

Agenda



Delegated Decisions - Cabinet Member for Assets, Equalities & Member Development

Date: Thursday, 23 August 2018

Time: Not Required

Venue: Not Required

To: Councillor M Whitcutt

Item	Wards Affected
1	<u>Land Adjacent to Maindee School (Rodney Parade), Maindee, Newport</u> (Pages 3 - 8)
2	<u>Land Adjacent to Rainbow Nursery (The Villa), Somerton Lane, Newport</u> (Pages 9 - 14)
3	<u>Land and Tennis Courts at Crindau Park, Newport</u> (Pages 15 - 20)
4	<u>Disposal of the Freehold of Land at Willenhall Surgery, Newport</u> (Pages 21 - 26)
5	<u>Disposal of Land at Usk Way, Newport</u> (Pages 27 - 32)

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Report

Cabinet Member for Assets, Equalities & Member Development (Deputy Leader)

Part 1

Date: 23 August 2018

Subject Land Adjacent to Maindee School (Rodney Parade), Maindee, Newport.

Purpose To seek approval from the Cabinet Member for Assets, Equalities & Member Development (Deputy Leader) to declare the subject land surplus to the Council's requirements and to dispose/gift the land on terms agreed by the Head of Law and Regulation.

Author Housing and Assets Manager

Ward Victoria

Summary Newport Dragons has requested land adjacent to Maindee Primary School be gifted to them to assist their operations and reduce antisocial behaviour in the area. This report therefore considers the options available for the future use of this asset.

Proposal That the subject land be declared surplus and disposed of on terms recommended by Newport Norse and approved by the Head of Law and Regulation.

Action by Head of Regeneration, Investment and Housing.

Timetable Immediate

This report was prepared after consultation with:

- Estates Team Leader, Newport Norse
- Estates Portfolio Officer, Newport Norse
- Associate Director of Property Services, Newport Norse
- Housing and Asset Manager
- Head of Law and Regulations – Monitoring Officer
- Head of Finance – Chief Finance Officer
- Head of People and Business Change
- Newport Dragons
- South Wales Police

Signed

Background

The subject land is owned by the Council and is currently appropriated to Education. This is likely to be historic as the land was left over following the construction of Maindee Primary School. The land forms part of the walkway from Corporation Road, over the river Usk, to the City Centre and is approximately 825m² in size. A plan of the land/area along with photographs are attached to this report.

The land in question is causing a number of issues but is directly affecting Newport Dragons/Newport County match day operations. In the aftermath of terrorist attacks in Manchester and Paris, a UK wide protocol was issued to increase the safety at any location holding events. As a result of the protocol, Gwent Police had to provide a report on Rodney Parade and show how secure it would be in the event of an attack.

The report raised serious security issues for the land in question and is why Newport Dragons would like the land transferred to them. Having full control and responsibility over the land, will reduce the security risk to any events they host, as the report mentioned that an attack could be co-ordinated from the location as potential attackers could congregate in the area.

The land also attracts a lot of fly tipping and numerous rucksacks/briefcases have been found on site. This raises security issues on a match day and could prevent a game or event from going ahead. Often the rucksacks and briefcases are the possessions of people who are homeless, however this assumption cannot be made every time given recent events. Disposing the land will reduce the risk of an attack and also negate the Council's liability/political position if such an attack happened whilst still in its ownership.

As well as the fly tipping, a lot of antisocial behaviour occurs on the land and in the surrounding areas. The use of recreational drugs in the area is evident and is of great concern given the proximity of Maindee Primary School, the safety of the Primary School Children being paramount. The land sits adjacent to the main walkway and entrance to the school. There could be some collaboration with Maindee Primary School during and after the disposal of the land. The transfer could provide an opportunity for community engagement with the school and Newport Dragons if the transfer goes ahead. This would not be limited to the School as the community could also be included in any activities.

In the short term the Council will still be responsible for the maintenance of the land and any subsequent costs. In the long term this would be reduced by the disposal to the Dragons and will give them full control over match security.

As discussed with them at the time, their intention is to clear the site and erect fencing, at their own cost, in order to secure the plot within their boundary. As they will be reducing the risk for any events held and improving the area for the public they were unwilling to pay for the land. However, as Newport Dragons have recently been taken over by the WRU and Newport County's continued success we believe a restriction on the use of the land should be included in any agreement of transfer.

If they did want to redevelop the land in the future, they would need to seek the Council's permission. The Council would be wise to prevent any capital income Newport Dragons may make acquiring a substantial parcel of land. It would be an ideal sized plot to increase commercial ventures and increase the stadium's capacity by building a new stand.

If the transfer is not agreeable then the least that needs to be agreed upon is for the area to be maintained to a better standard than it is currently. The cost of this will fall to the Council if ownership is retained. This will reduce the risk for Newport Dragons during an event at the ground and reduce the antisocial behaviour and risk to the schoolchildren.

Financial Summary

The Council is currently responsible for maintenance of the area, but undertakes little or no maintenance of the area. Costs to the Council are currently therefore minimal.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to dispose of the property will result in the potential of events being cancelled .	H	H/M	The impact of not reducing the risk could reflect bad on the Council publically and politically.	Newport City Council
Risk of Vandalism	H	H/M	Property has been subject to anti-social behaviour and vandalism.	Newport City Council
On-going Maintenance	H	H	The Council will have to actively maintain the site going forward.	Newport City Council

Links to Council Policies and Priorities

Property Rationalisation Programme
Medium Term Revenue Plan (MTRP)

Options Available

1. Take no action
2. That the subject land be declared surplus and be gifted to Newport Dragons on terms to be recommended by Newport Norse and agreed by the Head of Law and Regulation.
3. That the subject land be maintained to a better standard to reduce the Council's liability and that of Newport Dragons.

Preferred Option and Why

That the subject land be declared surplus and be disposed of on terms to be recommended by Newport Norse and agreed by the Head of Law and Regulation.

It would avoid potential future revenue costs.

Comments of Chief Financial Officer

Whilst the disposal of this piece of land will not provide the council with any capital receipts, the transfer of the land will reduce the Council's liability in maintaining the land and avoid any further potential costs that could arise.

Whilst subject to negotiation and agreement, it would be reasonable to include in any agreement some form of compensation if the land was subsequently re-developed and the Newport Dragons obtained a capital sum or earned an on-going income from it.

