

EXECUTIVE SUB-COMMITTEE FOR PROPERTY

A meeting of the Executive Sub-Committee for Property was held on 14 November 2012.

PRESENT: Councillors D Budd (Chair), M Carr, C M Rooney and N J Walker

PRESENT AS OBSERVERS: Councillor Chris Hobson

OFFICIALS: Rachael Coar, Rachel Steel, Tim Wake, Sandra Cartlidge and Sharron Brown

APOLOGIES FOR ABSENCE: Councillor Barry Coppinger

DECLARATIONS OF INTERESTS

Name of Member	Type of Interest	Item/Nature of Interest
Councillor David Budd	Non Pecuniary	Aquaintance
Councillor Chris Hobson	Non Pecuniary	Board Member

12/31 **MINUTES OF THE MEETING HELD ON 29 OCTOBER 2012**

The minutes of the meeting held on the 29 October 2012 were submitted and approved as a true record.

12/32 **COMMUNITY SERVICES REVIEW: MILL HILL PLAYING FIELDS**

The Executive Director Neighbourhoods and Communities submitted a report outlining the salient points of the business case for the Community Asset Transfer of Mill Hill playing fields to Raw Foundation and sought approval for the transfer to proceed.

To promote community-led regeneration and to support the increasingly robust Voluntary, Community and Social Enterprise Sector, the Council recognised the benefits of transferring surplus assets to community management.

To support increased community management of assets, Executive Sub-Committee for Property approved the Community Asset Transfer (CAT) policy on 3 February 2012. The standard terms of CAT were for a 25-year lease, under which the tenant was responsible for repairs, maintenance and running costs.

The Mayor's budget proposals for 2012/13 included the closure of Mill Hill pavilion. A condition survey was undertaken and found the pavilion to be in a poor state of repair so demolition was recommended. The pavilion was subsequently demolished and a temporary cabin was provided on site to ensure the current users could continue playing on the site.

In February 2012, six sites, including Mill Hill, were listed on the Council website as available for CAT, with a two-week window for Expressions of Interest.

The Expression of Interest (EoI) period ended on 29th February and EoIs were received from Raw Foundation in partnership with Cleveland Juniors Football Club and Boro Rangers Football Club. Both EoIs sought transfer of the playing fields but only the Raw Foundation's bid included the construction of a new pavilion. Without a new pavilion, junior football would cease on the site in the long term.

The EoIs were evaluated and Raw Foundation was therefore recommended as the most viable. On 13th March 2012 CMT selected the CATs to proceed to business case stage, and that included Raw Foundation for Mill Hill.

A business case had since been developed by Raw Foundation to demonstrate that the proposal to take over the site was sustainable. The terms of the transfer was a 25-year lease, where responsibility for repairs, maintenance and running costs all sat with the tenant. The business case is outlined in further detail within the report.

The report outlined that there were three options available:

Option 1: Do nothing - not recommended. The pavilion had been demolished due to its poor state of repair and the site was now serviced by a temporary cabin. This was not a long term solution and doing nothing would mean that, due to the lack of changing provision, junior football would be lost on the site. The transfer enabled a new pavilion to be built, junior football to continue and other sports to continue. Transfer of the site would save the Council £30k pa in annual maintenance costs and help to deliver the Government's Big Society agenda at a local level. For the reasons outlined in paragraph 29 and 30 of the report, this option had been rejected.

Option 2: Transfer the site to Cleveland Juniors. This option would offer a simpler arrangement than the proposal to lease to Raw Foundation who then subsequently sub-let to Cleveland Juniors who would manage the site. However, as they were not a charity, Cleveland Juniors were not eligible to apply for a significant proportion of the funding for the new pavilion. Raw Foundation was eligible to apply and so to ensure the grant funding could be sought, this option was rejected. To mitigate any operational issues that may have arose from this arrangement, a Service Level Agreement would be put in place between the Council and Cleveland Juniors.

Option 3: Asset transfer the site to Raw Foundation – recommended. This option enabled the retention of the site for use by the local community, as well as the long term development of the site by a local Junior Football Club. Transfer of the site would save the Council £30k pa in annual maintenance costs and help to deliver the Government's Big Society agenda at a local level. For the reasons outlined in paragraphs 34 and 35 of the report, the transfer of the site to Raw Foundation was the preferred option.

The next stage, if approval to proceed were received was a 25-year lease for the transfer of Mill Hill playing fields to Raw Foundation, in line with the terms set out within the report, would be agreed and be in place by early December 2012. Agreement of a lease for the site was the first milestone towards the construction of the new pavilion. Once the lease was in place, Raw Foundation would submit an application for funding to meet the Football Foundation's deadline of 7th December 2012. The other funding streams were already either confirmed or agreed in principle, pending confirmation of the lease.

During the discussion it was pointed out that the transfer would still be sustainable even if the building of the new pavilion did not go ahead.

ORDERED

That the transfer of Mill Hill playing fields to Raw Foundation be approved.

