

## 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

<b>Subject Heading:</b>	<p><b>Subject Property:</b> Upminster Hall Playing Fields Pavilion, Hall Lane, Upminster RM14 2AJ</p> <p><b>Event:</b> Rent Review – February 2025</p>
<b>Decision Maker:</b>	Mark Butler - Assistant Director of Regeneration & Place Shaping
<b>Cabinet Member:</b>	Councillor Paul McGeary – Cabinet Member for Housing and Property
<b>SLT Lead:</b>	Neil Stubbings - Strategic Director of Place
<b>Report Author and contact details:</b>	<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: <a href="mailto:luke.kubik@havering.gov.uk">luke.kubik@havering.gov.uk</a></p>
<b>Policy context:</b>	Asset Management Plan

**Non-key Executive Decision**

<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
<b>Is this decision exempt from being called-in?</b>	<b>The decision will be exempt from call in as it is a Non key Decision</b>

**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

To complete the February 2025 rent review in accordance with the terms set out in the Exempt Appendix. Property Services is to produce a rent review memorandum to be signed by the Tenant and the Assistant Director of Regeneration & Place Shaping, London Borough of Havering. The Estates Surveyor is to then issue a completion statement to instruct the collection of the increased rents.

### AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution Part 3.3 scheme 3.3.5 (2<sup>nd</sup> 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

#### Background

Upminster Hall Playing Fields Pavilion is leased to the tenant on a 28 year lease commencing on 4 February 2005 that is protected by the Landlord & Tenant Act 1954. A supplemental lease was granted in 2010 for additional land and an additional rent. The property is used as a sports pavilion only.

The leases allows for the rents to be reviewed every 4 years with the February 2025 review of rents as described in Appendix A being the subject of this delegated authority.

The leases allow the rents to be reviewed upwards only to the higher of the open market rent or RPI compounded increases.

A valuation report confirms that the RPI increase produces the higher rents as per Appendix A which demonstrates that best consideration for the property under section 123 of the Local Government Act 1972 has been achieved. A rent review memorandum is required to document the uplift in rent.

The leases allow for the rents to be increased to the higher of the open market rent or RPI compounded increases. A rent review memorandum is required to document the increase.

**Non-key Executive Decision**

It is recommended that in order to complete the February 2025 rent review, Property Services is to produce a rent review memorandum to be signed by the Tenant and the Assistant Director of Regeneration & Place Shaping, London Borough of Havering. The Estates Surveyor is to then issue a completion statement to instruct the collection of the increased rents.

**OTHER OPTIONS CONSIDERED AND REJECTED**

Option: Not to review the rent.  
Rejected: There is no reason to not review the rent as the lease allows the rent to be increased.

**PRE-DECISION CONSULTATION**

None

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

Name: Luke Kubik  
Designation: Estates Surveyor  
Signature:



Date: 15 May 2025

## Part B - Assessment of implications and risks

### **LEGAL IMPLICATIONS AND RISKS**

Clause 5(ii) of the lease permits the council to uplift the rent in accordance with the terms as stipulated in Appendix A.

The rent review uplift will be implemented internally by the council's property services team and recorded by way of a rent review memorandum and a completion statement.

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 recommendation in this report is in keeping with the General Power.

### **FINANCIAL IMPLICATIONS AND RISKS**

The rent review will generate additional rental income for Property Services, during the term of the lease. VAT is not chargeable on the rent.

### **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.

**Non-key Executive Decision**

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**      Landlord's Proposals for the February 2025 Rent Review - Exempt

**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: Mark Butler

Position: Assistant Director of Regeneration & Place Shaping

Date: 21.05.2025

**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 \_\_\_\_\_