

## Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendices A is not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 1 and 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> 8-10 The Arcade, Romford RM3 8EB</p> <p><b>Event:</b> Tenancy at Will and New Lease</p>
<b>Decision Maker:</b>	Mark Butler – Assistant Director of Regeneration & Place Shaping
<b>Cabinet Member:</b>	Councillor Paul McGeary – Cabinet Member for Property & Housing
<b>SLT Lead:</b>	Neil Stubbings - Strategic Director of Place
<b>Report Author and contact details:</b>	<p>London Borough of Havering (LBH) Helen Gardner Senior Estates Surveyor Property Services Town Hall Main Road Romford RM1 3BD</p> <p>Tel: 01708 434123 <a href="mailto:helen.gardner@havering.gov.uk">helen.gardner@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 ( )

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To note the exercising of delegated authority by the appropriate property officer to approve the grant of a Tenancy at Will, followed by the preparation of a new lease by Bevan Brittan in accordance with 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.

Part 3.3 Appendix A Code of practice: disposal of property

To dispose of any property or asset of the Council provided that the value of the property or asset is less than £1,000,000. The delegation is subject to the following requirements: (a) complying with the Code of Practice on the Disposal of Surplus Property (b) in cases where the Cabinet has already approved the principle but not the terms of a property disposal without the invitation of competitive bids, the provisionally agreed terms of any disposal exceeding £1,000,000 shall be reported to Cabinet for approval before the transaction is concluded. (c) In cases that have not been the subject of competitive bids but are below £1,000,000 in value, the provisionally agreed terms of disposal shall be reported to the Strategic Director of Resources, before the transaction is concluded. (d) complying with relevant Council policy on property transactions (e) referring a matter for Member decision where it is proposed to recommend other than the best financial bid 8.7 concluding valuation and property disputes forming

### STATEMENT OF THE REASONS FOR THE DECISION

#### Background

The proposed tenant currently occupies a unit within the first phase of the regeneration scheme of the Hildene Avenue/ Farnham Road shopping area. The lease of their existing unit was brought to an end by a S.25 notice and they have been occupying under a tenancy at will, which can be terminated at any time until their move to this property. By mutual agreement, the tenant will be vacating around 7<sup>th</sup>

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July 2025 to allow for demolition to commence in the Autumn 2025. The tenant is going to relocate to the subject property which is a mid-terrace double unit and has been vacant for nearly a year.

This tenant is a valued part of the area and has always been a 'good tenant' and as such we are agreeable to them continuing their occupation within the development. In order to expedite this relocation, we would propose a tenancy at will while a new short term lease is being processed. The terms agreed are based on the best open market rent achievable for this unit at this time and are as detailed in Appendix A.

#### **Recommendations**

It is recommended that the Senior Estates Surveyor, London Borough of Havering - Property Services, prepares the tenancy at will and once completed, circulates the completion report. It is also recommended that the Senior Estates Surveyor instructs Bevan Brittan to prepare the new lease as per the details in Appendix A.

#### **OTHER OPTIONS CONSIDERED AND REJECTED**

Option: Not to proceed with the Tenancy at Will and the new lease.

Rejected: There is no reason not to agree a new letting as this will provide an income stream and end the utilities and rates liability for the Council. The tenancy at will is an interim agreement to regularise the tenant's occupation at the property.

#### **PRE-DECISION CONSULTATION**

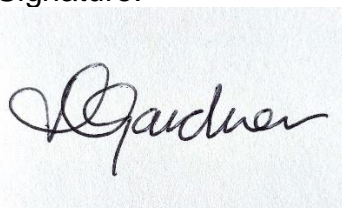
None

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

Name: Helen Gardner

Designation: Senior Estates Surveyor

Signature:

A handwritten signature in black ink, appearing to read 'H. Gardner', is written over a light blue rectangular background.

Date: 03/07/25

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

### **LEGAL IMPLICATIONS AND RISKS**

The recommendation of this report requires the Council to grant a tenancy at will and new lease in accordance with the terms stipulated in Appendix A. The lease has a contractual term of 5 years and is not afforded security of tenure. Therefore, the tenant will not have an automatic right to renew when the lease expires and must vacate the premises unless a new lease is negotiated.

The tenancy at will is a short term arrangement to regularise the tenant's occupation of the property whilst the lease is being prepared. Either tenant or the Council can terminate the agreement at any time.

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.

s123 of the Local Government Act 1972 ("LGA 1972") allows principal Councils to dispose of land as they wish for the best consideration that can reasonably be obtained unless with the consent of the Secretary of State or by way of a short-term tenancy. It is noted that the rent negotiated is the 'best rent achievable for the unit and therefore the Council can comply with the duty to obtain best consideration, pursuant to s.123 LGA 1972.

The recommendation in this report is in keeping with the aforementioned powers.

### **FINANCIAL IMPLICATIONS AND RISKS**

Moving the tenant to this property, will generate income for the Council, as it has been empty for almost a year.

### **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;

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- (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 is not required.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

There are not any 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 Tenancy at Will / New Lease - 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**

Agreed

**Details of decision maker**

Signed 

Name: Mark Butler

Position: Assistant Director of Regeneration & Place Shaping

Date: 04.07.2025

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