

## Notice of Non-Key Executive Decision

<b>Subject Heading:</b>	139 Petersfield Avenue, Romford, RM3 9XB Authorisation to vary the lease plan to include the garden in the demise.
<b>Decision Maker:</b>	Ian Saxby Assistant Director of Housing Property & Assets
<b>Cabinet Member:</b>	Cllr Paul McGeary Lead Member for Housing
<b>SLT Lead:</b>	Paul Walker Director of Housing & Property
<b>Report Author and contact details:</b>	Denise Hall– Home Ownership and leasehold Officer 01708 433015 denise.hall@havering.gov.uk
<b>Policy context:</b>	Home Ownership
<b>Financial summary:</b>	Housing’s portion of the cost to vary the Lease Plan, is expected to be £750.00.
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Places Overview and Scrutiny Sub Committee OSC
<b>Is this decision exempt from being called-in?</b>	The decision will be exempt from call in as it is a Non key Decision

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

- People - Things that matter for residents x
- Place - A great place to live, work and enjoy x
- Resources - A well run Council that delivers for People and Place x

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

#### Background

139 Petersfield Avenue is a one-bedroom flat with a garden which was sold under the right to buy in February 2016.

The property is now being sold by the estate of the late leaseholder and it has come to light that the original lease plan which included the garden was not edged in black on the original lease plan. The garden is meant to be included as the original plan had the hatching and “T” markers on the plan.

In addition, the clause to include a garden was omitted from the lease and this will need to be included.

The reasons to confirm that the garden is included in the sale are as follows: -

- Estates officer has advised that he believes that the garden is allocated to the flat.
- There are no charges for grounds maintenance, therefore no communal gardens are being maintained.

E-mail from one source confirm the garden should be included.

- The attached screen shot from street maps which show that the gardens appear to be individual.

### AUTHORITY UNDER WHICH DECISION IS MADE

#### 3.8.2

(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

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**STATEMENT OF THE REASONS FOR THE DECISION**

The decision is necessary to vary the lease in order for the property to be sold and the correct plan registered at the land registry.

**OTHER OPTIONS CONSIDERED AND REJECTED**

None – the lease plan was drawn up incorrectly at the time of sale and will need to be amended in order for the property to be sold.


**PRE-DECISION CONSULTATION**

Kamal Bhabutta- Legal Team  
John Price- Finance team

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

Name: Denise Hall

Designation: Homeownership and leasehold officer

Signature: 

Date: 10.11.2023

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**Part B - Assessment of implications and risks**

**LEGAL IMPLICATIONS AND RISKS**

The property was sold under the right to buy provisions of the Housing Act 1985. The Council were obliged to transfer to the leaseholder the extent of the property that was granted to him under the original rental tenancy agreement. It has come to notice recently that the gardens areas were incorrectly left off the original lease plan and there is a legal obligation on the Council to correct this now. The authority sort will enable the Council to proceed to rectify this issue.

**FINANCIAL IMPLICATIONS AND RISKS**

The legal fee to vary the Lease Plan is expected to be in the region of £1500.00. It has been agreed that the estate of the leaseholder and the HRA will each pay half of the final cost.

**ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

The leaseholder has a statutory entitlement to extend the lease pursuant to the provisions of the Leasehold Reform Housing and Urban Development Act 1993. The recommendations made in this report do not appear to conflict with the Councils policy on Environmental and Climate implications.

**BACKGROUND PAPERS**

**None**

**APPENDICES**

Appendix A	<i>New corrected lease plan</i>
Appendix B	<i>Screen shot of garden area</i>

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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: Ian Saxby, Assistant Director of Housing, Property and Assets

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

**Lodging this notice**

The signed decision notice must be delivered to Committee Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_