REASONS

The decision was supported by the following reasons:

1. **To secure the full annual saving through ceasing to maintain the site.**
2. **To enable Raw Foundation to secure funds to construct a new pavilion at no cost to the Council.**
3. **To contribute to a robust VCS sector.**
4. **To secure a valuable community facility for Mill Hill for the medium to long-term.**

12/33 **TO CONSIDER PASSING A RESOLUTION EXCLUDING THE PRESS AND PUBLIC FROM THE MEETING DURING CONSIDERATION OF ITEMS 6, 7 AND 8 OF BUSINESS ON THE GROUNDS THAT, IF PRESENT, THERE WOULD BE A DISCLOSURE OF IT OF EXEMPT INFORMATION FALLING WITHIN PARAGRAPH 1 AND 3 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972.**

12/34 **THE SALE OF FORMER PRISSICK DEPOT, LADGATE LANE**

The Executive Director Neighbourhoods and Communities and the Director of Resources submitted a report that gave an update on the offers received following the marketing of the residential development site known as the Former Prissick Depot, Ladgate Lane.

The development site was situated off Ladgate Lane and comprised of an area of land extending to approximately 4.29 hectares (10.7 acres). The site was owned by Middlesbrough Council and was allocated for residential development. It was considered that a maximum of up to 120 units could be developed on the site with the new Prissick access road dissecting the site to be constructed by the Council. All other estate roads were to be constructed by the developer.

The land had recently been marketed for sale by competitive tender through the North East Procurement Organisation (NEPO) portal, and was supported by an advertising exercise. To aid prospective developers on the appropriate quality of development, a development guidance note and additional related information was supplied to interested parties, to aid them in making their bids.

The report outlined that there were two options available:

Option 1 - dispose of the land to Bidder F.

Option 2 - do not sell. This decision would have to be justified in the context of non delivery of the Council's regeneration aims in relation to Housing and Prissick and should only be considered if the bid did not give best consideration in terms of value and planning quality.

ORDERED

That the Former Prissick Depot site (Ladgate Lane), be sold to Bidder F and that, should it be considered reasonable to make any further revision of the terms of sale as a result of further investigations carried out by the purchasers and any planning requirements, then the Executive Director of Neighbourhood and Communities and Director of Resources be authorised to agree those changes.

REASON

The decision was supported by the following reason:

In order to secure a capital receipt from the sale of the surplus land which would be reinvested back into the Council's capital programme.

12/35

THE SALE OF THE FORMER NETHERFIELD HOUSE SITE, FULBECK ROAD

The Executive Director Neighbourhoods and Communities and Director of Resources submitted a report to update on the offers received following the marketing of the residential development site known as the Former Netherfield House site, Fulbeck Road.

The development site was situated off Fulbeck Road and comprised an area of land extending to some 0.55 hectares (1.36 acres) or thereabouts. The site was owned by Middlesbrough Council and was suitable for residential development. It was considered that a maximum of 30 dwellings could be developed on the site, with the site roads to be constructed by the developer.

The land had recently been marketed for sale by competitive tender through the NEPO procurement portal, and was supported by an advertising exercise. To aid prospective developers on the appropriate quality of development, a development guidance note was supplied to interested parties, to enable them to make their bids.

The report outlined that there were two options available:

Option 1 - dispose of the land to Bidder A.

Option 2 - do not sell. This decision would have to be justified in the context of non delivery of the Council's regeneration aims in relation to Housing and should only be considered if the bid did not give best consideration in terms of value and planning quality.

ORDERED

That the Former Netherfield House (Fulbeck Road), be sold to Bidder A, and that, should it be considered reasonable to make any further revision of the terms of sale as a result of further investigations carried out by the purchasers and any planning requirements, then the Executive Director of Neighbourhood and Communities and Director of Resources be authorised to agree the changes.

REASON

The decision was supported by the following reason:

In order to secure a capital receipt from the sale of the surplus land which would be reinvested back into the Council's capital programme.

12/36

LAND ADJACENT TO MIDDLESBROUGH GOLF COURSE / NETHERBY HOUSE, LADGATE LANE, MIDDLESBROUGH

The Executive Director Neighbourhood and Communities submitted a report that sought approval, granting a right of way to access development land at Netherby House, Ladgate Lane, Middlesbrough.

Middlesbrough Council granted planning consent (with conditions) to develop the site at Netherby House on Ladgate Lane in January 2012 for 6 detached dwellings that utilised the existing access to the Golf Course. The site was shown by black hatching on the plan attached to the report.

The background was outlined in further detail within the report.

The report outlined that there were two options available:

Option 1 - To reject the offer submitted and reiterate the Council's willingness to continue to negotiate in an attempt to improve that offer.

Option 2 - To accept the offer submitted, but with conditions that required the proposed development to be completed within an agreed timescale and such other terms that were approved by the Director of Neighbourhoods and Communities.

ORDERED

That the request for use of the Middlesbrough Golf Course access road and acceptance of the offer submitted plus road costs adoption and fees be approved, however, other terms to be approved by the Executive Director of Neighbourhoods and Communities where requested, if they could be identified, to protect the Council's interests.

REASON

The decision was supported by the following reason:

This would result in a capital receipt and future financial benefits to the Council.

12/37

ANY OTHER ITEMS WHICH, IN THE OPINION OF THE CHAIR, ARE CONSIDERED URGENT.

No other Items were discussed.

The decision(s) will come into force after five working days following the day the decision(s) was taken unless the decision becomes subject to the call in procedures.