

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

Subject Heading:	<p>Subject Property: Ingrebourne Neighbourhood Nursery, Ashbourne Road, Harold Hill, Romford, RM3 7YT</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 Ingrebourne Neighbourhood Nursery (“the Property”) is located in the Ingrebourne Children’s Centre building. The tenant is on a tenancy at will as the Council (as landlord) is in negotiations with the tenant to grant a new lease, the tenancy at will expires on 30 June 2025. A new lease will not be completed by 30 June 2025 and a new tenancy at will is required to regularise the tenancy beyond 30 June 2025 while negotiations continue. The tenancy at will can be terminated at any time by either party by informing the other party.

Recommendations

The Council agrees that in order to regularise the tenancy from 1 July 2025 that 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 that 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 (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

A tenancy at will is needed to regularise the tenant’s occupation beyond 30 June 2025 when the current tenancy at will expires to allow for negotiations to continue and terms for a new lease to be agreed. .

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OTHER OPTIONS CONSIDERED AND REJECTED


Option: Not to produce a tenancy at will.
Rejected: Not regularising the tenant occupation by way of 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, on a light-colored background.

Date: 20 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

The rent will stay the same during the Tenancy at Will period, whilst the terms of the new lease are negotiated.

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.

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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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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: 30/06/2025

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 _____