

**Notice of NON KEY Executive Decision containing exempt information**

**This Executive Decision Report is part exempt and Appendices A is not available for public inspection as it contain) or relates to exempt information within the meaning of paragraph 7 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to financial and business affairs of the Tenant and the public interest in maintaining the exemption outweighs the public interest in disclosing the information**

<b>Subject Heading:</b>	<p><b>Subject Property:</b> 13,(and Flat 29) Camborne Avenue, Harold Hill, Romford RM3 8RH</p> <p><b>Event:</b> Service of a Non-Opposing Section 25 Notice</p>
<b>Decision Maker:</b>	Paul Walker – Interim Director – Housing & Property, Place
<b>Cabinet Member:</b>	Councillor Paul McGeary – Cabinet Member for Development and Regeneration
<b>SLT Lead:</b>	Neil Stubbings - Strategic Director of Place
<b>Report Author and contact details:</b>	<p>London Borough of Havering (LBH) Helen Gardner Senior Estates Surveyor Property Services Town Hall Main Road Romford RM1 3BD</p> <p>Tel: 01708 434123 <a href="mailto:helen.gardner@havering.gov.uk">helen.gardner@havering.gov.uk</a></p>
<b>Policy context:</b>	Asset Management Plan
<b>Financial summary:</b>	The financial aspects for the transaction are detailed in the <u>EXEMPT Appendix A</u> to this Report
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Place

**Non-key Executive Decision**

<b>Is this decision exempt from being called-in?</b>	The decision will be exempt from call in as it is a Non-key Decision
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**The subject matter of this report deals with the following Council Objectives**

- People - Things that matter for residents ( )
- Place - A great place to live, work and enjoy (x)
- Resources - A well run Council that delivers for People and Place ( )

**Part A – Report seeking decision**

<b>DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION</b>
<b>Background</b>

## **Non-key Executive Decision**

To note the exercising of delegated authority by the appropriate Property Officer to instruct the Council's legal team to prepare and serve a non opposing S.25 notice as per the details in Appendix 1.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

Havering Council's Constitution Part 3 (Aug 2017 - current)

#### **3.9.3 Asset Management Functions**

##### **(i) Property Strategy Functions**

- (i) To conduct preliminary negotiations, negotiate, agree and conclude all property matters including the making and settling of rating appeals on council property and property valuations for all purposes.
- (ix) To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation and use, reviews, acquisitions and disposals, and commercial estate management.

### **STATEMENT OF THE REASONS FOR THE DECISION**

#### **Background**

The above property is leased to Murat Mor on a 15 year Lease commencing 18<sup>th</sup> October 2008 that is protected by the Landlord & Tenant Act 1954. The retail premises is a mid terrace lock up shop including a self-contained residential flat above. The Tenant is currently holding over. The property is used as a fish and chip takeaway.

A Valuation Report dated 2<sup>nd</sup> April 2024 from property consultants Hilbery Chaplin provides comparable evidence to suggest an uplift in rent and have advised to serve a non-opposing Section 25 Notice bringing the current lease to an end and granting a new lease on the terms detailed in Appendix A.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

- Option: To not serve a non-opposing Section 25 Notice and agree new Lease terms with the existing Tenant.
- Rejected: There is no good reason not to serve a non-opposing Section 25 Notice and agree new Lease terms with the existing tenant.

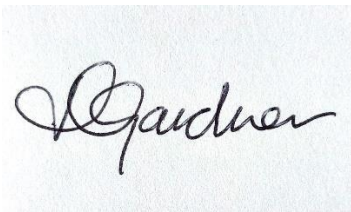
**Non-key Executive Decision**

**PRE-DECISION CONSULTATION**

None

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Helen Gardner  
Designation: Senior Estates Surveyor  
Signature:

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to read 'H. Gardner'.

Date: 09/05/2024

## Non-key Executive Decision

### Part B - Assessment of implications and risks

#### **LEGAL IMPLICATIONS AND RISKS**

This is a minor matter that will be completed by the Legal Department.

#### **FINANCIAL IMPLICATIONS AND RISKS**

No financial risks identified.

#### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

No human resources implications and risks have been identified.

#### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a proposed or planned activity is likely to affect staff, service users, or other residents.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

There are no equalities and social inclusion implications and risks associated with this decision.

**Non-key Executive Decision**

**ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

No Environmental and Climate Change implications identified.

**BACKGROUND PAPERS**

None

**APPENDICES**

<b>Appendix A</b>	Landlord's Proposals for A Non-Opposing Section 25 Notice - Exempt
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**Non-key Executive Decision**

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed



Name: **Paul Walker**

Cabinet Portfolio held:

CMT Member title:

Head of Service title: Interim Director – Housing & Property Place Directorate

Other manager title:

Date: **09.05.24**

**Lodging this notice**

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_