

Notice of Non-key Executive Decision

Subject Heading:	Approval to sell a further 25% share of Havering's equity share in 3 Clayfield Close, Upminster, RM14 1FA. A 3 bedroom semi-detached house
Cabinet Member:	Cllr Joshua Chapman Cabinet Member for Housing
SLT Lead:	Patrick Odling-Smee –Director of Housing
Report Author and contact details:	Claire Bailey – Home Ownership and leasehold Officer claire.bailey@havering.gov.uk
Policy context:	Home Ownership
Financial summary:	A capital receipt of £106,250.00 will be received on the sale of the 25% equity share.
Relevant OSC:	Town and Communities
Is this decision exempt from being called-in?	It is a non-key decision by a member of staff

Non-key Executive Decision

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report proposes the sale of the remaining equity share in the property 3 Clayfield Close, Rainham, RM14 1FA

3 Clayfield Close RM14 1FA is a 3 Bedroom end of terrace House.

Under the Shared Ownership scheme the purchaser bought a 50% share of the property and then paid rent on the unbought equity share element.

The individual sales allowed for purchasers to then “staircase” at a later stage i.e. by increasing the percentages of the property until they have purchased 100%.

In July 2018 the council sold 50% of 3 Clayfield RM14 1FA for £212,500.00 and the owner has now requested to purchase a further 25% share of the 50% retained by the council.

The property has been revalued by a RIC qualified surveyor and the property is valued at £425,000.00

The equity share that the council is selling is $£425,000.00 \times 25\% = £106,250.00$

The leaseholder is also responsible for the Council’s Surveyor’s fees for dealing with the further equity share sale of the property.

The shared owner will continue to pay a rent and ground rent for the remaining 25% share that is retained by the Council.

AUTHORITY UNDER WHICH DECISION IS MADE

3.8.2 Director of Housing

(dd) To carry out the following functions:

(i) To undertake management responsibility for the Council’s freehold interest where property has been disposed of on a leasehold basis under the right to buy legislation. This includes:

- enforcing covenants
- carrying out repairs
- recharging liabilities
- consulting with and involving leaseholders and their management organisations as necessary.

(ii) To manage the Council’s housing stock and authorise action to obtain possession of council housing accommodation and recover rent arrears, including the service of all necessary notices and action (including applying for injunctions) to enforce or vary the Council’s tenancy agreement

Non-key Executive Decision

STATEMENT OF THE REASONS FOR THE DECISION

To sell the remaining equity share of 25% for the property known as 3 Clayfield Close RM14 1FA

OTHER OPTIONS CONSIDERED AND REJECTED

None.

PRE-DECISION CONSULTATION

Leaseholder has made a request to purchase a further 25% equity share from the Council.

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

Name: Claire Bailey

Designation: Home Ownership & Leasehold Officer

Signature:



Date: 9th September 2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Under the terms of the shared ownership scheme, the Leaseholder can buy a 'share' of the property and pay rent on the remaining shares (which remains in the ownership of the Council). The procedure for effecting further shares is set out in the equity share lease previously granted to the leaseholder. The Council are bound by the terms of the original equity share sale in respect of this property.

The Leaseholder has triggered the option to purchase the outstanding 25% equity share in the property in accordance with the terms of the lease and complied with the procedures therein. The Council has no alternative but to transfer the remaining share of equity which will enable the freehold to be transferred to the current leaseholder in return for the payment of £106,250.00. The leaseholder will also be responsible for the Council's surveyors and legal fees.

FINANCIAL IMPLICATIONS AND RISKS

There is no financial risk to the council as we are receiving funds of £106,250.00 for the purchase of an additional 25% equity share in the property. The leaseholder will also pay for any costs and fees associated with the transaction.

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

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

It is not considered necessary to enter into an Equalities and Health Impact Assessment in relation to buying this property. The purchase will be completed after the standard property purchase negotiations using standard a contract format, undertaken with the expressed consent of the owner; therefore an EqHIA is not considered relevant.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Non-key Executive Decision

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

BACKGROUND PAPERS

None.

Non-key Executive Decision

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

Delete as applicable

Details of decision maker



Signed:

Name: Patrick Odling-Smee

Cabinet Portfolio held:
CMT Member title: Director of Housing
Head of Service title
Other manager title:

Date: 12 November 2021

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 _____

Signed _____

Non-key Executive Decision

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