

## 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

<b>Subject Heading:</b>	<b>Subject Property:</b> 1-3 The Arcade, Farnham Road, Harold Hill, Romford RM3 8EB  <b>Event:</b> Lease Surrender
<b>Decision Maker:</b>	Mark Butler - Assistant Director of Regeneration & Place Shaping
<b>Cabinet Member:</b>	Councillor Paul McGeary – Cabinet Member for Housing & Property
<b>SLT Lead:</b>	Neil Stubbings - Strategic Director of Place
<b>Report Author and contact details:</b>	London Borough of Havering (LBH) Helen Gardner Senior Estates Surveyor Property Services Town Hall Main Road Romford RM1 3BD  Tel: 01708 434 123 E: <a href="mailto:helen.gardner@havering.gov.uk">helen.gardner@havering.gov.uk</a>
<b>Policy context:</b>	Asset Management Plan
<b>Financial summary:</b>	The financial aspects for the transaction are detailed in the <u>EXEMPT Appendix A</u> to this Report

**Non-key Executive Decision**

<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Place
<b>Is this decision exempt from being called-in?</b>	<b>The decision will be exempt from call in as it is a Non key Decision</b>

**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 and complete a Deed of Surrender as per the details in Appendix A.

### AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution Part 3.3 Scheme 3.3.5 (2 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

#### Background

The above property is held on a 10 year Landlord & Tenant Act excluded lease commencing 11<sup>th</sup> January 2021 and expiring 10<sup>th</sup> January 2031. The property is currently used as a hairdressers and consists of a double ground floor shop unit.

Originally, the tenant activated their break clause in January 2026 due to health reasons. However, as this unit is part of the later phases of the Hilldene/Farnham Road regeneration plan and following discussions with the regen team, it is proposed that we accept a slightly earlier surrender of the lease so that this unit can be used for relocating a tenant whose unit is in the first phase of the development and will be displaced next year. The existing tenant is in agreement with a deed of surrender being completed as detailed in Appendix A.

#### Recommendations

The Council agrees that the Senior Estates Surveyor instructs the Council's legal team to prepare and complete a deed of surrender.

**Non-key Executive Decision**

**OTHER OPTIONS CONSIDERED AND REJECTED**

Option: Not to agree a deed of surrender

Rejected: Obtaining vacant possession of this unit will provide much needed relocation space during the redevelopment.

**PRE-DECISION CONSULTATION**

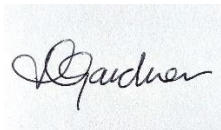
None

**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: 09.09.25

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

### **LEGAL IMPLICATIONS AND RISKS**

The recommendation of the report is to enter into a deed of surrender to terminate the lease before the expiry of the contractual term. The deed recognises that both the Council and tenant are in agreement that the tenancy will terminate and the tenant will vacate the premises. The tenant will be required to settle any liabilities before the deed of surrender is completed.

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**

While the surrender of this lease will result in lost income to Property Services. The proposal to use the premise to relocate one of the businesses affected by the first phase of the Hilldene/Farnham Road Regeneration Scheme, will help to mitigate this.

The costs associated with drawing up the deed of surrender will be paid from existing budgets.

### **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.

**Non-key Executive Decision**

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.

**ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

No Environmental and Climate Change implications identified.

**BACKGROUND PAPERS**

None

APPENDICES		
Appendix A	Surrender	Exempt

**Non-key Executive Decision**

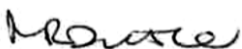
**Part C – Record of decision**

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: 11.09.2025

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