

DMPC Decision – PCD 910

Title: Surrender of Lease – Warren Annex

Executive Summary:

This paper requests the approval for the surrender of a lease for the Warren Annex site in Bromley. The MPS has no operational or other use for this site and seeks early surrender in order to generate savings and avoid future costs. The restricted section of the report sets out the commercial and financial details of this proposal.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

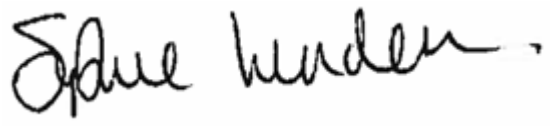
1. Approve the surrender of the lease on the terms set out in the part 1 and part 2 papers.

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

8/2/2021

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

1. Introduction and background

- 1.1. MOPAC has a lease for the Warren Annex - a sports field and pavilion owned by the Metropolitan Police Athletics Association (MPAA).

2. Issues for consideration

- 2.1. The MPS has determined that this is a site which it no longer needs to retain. The lease expires in September 2022. As tenant MOPAC pays a peppercorn rent and is liable for the operating and maintenance costs of the site.

3. Financial Comments

- 3.1. A surrender premium has been negotiated with the freeholder. The cost of the surrender premium will be met from within MPS existing resources.
- 3.2. By surrendering the lease ahead of its expiry MOPAC will make savings on the operating and maintenance costs and avoid the estimated dilapidation liability due at the end of a lease. The estimated annual operating and maintenance costs are £36,000. The further details are contained in the restricted section of the report.

4. Legal Comments

- 4.1. In carrying out its functions, the MOPAC may, under paragraph 7, Schedule 3 of “the Act” “do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office.” This includes entering into contracts and other agreements, in addition to acquiring and disposing of property (including land) under paragraph 7 (2) (b) of Schedule 3 of “the Act.”. The surrender constitutes the disposal of property.
- 4.2. Paragraph 4.16 of the Scheme of Delegation states that all surrenders of leases need to be authorised by the DMPC.

5. GDPR and Data Privacy

- 5.1. 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.
- 5.2. The MPS state that this project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

6. Equality Comments

- 6.1. 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.

- 6.2. The MPS has stated that there are no equality or diversity issues arising from this paper.

7. Background/supporting papers

- Appendix 1 MPS Report Surrender, The Warren Annex, St Dunstons Lane, Wickham Way, Beckenham Kent BR3 3SS

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 – No

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.

✓

GDPR/Data Privacy

GDPR compliance issues are covered in the body of the report

✓

Director/Head of Service:

The interim Chief Finance Officer 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 3/2/2021



MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

**Surrender, The Warren Annex, St Dunstons Lane, Wickham Way, Beckenham
Kent BR3 3SS**

**Portfolio and Investment Board and
MOPAC Investment Advisory Monitoring - October 2020**

**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 summary of the surrender negotiations for The Warren Annex, St Dunstons Lane, Wickham Way, Beckenham, Kent BR3 3SS and seeks approval to surrender the building as set out in Part Two, effective as soon as possible.

Recommendations

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

1. **Approve the surrender of the lease on the terms set out in part 1 and part 2 papers.**

Time sensitivity

A decision is required from the Deputy Mayor by January 2021 to prevent further costs from arising.

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

Introduction and background

1. The Warren Annex is a sports field and pavilion owned by the MPAA the Metropolitan Police Athletic Association and leased by MOPAC, located near Beckenham, Kent.
2. The lease expires in September 2022.
3. The MPS makes no operational or other use of the Warren Annex and has no requirement for the building or site.

- 4.
5. The lease terms include a rent of £1 per annum and an obligation for the tenant to keep the interior and exterior including the structure of the Property in good and tenantable repair and decorative order and in no worse condition that it was in as at the date of entering into the lease.
6. The site costs PSD in the region of £36k per annum to operate and maintain.

Financial, Commercial and Procurement Comments

1. MOPAC currently does not occupy The Warren Annex. Property Services are seeking approval to surrender the lease as set out in Part Two.
2. The proposed costs will be met from within existing resources.
3. A more detailed breakdown of the financial impact is attached at Part Two.

Legal Comments

1. In carrying out its functions, the MOPAC may, under paragraph 7, Schedule 3 of "the Act" "do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office." This includes entering into contracts and other agreements, in addition to acquiring and disposing of property (including land) under paragraph 7 (2) (b) of Schedule 3 of "the Act.". The surrender constitutes the disposal of property.
2. Paragraph 4.16 of the Mayor's Office for Policing and Crime (MOPAC) Scheme of Delegation and Consent states that all surrenders of leases need to be authorized by the DMPC.

Equality Comments

1. There are considered to be no equality or diversity issues arising from this paper.

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

5. The Warren Annex is owned by the Metropolitan Police Athletics Association. The Warren Annex and The Warren are not located on the same site. There is no requirement or operational use of The Warren Annex by the MPS.

Background/supporting papers

Dilapidations Report for The Warren Annex 2019 prepared by Knight Frank LLP. These costs have been accepted under the Heads of Terms by the MPAA.

Report Author: Tara Dalton - Knight Frank LLP

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]

Part 2 of Request for Approval to Dispose of Surplus Real Estate Assets –is exempt from publication for the following reasons:

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 year.

