

DMPC Decision – PCD 1174**Title: Angerstein Rent Review****Executive Summary:**

This paper seeks approval for the revised rent for the Angerstein/Charlton car pound facility following the 5-yearly rent review included in the lease. The revised rent has been determined by an independent expert. The increase in rent has been foreseen by the MPS and sufficient budget provided for the intended period of occupation.

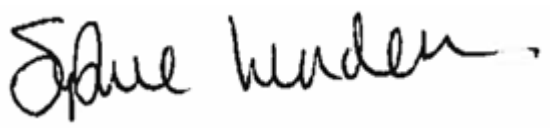
Recommendation:

The Deputy Mayor for Policing and Crime is recommended to agree the revised rent following the determination by the independent expert on the March 2020 Rent Review. Noting that future charges will be met from within agreed budgets

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature**Date****12/04/2022**

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

- 1.1. MOPAC occupy the Angerstein site - used for the Charlton car pound - under two 10-year leases which run from 25 March 2015 until 24 March 2025. The lease terms contain rent reviews on the 5th year of the lease i.e. with effect from 25 March 2020.

2. Issues for consideration

- 2.1. The MPS has negotiated with the landlord and following expert determination a rent has been agreed. The detail is set out in the restricted section of this report.
- 2.2. MOPAC has previously agreed to enter negotiations to acquire the freehold of this site to secure the long term of the Vehicle Recovery and Examination Service (VRES). This activity will follow the formal signing of the agreed rent memorandum.

3. Financial Comments

- 3.1. The MPS will meet the cost of the revised rent from within their existing budgets.

4. Legal Comments

- 4.1. In carrying out its functions, MOPAC may, under paragraph 7, Schedule 3 of the Police Reform and Social Responsibility Act 2011 “do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office”.
- 4.2. Paragraph 4.8 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve business cases for revenue or capital expenditure of £500,000 or above.

5. Commercial Issues

- 5.1. Following negotiations with the landlord the rent review went to an independent expert for determination. Further detail is set out in the restricted section of this report.

6. GDPR and Data Privacy

- 6.1. MOPAC will adhere to the Data Protection Act (DPA) 2018 and ensure that any organisations who are commissioned to do work with or on behalf of MOPAC are fully compliant with the policy and understand their GDPR responsibilities.
- 6.2. This report does not use personally identifiable data of members of the public therefore there are no GDPR issues to be considered.

7. Equality Comments

- 7.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2. There are no equality implications arising from this proposal.

8. Background/supporting papers

- Appendix 1 MPS Report - Rent Review - The Angerstein Centre, Bramshot Avenue, Charlton, London, SE7 7HY

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date: N/A

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – YES

ORIGINATING OFFICER DECLARATION

Tick to confirm statement (✓)

Financial Advice:

The Strategic Finance and Resource Management Team has been consulted on this proposal.

✓

Legal Advice:

The MPS legal team has been consulted on the proposal.

✓

Equalities Advice:

Equality and diversity issues are covered in the body of the report.

✓

Commercial Issues

Commercial issues are covered in the body of the report.

✓

GDPR/Data Privacy

GDPR compliance issues are covered in the body of the report .

✓

Drafting Officer

Alex Anderson has drafted this report in accordance with MOPAC procedures.

✓

Director/Head of Service:

The interim MOPAC Chief Finance Officer and Director of Corporate Services has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

Chief Executive Officer

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature



Date 12/04/2022



MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

**Rent Review - The Angerstein Centre, Bramshot Avenue, Charlton, London,
SE7 7HY**

**Portfolio and Investment Board – March 2022
MOPAC Investment Advisory Monitoring – April 2022**

**Report by the Director of Property Services on behalf of the Deputy
Commissioner**

**Part 1 – This section of the report will be published by MOPAC. It is
classified as OFFICIAL – PUBLIC**

Summary

This report provides a progress update to the MOPAC Decision Ref PCD 746 in June 2020.

This update focuses on the conclusion on the outstanding March 2020 rent review at The Angerstein Centre, following the determination by the independent expert and seeks approval to the revised rent as set out in Part Two.

