

Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendix 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: Mardyke Social Hall, Lowen Road, Rainham (the Property) 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 Housing & Property
SLT Lead:	Neil Stubbings - Strategic Director of Place
Report Author and contact details:	London Borough of Havering (LBH) Dale Wilkins Commercial Property Manager Property Services Town Hall Main Road Romford RM1 3BD 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)

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Resources - A well run Council that delivers for People and Place ()

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Background

The property comprises a 2004 brick constructed single story structure located just at the junction of Lowen Road and South Street. The property is set out with a reception, main hall, wc's, kitchen and offices.

The Trustees Of The Mardyke Youth and Community Association hold a lease of the above property from 22nd April 2013 to 29th September 2021. The lease is protected under the Landlord and Tenant Act 1954 and therefore they currently occupy the premises on a holding over basis. There is comparable evidence to suggest an uplift in rent is achievable. To end the current lease a non-opposing Section 25 Notice is required with the terms detailed in Appendix A so negotiations can begin for a new lease.

Recommendations

It is recommended that the Council agrees the Commercial Property Manager, London Borough of Havering - Property Services to instruct Legal Services to prepare and issue a non-opposing section 25 notice as per the details in Appendix A on the leaseholder bringing the current lease to an end with a view to legally completing a lease renewal within the Landlord & Tenant Act 1954.

Decisions

Formal authority is hereby for the Commercial Property Manager, London Borough of Havering - Property Services to instruct Legal Services to prepare and issue a non- opposing section 25 notice on the leaseholder bringing the current lease to an end with a view to legally completing a Lease renewal within the Landlord & Tenant Act 1954.

AUTHORITY UNDER WHICH DECISION IS MADE

Havering Council's Constitution Part 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

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For the reasons detailed in Appendix A it is recommended that the current lease is formally brought to an end with renewal terms being offered that will be detailed in the section 25 notice.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Do nothing
Rejected: There is no good reason not to serve a s25 notice and agree renewal terms with the existing tenant as there likely to be an uplift in rental income and continuity of occupation.

PRE-DECISION CONSULTATION

The Commercial Property Manager has visited the premises and has met the Trustees. A valuation report has been prepared and given the uplift proposed has been discussed internally along with a local Councillor. The tenant has been advised to expect the notice and has been advised what is required in response on receipt of the notice.

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

Name: Dale Wilkins
Designation: Commercial Property Manager

A handwritten signature in dark ink, appearing to read 'Dale Wilkins', with a long horizontal flourish extending to the right.

Signature:
Date: Wednesday 22nd October 2025

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Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The report seeks authority to serve a s25 notice to initiate renewal and stipulate the terms that the Council would be willing to renew.

A lease protected under the Landlord and Tenant Act 1954 (Act) will not automatically end on the expiry of the term. The lease will continue under section 24(1) of the Act on the same terms unless terminated in accordance with the Act. The recommendation of the report will enable the Council to set out the proposed terms of the new lease and stipulate the date on which the current lease will terminate.

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.

Local Government Act 1972 Section 111 subsidiary powers of local authorities. Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

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

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 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;
- (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 to serve a Positive section 25 notice

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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 of Regeneration & Place Shaping

Date: 15.12.2025

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 _____