

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:	Sale of retained land rear of 199 Faringdon Ave, Romford RM3 8JU
Decision Maker:	Mark Hopson, Acting Assistant Director of Regeneration & Place Shaping.
Cabinet Member:	Cllr. Robert Whitton
ELT Lead:	Neil Stubbings
Report Author and contact details:	London Borough of Havering (LBH) Christopher Pasterfield Principal Asset Surveyor Property Services Town Hall Main Street Romford RM1 3AR Tel: 01708 433 669 E: christopher.pasterfield@haverling.gov.uk
Policy context:	Asset Management Plan
Financial summary:	The purchaser is paying £5,806 for an area of retained land at the bottom of the garden and reimbursing the Council's Legal Services, Estates and valuation fees.

Non-key Executive Decision

Relevant Overview & Scrutiny Sub Committee:	Overview & Scrutiny Board
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

Non-key Executive Decision

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 freehold owner of land at the bottom of the garden which was initially retained as a service road access but was then deemed surplus to requirements. These parcels of land have been rented to householders on garden licences for a peppercorn rent as they are land locked. This is an opportunity for the Council to receive a capital payment and dispose of any future maintenance liability.

A Red Book valuation has been carried out by Glenny LLP, chartered surveyors, and this has shown a value of £5,806. In addition the purchaser has agreed to pay:

Estates costs - £500.

Valuation costs - £600.

Legal costs – to be agreed between solicitors.

Agreed Heads of Terms are attached as Appendix A.

Site plans are attached numbers sps452 as Appendix B red outlined area.

Glenny LLP Red Book valuation is shown as Appendix C.

A restriction would be placed on the title so that the land could only be used as a residential garden.

Recommendations

It is recommended that –

1. The Council sell the land to the adjoining owner of 199 Faringdon Avenue, Romford and gain a capital receipt of £5,806.

Decisions

Formal authority is hereby given for –

1. The Council to sell the designated piece of land shown as outlined in red in Appendix B.

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AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution

Scheme 3.3.5

Specific Powers of the Strategic Director of Place.

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.

8.6 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.

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 resident to improve the amenity of their house and garden and to gain a capital receipt of £5,806 for the Council.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to approve the sale of the land.

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This would have resulted in no capital receipt for the Council and the retaining of a small area of land which is of no benefit to the Council but requires maintenance. The resident would not have improved amenity to their house and garden.

PRE-DECISION CONSULTATION

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

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

Name: Christopher Pasterfield

Designation: Principal Asset Surveyor

Signature: *C. Pasterfield*

Date:04/09/2026

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. 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.
2. The Council also has the 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. The 'best consideration' has been achieved by obtaining a market appraisal in which the Red Book Valuation has shown a value of £5,806.

FINANCIAL IMPLICATIONS AND RISKS

Disposing of this parcel of land at the end of 199 Faringdon Avenue will generate a capital receipt for the Council. A figure of £5,806 has been agreed with and is payable by the purchaser together with other associated costs of this transaction

The maintenance of this land will also pass to the new owner on completion of the sale.

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.

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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.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

None.

BACKGROUND PAPERS

Red Book valuation by Gleny LLP dated 8th November 2023.

APPENDICES

Appendix A **Agreed Heads of Terms.**

Appendix B **Plan sps452 outlined in red.**

Appendix C **Red Book valuation dated 8th November 2023.**

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 – Mark Hopson, Assistant Director of Regeneration & Place Shaping.

Signed 

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

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 _____