

Report of : Land and Property

Report to: Director of City Development

Date: 22nd September 2015

Subject: Site 1 Astley Lane Industrial Estate, Swillington, Leeds

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Garforth & Swillington
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary of main issues

1. The purpose of this report is to seek approval to declare Site 1(3) of the Astley Lane Industrial Estate surplus to requirements and to approve the disposal of the site upon the terms set out in the confidential appendix.
2. The site was let by way of a 99 year lease from June 1985 by way of a premium and peppercorn lease.

Recommendations

3. It is recommended that approval is given to:-
 - a) Declare the site surplus to requirements, and
 - b) Sell the freehold of the site by one to one negotiation with the tenant upon the terms reported on the confidential appendix.

1 Purpose of this report

- 1.1 The purpose of this report is to seek approval to declare surplus site 1(3) of the Astley Lane Industrial Estate, Swillington as identified on the attached plan, and to dispose of the property on a one to one basis with the tenant of the site upon the terms set out in the confidential appendix attached to this report.

2 Background information

- 2.1 The subject site which measures approximately 0.25 acres, was leased by way of an 99 year lease from 1985 by way of a premium and peppercorn. The current tenants have approached the Council to enquire whether it would sell the freehold interest in the site.
- 2.2 The subject site forms part of a small industrial estate which was created upon the site of the former Swillington Colliery.
- 2.3 A number of sites on the estate have recently been sold, the most recent being sites 5/1 and 15 which were sold in 2014 and 15 respectively.

3 Main issues

- 3.1 The site is developed for industrial/warehousing purposes and forms part of a successful industrial estate developed in the 80's following the closure of the Swillington Colliery, the subject site is subject to a lease which expires in 2084.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward Members were consulted on the 28th August 2015 and 16th September, all three of the members have no objection to the proposal.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no equality issues arising from the proposal.

4.3 Council Policies and Best Council Plan

- 4.3.1 The disposal of the site will generate a capital receipt, it will allow the tenant to inward invest in the site and help support the future of the businesses occupying the site.

4.4 Resources and Value for Money

- 4.4.1 The sale of the site will generate a capital receipt. There will be no rental lost as the tenant only pays a peppercorn rental.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Under Part 3 Section 3E Paragraph 2(a) of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Director of City Development has authority to discharge any function of Executive Board in relation to the management of land (including disposals of land).
- 4.5.2 The Director of City Development has authority to take the decisions requested in this report under functions 1 and 10 (d) of the Director of City Development's sub delegation scheme.

- 4.5.3 The Head of Land and Property confirms that the proposed method of disposal set out above is the method most likely to result in the Council achieving the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985).
- 4.5.4 The Head of Land and Property confirms that in his opinion the terms offered to the Council represent the best consideration that can reasonably be obtained under Section 123 of the Local Government Act 1972 (or under the Housing Act 1985).
- 4.5.5 The information contained in the Appendix attached to this report relates to the financial or business affairs of a particular person, and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained through one to one negotiations for the disposal of the property/land then it is not in the public interest to disclose this information at this point in time. Also it is considered that the release of such information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would have access to information about the nature and level of consideration which may prove acceptable to the Council. It is considered that whilst there may be a public interest in disclosure, much of this information will be publicly available from the Land Registry following completion of this transaction and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It is therefore considered that this element of the report should be treated as exempt under Rule 10.4.3 of the Access to Information Procedure Rules.

4.6 Risk Management

- 4.6.1 The risks associated with the proposed disposal to the tenant are considered to be small as the tenant has approached the council to acquire the freehold interest in the site.

5 Conclusions

- 5.1 It is concluded that there is no justifiable reason to retain the site.

6 Recommendations

- 6.1 It is recommended that approval be given to declare surplus site 1(3) Astley Lane Industrial Estate and dispose of the site to the tenant on the terms outlined in the attached confidential appendix.

7 Background Documents

- 7.1 None