

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

Subject Heading:	<p>Subject Property: South Hornchurch Library Modular Building, Rainham Road/Nelson Road, RM13 7RD and Two External Play Areas</p> <p>Event: Licence for Alterations</p>
Decision Maker:	Mark Butler - Assistant Director of Regeneration & Place Shaping
Cabinet Member:	Councillor Paul McGeary – Cabinet Member for Housing and Property
SLT Lead:	Neil Stubbings - Strategic Director of Place
Report Author and contact details:	<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: luke.kubik@havering.gov.uk</p>
Policy context:	Asset Management Plan

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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 (x)

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Background

The above property is held on a 10-year lease that is excluded from the Landlord & Tenant 1954 Act from 12th November 2021. The property consists of a single story building that sits adjacent to South Hornchurch Library. The premises is used as a high quality private pre-school day nursery and as a breakfast club, after school club, and holiday club, during the permitted hours and for no other purpose whatsoever

The leaseholder is proposing to build a new single story porta cabin as per the plans and specification in Appendix A. Additional space is required so the nursery can accommodate more children. Under the terms of the lease the leaseholder is required to seek the Council's approval for the alterations. The approval is to be documented by way of a licence for alterations.

Recommendations

It is recommended that the Council agrees to the proposed alterations for the new porta cabin. The Estates Surveyor, LBH - Property Services will instruct Legal Services to draw up and complete a licence for alterations.

Decisions

Formal authority is hereby given for the Council to agree to the proposed alterations and for the Estates Surveyor, LBH - Property Services to instruct Legal Services to draw up and complete a the licence for alterations.

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution Part 3.3 scheme 3.3.5 (2nd 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

The lease requires the leaseholder to seek the Council's approval for alterations and the lease also states approval is not to be unreasonably withheld. There are no

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reasons not provide agreement to the proposed alterations. The leaseholder is obligated to seek any other permissions such as planning and building control.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to agree to the alterations.

Rejected: There is no reasonable reason not to agree to the alterations and the lease states approval is not to be unreasonably withheld

PRE-DECISION CONSULTATION

None

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

Name: Luke Kubik

Designation: Estates Surveyor

Signature:



Date: 21.11.24

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.

Pursuant to clause 25.1 of the lease, the tenant requires the Council's consent to carry out works to the property which must not be unreasonably withheld or delayed.

FINANCIAL IMPLICATIONS AND RISKS

Under the terms of the lease, the tenant is required to obtain the Council's approval before making any alterations.

The cost of these alterations will be paid for by the tenant, together with all associated costs, as well as those costs incurred by the Council in drawing up the Licence.

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.

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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 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

Appendix A	Licence for Alterations Summary	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 of Regeneration & Place Shaping

Date: 21/11/2024

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 _____