

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

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| Subject Heading: | <p>Subject Property: Playfootball at King George's Playing Fields, Eastern Avenue West, Romford, RM7 7AY ("the Property")</p> <p>Event: Deed of Variation and Licence for Alteration</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

To note the exercise of delegated authority to agree a variation to the user clause within the lease, and to approve physical alterations at the site

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.

The above delegated authority is the subject of a sub-delegation from the Strategic Director to the Assistant Director, Regeneration & Place Shaping

STATEMENT OF THE REASONS FOR THE DECISION

Background

Powerleague Fives Ltd ("the Tenant") is the tenant of the Property pursuant to a lease dated 13 July 2021. The lease is for a term of 30 years commencing on 26 September 2021 that is protected by the Landlord & Tenant Act 1954. The Property is used as a high quality publically available recreation facility for the provision of five and seven aside soccer pitches with ancillary changing accommodation offices clubhouse bar and social facilities.

The Tenant has received planning permission to build four Padel courts to the rear of the football pitches at the premises. The lease requires the Tenant to seek the landlord's consent to make alterations that do not fall under internal non-structural alterations or minor alterations to the football pitches, such consent is not to be unreasonably withheld.

Due to the user clause only allowing the premises to be used for football, a Deed of Variation is required to vary the user clause to include Padel.

OTHER OPTIONS CONSIDERED AND REJECTED

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| Option: Rejected | Not to agree to alter the lease and the alterations. The lease allows for alterations and permission is not to unreasonably be withheld. |
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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, written over a light gray grid background.

Date: 21 August 2025

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The recommendation of this report requires the Council to enter into a deed of variation and licence for alterations in accordance with the terms stipulated in Appendix A.

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 the Deed of Variation or the Licence for Alterations. Under the Landlord and Tenant Act 1954, improvements made during a tenancy by the tenant, will not affect the current rent value. This is primarily due to the general logic that the overall asset value will have risen because of the improvements provided by the tenant. The improvements would only factor into a new lease agreement if such agreement were entered into 21 years or more after the improvements are completed. The current lease will expire in 2051.

The Council's legal and surveyor costs will be borne by the Tenant.

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 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: Deed of Variation Summary & Licence for Alterations Summary
- Exempt

Non-key Executive Decision

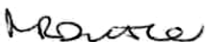
Part C – Record of decision

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: 22.08.2025

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 _____