



Notice of Non-key Executive Decision

Subject Heading:	Grants of Easements for access and Wayleave Agreements to Utility Companies (Dunedin Road and Gisborne Gardens, Rainham, RM13 8LB)
Cabinet Member:	Councillor Roger Ramsey Cabinet Member for Finance & Property
SLT Lead:	Mark Butler (Director of Technical Services)
Report Author and contact details:	Clement Ojediran - Development Surveyor DDI:01708434131 Email:clement.ojediran@havering.gov.uk
Policy context:	Council's Corporate Asset Management Plan
Financial summary:	None
Relevant OSC:	Value
Is this decision exempt from being called-in?	Yes – Because it is a Non-Key Executive Decision by a Member of Staff

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input checked="" type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION Background
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On the 4th June 2019 the Council received a request from Openreach (BT) for a Wayleave Agreement to be granted for the diverted duct route across Dunedin Road in Rainham (as shown in the attached drawing), and to install and maintain their apparatus on the Council's land and to carry out all necessary reinstatement after works.

Also, on the 18th July 2019 Eastern Power Networks (UK Power Networks) through their Agent (Gowling WLG UK) LLP sent in a request for Deed of Grant of access to enable an electricity connection to the DNO's network.

Considering the number of Utility companies that will be involved in the development, we also envisaged that other Utility companies such as Essex and Suffolk Water, Thames Water, National grid would also approach the Council to make similar requests.

Recommendations

that :

1. The Council's solicitor be instructed to prepare the Wayleave Agreement in liaison with relevant Utility companies and complete the process as soon as possible.
2. The Head of Property, in consultation with the Director of Legal and Governance, be authorised to deal with all matters arising and thereafter grant Easements and Wayleave to individual Utility companies.

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution Part 3 (Aug 2017 - current)

Functions delegated to the Head of Property (a *Level B Officer*) under -

3.9.3 Asset Management Functions

(i) Property Strategy Functions

- (i) To conduct preliminary negotiations, negotiate, agree and conclude all property matters including the making and settling of rating appeals on council property and property valuations for all purposes.
- (ix) To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation and use, reviews, acquisitions and disposals, and commercial estate management.

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oneSource Joint Committee Scheme of Delegations (22 Jan 2016 - current)

5.1 The Scheme delegates powers to officers in accordance with the following designations.

Level	Category	Power to further delegate functions
A	Managing Director, Directors, officers reporting to the Managing Director	Yes
B	Officers reporting to a level A officer	Yes
C	Officers reporting to a level B officer	Yes

5.2 Each post title will include any successor post title that is responsible for any or all of the services delivered by the previous post title.

Appendix A: Joint Committee Schedule of Delegated Powers

This table sets out the delegations to the levels of officers in accordance with this scheme.

Asset Management (Asset Management Officers unless where stated)		First Level	Second Level
F3	To conduct preliminary negotiations, negotiate, agree and conclude all property matters including property valuations for all purposes.	Level A	Level B and Level C
F21	To negotiate all relevant terms including payment of professional fees in respect of the letting and management of commercial premises and implement all agreements.	Level A	Level B
F22	To exercise all powers and duties under the Landlord and Tenant Acts, this may be exercised by the participating council as landlord or tenant.	Level A	Level B

STATEMENT OF THE REASONS FOR THE DECISION

To enable the grant of Easements and Wayleaves to utility companies in order to facilitate the demolition of existing tower blocks and car park, and hence make way for development of new dwellings. The new dwellings would deliver a number of affordable homes proposed within the regeneration programme. The grant of Easements and Wayleaves would also enable the proposed homes to have access to utility services such as telephones, electricity, water etc.

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OTHER OPTIONS CONSIDERED AND REJECTED

The other option considered would be not to grant the Deed of Easements and Wayleaves Agreement.

Rejected – The decision not to grant the Easements and Wayleaves will be detrimental to the proposed development as the completed dwellings will not be connected to required services such as telephones, electricity, water, gas etc.

PRE-DECISION CONSULTATION

There has been formal consultation with Finance, Legal Services, Equality & Diversity and Human Resources.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Clement Ojediran

Designation: Development Surveyor

Signature:

Date: 03.09.2019

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Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

This is a relatively simple matter and, if the proposal is approved, oneSource Legal Services will be instructed to draft and/or review an appropriate Wayleave Agreement/Deed of Easement and thereafter issue a completion report.

FINANCIAL IMPLICATIONS AND RISKS

There are no financial implications and risks to granting Easements and Wayleaves to relevant Utility companies.

**HUMAN RESOURCES IMPLICATIONS AND RISKS
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

There are no Human Resources implications and risks

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

There appears to be no equalities and social inclusion implications and risks.

BACKGROUND PAPERS

There are no background papers.

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed 

Name: Mark Butler

Cabinet Portfolio held:

CMT Member title:

Head of Service title:

Other manager title:

Date: 16th September 2019

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 16/09/2019

Signed 