

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 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 financial information/valuation, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Subject Heading:	<p>Subject Property: Various Rooms: 1st Floor at Rainham Library, Celtic Farm Road, Rainham RM13 4GP</p> <p>Event: Tenancy at Will and New Lease</p>
Decision Maker:	Mark Butler – Assistant Director of Regeneration and Place Shaping
Cabinet Member:	Councillor Paul McGeary – Cabinet Member for Housing & Property
ELT Lead:	Neil Stubbings - Strategic Director of Place
Report Author and contact details:	<p>London Borough of Havering (LBH) Dale Wilkins Commercial Property Manager Property Services Town Hall Main Street Romford RM1 3AR Tel: 01708 433 669 E: dale.wilkins@havering.gov.uk</p>
Policy context:	Asset Management Plan
Financial summary:	The financial aspects for the transaction are detailed in the EXEMPT Appendix A 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

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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

Resources - Enabling a resident-focused and resilient Council

(X)

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Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Background

The 1st floor of Rainham Library, Celtic Farm Road, Rainham RM13 4GP comprises vacant office accommodation (“Property”). This report seeks authority to instruct Legal Services to prepare a contracted out lease and for Property Services to put a tenancy at will in place in the interim. The tenant wishes to take occupation with effect from 24 April 2025. The new lease will be backdated to the tenancy at will start date.

Property Services has prepared a valuation report which has confirmed the rent (as stipulated in Appendix A) demonstrates that best consideration for the Property under section 123 of the Local Government Act 1972.

Recommendations

It is recommended that Property Services instructs the Council’s Legal Services to draft a new lease as per the details in Appendix A with a tenancy at will being granted in the interim.

Decisions

Formal authority is hereby given to instruct the Council’s Legal Services to draft a new lease as per the details in Appendix A with a tenancy at will being granted in the interim.

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

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- 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

STATEMENT OF THE REASONS FOR THE DECISION

The new letting will generate a new rental income for the Council and the rent is inclusive of utilities, rates and insurance which will contribute to the ongoing running costs of the Property.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Do Nothing

Rejected: There is no reason not to agree to the proposal which will generate much needed income for the Council.

PRE-DECISION CONSULTATION

The commercial property manager has been consultation with Library Services and the tenant's representative to agree the strategy outlined in this report.

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

Name: Dale Wilkins
Designation: Commercial Property Manager

Signature:
Date: Monday 31st March 2025

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Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The recommendation of this report is for a new lease (contracted out of s24-28 Landlord and Tenant Act 1954) to be granted to the tenant in accordance with the terms stipulated in appendix A. The tenant does not have an automatic right to renew and will be required to vacate the premises at the end of the term.

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.

s123 of the Local Government Act 1972 ("LGA 1972") allows principal Councils to dispose of land as they wish for the best consideration that can reasonably be obtained unless with the consent of the Secretary of State or by way of a short-term tenancy. It is noted that the rent was negotiated in keeping with the valuation report to ensure that the Council can comply with the duty to obtain best consideration, pursuant s.123 LGA 1972.

The recommendation in this report is in keeping with the aforementioned powers.

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 drafting the lease will be paid for 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

There are no 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 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.

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ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

None

BACKGROUND PAPERS

None

APPENDICES

Appendix A - Landlord's Proposals for Tenancy at Will and New Lease - 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 and Place Shaping

Date: 16.04.2025

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 _____