



Cabinet
15 October 2018

Report from the Strategic Director of Resources

Kingsbury Library and Flats, 522-524 Kingsbury Road NW9 9HE Lease

Wards Affected:	Queensbury
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt Appendix 2 of this report is not for publication as it contains the following category of exempt information in paragraph 3 Schedule 12(A) of the Local Government Act 1972 namely: information relating to the financial or business affairs of any particular person (including the Authority) holding the information.
No. of Appendices:	Two: <ul style="list-style-type: none"> • Library Plan and Location Map • Current Statutory Residential Tenants (Exempt)
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	James Young Commercial Portfolio Manager Email: james.young@brent.gov.uk Tel: 020 8937 1398

1.0 Purpose of the Report

- 1.1 To seek the approval to enter into a new lease for a term of up to 10 years and to delegate authority to the Strategic Director of Resources to agree and specify the terms of the lease

2.0 Recommendation

- 2.1 Delegate authority to the Strategic Director of Resources to negotiate and agree the terms of a lease. The Term of the lease will be for a period of up to 10 years.

3.0 Detail

- 3.1 Brent hold a lease of the ground floor shop/ library and 4 residential flats above. The property is a typical purpose built 1930s retail with residential above property over 3 levels. The library is about 330 m2 and is effectively a triple retail unit, the unit is level with good ground floor access suitable for wheelchair users and those with mobility issues. The property was originally taken as an area housing office as a unified housing benefits centre in 1984 with 4 statutory

residential leases granted. The whole building was managed by Housing HRA. It was subsequently converted to a library (approx 10 years ago) because of its high street location and good access to public transport including Kingsbury Tube (Jubilee Line). The library was previously located on Stag Lane which was poorly located. The four flats continue to house residential tenants on statutory tenancies within the HRA.

- 3.2 The lease expires on 31 October 2018 and the landlord has offered Brent a new lease and commenced the legal process to renew the lease under the Landlord and Tenant Act 1954. Brent has the right to request a new lease for a period of up to 15 years. The current rent is £90,000 per annum of which £61,500 is attributable to the library and £28,500 is attributable to the residential flats.
- 3.3 Brent took its first lease of this building in 1984 and has renewed the lease on a number of occasions since this date.
- 3.4 Brent's property strategy has a preference to own the freehold of any operational buildings. Brent has no other freehold land holdings that are prominently located in the main high street location in Kingsbury. There could be some opportunities on Brent owned land – albeit not located on the shopping street but a short distance away.
- 3.5 There have been issues with the building caused by water leakage from the upper floor flats into the library. There have been 4 separate incidents recorded on the FM helpdesk in the last 12 months. At the present time it is understood these issues have been resolved however an update will be provided.

4.0 Financial Implications

- 4.1 The current annual rental charge for the property is £90,000 per annum, of which £61,500 is internal within the property department and £28,500 comes from the HRA (in relation to the residential flats). Any new rental charge will be split by the same historical proportion (68.2% internal and 31.8% HRA)

5.0 Legal Implications

- 5.1 Section 120 of the Local Government Act 1972 confers a statutory right for the council to purchase or lease land and buildings for the purpose of any of the Council's functions or for the benefit of improvement or development of its area.
- 5.2 The Council's lease is protected by the Landlord and Tenant Act 1954. This means that the Council has a statutory right to renew the lease.
- 5.3 The lease can be brought to an end by the Landlord by virtue of the section 25 of the Landlord and Tenant Act 1954, but only where certain statutory grounds apply. The Landlord has confirmed that in the notice that they are prepared to enter into a new lease with the Council
- 5.4 The Council must however enter into a new lease no later than the 31 October 2018. Should the Council fail to enter into a lease by this date then the Council would be required to make an application to court to protect its position.

6.0 Equality Implications

6.1 The service provides a wide range of facilities it is ground floor and fully accessible to less mobile users.

7.0 Consultation with Ward Members and Stakeholders

7.1 None

8.0 Human Resources/Property Implications (if appropriate)

8.1 A number of library staff are currently working from the building.

Report sign off:

ALTHEA LODERICK
Strategic Director of Resources