

Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendix A *is* not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it *refers* to information relating to the financial or business affairs of any particular person (including the authority holding that information), and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Subject Heading:	Former Century Youth House, adjoining 65 Albert Road, Romford RM1 2PS Proposed grant of new lease to Koru Independent Academy
Cabinet Member:	Councillor Roger Ramsey
SLT Lead:	Robert South
Report Author and contact details:	Jonathan Brown Property Services Tel: 01708 431160 jonathan.brown@oneSource.co.uk
Policy context:	Asset Management Plan
Financial summary:	The proposed lease will generate an income source for 12 months (as per exempt appendix) in addition to providing avoidance of costs associated with a vacant building.

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

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

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To authorise the grant of a new 1 year lease for the former Century Youth House in Albert Road to the Koru Independent Academy on terms set out within the exempt Appendix and to authorise the Council's solicitor to complete all matters relating to the proposed letting.

AUTHORITY UNDER WHICH DECISION IS MADE

Constitution, part 3 Responsibility for Functions,

3.7.3 Asset Management Functions

Director of Asset Management

(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.

STATEMENT OF THE REASONS FOR THE DECISION

The former school premises in Albert Road were in temporary use until December 2020 but have been vacant since that point. The site is considered a likely disposal candidate to generate future capital receipts to the general fund and Secretary of State consent has previously been obtained for disposal.

Marketing of the site, evaluation of offers and dealing with any resultant planning matters are likely to take a period of months during which time the premises will attract a rating liability and potential costs to keep secure. An interim letting use for 12 months would serve to defray these costs/risks and potentially provide an income source.

Interest has been received from the Koru Academy, an Independent Alternative Provision education provider working with the Council's Children Services team, and already have a facility in Taunton Road, Harold Hill.

Non Key Executive Decision – Part Exempt Report

Koru deliver a specialist provision for children who are excluded or at risk of exclusion from mainstream schools. It provides for pupils with social, emotional and mental health needs, autism spectrum disorder and associated behavioural difficulties. Some are at risk of getting involved in, or being victims of, criminal activities. Many have been out of full-time education for extended periods of time. Koru were inspected by Ofsted in February 2020 and achieved a 'Good' outcome.

Children Services have further demand for Koru's services and an expansion of their capacity within Romford town centre is much needed.

The opportunity to gain short-term use of a former school property therefore fulfils both the requirements of Childrens Services and Koru and the placement provider.

Discussions with Koru have been on the basis of a 1 year lease only, without security of tenure, in order for the Council to retain the option to dispose of the asset after this period if required. Children's Services would continue to monitor demand for the service over the next year, and work closely with Koru to identify alternative accommodation at the end of the proposed one-year lease, if there is an ongoing demand.

The main Heads of Terms are attached as Exempt Appendix 1.

OTHER OPTIONS CONSIDERED AND REJECTED

Not to agree to the granting of an occupational lease:

The proposed letting facilitates specialist education provision, enables the Council to generate interim income and mitigates the risks posed by the site being otherwise vacant.

Disposal:

The proposed interim letting does not preclude the option for disposal in 12 months' time but serves to defray potential holding costs whilst a disposal is progressed. The potential risk to the Council comes towards the end of the 12 month period if there is adverse PR from parents or other stakeholders as a result of the facility ceasing to operate from this location/pressure to find alternative premises.

PRE-DECISION CONSULTATION

Councillor Roger Ramsey, Cabinet Member for Finance and Resources, has been consulted on this proposal.

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

Name: Jonathan Brown

Designation: Head of Property Services

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Signature:

Date: 14th May 2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council is able to dispose of land, for best consideration, pursuant to Section 123 of the Local Government Act 1972.

Schedule 1 to the Academies Act 2010 extends the requirement to obtain Secretary of State consent to dispose of community school land, to now include all land in which a freehold or leasehold interest is held by the local authority and which has been used for any school (including any academy) in the last 8 years. Appropriate consent has been obtained from the Secretary of State.

The proposals in this report are compliant with the aforesaid powers.

There are otherwise no known legal risks associated with this transaction that would not be managed and/or mitigated as part of the due diligence that would be carried out by Property Services and Legal Services.

The lease will be 'contracted out' of the security of tenure provisions within the Landlord & Tenant Act 1954, removing the tenant's automatic entitlement to a new lease at the end of the existing term.

FINANCIAL IMPLICATIONS AND RISKS

The lease will generate a General Fund income source for 12 months (as per exempt appendix). In addition letting the site will avoid the Council incurring costs associated with a vacant building. The lessee will meet all running costs associated with the site for the 12 months period.

The site has been considered within a recent review of disposal opportunities and, subject to planning, is considered to have a capital value in excess of £1m

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

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.

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

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.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a proposed or planned activity is likely to affect staff, service users, or other residents.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

The premises were in educational use until 2020 and are compliant with the requirements of the Equality Act 2010

BACKGROUND PAPERS

None

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/not agreed

Details of decision maker

Signed

Name: Mark Butler
SLT Member title: Director of Asset Management
Date: May 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 _____

