

Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendices A and is not available for public inspection as it contains 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 incumbent Tenant, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Subject Heading:	Subject Property: 7 Camborne Avenue, Harold Hill, Romford, Essex RM3 8RH Event: Lease Renewal
Decision Maker:	Mark Butler – Assistant Director of Regeneration and Place Shaping
Cabinet Member:	Councillor Paul McGeary – Cabinet Member for Housing and Property
ELT Lead:	Neil Stubbings - Strategic Director of Place
Report Author and contact details:	London Borough of Havering (LBH) Helen Gardner Senior Estates Surveyor Property Services Town Hall Main Street Romford RM1 3AR Tel: 01708 433 123 E: helen.gardner@havering.gov.uk
Policy context:	Asset Management Plan
Financial summary:	The financial aspects for the transaction are detailed in the EXEMPT Appendix A to this Report
Relevant Overview & Scrutiny Sub Committee:	Place
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

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

To note the exercising of delegated authority by the appropriate Property Officer to agree to the lease renewal of the property and to instruct the Council's legal team to prepare the documentation as per the details in Appendix 1.

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:

- 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

Background

The property comprises a mid-terrace lock up retail unit which forms part of a cohesive parade of 8No. Local Authority shops serving the local community. The property is served by a traditional retail frontage and is of a uniform shape and interior configuration comprising a main

Non-key Executive Decision

retail area and rear ancillary accommodation. The property benefits from both front and rear ancillary access.

Description	Area m2	Area ft2
Zone A	30.80	332
Zone B	24.99	269
Remainder	7.48	81
Total	63.27	682
ITZA	45.16	486

The property is held on a lease for a term of 15 years with effect from 24th December 2009 trading as a general grocer.

A valuation report prepared earlier in the year suggested that rental values have increased since the last rent review and accordingly a positive section 25 notice was served on the tenant proposing renewal terms. Negotiations to renew lease terms and the best open market rent have now been concluded and this report therefore seeks authority to renew the lease as detailed in the appendices.

Recommendations

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

Decisions

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

This decision is to authorise the proposal outlined above and to legally complete the matter.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: To not proceed with the lease renewal

Rejected: There is no reason not to implement the proposal which has been agreed at favourable term and the best open market rent and will provide much needed additional income to the local authority.

PRE-DECISION CONSULTATION

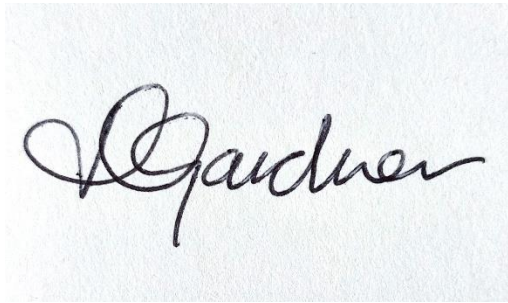
The Senior Surveyor for Property Services in conjunction with our appointed agents have been in dialogue with tenant to agree renewal terms.

Non-key Executive Decision

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

Name: Helen Gardner

Designation: Senior Estates Surveyor

A photograph of a handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and reads "H Gardner".

Signature:

Date: 15/08/24

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. 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.
2. 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

FINANCIAL IMPLICATIONS AND RISKS

The new lease will generate additional rental income for the Council during the lease term. VAT is not chargeable on the rent.

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.

Non-key Executive Decision

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

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: 15.08.2024

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 _____