

	<h2>Cabinet</h2>
<p style="text-align: right;">Title</p>	<p>Homeless Action in Barnet, 36b Woodhouse Road, London N12 0RG – New Lease</p>
<p style="text-align: right;">Date of meeting</p>	<p>6th February 2024</p>
<p style="text-align: right;">Report of</p>	<p>Councillor Barry Rawlings – Leader of Council & Cabinet Member for Resources & Effective Council.</p> <p>Councillor Ross Houston – Deputy Leader of Council & Cabinet Member for Homes & Regeneration.</p>
<p style="text-align: right;">Wards</p>	<p>Woodhouse Ward</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Key</p>	<p>Key</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Appendices</p>	<p>Appendix 1 - Agreed Heads of Terms.</p>
<p style="text-align: right;">Lead Officer</p>	<p>Sal Waheed Head of Property and Portfolio Management e. sal.waheed@barnet.gov.uk t. 07562 206 027</p>
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Summary

Homeless Action in Barnet has been occupying these premises for several years with no lease and this lease will formalise their occupation of the property.

The lease will be for a term of 25 years from commencement at a peppercorn rent with mutual break options on the 8th and 12th anniversaries of lease commencement on 6 months' notice.

Recommendations

1. That Cabinet approve the grant of a new lease to Homeless Action in Barnet for a term of 25 years at a peppercorn rent with mutual break options on the 8th and 12th anniversary of lease commencement.
2. That Cabinet authorises the Head of Property and Portfolio Management, in consultation with the Leader and the Deputy Leader, to enter into and conclude the lease substantially in accordance with the heads of terms appended or with such variations as may be approved by the Head of Property and Portfolio Management, in consultation with the Leader and the Deputy Leader.

1. Reasons for the Recommendations

- 1.1 The freehold of 36b Woodhouse Road, London is owned by London Borough of Barnet.
- 1.2 Homeless Action in Barnet (Charity No. 1155559) is a charity supporting homeless people across the London Borough of Barnet. They have been undertaking this role for approximately 25 years from these premises, although no lease has ever been entered into documenting their occupation of this property.
- 1.3 Homeless Action in Barnet originally took on the building in a shell condition in 1997 and fitted it out themselves. It has previously been considered that in return for the works undertaken to the offices by Homeless Action in Barnet, they should be permitted to occupy the building for 50 years at a peppercorn rent. While no council resolution to this effect can be found, Council officers and Homeless Action in Barnet have confirmed their recollection of the agreement independently of each other and draft documents were circulated during the late 1990's consistent with this approach.
- 1.4 A new lease is proposed to Homeless Action in Barnet for a term of 25 years at a peppercorn rent. The lease will be subject to mutual break options on the 8th & 12th anniversaries of lease commencement.
- 1.5 The Council has valued the building and allowing for the restrictive planning use of the building ("voluntary sector advice and day centre for the homeless"), the age, the assumed shell specification and parking, assess this to be £30,000 per annum. It is proposed that the council waives this rent and grants Homeless Action in Barnet a lease at a peppercorn rent to reflect

their benefit to the community and cost savings to the Council in not having to provide this service themselves.

2. Alternative Options Considered and Not Recommended

2.1 Do nothing. The Council needs to protect its property assets and the grant of the lease is needed to do this.

2.2 Rental Option

3. Post Decision Implementation

3.1 If the recommendation is approved, the lease will be drafted and completed shortly thereafter.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

4.1 The grant of this lease will secure Homeless Action in Barnet's ongoing occupation of its premises for a minimum of 8 years. This will enable them to continue tackling inequalities in the borough, as the Council's Corporate Plan 2023-26, by supporting homeless people and reduce poverty by providing support to homeless people to assist them in finding places to live, a key step on the path to employment.

Corporate Performance / Outcome Measures

4.2 Not applicable for this report.

Sustainability

4.3 Not applicable for this report.

Corporate Parenting

4.4 In line with Children and Social Work Act 2017, the Council has a duty to consider Corporate Parenting Principles in decision-making across the Council. The outcomes and priorities in the refreshed Corporate Plan, Barnet 2024, reflect the Council's commitment to the Corporate Parenting duty to ensure the most vulnerable are protected and the needs of children are considered in everything that the Council does.

Risk Management

4.5 Not applicable for this report.

Insight

4.6 Not applicable for this report.

Social Value

4.7 Not applicable for this report.

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

5.1 There are none.

6. Legal Implications and Constitution References

6.1 Under Table A of Part 4B1 of the Council's Constitution, a transaction for less than best consideration must be reported to Cabinet.

6.2 The Council has a duty to consider whether a lease for nil value contravenes subsidy control rules (as set out in the Subsidy Control Act 2022 ("the Act"). To determine whether there has been a contravention, the Council must consider a four-limbed test, where each condition must be met. The four limbs are as follows:

a) Is the financial assistance given, directly or indirectly, from public resources by a public authority?

b) Does the financial assistance confer an economic advantage on one or more enterprises?

c) Is the financial assistance specific? That is, has the economic advantage been provided to one (or more than one) enterprise, but not to others?

d) Will the financial assistance have, or is it capable of having, an effect on competition or investment within the UK, or trade or investment between the UK and another country or territory?

After considering the above, the advice is that it is unlikely a lease for nil value will have an effect on competition or investment within the UK (or trade or investment between the UK and another country). As a result, the grant of the lease at nil value is not deemed to contravene the subsidy control rules.

7.

7.1 No consultation required for this report.

8. Equalities and Diversity

8.1 Under the Equality Act 2010, the Council must have due regard to the need to:

a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

b) advance equality of opportunity between those with a protected characteristic and those without; and

c) promote good relations between those with a protected characteristic and those without.

8.2 The 'protected characteristics' referred to are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination.

8.3 It is envisaged that there will be no impact on any individuals or groups as a result of the proposal in this report.

9. Background Papers

9.1 None.