



NOTIFICATION OF DECISION FOR URGENT IMPLEMENTATION

(Decision either included or not included on the current Forward Plan but needs to be implemented immediately by virtue of the urgency of the actions that need to be undertaken. This decision will not be subject to call-in.)

ORIGINATOR'S DETAILS

Name & Contact details: Jeremy Pilgrim, Head of Property on 020 7525 1133

DETAILS OF THE REPORT

Title: Harmsworth Quays Assignment

Summary: To instruct officers to consent to the assignment of various leases at Harmsworth Quays from Associated Newspapers Limited (ANL) to British Land

ANL operates a print works out of Harmsworth Quays. Two of the plots on the site are owned freehold by ANL, the other plots are the council's freehold and are occupied by ANL by way of a number of leases.

ANL has chosen to exercise its right to sell its interest to a third party by way of an assignment of the Lease. As a result, the council is legally bound to consider requests to assign in accordance both with its statutory obligations and with the Lease terms and to act reasonably in deciding whether or not to consent to such requests.

The report sets out further background to the applications made by ANL to assign the various leases to British Land and is recommending consent to the assignment.

Why is this decision required?

Under the terms of the lease between the council (landlord) and Associated Newspapers Ltd (tenant) the council is obliged to consider and act reasonably in any application received by the tenant to assign their lease.

In September 2012 ANL submitted a first application of assignment to British Land which the council considered but confirmed it was not able to accept at this time. ANL subsequently commenced legal proceedings to challenge the council's refusal and the deadline for the court action is set as 15 March 2013.

In late December ANL submitted a second application. Discussions and exchange of information between the interested parties took place in January and February 2013. On the 8 February the council received additional supporting information which it considered satisfactory. It was at this point, the council was able to progress the issue with a view to recommending consent to the assignment. Since then officers have been liaising with legal representatives to prepare the report and ensure legal compliance within the terms of the lease in respect to 'reasonableness' on the decision and time frame.

The council is now at a stage where it can recommend consent. However if consent to the assignment is not given before the 15 March 2013 the court action will commence and expense to the council incurred. In order to avert court action the council must submit an application to the court to discontinue court action undertaken by the Assignor (Associated Newspapers Ltd). The application to the High Court is required to be received by legal notice no later than 15 March 2013. In order to meet this deadline, it is imperative this decision is implemented by Monday 11 March 2013 to allow time for the necessary paperwork to be completed and submitted. This deadline would not allow for the normal constitutional timescales to be followed, hence this request for urgent implementation.

Date decision to be taken by: 11 March 2013

Declaration

I agree/disagree* with the Chief Officer/Head of Service that the proposed Decision is reasonable and that it can be treated as a matter of urgency.

Reason for refusal

Signed..... Dated.....

Chair of Overview & Scrutiny Committee/Mayor/Deputy Mayor*

* delete as appropriate

Please note reasons for refusal, additional points or further action required (as appropriate)

Please return completed form to Sean Usher /Ian Millichap, Constitutional Team, 160 Tooley Street, PO Box 64529, London, SE1P 5LX – tel: 020 7525 7232