Recommendations

The Deputy Mayor for Policing and Crime, via the Investment Advisory and Monitoring meeting (IAM), is asked to:

1. **Agree the revised rent following the determination by the independent expert on the March 2020 Rent Review. Noting that future charges will be met from within agreed budgets.**

Time sensitivity

A decision is required from the Deputy Mayor by the end of April 2022 to prevent any delay that could jeopardise the current commercial position.

Non-confidential facts and advice to the Deputy Mayor for Policing and Crime

Introduction and background

1. MOPAC occupy the Angerstein Centre under two leases, known as the North and South site by the Landlord. Both leases commenced on 25th March 2015

for a term of 10 years with a rent review on the 5th year 25th March 2020 and a break on 24th March 2020.

2. MOPAC Decision Ref PCD 746 June 2020, provided approval for the Director of Property Services to enter into negotiations to purchase the freehold of VRES Charlton. At the time the Landlord was in negotiations with Knight Frank over the March 2020 rent review. It was agreed that the negotiation of the rent review should be concluded before proceeding with the purchase of the site.
3. The rent review went to an Independent Expert, who has made a determination on the review with effect from the rent review date of 25 March 2020.

Financial, Commercial and Procurement Comments

1. MOPAC currently occupy Angerstein Centre under two leases, known as the North and South. Following the determination by an independent expert of the rent review, Property Services are seeking approval to pay the increased rent as set out in Part Two.
2. The proposed increased costs will be met from within MTFP budgets.
3. A more detailed breakdown of the financial impact is attached at Part Two.

Legal Comments

1. The delegated approval under the MOPAC Scheme of Consent & Delegation falls to Director of Property Service and does not specifically require approval from Management board via PIB. However, given the significant increase in annual rent, which exceeds the Director of Property Services' delegated authority limit of £500,000, approval is required prior to MOPAC signing the rent review memorandum.
2. The MOPAC Scheme of Consent & Delegation is silent on approvals for rent reviews. The lease has already been approved by MOPAC and contractually entered into. The rent review is a function of the agreed and legally binding lease terms and cannot be avoided or refused. Knight Frank have concluded the rent review with the landlord by negotiation in accordance with established commercial and legal practice and require the signing of the Rent Review Memorandum to confirm this.
3. This paper is not seeking approval for the rent review but is confirming that following the determination by an independent expert of the rent, the rent review is agreed and recommended as described above.

4. Property Services wish to have the Memorandum signed as a matter of urgency as the landlord is pressing for this matter to be resolved. This property is on the retained list and Property Services wish to maintain a strong and positive relationship with the landlord. A delay to the signing of the memorandum may undermine this relationship, potentially to the detriment of our commercial position.

Equality Comments

1. There are considered to be no equality or diversity issues arising from this paper.
2. The following five key objectives agreed by the London Recovery Board:
 - To reverse the pattern of rising unemployment and lost economic growth caused by the economic scarring of Covid-19
 - Narrow social, economic and health inequalities
 - Help young people to flourish with access to support and opportunities
 - Support our communities, including those most impacted by the virus
 - Accelerate delivery of a cleaner, greener London
3. the MPS is fully aware of the implications and requirements under The Anchor Institution Charter, which does not apply in this instance.

Privacy Comments

1. There are no privacy issues identified through the Data Protection Impact Assessment (DPIA) completed for this work. The project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.
2. The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.
3. Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.
4. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

Real Estate Implications

1. This property forms part of the retained estate.

Background/supporting papers

1. Independent Expert Determinations – Angerstein South Site & Angerstein North Site which forms part of the Part Two PIB submission.

Paper Author: Tara Dalton, Head of Estates & Asset Management, PSD

Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.

The Government Security Classification marking for Part 2 is:
OFFICIAL-SENSITIVE [COMMERCIAL]

Rent Review - The Angerstein Centre, Bramshot Avenue, Charlton, London, SE7 7HY

Exempt under Article 2(2) (a) of the Elected Local Policing Bodies (Specified Information) Order 2011 (Data Protection Section 43 – Commercial Interests).

The paper will cease to be exempt after 5 years.