

Notice of Non-key Executive Decision

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:	Rainham Road (Bretons Farm) - Gas Governor - Pressure Regulating Station (Id No 60) (the "Property") Event – Lease Renewal
Decision Maker:	Paul Walker Interim Director of Housing & Property
Cabinet Member:	Councillor Paul McGeary – Cabinet Member for Housing & Property
SLT Lead:	Neil Stubbings - Strategic Director of Place
Report Author and contact details:	Dale Wilkins Commercial Property Manager Property Services Tel: 01708 433 669 E: dale.wilkins@oneSource.co.uk
Policy context:	Asset Management Plan
Financial summary:	The financial aspects for the transaction are detailed in the Exempt Appendix A to this Report
Relevant Overview & Scrutiny Sub Committee:	Places.
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	()

Non-key Executive Decision

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Background

The Property comprises a Gas Pressure Regulating Station Compound located within the grounds of the Council's Central Depot site located off Rainham Road South. The Property is subject to a 20 year lease with British Gas plc dated 8 December 1989, the lease is a protected lease within the provisions of the Landlord and Tenant Act 1954. The lease expired on 30 June 2009.

The Council's agents Hilbery Chaplin have led negotiations with the tenant to agree a new lease, the terms of which are set out in the appendices.

Recommendation

It is recommended that Property Services instructs the Council's legal team to draft and agree a new lease with the lessee, as per the details in Exempt Appendix A and to legally complete the matter.

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.

8.6 To dispose of any property of 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

Non-key Executive Decision

STATEMENT OF THE REASONS FOR THE DECISION

The existing lease has now expired and new lease terms have been agreed with the lessee as detailed in the appendices.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Do Nothing

Rejected: There is no reason not agree a new lease as the Tenant wishes to renew, and terms have been agreed with a good uplift in rental income being achieved bringing the lease up to date with current open market rental value and modernising the other terms of the lease as necessary.

PRE-DECISION CONSULTATION

The Commercial Property Manager has been consultation with the tenant via the Councils appointed agents to agree new lease terms.

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

Name: Dale Wilkins

Designation: Commercial Property Manager



Signature:

Date: Tuesday 23rd September 2025

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The recommendation of this report requires the Council to grant a renewal lease in accordance with the terms stipulated in Appendix A. The lease has a contractual term of 15 years and is afforded security of tenure.

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.

Section 123 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 was negotiated in keeping with the valuation report to ensure that the Council can comply with the duty to obtain best consideration, pursuant s.123 LGA 1972.

Non-key Executive Decision

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

FINANCIAL IMPLICATIONS AND RISKS

The lease renewal will generate additional rental income for the Council during the lease term (15 years until 2040). VAT is not chargeable on the rent. The tenant will be responsible for insurance and upkeep of the asset. The surveyors and legal costs associated with drafting up the new lease will be paid for 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

There are no 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.

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.

BACKGROUND PAPERS

None.

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



Name: Paul Walker

Position: Interim Director of Housing and Property

Date: 25th September 2025

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____