

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

<p>Subject Heading:</p>	<p>Subject Property:</p> <p>110 Hilldene Avenue, Harold Hill Romford Essex RM3 8DT</p> <p>Event: Lease Renewal</p>
<p>Decision Maker:</p>	<p>Mark Butler- Assistant Director of Regeneration and Place Shaping</p>
<p>Cabinet Member:</p>	<p>Councillor Paul McGeary – Cabinet Member for Housing &Property</p>
<p>SLT Lead:</p>	<p>Neil Stubbings - Strategic Director of Place</p>
<p>Report Author and contact details:</p>	<p>London Borough of Havering (LBH) Helen Gardner Senior Estates Surveyor Property Services Town Hall Main Road Romford RM1 3BD</p>

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Policy context:	Asset Management Plan
Financial summary:	The financial aspects for the transaction are detailed in the <u>EXEMPT Appendix A</u> 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

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 instruct the legal department to prepare the new lease as per the details in Appendix A.

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution Part 3.3.Scheme 3.3.5 (2 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

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

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STATEMENT OF THE REASONS FOR THE DECISION

Background

The above property is leased to Harold News Ltd, following assignment in 2023, on a 20 year Lease that is protected by the Landlord & Tenant Act 1954 commencing 25th March 2003. The above property is a mid terrace shop unit. The property is used as a newsagent, tobacconist, confectioner etc.

Following the serving of a Non-Opposing Section 25 Notice, the Councils retained agent Hilbery Chaplin have agreed final Heads of Terms with the Tenant. The terms are detailed in Appendix A.

Recommendations

It is recommended that the Council agrees that the Estates Surveyor, London Borough of Havering - Property Services instructs the Council's Legal team to draw up a new Lease as per the details in Appendix A.

Decisions

Formal authority is hereby given to instruct the Estates Surveyor, London Borough of Havering - Property Services to instruct the Council's Legal team to draw up a new Lease as per the details in Appendix A.

The lease had ended and the Council's retained agent had provided a report confirming an uplift in rent is achievable. The Council retained agent were instructed to negotiate terms for a new lease with the Tenant.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to renew the Lease
Rejected: There is no reason not to renew the Lease as the Tenant wishes to renew and has agreed terms with the Council retained agent.

PRE-DECISION CONSULTATION

None

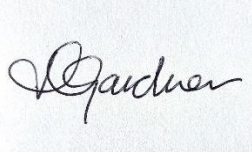
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NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Helen Gardner

Designation: Senior Estates Surveyor

Signature:

A rectangular box containing a handwritten signature in black ink. The signature is written in a cursive style and appears to read "H Gardner".

Date: 07/11/2024

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

This is a matter that will be completed with a new lease and a Completion Statement issued by the Legal Department.

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.

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

An EqHIA (Equality and Health Impact Assessment) is usually carried out however this is not required in this instance.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

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There are not 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 Proposals for Lease Renewal - 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: Mark Butler

Position: Assistant Director – Regeneration & Place Shaping

Date: 8/11/2024

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 _____

Exempt Appendix A