Comments of Monitoring Officer

The proposed action is in accordance with the Council's powers to re-appropriate and dispose of surplus land under sections 122 and 123 of the Local Government Act 1972. This site is clearly no longer required for educational purposes and can, therefore, be re-appropriated for general asset management purposes and disposed of. It is assumed that the land is not classed as public open space and, therefore, the proposed appropriation and disposal will not have to be advertised. However, in accordance with section 123 of the 1972 Act, the Council has a statutory duty to secure the best price reasonably obtainable for the disposal of any surplus land. If the land is to be "gifted" to the Newport Dragons or transferred for nominal consideration, then Welsh Government consent would be required. However, there is a General Disposal Consent under section 128 which enables councils to sell land at less than the best price where that is considered to be in the social, economic or environmental interests of the area and the "undervalue" is less than £2m. In this case, there are clear non-financial benefits in transferring the land, in terms of improved event security, reduced maintenance responsibility, greater controls over anti-social behaviour and littering and increased community engagement. Therefore, the proposed disposal would be covered by the terms of the General Disposal Consent. However, to avoid any unlawful state aid issues, it is imperative that no commercial profit should be made out of the redevelopment of the gifted site. Therefore, any transfer agreement would need to include a restrictive covenant to prevent any commercial development or use of the site.

Comments of Head of People and Business Change

There are no staffing implications arising from this report.

Asset management is a key area for consideration as part of the Well-being of Future Generations Act. The decision to dispose of this land will secure its long term future, be of benefit to the local community and help prevent any anti-social behaviour incidents. The report has considered the five ways of working and the decision contributes to a number of well-being goals including a Wales of vibrant culture and a Wales of cohesive communities.

Comments of Cabinet Member

Cabinet Member has been briefed on the report.

Local issues – Comments of Victoria Ward Members

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs

of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

After collaborating with Newport Dragons and the Police regarding the various issues with the land, the prevention of any future incidents, from hosting events to the day –to-day running of the School, is of utmost importance. Therefore, the gifting of the land will prevent any possible incidents and improve the area for the community for the long term future. The involvement of the School will show that the care is for the future of the community rather than the commercial benefits of the Newport Dragons.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

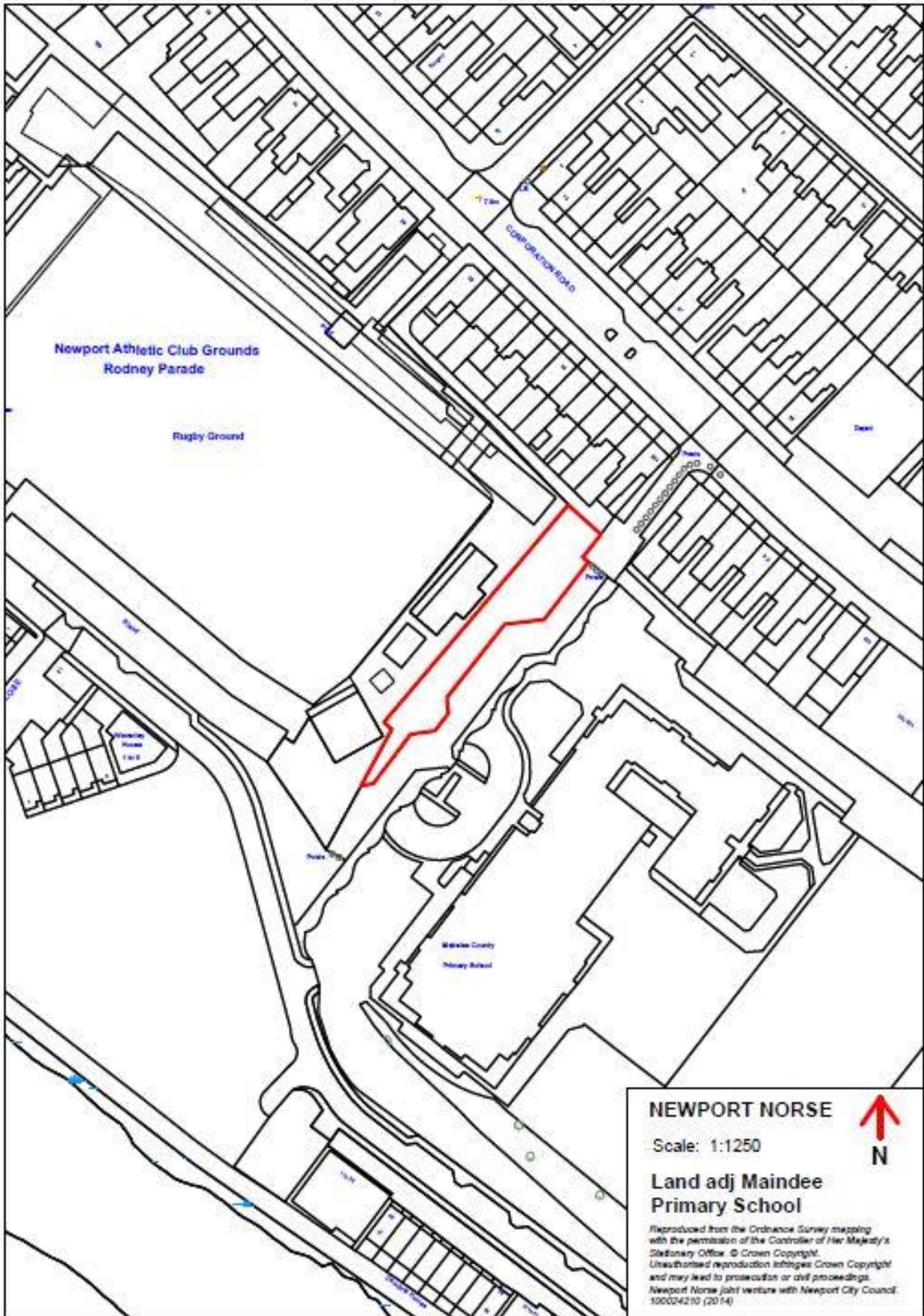
Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

Site Plan

Dated: 23 August 2018





Report

Cabinet Member for Assets, Equalities & Member Development (Deputy Leader)

Part 1

Date: 23 August 2018

Subject Land Adjacent to Rainbow Nursery (The Villa), Somerton Lane, Newport.

Purpose To seek approval from the Cabinet Member for Assets, Equalities & Member Development (Deputy Leader) to declare the subject land surplus to the Council's requirements and to dispose of the land on terms agreed by the Head of Law and Regulation.

Author Housing and Assets Manager

Ward Lliswerry

Summary The owner of Rainbow Nursery has requested to purchase land adjacent to the Nursery, they currently have a long lease of the land and wish to carry on its current use for the Nursery.

This report therefore considers the options available for the future use of this asset.

Proposal That the subject land be declared surplus and disposed of on terms recommended by Newport Norse and approved by the Head of Law and Regulation.

