

## Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendices 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

<b>Subject Heading:</b>	<b>Subject Property:</b> St. Neots Road/Barnsley Road - Electricity Substation  Event: Rent Review
<b>Decision Maker:</b>	Mark Butler – Assistant Director of Regeneration and Place Shaping
<b>Cabinet Member:</b>	Councillor Paul McGeary – Cabinet Member for Housing and Property
<b>ELT Lead:</b>	Neil Stubbings - Strategic Director of Place
<b>Report Author and contact details:</b>	London Borough of Havering (LBH) Dale Wilkins Commercial Property Manager Property Services Town Hall Main Street Romford RM1 3AR Tel: 01708 433 669 E: <a href="mailto:dale.wilkins@oneSource.co.uk">dale.wilkins@oneSource.co.uk</a>
<b>Policy context:</b>	Asset Management Plan
<b>Financial summary:</b>	The financial aspects for the transaction are detailed in the EXEMPT Appendix A to this Report
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Place
<b>Is this decision exempt from being called-in?</b>	<b>The decision will be exempt from call in as it is a Non key Decision</b>

## Non-key Executive 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

##### Background

Eastern Power Network (“the Tenant”) hold a lease on the above site dated 25 May 2012 commencing on 11 February 2010 until 10 February 2030. The lease provides for the rent to be reviewed every 5 years which is calculated by reference to the Retail Price Index. Broadly the clause provides:

*At the Rent Review Dates the Yearly Rent shall be revised that is to say such Yearly Rent shall be the sum (but not less than the current passing rent payable hereunder) calculated using the following formula:-*

$$A \times \frac{B}{C}$$

*A = the Base Rent;*

*B = the figure of the Index for the month immediately preceding the relevant Review Date; and*

*C = the figure of the Index for the month 61 months before the relevant Review Date*

This report seeks to implement this mid-term rent review and to formally complete this matter.

##### Recommendations

It is recommended that the mid-term rent review is implemented by way of an RPI increase. The Commercial Property Manager, London Borough of Havering - Property Services is to produce a rent review memorandum to be signed by the Tenant and counter signed by the Assistant Director of Regeneration & Place Shaping, with a completion statement prepared to instruct Accounts Receivables to collect the increased rent.

##### Decisions

Formal authority is hereby for the Commercial Property Manager, London Borough of Havering - Property Services is to produce a rent review memorandum to be signed by the Tenant and counter signed by the Assistant Director of Regeneration & Place Shaping, with a completion statement prepared to instruct the collection of the increased rent.

#### AUTHORITY UNDER WHICH DECISION IS MADE

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

### **Non-key Executive Decision**

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**

This decision is to authorise the mid-term rent review and for the Commercial Property Manager to complete the matter.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

Option: To proceed with the rent review

Rejected: There is no reason not to implement the proposal which offers the Council an increase in rental income.

### **PRE-DECISION CONSULTATION**

The Commercial Property Manager has been in dialogue with the Tenant's agent MBX Surveyors.

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

Name: Dale Wilkins

Designation: Commercial Property Manager



Signature:

Date: Friday 16<sup>th</sup> May 2025

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

Schedule 2 of the lease permits the Council to uplift the rent in accordance with the terms as stipulated in Appendix 1.

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**

The rent reviews will generate additional rental income for the Council during the lease term.

The costs associated with conducting the rent review 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**

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 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.

### **Non-key Executive Decision**

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**

### **APPENDICES**

**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**

Decision Agreed

**Details of decision maker**

Signed 

Name: Mark Butler

Position: Assistant Director of Regeneration and Place Shaping

Date: 05.06.2025

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