

Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendices A, B & C are not available for public inspection as they may contain or relate to exempt information within the meaning of paragraph 3 of Schedule 12 A to the Local Government Act 1972. They are exempt because they refer 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.

Subject Heading:	Removal of restrictive covenant relating to 28 Clitheroe Road, Romford, Essex RM5 2SL
Decision Maker:	Mark Butler, Assistant Director of Regeneration & Place Shaping.
Cabinet Member:	Cllr. Graham Williamson
ELT Lead:	Neil Stubbings
Report Author and contact details:	<p>London Borough of Havering (LBH) Christopher Pasterfield Principal Asset Surveyor Property Services Town Hall Main Street Romford RM1 3AR Tel: 01708 433 669</p> <p>E: christopher.pasterfield@havering.gov.uk</p>
Policy context:	Asset Management Plan
Financial summary:	The purchaser is paying a capital sum as detailed in Exempt Appendix A for the removal of the restrictive covenant and

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	reimbursing the Council's Legal Services, Estates and valuation fees.
Relevant Overview & Scrutiny Sub Committee:	Places Overview & Scrutiny Committee
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**

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Background

The London Borough of Havering Council (“the Council”) is the beneficiary of a restrictive covenant relating to 28 Clitheroe Road which is a former council house. The current owner of the house obtained planning approval to construct an additional dwelling and has now asked for retrospective approval to remove the restrictive covenant which limits the land to single family occupation.

A Red Book valuation has been carried out by Glenny LLP, chartered surveyors, and this has confirmed the appropriate value/payment to the Council. In addition the purchaser has agreed to pay:

Estates costs

Valuation costs

Legal costs – to be agreed between solicitors.

Further details of the above are set out in the agreed Heads of Terms, attached as Appendix A.

A site plan is attached as Appendix B.

Glenny LLP Red Book valuation is shown as Appendix C and email dated 26th April 2025.

Recommendations

It is recommended that the Council remove the restrictive covenant from the title to 28 Clitheroe Road, Romford RM5 2SL and gain a capital receipt as set out in the Heads of Terms

Decisions

Formal authority is hereby given for Council to remove the restrictive covenant from the title of 28 Clitheroe Road, Romford RM5 2SL.

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council’s Constitution

Scheme 3.3.5

Specific Powers of the Strategic Director of Place.

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8. Property

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.

8.4 To conduct preliminary negotiations, negotiate, agree and conclude all property matters including the making and settling of rating appeals on Council property and property valuations for all purposes.

The above powers are the subject of a formal sub-delegation from the Strategic Director of Place, to the Director of Housing & Property and subsequently to the Assistant Director of Regeneration & Place Shaping.

STATEMENT OF THE REASONS FOR THE DECISION

To enable a further dwelling to be constructed in the Borough and to gain a capital receipt of £36,500 for the Council.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to approve the removal of the restrictive covenant.

PRE-DECISION CONSULTATION

The following have been consulted over the proposed transfers & easements – Legal Services, Property Services, Equalities, Finance and Human Resources.

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

Name: Christopher Pasterfield

Designation: Principal Asset Surveyor

Signature:

Date:

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The recommendation of this report is to remove the restrictive covenant on the land in return for a fee.

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

The Council will receive a capital receipt in exchange for removing the restricted covenant on the land. Planning permission for the plot of land has already been granted previously. There are no financial risks identified as the Council fees are paid in advance.

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

None.

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.

An EHIA (Equality and Health Impact Assessment) is usually carried out and on this occasion is not 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.

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ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

None.

BACKGROUND PAPERS

Red Book valuation by Glenney LLP dated 25th April 2022 and email dated 26th April 2025.

APPENDICES

Appendix A Agreed Heads of Terms. (EXEMPT)

Appendix B Site Plan.

Appendix C Red Book valuation dated 25th April 2022 and email dated 26th April 2025. (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

Assistant Director of Regeneration & Place Shaping.

Signed 

Name: Mark Butler

Head of Service title: Assistant Director of Regeneration & Place Shaping

Date: 04.06/2025

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 _____