Action by Head of Regeneration, Investment and Housing.

Timetable Immediate

This report was prepared after consultation with:

- Strategic Director - Place
- Head of Law and Regulations – Monitoring Officer
- Head of Finance – Chief Finance Officer
- Head of People and Business Change
- Estates Portfolio Officer, Newport Norse
- Associate Director of Property Services, Newport Norse
- Housing and Asset Manager, Newport City Council

Signed

Background

The land adjacent to Rainbow Nursery, (formerly known as the Villa), is currently leased from September 1998 for a term of 125 years. It is on a peppercorn rent but an initial premium of £5,000 was paid. The size of the plot is 0.08 acres and the land is restricted to garden use only.

The current lessee has previously shown interest in purchasing the freehold for residential use (construction of 2 dwellings). A previous valuation was conducted with an asking price of £40,000, however the lessee was only able to offer £30,000 and the matter did not proceed any further.

In the last few months, the lessee has submitted a planning application to extend their nursery. Consulting with the planning department and the Council's Legal team found the extension would enter the leased land and would contravene the terms of the lease. A site visit was conducted to clarify the position and it was established that the lessee is using the land for car parking, as well as adventure play (garden land), for the nursery.

After corresponding with the lessee to raise the issue of the breach of the lease, they again showed interest in purchasing the freehold. This was to carry on the current use of car parking and adventure play, and not the previous residential application. They submitted an initial offer of £10,000, which was rejected.

Following further negotiations, a price of £15,000 has been offered. This is considered an acceptable sum and represents the market value, taking account of the lessee's position as a special purchaser.

The long term prospects of the land is directly linked to the owner of the Villa (nursery) that sits adjacent. Selling to the open market would not be appropriate or achieve the best value, as the nursery would seek the most benefit and worth of purchasing the land. The sale of the land to the owner of the Villa, subsequent leaseholder of the land, will give long term sustainability for the business to carry on their current use.

The sale of the land will provide a capital receipt for the Council and continue the availability for adventure play for the children who currently use the nursery.

Financial Summary

Currently the leaseholders maintain the land and therefore all associated costs are with them. The potential disposal will however provide a Capital Receipt.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to dispose of the property will result in the potential of no capital receipt being forthcoming. .	L	L		
Risk of Vandalism	L	L	Property is currently used as a nursery.	
On-going Maintenance	L	L	Responsibility of maintenance is down to the tenant.	

Risk of deterioration in the fabric of the building	L	L	Newport Norse will continue to monitor the land.	
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Links to Council Policies and Priorities

Property Rationalisation Programme
Medium Term Revenue Plan (MTRP)

Options Available

1. Take no action
2. That the subject land be declared surplus and be disposed of on terms to be recommended by Newport Norse and agreed by the Head of Law and Regulation.

Preferred Option and Why

That the subject land be declared surplus and be disposed of on terms to be recommended by Newport Norse and agreed by the Head of Law and Regulation.

The sale of the land will provide a capital receipt for land that is currently on a long Lease and secure the sustainability of the business.

Comments of Chief Financial Officer

Disposal of this land will benefit the Council by the realisation of a small capital receipt which will be reinvested into the Council's Capital Programme.

There is a base 'target' for capital receipts in the new 5 year Capital Programme and capital receipts are used to meet this target.

Comments of Monitoring Officer

The proposed action is in accordance with the Council's statutory powers to dispose of surplus land in accordance with section 123 of the Local Government Act 1972. The land adjacent to the Nursery is already tied up on a long lease of 125 years, with 105 years unexpired, at a peppercorn rent for garden use. The use of the land is also inextricably linked to the use and occupation of the adjoining nursery. Therefore, the land has no current operational or strategic value to the Council. Although the land is capable of being used for residential development, in conjunction with the nursery building, the owner/lessee is unable to pay the full market value. However, selling the Council's freehold reversion for the continued use of the land as a car park/adventure play area would generate a small capital receipt for the Council. There is an obligation to secure the best price reasonably obtainable for the sale of the freehold but this land only has a "special purchaser" value to the owner of the nursery, as they already have a long leasehold interest in the site and intend to use it in conjunction with the nursery. On that basis, the agreed sum of £15k is considered to represent market value. However, the transfer should either contain a restrictive covenant restricting the use for car parking/play area or an "overage" provision, to ensure that the Council receives a fair share of any future development value.

Comments of Head of People and Business Change

There are no staffing implications arising from this report.

Asset management is a key area for consideration as part of the Well-being of Future Generations Act. The decision to dispose of this land will secure the long term future of this business and ensure sustainability of the land through its use as an adventure play area for the children who currently use the nursery. The report has considered the five ways of working and the decision contributes to a number of well-being goals including a prosperous Wales and a healthier Wales.

Comments of Cabinet Member

Cabinet Member has been briefed on this report.

Local issues - Comments of Lliswerry Ward Members

Cllr Roger Jeavons - I have no objection to the release of this section of land to the Rainbow Nursery.

Cllr Allan Morris – I agree with option 2.

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

By disposing of the freehold to the leaseholder their business will benefit from the security of the use of the land and will secure the long term future for the business. The decision has been made with full involvement of the lessee and will ensure the land continues to be available for adventure play for the children who currently use the nursery.

If at any time in the future they change the current use this would then need planning to take action in accordance with the Wellbeing of Future Generations (Wales) Act 2015.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

