

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: 15 Farnham Road, Harold Hill Romford RM3 8ED (“the Property”)</p> <p>Event: Lease Renewal</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>

Non-key Executive Decision

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 instruct Legal services to prepare and complete a new lease 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

Non-key Executive Decision

The Property is leased on a 15 year lease that is protected by the Landlord & Tenant Act 1954 commencing on 17th February 2010 and expiring on 16th February 2025. The tenant has been holding over since the expiry of the lease. The Property is a ground floor shop unit with residential above. The property is used as a licensed betting office.

This Property is within phase 2 of the redevelopment plans for the area and as such the tenant has been keen to establish the future plans for their occupation of the unit. Consequently, the tenant served a S.26 notice on the Council earlier this year requesting a new lease. Following discussions with our local agent, terms have now been agreed as detailed in Appendix A. As the lease is required to include the Council's development break option, the rent is the best rent that could be achieved in this situation where the future is uncertain for the tenant.

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 the renewal lease as per the details in Appendix A.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to grant a new lease.

Rejected: The tenant has served a S.26 notice and therefore the landlord is obligated to renew the lease. Further, despite the uncertain future, the Tenant wishes to remain and has agreed terms.

PRE-DECISION CONSULTATION

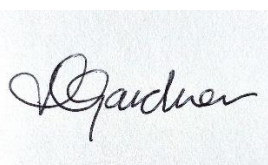
None

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

Name: Helen Gardner

Designation: Senior Estates Surveyor

Signature:



Date: 30/09/25

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 5 years each 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 is the best rent achievable in light of the Council's redevelopment plans for the area, ensuring that the Council can comply with the duty to obtain best consideration, pursuant s.123 LGA 1972.

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

FINANCIAL IMPLICATIONS AND RISKS

By agreeing and completing a new lease the rental income is secured for the benefit of the Council's General Fund. VAT will not be chargeable on the rent.

This is not an additional income stream for the Council because this contributes to income targets already budgeted within Property Services.

The costs associated with getting the lease in place will be paid for 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;

Non-key Executive Decision

(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.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

No Environmental and Climate Change implications identified.

BACKGROUND PAPERS

None

APPENDICES

Appendix A Landlord's Proposals for Lease Renewal - 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 – Regeneration & Place Shaping

Date: 03/10/2025

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 _____