

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 contain) 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

Subject Heading:	<p>Subject Property: 39, 41-43 and 45 Tennyson Road, Harold Hill, Romford ESSEX RM3 7AH ("the Properties")</p> <p>Event: Assignment</p>
Decision Maker:	Mark Butler – Assistant Director of Regeneration & Place Shaping
Cabinet Member:	Councillor Paul McGeary – Cabinet Member for Property & Housing
SLT Lead:	Neil Stubbings - Strategic Director of Place
Report Author and contact details:	<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 helen.gardner@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 ()

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 instruct the Council's legal team to prepare the licences to assign the leases as per the details in Appendix A.

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.

8.6 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

STATEMENT OF THE REASONS FOR THE DECISION

Background

The Properties are occupied under three protected leases and the tenant wishes to assign all three leases to the same assignees. The properties comprise a parade of 4 retail units with a residential flat above no 45. The 4 units are used for 3 different uses with a double unit in the centre. They are used as a hairdresser, 39, grocery store, 41-43, and café, 45.

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In respect of two of the leases, 39 and 41-43, these expire at the same time and terms are agreed and they are with legal in the process of renewal. It is planned that the assignment of these will take place as soon as possible once the new leases have completed.

The lease of no 45 continues until 28 September 2036 and therefore this is just an assignment.

Under the terms of the lease, an assignment is permitted subject to landlord's consent which cannot be unreasonably withheld. The proposed assignees are existing tenants of the Council and have a good rental payment record and are 'good' tenants. We have also secured a rent deposit and therefore have no hesitation in recommending this assignment for approval.

Recommendations

It is recommended that the Senior Estates Surveyor, London Borough of Havering - Property Services, instructs the Legal Department to prepare and complete the Licences to Assign on the terms detailed in Appendix A.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to approve the assignment of the 3 leases.

Rejected: There is no good reason not to agree to the assignment as the proposed assignees are good existing tenants and the Council cannot unreasonably withhold consent.

PRE-DECISION CONSULTATION

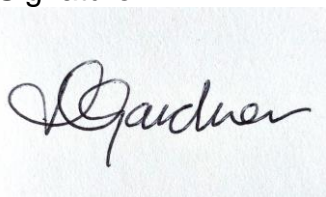
None

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.

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Date: 08.08.25

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The recommendation of this report requires the Council to grant consent to the assignment of three leases in accordance with Appendix A. Pursuant to clause 2(11), the tenant (assignor) requires the prior written consent (such consent, not to be unreasonably withheld) of the Council before an assignment of the demised premises takes place. The consent is recorded by way of a licence to assign and allows the Council, if reasonable to do so, to request that the assignor enter into an authorised guarantee agreement. Property Services has undertaken the relevant due diligence and confirmed that the assignee is of good covenant strength.

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 power.

FINANCIAL IMPLICATIONS AND RISKS

The assignment of the leases for these premises will not result in any changes to the financial arrangements agreed previously with the tenant.

The tenant will be responsible for paying the Councils legal and surveyors fees.

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.

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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 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 Assignment - Exempt

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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: 13.08.2025

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 _____