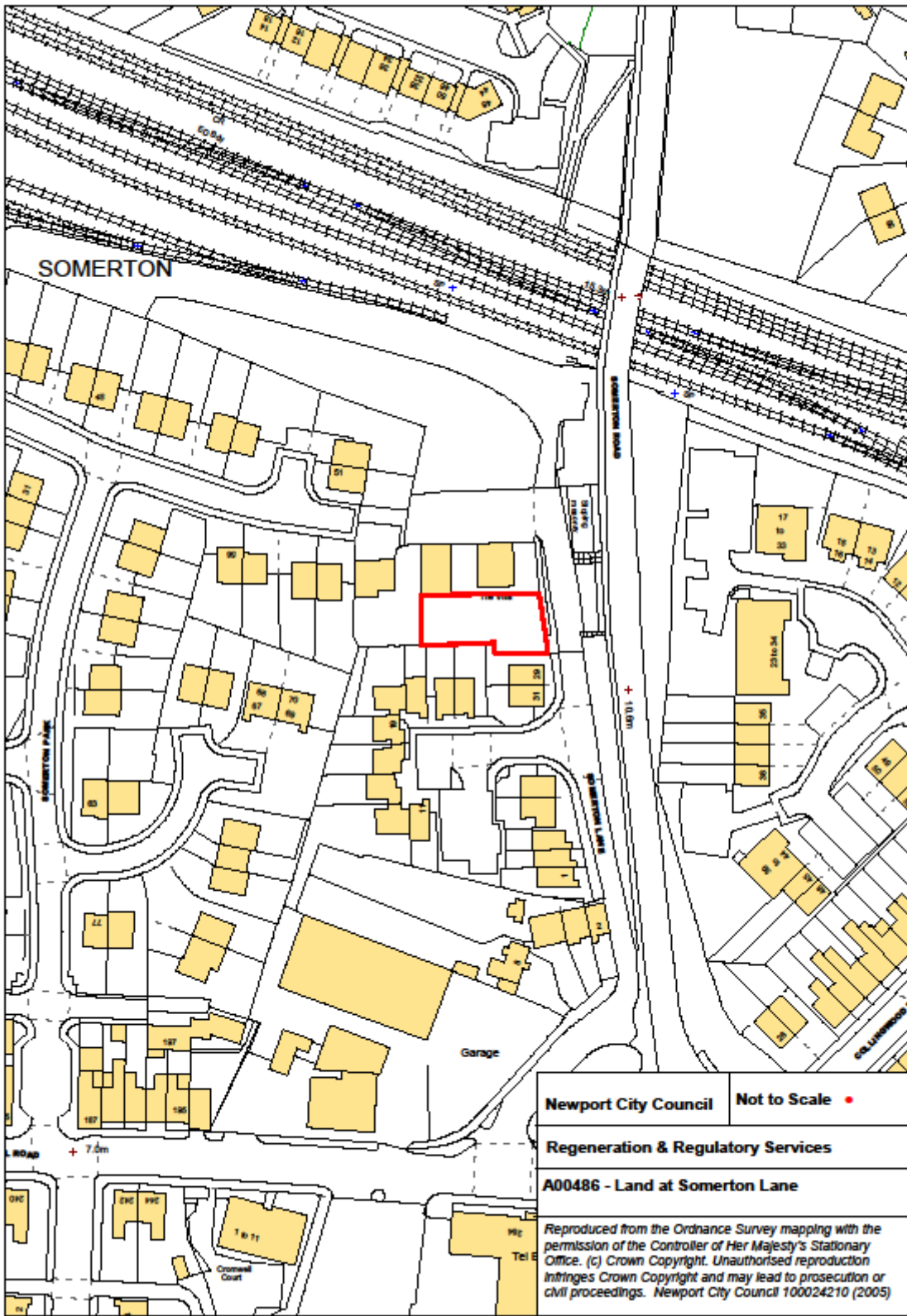
Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

Site Plan

Dated: 23 August 2018





Report

Cabinet Member for Assets, Equalities & Member Development (Deputy Leader)

Part 1

Date: 23 August 2018

Subject Land and Tennis Courts at Crindau Park, Newport

Purpose To seek approval from the Cabinet Member for Assets, Equalities and Member Development (Deputy Leader) to grant a lease for additional land and tennis courts at Crindau Park, Newport to the existing leaseholder, Albion Rovers Football Club.

Author Housing and Assets Manager

Ward Shaftesbury

Summary Newport City Council has received a request to purchase additional land and the tennis courts at Crindau Park from the existing Leaseholder, Albion Rovers Football Club.

Proposal To grant a lease for additional land and tennis courts at Crindau Park, Newport to the existing tenant on terms recommended by Newport Norse and approved by the Head of Law and Regulation.

Action by Head of Regeneration, Investment and Housing

Timetable Immediate

This report was prepared after consultation with:

- Strategic Director, Place, Newport City Council
- Housing & Assets Manager, Newport City Council
- Principal Engineer, Streetscene, Newport City Council
- Head of Law & Regulation, Newport City Council
- Head of Finance - Chief Finance Officer, Newport City Council
- Head of People and Business Change
- Associate Director of Property Services, Newport Norse
- Property Manager, Newport City Council
- Estates Portfolio Officer, Newport Norse
- Chairman of Albion Rovers Football club

Signed

Background

The Council has granted a lease to Albion Rovers football for 25 years from 19th July 2011. The leased area is a total of 654 square meters and is formed of two parcels highlighted in the striped area on the plan.

The current rent paid by the tenant is £1,350 per annum and they have 17 years left on the lease. Albion Rovers are a local club run by members of the local community on a volunteer basis. They are also working with Newport Live to access funding to support the proposals mentioned below.

The tenant has constructed an extension to the side of their existing building. They have obtained planning permission but did not seek landlord's consent before they started works. This has led to constructing majority of the extension outside of their leased demise and encroaching onto public open space. Please see dark shaded area on plan. As the land is public open space, it is required under S123 of the Local Government Act 1972, that before the disposal of any public open space, it is procedure that is has to be advertised to the general public to see if there are any objections or comments. Public Notices need to be placed for two consecutive weeks in the South Wales Argus.

Service Managers have confirmed a wish to support the club's activities by making the additional land available to the club. In order to rectify this issue, Norse and NCC officers have worked with the club and agreed that public notices will be advertised for the extra land that was taken. In addition to the land taken, the public notices will also include the tennis courts that are adjacent to the club. (Shaded grey on the plan). The club have shown interest in these courts for a long time as they would like to convert it into a new 4G pitch, but have never proceeded to application due to the cost of the required Public Notices. Now that it has become an obligation for them to carry out this for the land they have taken without consent, the tennis courts will also be included within the notice. The increase in leased area also will increase the rent.

Service Managers who have been involved from different departments are of the opinion, that the granting of the lease would be in the positive interests of the Council for the long term as the land itself is not in operational use. The tennis courts are not in use either and the addition of a 4G pitch would be welcomed by the local community. This would prevent the tennis courts from deteriorating further and protect the facility in the long term for the benefit of local residents. This also supports one of the objectives of Wellbeing of Future generations by enabling people to have access to facilities in order to be healthy, independent and resilient. The condition of the grounds surrounding the club and the existing pitches are very poor and there have been many complaints from the club in regards to this. Unfortunately, the remedial costs are too high for the council to undertake. Therefore, the potential 4G pitch is very important for the club and the local community.

Leasing the land would also reduce the area of maintenance and so will be cost effective whilst leasing the tennis courts would prevent anti-social behaviour as this is a place where small unwanted gatherings occur. The integrated proposal would also allow the small business to make contributions towards the local economy helping the local community build cohesive and sustainable communities

We understand that the Club have the support of local Ward Members.

