

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: 39a High Street, Romford RM1 1JL ("the Property") Event: Tenancy at Will
Decision Maker:	Mark Butler - Assistant Director of Regeneration & 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:	Dale Wilkins Commercial Property Manager Property Services Town Hall Main Street Romford RM1 3AR Tel: 01708 433 669 E: dale.wilkins@havering.gov.uk
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 ()

Non-key Executive Decision

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve the granting of a Tenancy at Will agreement upon the existing commercial tenant as per the details in Appendix A with a view to granting a contracted out lease at a future date that will be subject to a further report.

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution Part 3.3.5 (2 April 2024 - current)

Specific powers of the Strategic Director of Place

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.

The above powers are the subject of a sub-delegation to the Assistant Director, Regeneration & Place Shaping

STATEMENT OF THE REASONS FOR THE DECISION

The Property comprises a ground floor lock up shop unit located in the middle of a shopping parade with offices and residential units above. The Property is used for the retail sale of tattoo and piercing paraphernalia. The lease runs from 01 October 2020 until 28 October 2025 having been recently assigned to the current tenant on 04 February 2025.

For the reasons detailed above and as set out in Appendix A, it is proposed to grant a tenancy at will agreement in the interim with a view to granting a contracted out lease which will be the subject of a further report.

Recommendations

It is recommended that the Council agrees that Property Services prepares a tenancy at will agreement being granted in the interim whilst renewal terms are agreed.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to produce a Tenancy at Will

Rejected: Not getting the Tenant to sign a Tenancy at Will could mean the Tenant secures rights under the Landlord & Tenant 1954 Act.

Non-key Executive Decision

PRE-DECISION CONSULTATION

None

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

Name: Dale Wilkins

Designation: Commercial Property Manager



Signature:

Date: 7th November 2025

Part B - Assessment of implications and risk

LEGAL IMPLICATIONS AND RISKS

The recommendation of this report requires the Council to grant a tenancy at will in accordance with the terms stipulated in Appendix A.

The tenancy at will is a short term arrangement to regularise the tenant's occupation of the Property following the expiry of the lease. Either tenant or the Council can terminate the agreement at any time.

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.

FINANCIAL IMPLICATIONS AND RISKS

The Tenancy at Will formalises the tenant occupation whilst a new lease is negotiated. There is no change to the rental income at this stage.

The costs associated with drawing up the new agreement 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.

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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.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

No Environmental and Climate Change implications identified.

BACKGROUND PAPERS

None

APPENDICES

Appendix A **EXEMPT** Landlord's Proposals for a short term Tenancy at Will Agreement

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: 07/11/2025

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 _____