

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: 184 Hildene Avenue, Harold Hill, Romford RM3 8DB</p> <p>Event: Service of a Negative section 25 notice</p>
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:	<p>London Borough of Havering (LBH) Helen Gardner Senior Estates Surveyor Property Services Town Hall Main Road Romford RM1 3BD</p> <p>Tel: 01708 434123 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 Council's legal team to prepare and serve an 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

The above property is leased to the tenant on a 15 year lease commencing 25th June 2011 and expiring 24th June 2026 that is protected by the Landlord & Tenant Act 1954 ("**1954 Act**"). The retail premises is a mid-terrace lock up shop which forms part of a parade. The Property is used as a newsagent, tobacconist, confectioner and stationer including the ancillary sale of groceries, sale of lottery tickets.

This Property forms part of the first phase of the Hildene regeneration project which has now been granted planning permission and demolition of this first phase is due to commence early 2026. The regeneration team are in talks with the tenant regarding a relocation within the remaining development and a possibility of them being included in the new development in the future. Following discussions with the regeneration team, it has been decided to serve a negative Section 25 Notice under ground F.

This tenant is due statutory compensation under the terms of the Landlord & Tenant Act 1954 following the termination of their lease.

Recommendations

It is recommended that the Senior Estates Surveyor, London Borough of Havering - Property Services, instructs the Legal Department to serve a negative section 25 notice on the tenant bringing the current lease to an end in 6 months' time under ground F of the 1954 Act.

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OTHER OPTIONS CONSIDERED AND REJECTED

Option: To not serve a negative section 25 notice and allow the tenant to continue occupying.

Rejected: There is no good reason not to serve a negative section 25 notice as vacant possession is required for the regeneration plans.

PRE-DECISION CONSULTATION

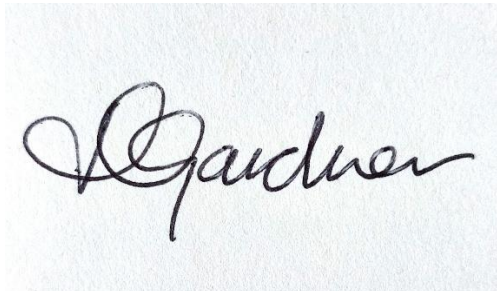
None

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: 22/12/2025

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The recommendation of the report is serve a hostile section s25 notice (Notice) in accordance with the Landlord and Tenant Act (LTA 1954). The purpose of the Notice is to end the current business tenancy and to inform the tenant that the Landlord opposes the renewal of the business tenancy. The landlord will have to stipulate in the Notice the legal grounds pursuant to section 30 of the LTA 1954 it wishes to rely on to oppose the renewal.

If the Council is able to evidence the ground in the Notice, the court will refuse a new lease, and the tenant will have to vacate the property by the date specified in the Notice. It is noted that Appendix A details the ground that the Council wishes to rely upon to terminate the business tenancy.

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 these powers.

FINANCIAL IMPLICATIONS AND RISKS

Ending the lease under a negative S25 notice will mean that the property will now be vacant, foregoing the current rental income. This is unavoidable, as the property is part of Phase 1 of the Farnham/Hilldene Regeneration Project and vacant possession is required to proceed.

The lost income will not be recovered, until Phase 1 is completed and the new units are available to let. The tenant will have the option to occupy one of these new units.

The compensation payable to the tenant will be funded from the Capital Programme, Project Code - C30620 (HRA Regeneration – Acquisitions).

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;

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- (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 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 any 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 Negative Section 25 Notice - 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

Agreed

Details of decision maker

Signed 

Name: Mark Butler

Position: Assistant Director of Regeneration & Place Shaping

Date: 23.12.2025

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 _____