Financial Summary

- If the disposal progresses, this would increase the rental income for the Council.
- The maintenance liabilities for the council including landscaping maintenance for the land and cleaning duties for the tennis courts would be reduced.

Risks

- Failure to dispose of the tennis courts will result in the potential deterioration of the courts as they are not being maintained now as well as the risk of anti-social behaviour.

Links to Council Policies and Priorities

- Asset Management Plan
- Property Rationalisation Programme
- Medium Term Revenue Plan (MTRP)
- Service Delivery Plans

Options Available and considered

- Decline disposal to the tenant but this would mean taking down the extension.
- Dispose of the land and tennis courts on leased on terms to be agreed by Head of Law and Regulation. This will realise a higher income for the Council albeit relatively small.

Preferred Option and Why

Dispose of the land and tennis courts on leased on terms to be agreed by Head of Law and Regulation.

Comments of Chief Financial Officer

The proposed disposal of land will mean securing additional income, albeit small, for the Council for a number of years. The elimination of future maintenance liabilities is an additional benefit. There are no adverse financial impacts of this plan whilst also generating social benefits for the local area.

Comments of Monitoring Officer

The proposed action is in accordance with the Council's statutory powers to re-appropriate and dispose of surplus land in accordance with sections 122 and 123 of the Local Government Act 1972. The Football club already occupies the adjoining land under the terms of a long lease which still has 17 years left to run. The extension to their existing building has encroached onto the area of adjoining public open space and extends beyond the area of their demise under the current lease. Therefore, to regularise the position, it will be necessary to grant them a further lease of this area of land, for a term equivalent to the unexpired period of their current lease. However, because this is an area of public open space, then the Council is required to publish a notice in two consecutive weeks in a local newspaper under sections 122 (2A) and 123(2A) of the 1972 Act and then consider any objections before appropriating and disposing of the land by way of a long lease to the Football Club. In addition, the Club wishes to lease the tennis courts area for the purposes of developing a 4G pitch. The tennis courts area would not be classed as public open space as the area is enclosed, so it will not be necessary to give public notice of any intended disposal of this area. It is assumed that none of the land which is to be leased to the Football club is classified as "playing field" for the purposes of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015 and, therefore, it will not be necessary to consult with the wider community and key stakeholders before agreeing to any disposal. However, under the Children and Families (Wales) Measure 2010, the Council is required to consider the potential loss of any playing area or recreational space in terms of the impact of the loss of any play opportunities for children. The availability of any 4G pitch for the use of the wider community, as opposed to just the Football club, would be a relevant consideration when assessing the impact of these proposals.

Comments of Head of People and Business Change

As required the Well-being of Future Generations (Wales) Act 2015 has been considered when developing this proposal. The five ways of working (sustainable development principle) and the appropriate Well-being Goals have been highlighted in the background of this report.

From an HR perspective there are no staffing implications arising from this report.

Comments of Cabinet Member

Cabinet Member has been briefed on this report.

Local issues – Ward Members

Cllr Paul Cockeram - It's been a long time in the process, but more than happy to support the report.

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The proposal in this report has considered the five ways of working and meets a number of the well-being goals including cohesive communities, vibrant culture and a healthier Wales. The thrust of this report is to regularise an activity that has already taken place as the majority of the building has been constructed. However, the facilities are integrated into the community and are accessed by young people. Local residents wish to see the facility completed as it will provide a key addition to the development of the facilities for people of the area in the longer term. Ward members and multiple service areas within the Council have been involved in this proposal. In addition, Albion Rovers Football club will have more responsibility for some of the grounds maintenance which should allow for the area to be better managed and therefore prevent and reduce anti-social behaviour and other issues.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

