



Havering
LONDON BOROUGH

Notice of NON KEY Executive Decision containing exempt information

This Executive Appendix A of this report is not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 2 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to Information which is likely to reveal the identity of an individual and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Subject Heading:	Subject Property: New Windmill Hall, St Marys Lane, Upminster, RM14 2QH Event: Tenancy at Will
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:	London Borough of Havering (LBH) Luke Kubik Estates Surveyor Property Services Town Hall Main Road Romford RM1 3BD Tel: 01708 434 176 E: luke.kubik@havering.gov.uk
Policy context:	Asset Management Plan
Financial summary:	The financial aspects for the transaction are detailed in the <u>EXEMPT Appendix A</u> to this Report

Non-key Executive Decision

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

New Windmill Hall was leased to the tenant on a 10 year lease commencing on 30 July 2022 that is not protected by the Landlord & Tenant Act 1954. The property is used as a as a community centre for providing facilities for recreation and social purposes or education and physical training. There was a landlord only break option on the third anniversary of the lease commencement date on a minimum of 6 months' notice.

The landlord served notice on the tenant to end the lease on 30 July 2025 as the site was identified for possible redevelopment. Following this it has been concluded that any redevelopment is unlikely to happen in the short term. To regularise the tenant occupation beyond 30 July 2025 a tenancy at will is required. This will allow terms to be agreed for a new lease.

Recommendations

The Council agrees that in order to regularise the tenant's occupation of the premises, Property Services prepare and send a tenancy at will for the tenant to sign.

Decisions

Formal authority is hereby given for Property Services to complete a tenancy at will for the tenant to sign and complete to regularise the tenant's occupation.

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 as this excluded of s24-28 Landlord and Tenant Act lease is due to expire on 30 July 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:



Date: 5 August 2025

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The report seeks authority to grant a tenancy at will to the tenant whilst the parties negotiate the terms of the lease. The interim arrangement will govern the short term occupation of the tenant at the premises and can be determined by either party 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. The recommendation in this report is in keeping with the aforementioned powers.

FINANCIAL IMPLICATIONS AND RISKS

There are no financial changes resulting from this report, as the annual rent figure will remain the same.

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.

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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 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: 06.08.2025

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 _____

Non-key Executive Decision