

## 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 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> Ingrebourne Day Nursery, Ashbourne Road, Harold Hill, Romford, RM3 7YT</p> <p><b>Event:</b> Tenancy at Will</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@haverling.gov.uk">luke.kubik@haverling.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 Ingrebourne Day Nursery (“the Property”) is located in the Ingrebourne Children’s Centre building. The tenant is on a tenancy at will due that expires on 30 June 2025 as the Council were in negotiations with the tenant for a new lease. The tenant has indicated they will not be agreeing to the proposed heads of terms and have proposed a date to vacate the Property on 31 August 2025. On this basis a new tenancy at will is required to regularise the tenancy beyond 30 June 2025. The tenancy at will can be terminated at any time by either party by informing the other party and the intention is to end the tenancy at will on 31 August 2025.

#### **Recommendations**

The Council agrees that in order to regularise the tenancy from 1 July 2025, the Estates Surveyor, LBH oneSource - Property Services prepares and sends a tenancy at will to the tenant to sign and for the Assistant Director of Regeneration & Place Shaping to countersign to regularise the tenancy.

#### **Decisions**

Formal authority is hereby given to regularise the tenancy from 1 July 2025, the Estates Surveyor, LBH oneSource - Property Services prepares and sends a tenancy at will to the tenant to sign and for the Assistant Director of Regeneration & Place Shaping to countersign to regularise the tenancy.

### **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**

A tenancy at will is needed to regularise the tenant’s occupation beyond 30 June 2025 when the current tenancy at will expires on as the tenant will be vacating on 31 August 2025.

**Non-key Executive Decision**

**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 gains 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:

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

Date: 18 June 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 recommendation in this report is in keeping with the General Power.

### **FINANCIAL IMPLICATIONS AND RISKS**

There are no financial changes in this Report, as it is seeking approval to extend the current arrangement by two months.

### **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**

**Appendix A**      Tenancy at Will Summary      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: 26.06.2025

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