

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>130 Petersfield Avenue, Harold Hill, RM3 9PH</p> <p>Event: Assignment</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> <p>Tel: 01708 434 123 E: helen.gardner@havering.gov.uk</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 legal to prepare and complete a licence to assign 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 Binder & Son Ltd (“the Tenant”) on a 10 year lease that is protected by the Landlord & Tenant Act 1954 commencing 22 January 2019. The above property is a near end of terrace shop and is used as a funeral directors.

The Tenant wishes to assign the lease as detailed in Appendix A. Under the terms of the lease the Tenant is allowed to assign the lease subject to obtaining the landlord’s consent which cannot be unreasonably withheld. The proposed assignee already has a successful funeral directors business and has provided proof of ID and address and the Tenant will continue to use the premises as a funeral directors. We have also secured a 6 month rent deposit as extra security for the Council as landlord. Therefore, we have no hesitation in recommending landlord’s consent is granted to this assignment by way of a licence to assign.

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 licence to assign as per the details in Appendix A.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to consent to the assignment.

Rejected: Under the terms of the lease, the landlord, cannot unreasonably withhold consent and we have received evidence that the proposed tenant will be able to maintain the rent payments and a good business.

PRE-DECISION CONSULTATION

None

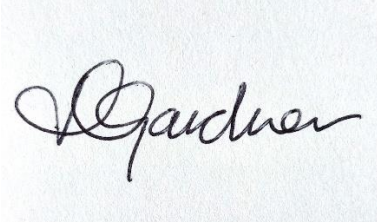
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NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

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: 09/12/2024

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 anything (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.

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.

The council is acting within its powers in granting the licence to assign.

FINANCIAL IMPLICATIONS AND RISKS

There are no financial changes resulting from this Report.

The incoming tenant will bear all the costs associated with getting the licence in place.

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 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 Licence to Assign - 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: 11.12.2024

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 _____