

## Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendices A is not available for public inspection as it contain) or relates to exempt information within the meaning of paragraph 7 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to financial and business affairs of the Tenant and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

<b>Subject Heading:</b>	<p><b>Subject Property:</b> Bedfords Park Pavilion &amp; Café, Broxhill Road, Havering-atte-Bower, Romford, RM4 1QH</p> <p><b>Event:</b> 2023 Rent Review</p>
<b>Decision Maker:</b>	Paul Walker – Director of Housing and Property
<b>Cabinet Member:</b>	Councillor Paul McGeary – Cabinet Member for Development and Regeneration
<b>SLT Lead:</b>	Neil Stubbings - Strategic Director of Place
<b>Report Author and contact details:</b>	<p>London Borough of Havering (LBH)          Luke Kubik          Estates Surveyor          Property Services          Town Hall          Main Road          Romford          RM1 3BD</p> <p>Tel: 01708 434 176          E: <a href="mailto:luke.kubik@havering.gov.uk">luke.kubik@havering.gov.uk</a></p>
<b>Policy context:</b>	Asset Management Plan

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<b>Financial summary:</b>	The financial aspects for the transaction are detailed in the <u>EXEMPT Appendix 1</u> to this Report
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Place
<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 ( )
- 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**

The above property is leased to The Essex Wildlife Trust Ltd on a 25 year Lease commencing 12<sup>th</sup> August 2002 that is not protected by the Landlord & Tenant Act 1954. The pavilion and café is located within Bedfords Park and operates as a Visitor's Centre. The property is to be used as a Visitors Centre including meeting facilities for groups and the sale of refreshments and such materials as be reasonably associated with a Countryside Centre including but not limited to books, pictures, tapes, postcards and videos with all activities relating to the environment, conservation and general countryside amenity.

The Lease states that two rents are payable, the First Reserved Rent and the Second Reserved Rent. The First Reserved Rent is charged at £1 per annum. The Second Reserve Rent is to be charged at 50% of the net profits of the visitors Centre up to a maximum of £5,000 per annum uplifted in line with RPI starting from the fifth anniversary of the term start date. The rent is to then be reviewed every year charged at 50% of the net profits of the visitors Centre up to a maximum of £5,000 per annum uplifted in line with RPI. The rent cap for 2023 is calculated at £10,636.73.

The Tenant has provided their Annual Accounts for 2023 which are detailed in Appendix A and as no profit has been made no rent is chargeable for 2023.

#### **Recommendations**

It is recommended that in order to complete the 2023 rent review the Estates Surveyor - Property Services produces a rent review memorandum to be signed by the Tenant and then countersigned by the Assistant Director of Regeneration & Place Shaping. A completion statement is to then be circulated confirming that no rent is chargeable for 2023.

#### **Decisions**

Formal authority is hereby given to complete the 2023 rent review the Estates Surveyor - Property Services producing a rent review memorandum to be signed by the Tenant and then countersigned by the Assistant Director of Regeneration & Place Shaping. A completion statement is to then be circulated confirming that no rent is chargeable for 2023.

### AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution Part 3.3.5 (2<sup>nd</sup> April 2024 - current)

8.1 To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy

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and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation, security and use, reviews, acquisitions and disposals, and commercial estate management.

**STATEMENT OF THE REASONS FOR THE DECISION**

The Lease allows for an annual review of the rent at 50% of the annual profits of the Visitors Centre. The Accounts the Tenant has provided has confirmed no profit was made and so no rent is chargeable for 2023.

**OTHER OPTIONS CONSIDERED AND REJECTED**

Option: Not to review the rent.  
Rejected: There is no reason to not to complete the outstanding rent review as Annual Accounts have been received and the rent for 2023 has been calculated.

**PRE-DECISION CONSULTATION**

None

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

Name: Luke Kubik  
Designation: Estates Surveyor  
Signature:



Date: 13<sup>th</sup> May 2024

## Part B - Assessment of implications and risks

### **LEGAL IMPLICATIONS AND RISKS**

The Council has a general power of competence under Section 1 of the Localism Act 2011, which gives the power to do anything an individual can do, subject to any statutory constraints on the Council's powers ("the General Power"). The recommendations in this report are in keeping with the General Power.

#### **Local Government Act 1972 Section 111 Subsidiary powers of local authorities**

Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions

### **FINANCIAL IMPLICATIONS AND RISKS**

By completing the rent review the rental income is secured for the benefit of the Council's General Fund. VAT will not be chargeable on the rent.

This is not an additional income stream for the Council because this contributes to income targets already budgeted within Property Services.

Costs associated with getting the lease in place can be contained within existing resources/budgets.

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

No human resources implications and risks have been identified.

### **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.

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

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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.

There are no equalities and social inclusion implications and risks associated with this decision.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

No Environmental and Climate Change implications identified.

### **BACKGROUND PAPERS**

None

### **APPENDICES**

**Appendix A**

Landlord's Proposal for the 2023 Review of the Rent - Exempt

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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: **Paul Walker**

Cabinet Portfolio held:

CMT Member title:

Head of Service title: Interim Director – Housing & Property Place Directorate

Other manager title:

Date: **20.05.24**

**Lodging this notice**

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

**For use by Committee Administration**

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

Signed \_\_\_\_\_

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