

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 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

Subject Heading:	<p>Subject Property:</p> <p>68A Bevan Way, Hornchurch, Romford, RM12 6EJ</p> <p>Event: Assignment and Simultaneous Lease Renewal</p>
Decision Maker:	Mark Butler- Assistant Director of Regeneration and Place Shaping
Cabinet Member:	Councillor Paul McGeary – Cabinet Member for Housing &Property
SLT Lead:	Neil Stubbings - Strategic Director of Place
Report Author and contact details:	<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</p>

Non-key Executive Decision

	E: helen.gardner@havering.gov.uk
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 services to prepare and complete the assignment and simultaneous lease renewal 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 was leased to John Kiff (“the Tenant”) on a 5 year lease which commenced on 28 February 2017, protected by the Landlord & Tenant Act 1954, and the lease expired on 27 February 2022. The Tenant has been holding over pursuant to the Landlord & Tenant Act. The premises is a single storey brick building attached to the side of a block of flats. The property is used as an office and printing workshop.

Following the serving of a Non-Opposing Section 25 Notice some time ago, the Council’s retained agent Hilbery Chaplin agreed final heads of terms with the Tenant. The terms are detailed in Appendix A.

However, on 27 July 2024 the Tenant unfortunately passed away and his son, Ian Kiff, is the executor to the estate and wishes to take over the lease and continue the family business. Following advice and correspondence with our legal team, it has been proposed that we complete an assignment to Ian Kiff and then renew on the terms already agreed. Ian Kiff is agreeable to this way forward. The renewal lease was already agreed between the parties so this new NKED is to reflect the updated position with Ian Kiff and will enable the lease to complete asap.

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 draft a licence to assign and a new lease as per the details in Appendix A.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to assign and renew the lease

Rejected: There is no reason not to assign and renew the lease as this will ensure a continued income for the Council.

PRE-DECISION CONSULTATION

None

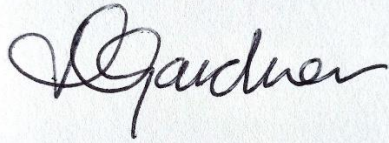
NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Helen Gardner

Designation: Senior Estates Surveyor

Signature:

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A handwritten signature in black ink on a light blue background. The signature is written in a cursive style and appears to read "S. Gardner".

Date: 04/02/2025

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.

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. As this is a lease for a term of 5 years, the Council is not required to satisfy the best consideration requirement and the Council is acting within its powers in the grant of this lease.

FINANCIAL IMPLICATIONS AND RISKS

By agreeing and completing a new lease the rental income is secured for the benefit of the Council's General Fund. VAT will not be chargeable on the rent.

This is not an additional income stream for the Council because this contributes to income targets already budgeted within Property Services.

Costs associated with getting the lease in place can be contained within existing resources/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.

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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 when a proposed or planned activity is likely to affect staff, service users, or other residents.

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 Assignment and Simultaneous 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: 13/02/2025

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 _____