

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:	Subject Property: 92 and Flat 136 Petersfield Avenue, Harold Hill, Romford, Essex. RM3 9PH Event: Service of a Non-Opposing Section 25 Notice
Decision Maker:	Mark Butler – Assistant Director of Regeneration & Place Shaping
Cabinet Member:	Councillor Paul McGeary – Cabinet Member for Property & Housing
SLT Lead:	Neil Stubbings - Strategic Director of Place
Report Author and contact details:	London Borough of Havering (LBH) Helen Gardner Senior Estates Surveyor Property Services Town Hall Main Road Romford RM1 3BD Tel: 01708 434123 helen.gardner@havering.gov.uk
Policy context:	Asset Management Plan

Non-key Executive Decision

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 the Council's legal team to prepare and serve a non-opposing S.25 notice as per the details in Appendix A.

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.

STATEMENT OF THE REASONS FOR THE DECISION

Background

92 Petersfield Avenue ("Property") is leased to the tenant on a 20-year lease commencing 10th September 2001 to 9th September 2021 and is afforded security of tenure. The Property is a mid-terrace ground and lower ground floor lock up shop which forms part of a parade with ancillary rear yard. The Property is used for the sale of wet, dry and fried fish only. The lease also includes a self-contained 3 bed maisonette which is used for the staff of the Property.

A valuation report dated 27th January 2025 from property consultants Hilbery Chaplin provides comparable evidence to suggest an uplift in rent. The consultants have advised that the Council (acting as Landlord) should serve a non-opposing Section 25 Notice bringing the current lease to an end and granting a new lease on the terms detailed in Appendix A.

Recommendations

It is recommended that the Senior Estates Surveyor, London Borough of Havering - Property Services, instructs the Legal Department to serve a non-opposing Section 25 Notice on the tenant bringing the current lease to an end in 6 months' time with a view to legally completing a lease renewal within the Landlord & Tenant Act 1954.

Non-key Executive Decision

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OTHER OPTIONS CONSIDERED AND REJECTED

Option: To not to serve s25 and let the current tenancy continue on its original terms.

Rejected: There is no good reason not to serve a non-opposing Section 25 Notice and agree new lease terms with the existing tenant as there will be an uplift in rental income.

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PRE-DECISION CONSULTATION

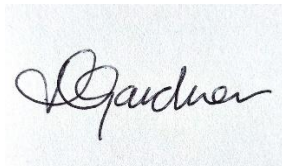
None

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: 10/10/25

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The report seeks authority to serve an s25 upon the tenant pursuant to s25 of the Landlord and Tenant Act 1954 (Act). Leases protected by Act will not come to an end on the contractual expiry date but will continue under section 24(1) of the Act on the same terms unless terminated in accordance with the Act.

Legal will be required to serve a section 25 notice initiating renewal of the lease and stating the terms on which the council is willing to renew. Notice can be served up to 12 months before the end of the contractual term of the lease, or after the end of the contractual term, but also not more than 12 months nor less than six months before the termination date specified in the notice.

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 this power .

FINANCIAL IMPLICATIONS AND RISKS

The new lease will generate additional rental income for the Council during the lease term. VAT is not chargeable on the rent.

The costs associated with drawing up the new lease 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.

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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 is not required.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

There are not 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 A Non-Opposing Section 25 Notice - Exempt
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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

Agreed

Details of decision maker

Signed 

Name: Mark Butler

Position: Assistant Director of Regeneration & Place Shaping

Date: 23.10.2025

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 _____