

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 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: Bedfords Pavilion Park and Café, Broxhill Road, Havering-atte-Bower, Romford, RM4 1QH</p> <p>Event: Rent Review August 2024</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)

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Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To complete/document the August 2024 rent review in accordance with the details set out within the exempt Appendix. Property Services is to produce a rent review memorandum to be signed by the Tenant and the Assistant Director of Regeneration & Place Shaping, London Borough of Havering. Property Services is to then issue a completion statement.

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

Background

The above property is leased to Essex Wildlife Trust ("Tenant") on a 25 year Lease commencing on 12 August 2002 that is protected by the Landlord & Tenant Act 1954. The property is to be used as a Visitors Centre including meeting facilities for groups and the sale of refreshments and such materials as be reasonably associated with a Countryside Centre including but not limited to books, pictures, tapes, postcards and videos with all activities relating to the environment, conservation and general countryside amenity.

The lease allows for the rent to be reviewed annually, with a review of rent outstanding with effect on 12 August 2024, as described in Appendix A. The rent review stipulates the rent will be reviewed to the 50% of the annual profit. There is rent cap in place that is to be recalculated annually by RPI as detailed in Exempt Appendix A.

The Tenant has provided their accounts for 2024 which confirms no profit has been made. As no profit has been made there is no annual rent for 2024. A rent review memorandum is required to document the nil rent.

OTHER OPTIONS CONSIDERED AND REJECTED

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Option: Not to review the rent.
Rejected: There is no reason to not complete the rent review at nil rent for 2024

PRE-DECISION CONSULTATION

None

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

Name: Luke Kubik
Designation: Estates Surveyor
Signature:



Date: 15 May 2025

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Clause 5(2) of the lease permits the council to uplift the rent in accordance with the terms as stipulated in Appendix A.

The rent review uplift will be implemented internally by the council's property services team and recorded by way of a rent review memorandum and a completion statement.

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 recommendation in this report is in keeping with the General Power.

FINANCIAL IMPLICATIONS AND RISKS

There will be no change to the current arrangement, as the latest accounts show that the Trust made a loss.

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.

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.

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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 - Landlord's Proposals for the August 2024 Rent Review - Exempt

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

Position: Assistant Director of Regeneration & Place Shaping

Date: 21.05.2025

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 _____