

## Notice of NON KEY Executive Decision containing exempt information

This Report is part exempt and Appendix A is not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to information relating to the financial or business affairs of any particular person (including the authority holding that information), and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

<b>Subject Heading:</b>	39 South Street Romford Engagement of property advisers
<b>Decision Maker:</b>	Mark Butler – Assistant Director of Regeneration & Place Shaping
<b>Cabinet Member:</b>	Councillor Paul McGeary – Cabinet Member for Housing & Property
<b>ELT Lead:</b>	Neil Stubbings – Strategic Director of Place
<b>Report Author and contact details:</b>	Dale Wilkins Commercial Property Manager dale.wilkins@havering.gov.uk
<b>Policy context:</b>	Asset Management Plan
<b>Financial summary:</b>	The proposed appointment is based upon a performance-related fee and is not anticipated to exceed £50k, but is intended to secure a long-term revenue stream to the Council's general fund – further detail is set out within the Exempt Appendix.

**Non-key Executive Decision**

<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Place
<b>Is this decision exempt from being called-in?</b>	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 - Supporting our residents to stay safe and well

Place - A great place to live, work and enjoy X

Resources - Enabling a resident-focused and resilient Council x

Non-key Executive Decision

**Part A – Report seeking decision**

**DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

To approve the engagement of Colliers (Retail Lease Advisory) in respect of forthcoming negotiations relating to the subject premises.

**AUTHORITY UNDER WHICH DECISION IS MADE**

Havering Council's Constitution Part 3.3.Scheme 3.3.5 (2 April 2024 - current)

*Delegated Powers to the Strategic Director of Place*

**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

The above powers are the subject of a sub-delegation to the Assistant Director of Regeneration & Place Shaping

**OTHER OPTIONS CONSIDERED AND REJECTED**

Do nothing – failure by the Council to act in advance of the forthcoming lease renewal is likely to compromise the Council's negotiating position, presenting risks in respect of financial return, investment value and more fundamentally whether the tenant can be retained.

**PRE-DECISION CONSULTATION**

Advice has been sought from the Council's Procurement team

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

Name: Dale Wilkins

Designation: Commercial Property Manager

Signature:



Date: Tuesday 21<sup>st</sup> January 2025

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

The Council has the power to award a contract for these services under Section 111 of the Local Government Act 1972, which allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

Further, the Council has the power to award this contract under the general power of competence under section 1 of the Localism Act 2011, which allows the Council to do anything an individual may generally do, subject to any statutory constraints on the Council's powers. None of the constraints on the Council's Section 1 power are engaged by this decision.

Officers seek authorisation to make a direct award to a property advisor and this falls under the appointment of consultancy and professional advisers within CPR 17.5, which allows for appointment via a Framework Agreement. This direct award is permissible under the Matrix Framework Agreement subject to the supplier confirming that they will be paid via PAYE and if not, that they will have to gain IR35 approval using the HMRC CEST Tool. The Supplier has since confirmed that they will be paid via PAYE.

For the reasons set out above, the Council may award the contract to the property advisor as mentioned in the Statement of Reasons in the Exempt Appendix A of this report.

### FINANCIAL IMPLICATIONS AND RISKS

The fee is not anticipated to be more than £50k, but the final figure will not be known until the negotiations are complete. The fee will be paid for from existing Property Services budgets.

### HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no specific HR implications arising from this decision

### 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 however this is not required in this instance.

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 have been identified related to this decision

### **BACKGROUND PAPERS**

None

### **APPENDICES**

<b>Appendix A</b>	Statement of Reasons for the Decision	<b>Exempt</b>
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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

Head of Service title Assistant Director – Regeneration & Place Shaping

Date: 22nd January 2025

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