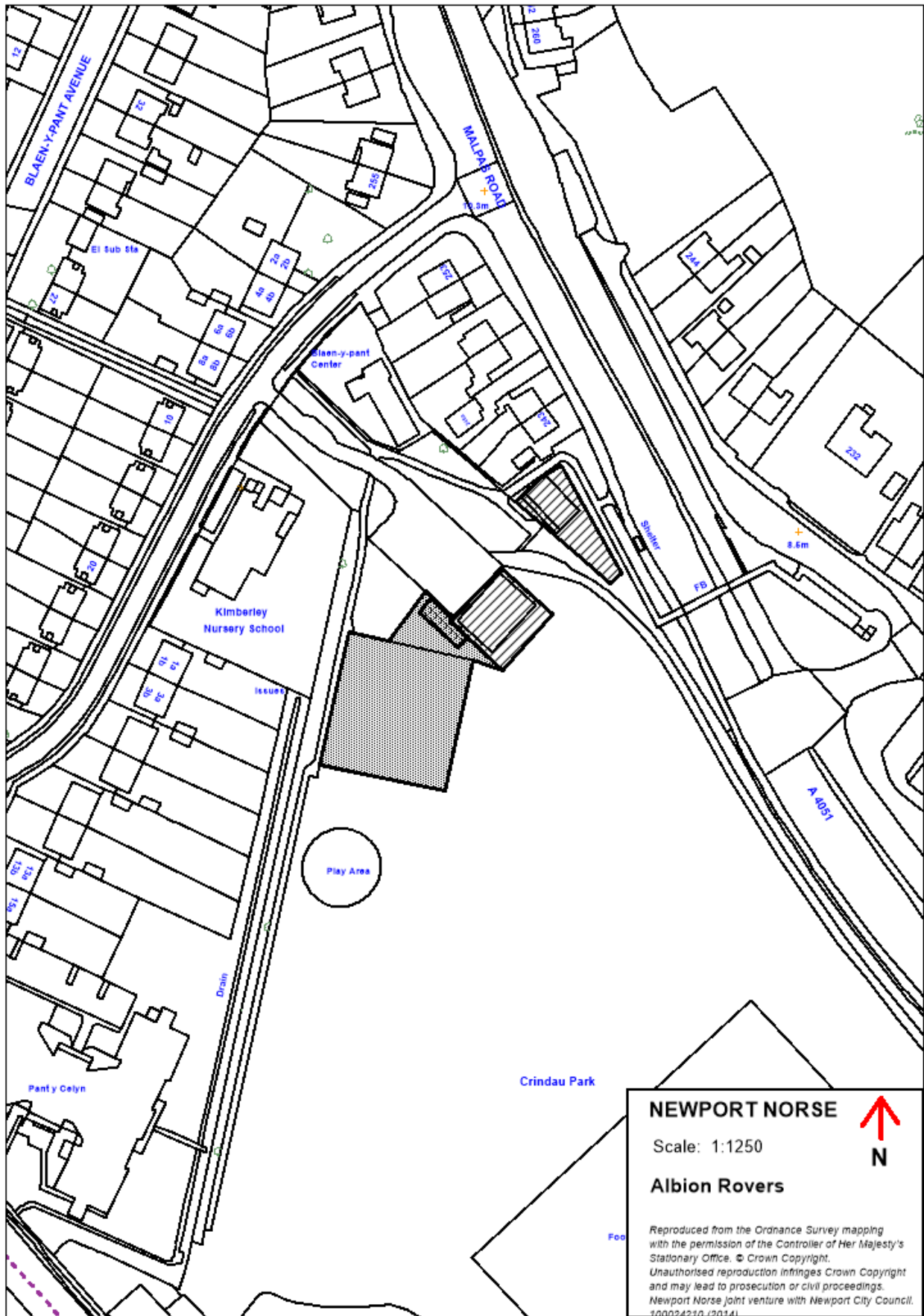
Consultation

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Background Papers

Site Plan attached

Dated: 23 August 2018





Report

Cabinet Member for Assets, Equalities & Member Development (Deputy Leader)

Part 1

Date: 23 August 2018

Subject Disposal of the Freehold of land at Willenhall Surgery, Newport

Purpose To seek approval from the Cabinet Member for Assets, Equalities and Member Development (Deputy Leader) for the disposal of the freehold of the land at Willenhall Surgery, Newport to the existing leaseholder.

Author Housing and Assets Manager.

Ward Victoria

Summary Newport City Council have received a request to purchase the freehold interest of the land at Willenhall surgery. The tenants made an original request to purchase the freehold in 2014 but complications in connection with the housing stock transfer to Newport City Homes prevented this being considered, with those problems now resolved the tenants have resubmitted their request to purchase the freehold.

Proposal To dispose of the freehold of Willenhall Surgery, Newport to the existing tenant on terms recommended by Newport Norse and approved by the Head of Law and Regulation.

Action by Head of Regeneration, Investment and Housing

Timetable Immediate

This report was prepared after consultation with:

- Housing & Assets Manager
- Principal Engineer, Streetscene
- Strategic Director - Place
- Head of Law and Regulation – Monitoring Officer Newport City Council
- Head of Finance – Chief Finance Officer
- Head of People and Business Change
- Associate Director of Property Services, Newport Norse
- Property Manager, Newport City Council
- Estates Portfolio Officer, Newport Norse

Signed

Background

The council own the freehold of land (0.5 acres) at Willenhall surgery, Willenhall Street.

The land is subject to a ground lease for 99 years from 1993. The current rent paid by the tenant is £2,350 pa and they have 74 years left on the lease.

The tenants have constructed the surgery and practised out of it until 2014 when they retired. The tenants requested to purchasing the freehold at that time but due to the error in the transfer with Newport City Homes, this was not a possibility.

The property was vacant for some time and as the leaseholder was liable for business rates, they were keen to sub-let the property.

The Council and NCH allowed a deed of variation on the lease, for the use of the building to change from the sole use of a medicine practice to a more open D1 use, which permits non-residential institutions such as clinics, health centres, crèches, day nurseries, day centres. This then allowed the tenants to sub-lease the property. They now have a sub-tenant in there who are in the second year of a 3-year term. The sub tenant are Blue Cross who are a national company and they provide shelter for cats, dogs and other such animals. This provides a good service to the Newport area and prevents a burden on the Council run animal shelter.

Now that the issue of the transfer with Newport City Homes has been resolved, the tenants have approached us again to purchase the freehold of the property.

Newport Norse are of the opinion, that the disposal would be in the positive interests of the Council for the long term as the land itself is not in operational use. Any development potential for the Council would not be realised until the end of the term and there are no provisions for any break clauses on the lease or any legal procedures in getting the land back until the lease has expired. Disposal of the site would also prevent a derelict building in the near future, which would prevent anti-social behaviour and allow the possibility of a small business to emerge and make contributions towards the local economy.

We have discussed this proposal with the council's legal team as well as the Housing and Assets Manager. The tenants are in discussion with us and do call up to see if there has been progress to the application.

Financial Summary

- If the sale progresses this would realise a capital receipt for the Council.
- There are no maintenance liabilities for the council as the land is already leased.

Risks

There are no risks associated with this transaction.

Links to Council Policies and Priorities

- Asset Management Plan
- Property Rationalisation Programme
- Medium Term Revenue Plan (MTRP)

Options Available and Considered

- Decline disposal of the freehold to the tenant
- Dispose of freehold on terms to be agreed by Head of Law and Regulation. This will realise capital receipt for the Council.

Preferred Option and Why

Dispose of freehold on terms to be agreed by Head of Law and Regulation.

Comments of Chief Financial Officer

Disposal of this freehold will benefit the Council by the realisation of a small capital receipt, particularly as would be of no economic or strategic value to the authority until the current lease expires.

The Head of RIH would need to be satisfied that the revenue income loss, minimal as it is, will have no impact on the achievement of the overall income target for the commercial estate which this sit's under.

There is a base 'target' for capital receipts in the new 5 - year Capital Programme and capital receipts are used to meet this target.

Comments of Monitoring Officer

The proposed action is in accordance with the Council's powers to dispose of non-operational land under section 123 of the Local Government Act 1972. The land is already tied up with a 99 year lease at an agreed ground rent, with no break Clause. Consent has already been provided to vary the lease to allow for a variety of D1 uses and to enable the tenants to sub-let parts of the property, to avoid the buildings being vacant and becoming derelict. Therefore, the reversionary interest is of no real value to the Council and the site will not revert back to the authority for another 74 years, when the unexpired term of the lease ends. The sale of the Council's freehold reversion to the current tenants would generate a small capital receipt, based on the net current value of the capitalised ground rent. This should satisfy the requirement to obtain market value for the disposal of the land under section 123.

Comments of Head of People and Business Change

There are no staffing implications arising from this report.

Asset management is a key area for consideration as part of the Well-being of Future Generations Act. The decision to dispose of the freehold of the surgery will secure its long term future, be of benefit to the local community and help prevent any anti-social behaviour incidents. The report has considered the five ways of working and the decision contributes to a number of well-being goals including a prosperous Wales and a Wales of cohesive communities.

