

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2268

Author:

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Department:

Development

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Subject:

Sale of Land, Clifton, Nottingham

Total Value:

See Exempt Additional Information page. (Type: Capital and Revenue)

Decision Being Taken:

The Portfolio Holder for Strategic Regeneration and Development to delegate authority to the Director of Strategic Asset and Property Management to agree the terms of appointment for a Planning Consultant in connection with sale of land in Clifton, Nottingham, following a tender process.

The Portfolio Holder for Strategic Regeneration and Development to delegate authority to the Director of Strategic Asset and Property Management to approve the terms of a Partnership Agreement for the terms of acquisition of land in connection with securing a second access to the development site to be disposed of.

The land forming the subject of this report is more precisely described in the Exempt Additional Information page.

Reasons for the Decision(s) Nottingham City Council, working in partnership with an adjoining land owner are to dispose of land in Clifton, for development. With a view to increasing the value of the site as a whole, prior to sale, outline planning consent is to be obtained. Putting the jointly owned site to the market with outline planning consent will provide prospective purchasers with increased certainty regarding the permitted type and extent of development, allowing them to calculate their offer accordingly; maximising the value of offers submitted and minimising the chance of last minute reductions and attempts at negotiation.

By delegating authority to the Director of Strategic Asset and Property Management, decisions as to the appropriate consultant to be appointed following tender will allow for more timely decision making as is required of the Council in accordance with the Collaboration Agreement formed between the Council and adjoining landowner as partners in this disposal.

Similarly, timely decision making is required in the agreement of a Partnersip Agreement or land acquisition for the purpose of securing a second access to the site. Any delay in approving terms of such agreement could cause the Council to breach the terms of the Collaboration Agreement and/or lose the chance to secure a desirable second access.

The Excutive Board report (16 June 2015) approving the principle of the Sale of the subject land delegated authority regarding the above matters to the Portfolio Holder of Resources and Neighbourhood Regeneration because the Director of Strategic Asset and Property Management was, at that time, an interim appointment. Since the decision of Executive Board, the Council has appointed a permanant Director of Strategic Asset and Property Management. The Director is well briefed regarding the detail of this disposal and suitably positioned to make timely decisions in the best interest of the Council.

Other Options Considered: For the Portfolio Holder for Strategic Regeneration and Development to approve any instructions and associated expenditure required to maximise the value of the site prior to sale, which would include the appointment of planning consultants and the securing of a desirable second access to the site.

This is not the recommended decision - this does not allow the Council to best meet their obligations under the Collaboration Agreement in respect of timely decision making and issuing of instructions. With a view to obtaining the capital receipt for the sale of this land, as early as possible, the Council are to maximise their efficiency in preparing the site for market.

Background Papers: No Background Papers

Published Works: Decision of Executive Board - 16 June 2015, 'Sale of Land, Clifton, Nottingham'

Affected Wards: Clifton South

Colleague / Councillor Interests: No Declared Interests

Any Information Exempt from publication: Yes

Dispensation from Financial Regulations:

Yes

Exempt Information:

Description of what is exempt:

A description of the subject site, location plan, further detail of the recommended 'Invitation to Quote' route to appointing consultants and reasoning for the potential need for a Partnership Agreement or acquisition of a second access point, as may be desirable.

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; disclosure could prejudice the Council's position in maximising the return on the sale of the surplus land.

Documents exempt from publication:

Exempt Finance Advice Sale of Land at Clifton.docx, Plan EXEMPT FROM PUBLICATION Land at Clifton.pdf, 2015-08-24 Exempt Additional Information Land at Clifton.docx

Use of Consultants

Number of Days:365

Rate per Day:0

Total value:0

Start date:07/09/2015

End date:12/09/2016

Reason for using a consultant:

See Exempt Additional Information page.

Other options considered:

Not to undertake the works which require the input of consultants.
This is not recommended - not to appoint a planning consultant to obtain planning consent in respect of the site would restrict the value to be achieved on sale of the surplus land. Furthermore, this would leave the Council in breach of their obligations under the Collaboration Agreement formed between the Council and adjoining land owner.

Name of consultant:

TBC following Invitation to Quote process

Reason for selection?

The Consultants invited to quote will be selected based on the Council's (and the adjoining land owner's) knowledge of their experience in the field. They will be required to provide clear detail as to their competence, proposed methodology and fee basis, specifically in relation to the subject land.

Has the consultant previously completed work for the City Council?	Not known until completion of the Invitation to Quote process - see Exempt Additional Information page.
Specific activities to be undertaken by the consultant are:	<p>Provision of all relevant surveys, investigations and assessments as required by the planning process and as advised by the marketing agent.</p> <p>Submission of an agreed planning application/s and obtaining of outline planning consent.</p>
Period of engagement:	To be dictated by the timescales of the Collaboration Agreement - initial appointment to be within 2-3 months for an anticipated duration of 3-5 months.
By what process was the consultant selected?	To be selected via an Invitation to Quote process - see Exempt Additional Information page for further detail.
Consultations:	<p>Those not consulted are not directly affected by the decision.</p> <p>Ward Councillors will be Consulted at the later stage of preparation for market, prior to instruction of Marketing Agents.</p>
Crime and Disorder Implications:	The Decisions do not hold any Crime and Disorder Implications.
Equality:	EIA not required. Reasons: An Equality Impact Assessment is not required; the Decisions do not comprise changes to policies, services or functions.
Social Value Considerations:	There are no Social Value Considerations.
Relates to staffing:	Yes
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	14/12/2015
Advice Sought:	Legal, Finance, Procurement, Human Resources
Legal Advice:	<p>The proposals contained herein contain no significant legal issues. Legal Services will offer advice on the implications of securing a second access to the site to Property Services at such time as the terms of that arrangement are known.</p> <p>Advice provided by Rebecca Beecroft (Solicitor) on 21/09/2015.</p>

Finance Advice:

This advice is exempt from publication and is contained within the exempt appendix Advice provided by Georgina Lewis (Finance Analyst) on 04/09/2015.

Procurement Advice:

The author is seeking dispensation from Contract Procedure Rule 5.1.2 - the requirement to carry out a full tender process - in the interests of co-operation with our partners on this joint procurement exercise for planning consultancy services. Given the value, there are no significant procurement concerns with this decision. The intention is to seek competitive quotations, ensuring a fair and transparent process and securing value for money. At least one local supplier should be invited to quote if possible. The Procurement Team will provide support as necessary for the quotation process.

Advice provided by Dawn Cafferty (Procurement Category Manager) on 10/09/2015.

HR Advice:

Use of a consultant is necessary as the specialist internal resource is not available for this project.
Advice provided by Hannah Gemmill (HR Business Partner) on 02/09/2015.

Signatures:

Jon Collins (Leader of the Council)
SIGNED and Dated: 03/11/2015
Jon Collins (Leader & PH Strategic Regeneration & Development)
SIGNED and Dated: 07/12/2015
David Bishop (Deputy CE, CD for Development and Growth)
SIGNED and Dated: 01/12/2015
Theresa Channell (Head of Corporate and Strategic Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 16/11/2015
Chief Finance Officer's Comments: