

## 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 contain) or relates to exempt information within the meaning of paragraph 1 & 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>	<p><b>Subject Property:</b> 108 Petersfield Avenue, Harold Hill, Romford, RM3 9PH</p> <p><b>Event:</b> Rent Review - January 2020</p>
<b>Decision Maker:</b>	Mark Butler - Assistant Director of Regeneration & Place Shaping
<b>Cabinet Member:</b>	Councillor Paul McGeary – Cabinet Member for Housing and Property
<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

**Non-key Executive Decision**

<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>	<b>The decision will be exempt from call in as it is a Non key Decision</b>

**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**

The above property is leased to Mr Rashid (deceased) and Mr Rahman on a 20 year Lease commencing on 12<sup>th</sup> January 2015 that is protected by the Landlord & Tenant Act 1954. The retail premises is used as an Indian restaurant. There are residential flats above the unit.

The Lease provides for the rent to be reviewed on every fifth anniversary of the term commencement date on an upwards only basis. Hilbery Chaplin were instructed to investigate the outstanding 2020 rent review and provide advice on the matter to the Council. Hilbery Chaplin's advice dated 7<sup>th</sup> October 2022 indicated that an increase of only £100 was justifiable. This would equate to £500 over the five year period till the next review, as Hilbery Chaplin's minimum fee is £525 it not financially viable to implement the review.

#### **Recommendations**

It is recommended that the outstanding rent review from January 2020 is not implemented and the London Borough of Havering - Estates Surveyor prepares a completion statement confirming the nil increase in rent.

#### **Decisions**

Formal authority is hereby given to not implement the January 2020 rent review and for the London Borough of Havering - Estates Surveyor to prepare a completion statement confirming the nil increase in rent

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

Havering Council's Constitution Part 3.3 Scheme 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 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**

Hilbery Chaplin have confirmed the likely increase in rent is not higher than their minimum fee.

**Non-key Executive Decision**

**OTHER OPTIONS CONSIDERED AND REJECTED**

Option: Implement the review

Rejected: The increase in rent will not cover Hilbery Chaplin's minimum fee.

**PRE-DECISION CONSULTATION**

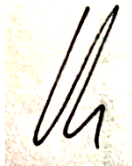
Hilbery Chaplin valuation

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

Name: Luke Kubik

Designation: Estates Surveyor

Signature:

A handwritten signature in black ink, appearing to be 'LK', is placed over a yellowed, textured rectangular area.

Date: 18<sup>th</sup> October 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 any thing (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

"It is not cost effective to implement the 2020 rent review, as associated costs would be £525, against income generated of only £500. The next review is due in January 2025."

### 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

### Non-key Executive Decision

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 and on this occasion this isn't required.

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**

<b>Appendix A</b>	Landlord's Proposals for Review of the Rent	Exempt
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**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**

Proposal agreed

**Details of decision maker**

Signed 

Name: Mark Butler

Position: Assistant Director of Regeneration & Place Shaping

Date: 18/10/2024

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