Comments of Cabinet Member

Cabinet Member has been briefed on the report

Local issues – Comments of Victoria Ward Members

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular

business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The Wellbeing of Future Generations (Wales) Act 2015 has been considered by the author and is covered in the background of this report.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

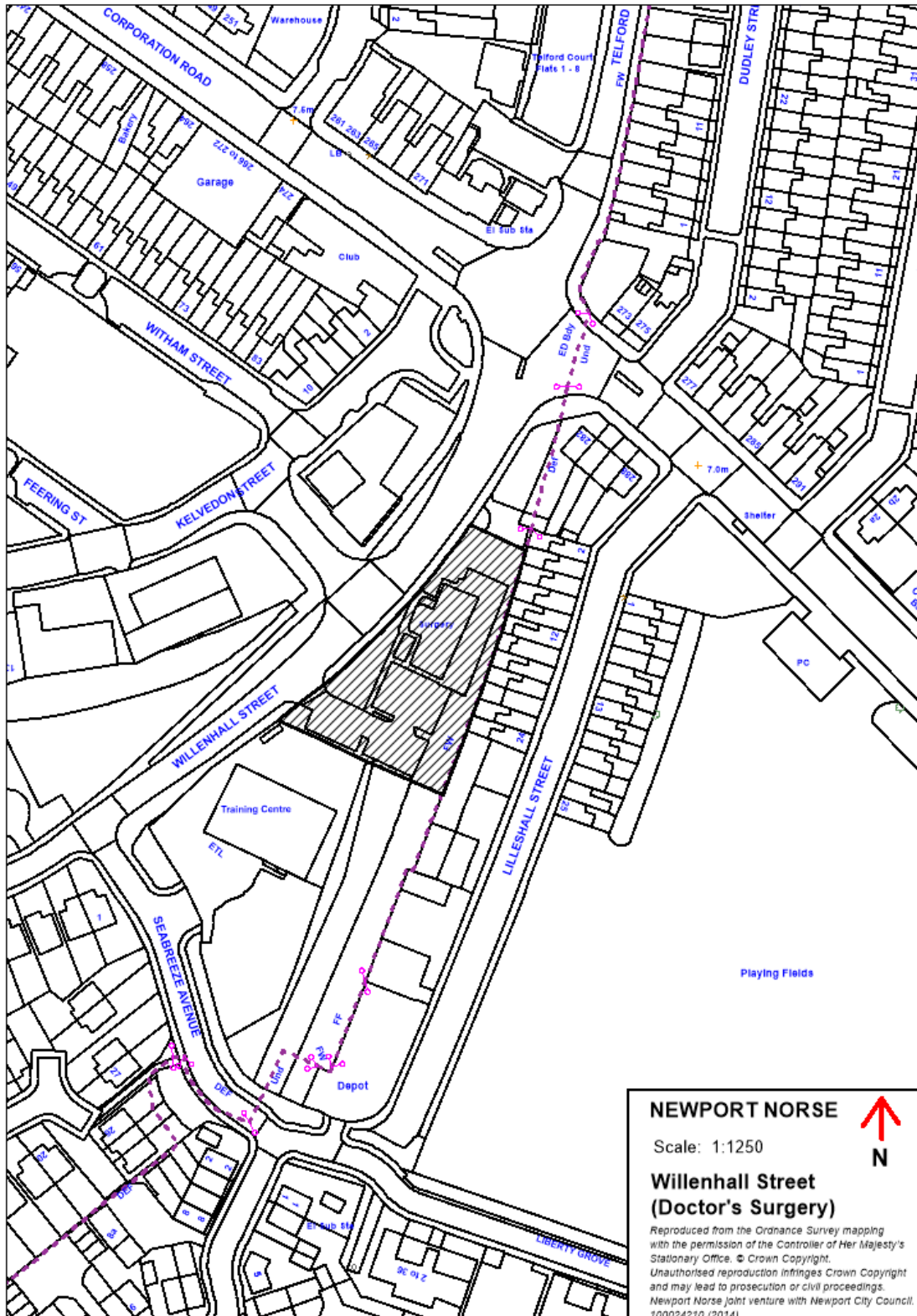
Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

Site plan

Dated: 23 August 2018



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Report

Cabinet Member for Assets, Equalities & Member Development (Deputy Leader)

Part 1

Date: 23 August 2018

Subject Disposal of Land at Usk Way, Newport

Purpose To seek approval from the Cabinet Member for Assets, Equalities & Member Development (Deputy Leader) to declare the land at Usk Way surplus to Council's requirements and dispose of it to the neighbouring land owner.

Author Housing and Assets Manager

Ward Pillgwenlly

Summary Newport City Council have received a request to purchase a small parcel of land at Usk Way. This parcel of land was originally acquired under Compulsory Purchase Powers in connection with the delivery and construction of the SDR road. The owner from whom the land was acquired would now like to purchase the land back as it wasn't utilised as part of the scheme.

Proposal Dispose of land at Usk Way, Newport on terms to be agreed by Head of Law and Regulation.

Action by Head of Regeneration Investment and Housing.

Timetable Immediate

This report was prepared after consultation with:

- Housing and Assets Manager
- Principal Engineer, Streetscene
- Strategic Director – Place
- Head of Law and Regulations – Monitoring Officer
- Head of Finance – Chief Finance Officer
- Head of People and Business Change
- Associate Director of Property Services, Newport Norse

Signed

Background

A number of years ago land was acquired from a local landowner (Mr John Collingbourne) under Compulsory Purchase Powers in order to facilitate the delivery and construction of the then new SDR Road in Newport. The scheme progressed and on completion of the construction of the new Road a small parcel of land was left as it was not required.

The land has therefore been left unused for a number of years, although the Council has an obligation to maintain the land. The parcel of land is approximately 67 square metres and consists of a grassed area of land immediately adjacent to the Highway. In the long term this land will not benefit the Councils long term needs,

The Council (via Newport Norse) has received an application from Mr John Collingbourne via his agents, enquiring if the subject land could be purchased back.

The subject land is a thin strip of land of little significance, it would not have use to any other purchasers due to its size and location. Therefore, it would be commercially sensible to sell the land to Mr Collingbourne for inclusion in the neighbouring land and achieve a capital receipt, which would also remove the maintenance liability for the Council in going forwards.

In our opinion, marketing the Land to other parties would not generate any offers.

The applicant has offered a sum of £15,115 to purchase the land back. This is the same amount that the Council paid for the land back in 2010 under its Compulsory Purchase Powers. There is legal precedent that when land is not used following Compulsory Purchase that the landowner can purchase it back. This is known as "Critcheldown rules".

Disposing of this parcel of land will relieve the Council of its ongoing maintenance liabilities and generate a capital receipt.

There are no staffing implications.

Financial Summary

- This proposal will release the Council of maintenance liability going forward. The cost savings however would be minimal due to the small size of the parcel of land.
- If the sale progresses this would realise a capital receipt for the Council.

Risks

There are no risks associated with this transaction.

