottingham City Council Improvement Plan

Affected Wards: Dales

Colleague / Councillor Interests: None

Any Information Exempt from publication: Yes

Exempt Information:

Description of what is exempt: Details of valuation information and the expected capital receipt.

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 commercially sensitive information in respect of the valuation and the estimated receipt which, if disclosed, will prejudice the Council's position in negotiations relating to the proposed sale.

Documents exempt from publication:

Exempt Appendix 9 9A Poulton Drive NG2 4BN.doc

Consultations:

Date: 28/08/2024

Ward Councillors: Gul Khan, David Mellen, Neghat Khan

No feedback has been received to-date on this proposed disposal from the Councillors.

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 principles, services or functions.

Relates to Council Property Assets:

Yes

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

10/10/2024

Advice Sought:

Legal, Finance, Procurement, Property

Commissioner Comments:

The Commissioners are content with this decision

Legal Advice: From the information provided, it seems that this should be a standard disposal of a freehold, subject to a lease. Consideration will need to be given to achieving best value and whether this should be an auction sale, or open market sale.

There is a lease over the property and the due diligence as part of the sale should deal with transferring any arrears or apportioning rent paid as at the date of the sale. Any rent deposit should be transferred to the new buyer.

The sale will involve the negotiation and agreement of the contract and transfer.

Advice provided by Victoria McIntyre (Solicitor) on 06/09/2024.

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) on 30/08/2024.
Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 30/08/2024.

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 assessed by both Strategic Assets & Property and Finance and is recommended for disposal. 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 recommended to ensure best consideration is achieved and that the sale completes in a timely period. Any revenue pressure created will be offset using allocated funding. The Disposals Team will work with Legal Services to ensure the sale is progressed at pace.

Advice provided by Beverley Gouveia (Head of Property) on 09/09/2024.

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