

## 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 & 2 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to financial and business affairs of the lessee 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> Breton's Lake, Rainham, RM13 7LP</p> <p><b>Event:</b> Side letter to lease - suspension of rent for 12 months</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>	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 leased to the lessee on a 6 year lease that is not protected by the Landlord & Tenant Act 1954 commencing 14 July 2023. The lease give the exclusive right of the lessee and person authorised by him/her to catch fish or to hold fish stock at the above lakes.

The River Beam has regularly breached its banks following heavy rainfall. Sluice gates were installed to help prevent the River Beam breaching its banks but these works have unfortunately compounded the problem. When the tide is high, the gates close in a way that causes the water to back up rapidly. This presents a serious health and safety risk to both the general public and any anglers using the lake.

In light of the above issues, an assessment was carried out by the Council's Flood and Water Management Team and a quote has been submitted for works in excess of £100,000.

The lessee has been unable to operate at the site due to the flooding and until the necessary works are carried out they are unable to begin operating.

#### **Recommendations**

It is recommended that the Council agrees that Property Services drafts a personal side letter as per the details in Appendix A.

#### **Decisions**

Formal authority is hereby given to instruct Property Services to draft a personal side letter as per the details in Appendix A.

### **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.

**Non-key Executive Decision**

**STATEMENT OF THE REASONS FOR THE DECISION**

The lessee is unable to operate at Bretons Lake due to safety reasons until works are carried out by the Council to prevent the River Beam breaching its banks.

**OTHER OPTIONS CONSIDERED AND REJECTED**

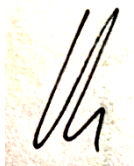
Option: Not to agree to a personal side letter as detailed in Appendix A.  
Reason: As the lessee is unable to operate at Bretons Lake it would be unreasonable to continue to demand rent until the repairs are carried out by the Council to prevent the River Beam from breaching its banks.

**PRE-DECISION CONSULTATION**

None

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

Name: Luke Kubik  
Designation: Estates Surveyor  
Signature:

A handwritten signature in black ink, appearing to be 'LK' or similar, on a light-colored background.

Date: 6 June 2025

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

The recommendation of this report requires the council to pause the rent being charged pursuant to the lease which will be documented by way of a side letter.

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 River Beam has regularly breached its banks following heavy rainfall. Sluice gates were installed to help prevent the River Beam breaching its banks but these works have unfortunately compounded the problem. This presents a serious health and safety risk to both the general public and any anglers using the lake.

In light of the above issues, an assessment was carried out by the Council's Flood and Water Management Team and a quote has been submitted for works in excess of £100,000.

The lessee has been unable to operate at the site due to the flooding and until the necessary works are carried out they are unable to begin operating.

This lessee does not have an outstanding balance on their rent account.

The financial implication being the loss of rental income from the prohibition of the use of the site, which is anticipated to be for a period of approximately 12 months, commencing from 1<sup>st</sup> June 2025 – 31<sup>st</sup> May 2026.

Details of the annual rent (and consequently the income foregone) are set out in the exempt Appendix.

There is a risk that the suspension period may need to be extended beyond 12 months, due to potential delays in identifying appropriate funding sources for the remedial works to the weir and river bank of the lake at Bretons Outdoor Recreation Centre, which the River Beam runs through.

### **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**

## **Non-key Executive Decision**

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 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 Suspension of Rent - 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: 09.06.2025

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