Links to Council Policies and Priorities

Property Rationalisation Programme
Medium Term Revenue Plan (MTRP)

Options Available and considered

- Take no action
- Dispose of land to Mr Collingbourne on terms to be agreed by Head of Law and Regulation.

Preferred Option and Why

Dispose of land to Mr Collingbourne on terms to be agreed by Head of Law and Regulation.

Comments of Chief Financial Officer

Disposal of this land will benefit the Council by the realisation of a small capital receipt, particularly as it is of no economic or strategic value to the authority. The elimination of any maintenance liabilities is an additional benefit.

There is a base 'target' for capital receipts in the new 5 year Capital Programme and capital receipts are used to meet this target.

Comments of Monitoring Officer

The proposed action is in accordance with the Council's statutory powers to re-appropriate and dispose of surplus land in accordance with sections 122 and 123 of the Local Government Act 1972. The land was originally compulsorily purchased for the construction of the SDR, but is now surplus to requirements. Under the Critchell Down Rules, there is an obligation to offer back to the original owner any CPO land that is not required for the purposes of the original scheme. Because the Council acquired the land by way of a notice to treat and notice of entry, title to the land was not vested automatically under a General Vesting Declaration and the transfer agreement with the owner precluded any obligation to sell back any part of the land. However, the general principles of Critchell Down would still apply and, therefore, if the land is not required for operational purposes by the Council and is surplus to highway requirements, then it should be offered back to the original landowner. Under section 123 there is a general obligation to secure the best price reasonably obtainable for the land, but a transfer back at the equivalent value paid under the CPO would satisfy this requirement, given that the land has little or no intrinsic value for any other purchaser.

Comments of Head of People and Business Change

There are no staffing implications arising from this report.

Asset management is a key area for consideration as part of the Well-being of Future Generations Act. The decision to dispose of this land will secure its long term future, be of benefit to the resident and local community and ensure sustainability of the land. The report has considered the five ways of working and the decision contributes to a number of well-being goals including a prosperous Wales and a Wales of cohesive communities.

Comments of Cabinet Member

Cabinet Member has been briefed on the report.

Local issues – Comments of Pillgwenlly Ward Members

Cllr T Holyoake - I am happy for this land to be sold back to Mr Collingbourne, due to the precedent previously set.

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users.

In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The author has given consideration to the Act throughout the background of the report. The resale of land to the original owner is clearly the way forward and will secure its long term use. This way the small parcel of land will form part of the neighbouring business / property. This will also remove any future maintenance liabilities for the Council and prevent the land being left unused.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

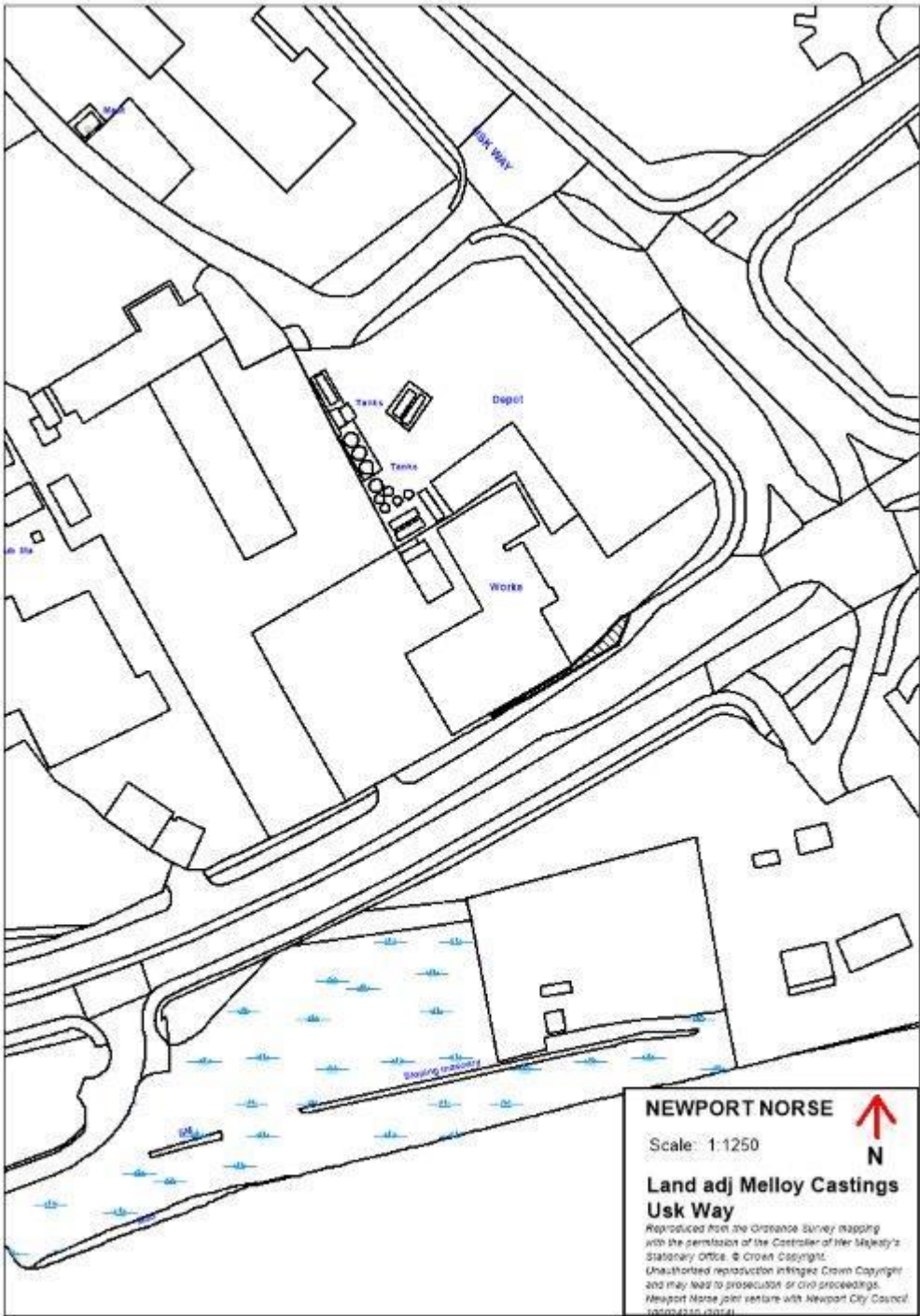
Consultation

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Background Papers

Site plan

Dated: 23 August 2018



NEWPORT NORSE ↑
 Scale: 1:1250
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Land adj Melloy Castings
Usk Way
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