

Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendix A is not available for public inspection as it contain) or relates to exempt information within the meaning of paragraph 1 & 3 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

Subject Heading:	<p>Subject Property: Parklanes Wykeham Nursery aka Property located off Barton Road and Mansard Close, Hornchurch, RM12 4AA</p> <p>Event: Tenancy at Will</p>
Decision Maker:	Mark Butler - Assistant Director of Regeneration & Place Shaping
Cabinet Member:	Councillor Paul McGeary – Cabinet Member for Housing and Property
SLT Lead:	Neil Stubbings - Strategic Director of Place
Report Author and contact details:	<p>London Borough of Havering (LBH) Luke Kubik Estates Surveyor Property Services Town Hall Main Road Romford RM1 3BD</p> <p>Tel: 01708 434 176 E: luke.kubik@havering.gov.uk</p>
Policy context:	Asset Management Plan

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Financial summary:	The financial aspects for the transaction are detailed in the <u>EXEMPT Appendix A</u> to this Report
Relevant Overview & Scrutiny Sub Committee:	Place
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

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 (x)

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Background

The above property is currently leased to joint tenants, Beverley Jane Nicholls and Parklanes Wykeham Nursery Ltd (“the tenant”) on a 10 year lease which commenced on 23 March 2015. The lease is not protected by the Landlord & Tenant Act 1954 meaning the Tenants do not have rights of renewal. During the term the tenant has erected a single storey modular classroom outbuilding on the land to the rear of the of the current building. The property is used as a high quality private sessional pre-school, breakfast club, after-school club and holiday club setting providing OFSTED registered childcare (or its replacement accreditation registration). the lease requires the tenant is required to attain and maintain ‘Good’ or ‘outstanding’ OFSTED assessments under

The lease is due to end on 22 March 2025 and to regularise the Tenants occupancy beyond the lease expiry while a new lease is being agreed, a tenancy at will is required at the passing rent detailed in Appendix A.

The annual rent is paid to Wykeham Primary School under the terms of the lease, not Havering Council.

Recommendations

The Council agrees that in order to regularise the Tenants occupation of the premises, Property Services prepare and agree a tenancy at will with the Tenant until the new lease is completed.

Decisions

Formal authority is hereby given for Property Services to complete a tenancy at will for the Tenant to sign and complete to regularise the Tenants occupation until the new lease is completed.

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council’s Constitution Part 3.3 scheme 3.3.5 (2nd April 2024 - current)

8.1 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, security and use, reviews, acquisitions and disposals, and commercial estate management.

STATEMENT OF THE REASONS FOR THE DECISION

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A Tenancy at Will is needed to regularise the Tenants occupation as this excluded Act lease is due to expire on 22 March 2025.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to produce a Tenancy at Will
Rejected: Not getting the Tenant to sign a Tenancy at Will could mean the Tenant secures rights under the Landlord & Tenant 1954 Act.

PRE-DECISION CONSULTATION

None

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

Name: Luke Kubik
Designation: Estates Surveyor
Signature:



Date: 3 April 2025

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has a general power of competence under Section 1 of the Localism Act 2011, which gives the power to do anything an individual can do, subject to any statutory constraints on the Council's powers ("the General Power"). The recommendations in this report are in keeping with the General Power.

Local Government Act 1972 Section 111 Subsidiary powers of local authorities

Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

FINANCIAL IMPLICATIONS AND RISKS

Wykeham Primary School will continue to receive rental income whilst the tenancy at will is in place and the new lease is being agreed.

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 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

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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 and on this occasion this isn't required.

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.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

No Environmental and Climate Change implications identified.

BACKGROUND PAPERS

None

APPENDICES

Appendix A	Tenancy at Will Summary	Exempt
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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

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Signed



Name: Mark Butler

Position: Assistant Director of Regeneration & Place Shaping

Date: 04.04.2025

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 _____