

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – TUESDAY, 10 SEPTEMBER 2019

Report Title	NOTIFICATION OF AN URGENT DECISION - LAND OPTIONS AT COALVILLE
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Purpose of report	In accordance with the Council's Constitution, to formally report that the Cabinet has taken a decision on which the Call-In process was suspended because it was considered to be urgent and, if delayed, the Council's interests would be seriously prejudiced.
Council priorities	Supporting Coalville to be a more vibrant, family-friendly town. Supporting businesses and helping people into local jobs.
Implications:	
Financial/Staff	Financial implications were taken into account by Cabinet in reaching its decision.
Health and Safety	Not applicable
Risk Management	To comply with Rule 13 (call-in urgency) of Part 4.6 of the Council's Constitution, that suspensions of Call-In in relation to urgent decisions made by Cabinet are to be reported to Council.
Equalities Impact Screening	Not applicable
Human Rights	Not applicable
Transformational Government	Not applicable
Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Deputy	The report is satisfactory

Monitoring Officer	
Consultees	The Chairman of the Council
Background papers	Report to Cabinet on 10 June 2019
Recommendations	THAT COUNCIL NOTES THE REPORT

1.0 BACKGROUND

- 1.1 As set out in Rule 13(g)(i) (call-in urgency) of Part 4.6 of the Council's Constitution, the call-in procedure may be suspended where a decision being taken by the Cabinet is urgent. A decision is considered urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- 1.2 In all circumstances, the Chairman of the Council must agree that the decision is reasonable and must agree to the decision being treated as a matter of urgency.
- 1.3 Decisions taken as a matter of urgency must be recorded in the minutes and be reported to the next available meeting of the Council, together with the reasons for urgency.

2.0 SUMMARY OF THE DECISION MADE BY CABINET

- 2.1 An urgent executive decision was taken by Cabinet at its extraordinary meeting on 10 June 2019. A summary of the decisions is detailed below:-

Land Options in Coalville

- 2.2 The Council was approached by a property and development consultancy (Lathdale) who represents a private sector property investment unit trust who proposed to purchase the Belvoir Retail and Leisure Centre (Belvoir Centre) in June 2019. Prior to purchasing the Belvoir Centre, and as a requirement of purchase, the investor sought an option agreement with the Council to buy land adjacent to the Belvoir Centre.
- 2.3 Most of the land provides parking for the Belvoir Centre with some open space. The investor wishes to own, operate and improve both the centre itself and the car park in order to provide the best possible experience for customers. They may also wish to develop any part of the land purchased that can be demonstrated is not required for parking and would support the regeneration of Coalville. This proposal would support the Council's objectives.
- 2.4 It was proposed that the investor represented by Lathdale enters into an option agreement with the Council. This would grant the right for the investor to acquire the Council's land at any point during a period of 6 months from the date the option agreement is entered into. The investor would pay the Council the open market value of the property, taking into account the overage provisions and the restrictive covenant below. In return for the Council agreeing to sell the freehold title at market value, the investor agreed that the Council would be released from some covenants immediately and, after 5 years, all the covenants relating to the Council's land, notably the 0.339 hectare site of the current Market Hall but with a new covenant restricting its use to car parking, residential, a new market hall or a cinema.
- 2.5 The report sought Cabinet's approval to dispose of land adjacent to the Belvoir Centre and requested that Cabinet delegates authority to the Strategic Director of Place in

consultation with the Leader to approve the detailed terms of the land option agreement and ancillary documents and enter into a contract provided that the market value for the land is achieved. The report also requested that Cabinet approved legal and other development costs to support the project to be met from unallocated earmarked reserves and noted that each party will bear their own costs of entering into the contract.

- 2.6 The approval of the Chairman of the Council was given for exemption to the Council's Scrutiny Procedure Rules in relation to call-in. This was because the execution of the option agreement and ancillary documents was time critical and so any delay may have resulted in the investor's acquisition and wider development of the Belvoir Centre not occurring. This was because the investor was only willing to acquire the Belvoir Centre when the option agreement was in place and it was subject to time restrictions in their negotiations with Threadneedle (the owner of the Belvoir Centre at the time). A delay due to Call-In would have put both the proposed transaction and wider regeneration of the Belvoir Centre at risk. The Chairman noted in respect of appropriate scrutiny of this decision that members of the Community Scrutiny Committee and Coalville Members were invited to consider the proposals on 5 June 2019 at a confidential presentation and their comments were reported at the extraordinary cabinet meeting. In accordance with the constitution, this urgent decision was recorded in the minutes.
- 2.7 Following the Cabinet decision referred to in this report, the option agreement was entered into. As reported publically, the private investor has acquired the Belvoir Centre and plans are progressing for improvements to the town centre.