

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: 55 White Hart Lane, Collier Row, Romford Essex RM7 8JB ("Property")</p> <p>Event: Licence to assign with AGA and rent deposit deed</p>
Decision Maker:	Mark Butler- Assistant Director of Regeneration and Place Shaping
Cabinet Member:	Councillor Paul McGeary – Cabinet Member for Housing &Property
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 434 123 E: helen.gardner@havering.gov.uk</p>

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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
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 prepare and complete the licence to assign 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.

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 Property is leased on a 20 year lease that is protected by the Landlord & Tenant Act 1954 commencing on 17 April 2015. The Property is a near end of parade shop unit. The Property is used as a fried chicken takeaway.

The tenant wishes to assign their leasehold interest, which is permitted under the terms of the lease, subject to landlord's consent, which cannot be unreasonably withheld. The proposed assignee company has provided a business plan and the two directors act as

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guarantors to the lease and the existing tenant will enter into an Authorised guarantee agreement (AGA) to maintain their liability. They have provided proof of ID and address and we have also secured a 6 month rent deposit as extra security for the Council as landlord. Therefore, it is recommended that landlord's consent is granted to this assignment by way of a licence to assign.

Recommendations

It is recommended that the Council agrees that the Senior Estates Surveyor, London Borough of Havering - Property Services instructs the Council's legal team to draw up a licence to assign as per the details in Appendix A.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to consent to the assignment.

Rejected: Under the terms of the lease, the landlord (the Council), cannot withhold consent to an assignment unless there is a reasonable reason to do so such as the assignee does not have sufficient financial strength. Property Services has collated evidence to show the propose assignee will be able to maintain the rent payments and a good business.

PRE-DECISION CONSULTATION

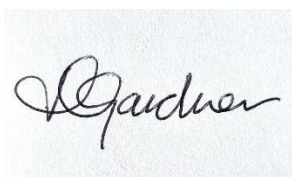
None

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: 26/09/25

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 the lease 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

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

The incoming tenant will bear all the costs associated with getting the licence in place.

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.

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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.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

No Environmental and Climate Change implications identified.

BACKGROUND PAPERS

None

APPENDICES

Appendix A Landlord's Proposals for Licence to Assign - Exempt

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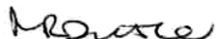
Part C – Record of decision

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

Proposal agreed

Details of decision maker

Signed 

Name: Mark Butler

Position: Assistant Director – Regeneration & Place Shaping

Date: 29.09.2025

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 _____