

## 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 1 and 3 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>	<b>Subject Property:</b> Yew Tree Resource Centre situate at 20 Yew Tree Gardens, Romford, Essex, RM7 9AA  Event: Lease Renewal
<b>Decision Maker:</b>	Mark Butler – Assistant Director of Regeneration and Place Shaping
<b>Cabinet Member:</b>	Councillor Paul McGeary – Cabinet Member for Housing and Property
<b>ELT Lead:</b>	Neil Stubbings - Strategic Director of Place
<b>Report Author and contact details:</b>	London Borough of Havering (LBH) Dale Wilkins Commercial Property Manager Property Services Town Hall Main Street Romford RM1 3AR Tel: 01708 433 669 E: <a href="mailto:dale.wilkins@oneSource.co.uk">dale.wilkins@oneSource.co.uk</a>
<b>Policy context:</b>	Asset Management Plan
<b>Financial summary:</b>	The financial aspects for the transaction are detailed in the EXEMPT Appendix A to this Report
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Place
<b>Is this decision exempt from being called-in?</b>	<b>The decision will be exempt from call in as it is a Non key Decision</b>

## Non-key Executive 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. ( )

### **Part A – Report seeking decision**

#### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

##### **Background**

The Centre is situated on Yew Tree Gardens and is surrounded by residential premises. The Centre is part occupied by Council staff who operate a service to provide purposeful and meaningful activities and support to vulnerable adults living with a disability.

The North East London NHS Foundation Trust (NELFT) have exclusive possession of 12 rooms, (one large area and 11 smaller rooms), at the Centre. There is a right to use corridors, WC's, kitchen facilities and the main reception at the front. The property is used as offices and consultancy/therapy rooms.

The combined floor area measures 3,171 sq ft NIA.

The property is held on a contracted out lease from 13<sup>th</sup> July 2016 for a term of 5 years. A Tenancy at Will agreement has been in place since 14<sup>th</sup> July 2021.

The Commercial Property Manager in conjunction with various representatives from the tenant has led in negotiating renewal terms based on a valuation report prepared by Property Services.

##### **Recommendations**

It is recommended that the Council agrees that the Commercial Property Manager, London Borough of Havering - Property Services instructs the Council's Legal Department to prepare a new lease and to legally complete the matter.

##### **Decisions**

Formal authority is hereby given for the Commercial Property Manager, London Borough of Havering - Property Services to instruct the Council's Legal Department to prepare a new lease and to legally complete the matter.

#### **AUTHORITY UNDER WHICH DECISION IS MADE**

Havering Council's Constitution Part 3.3 Scheme 3.3.5 (2nd April 2024 - current)

**8.6** To dispose of any property or asset of the Council provided that the value of the property or asset is less than £1,000,000. The delegation is subject to the following requirements:

### **Non-key Executive Decision**

- a) complying with the Code of Practice on the Disposal of Surplus Property
- b) in cases where the Cabinet has already approved the principle but not the terms of a property disposal without the invitation of competitive bids, the provisionally agreed terms of any disposal exceeding £1,000,000 shall be reported to Cabinet for approval before the transaction is concluded
- c) in cases that have not been the subject of competitive bids but are below £1,000,000 in value, the provisionally agreed terms of disposal shall be reported to the Strategic Director of Resources, before the transaction is concluded
- d) complying with relevant Council policy on property transactions (e) referring a matter for Member decision where it is proposed to recommend other than the best financial bid

### **STATEMENT OF THE REASONS FOR THE DECISION**

This decision is to authorise the lease renewal and to legally complete the matter.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

Option: To proceed with the lease renewal

Rejected: There is no reason not to implement the proposal which offers the Council an increase in rental income.

### **PRE-DECISION CONSULTATION**

The Commercial Property Manager together with other Council officials and various representatives from NELFT have agreed renewal terms.

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

Name: Dale Wilkins

Designation: Commercial Property Manager



Signature:

Date: Monday 5<sup>th</sup> August 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.

The Council also has powers under Section 123(1) of the Local Government Act 1972 to dispose of land in any manner it wishes, subject to subsection 123(2) which provides that land should not be disposed of for less than best consideration on a transfer of the freehold or lease of more than 7 years. Whilst, the proposed lease is for 5 years and is therefore outside the scope of the S.123 provision, the rent proposed within the lease is considered to be at the current market level, based upon available comparable evidence.

### FINANCIAL IMPLICATIONS AND RISKS

The new lease will generate additional rental income for the Council during the lease term.

The costs associated with drawing up the new lease will be paid for from existing 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.

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.

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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 EXEMPT - Agreed renewal terms

**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**

Decision Agreed

**Details of decision maker**

Signed 

Name: Mark Butler

Position: Assistant Director of Regeneration and Place Shaping

Date: 5<sup>th</sup> August 2024

**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 \_\_\_\_\_