

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: 118 Petersfield Avenue, Romford RM3 9PH (the Property)</p> <p>Event: Rent Review 3/11/2025</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>
Policy context:	Asset Management Plan

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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 agent, Hilbery Chaplin, to prepare and complete a rent review memorandum 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.

STATEMENT OF THE REASONS FOR THE DECISION

Background

The Property is occupied by way of a 15 year lease that is protected by the Landlord & Tenant Act 1954 commencing 3rd November 2020. The Property is a mid terrace shop and is used as a barbers.

The lease allows for the rent to be reviewed on the 5th year anniversary of the commencement date of the lease. The Council's retained agent, Hilbery Chaplin were instructed to investigate the rent review and provide advice on the matter to the Council. Hilbery Chaplin's advice dated 29th October 2025 indicated that the ERV for the premises is higher than the passing rent and the rent review should be implemented.

Following instructions to implement the rent review, Hilbery Chaplin negotiated and agreed an uplift in rent in line with their recommendations for the best open market rent and we therefore have no hesitation in recommending that this settlement should be approved. A rent review memorandum is required to document the uplift in rent as detailed in Appendix A.

Recommendations

It is recommended that in order to complete the 2025 rent review, the Senior Estates Surveyor, London Borough of Havering - Property Services is to instruct Hilbery Chaplin to produce a rent review memorandum to be signed by the Tenant and the Assistant Director of Regeneration & Place Shaping, London Borough of Havering. The Estates

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Surveyor is to then issue a completion statement to instruct the collection of the increased rent.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to review the rent.

Rejected: There is no reason to not review the rent as the Council's retained agent has agreed an uplift in rent .

PRE-DECISION CONSULTATION

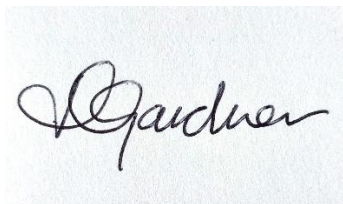
None

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 on a light blue textured background.

Date: 13/11/25

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Clause 5(2) of the lease permits the Council to uplift the rent in accordance with the terms as stipulated in Appendix A.

The rent review uplift will be implemented internally by the Council's Property Services team and recorded by way of a rent review memorandum and a completion statement.

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 General Power"). The recommendation in this report is in keeping with the General Power.

FINANCIAL IMPLICATIONS AND RISKS

The rent review will generate additional rental income for the Council during the licence/Lease term, helping to alleviate the pressure on the commercial rent income budget. VAT is not chargeable on the rent.

The costs associated with drawing up the new agreement will be paid for from existing budgets.

The risk of losing this tenant because of the newly increased rent is low, as the tenant would have been aware of the rent reviews every five years, and as they have agreed to the uplifted rent.

There are no material financial downsides or risks to this decision.

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;

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(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 and on this occasion this isn't 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 Rent Review Settlement - 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: 21/11/2025

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 _____