

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3579
Author:	Jeremy Bryce
Department:	Development and Growth
Contact:	Jeremy Bryce (Job Title: Surveyor, Email: jeremy.bryce@nottinghamcity.gov.uk, Phone: 01158763082)
Subject:	Sale of 52 Cedar Road, Nottingham, NG7 6NS
Total Value:	See Exempt Appendix (Type: Capital)
Decision Being Taken:	<p>1) To sell the freehold interest in the property known as 52 Cedar Road, Nottingham pursuant to Section 90 of the Law of Property Act 1925 (the power to create a vested interest in real property to enable the realisation of equitable charges), on the terms set out in the Exempt Appendix.</p> <p>2) To delegate authority to the Director of Strategic Assets and Property to sell the property and agree the method/terms of sale, including the final selling/reserve price for the property.</p>
Reasons for the Decision(s)	As a result of action taken by Benefits & Revenue Ltd, Nottingham City Council was granted a Final Charging Order (this changes an unsecured debt into a secured debt and gives the Council the power of sale) dated 29 March 2019 by Nottingham County Court to be enforced "without further reference should the debt not be recovered from the owner" by a given time and date.
Other Options Considered:	The City Council has no other option but to conduct this sale in line with the order made by Nottingham County Court.
Background Papers:	None
Published Works:	None
Affected Wards:	Berridge

Colleague / Councillor Interests:

None

Any Information Exempt from publication:

Yes

Exempt Information:

Description of what is exempt:

The value of the decision and the court papers are exempt from publication.

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 details relating to the proposed sale price for the property which is yet to be finalised, the disclosure of which will prejudice the Council's position in negotiations.

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 advice which is subject to legal principal.

Documents exempt from publication:

26.06.2019 Appendix 52 Cedar Road.doc, Order for sale.pdf

Consultations:

Date: 26/06/2019

Ward Councillors: Toby Neal, Angela Kandola, Shuguftah Quddoos

Councillors consulted 26.6.2019. No responses were recieved.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

None

Equality:

EIA not required. Reasons: There are no changes to policy.

Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	24/07/2019
Advice Sought:	Legal, Finance
Legal Advice:	<p>From the information provided in the report and following discussion with the author of the report, the proposed transaction does not appear to raise any substantive legal issues of concern. The proposed transaction will be subject to normal property legal due diligence work relating to the property and the drafting, negotiation and agreement of contractual documentation as well as compliance with any statutory requirements.</p> <p>Advice provided by Mick Suggett (Team leader: Conveyancing) on 04/07/2019.</p>
Finance Advice:	<p>The proceeds of the sale of this property must be utilised as set out in the Court Order for outstanding debt on this property. There is a minimum amount that the Court Order states the property can be sold for, this decision states that a further officer decision will be sought following an assessment of the property to clarify the final selling price/auction reserve.</p> <p>Advice provided by Mandy Bryce (Finance Analyst) on 27/06/2019.</p>
Signatures	<p>Sam Webster (PH Finance, Growth and City Centre)</p> <p>SIGNED and Dated: 16/07/2019</p> <p>Chris Henning (Corporate Director for Development and Growth)</p> <p>SIGNED and Dated: 11/07/2019</p>