

## 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

<b>Subject Heading:</b>	<b>Subject Property:</b> 53 High Street, Romford, Essex RM1 1JL (the Property) <b>Event:</b> New Lease
<b>Decision Maker:</b>	Mark Butler - Assistant Director of Regeneration & Place Shaping
<b>Cabinet Member:</b>	Councillor Paul McGeary – Cabinet Member for Housing & Property
<b>SLT Lead:</b>	Neil Stubbings - Strategic Director of Place
<b>Report Author and contact details:</b>	London Borough of Havering (LBH) Dale Wilkins Commercial Property Manager Property Services Town Hall Main Road Romford RM1 3BD  Tel: 01708 433 669 E: <a href="mailto:dale.wilkins@havering.gov.uk">dale.wilkins@havering.gov.uk</a>
<b>Policy context:</b>	Asset Management Plan
<b>Financial summary:</b>	The financial aspects for the transaction are detailed in the <u>EXEMPT Appendix A</u> to this Report
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Place
<b>Is this decision exempt from being called-in?</b>	<b>The decision will be exempt from call in as it is a Non key Decision</b>

### 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**

##### **Background**

The granting of a new lease to the existing tenant following a trial period of occupying the Property as a Tenant at Will all as set out in Exempt Appendix A

#### **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.

8.6 To dispose of any property of asset of the Council provided that the value of the property or asset is less than £1,000,000. The delegation is subject to the following requirements:

- a. complying with the Code of Practice on the Disposal of Surplus Property
- b. in cases where the Cabinet has already approved the principle but not the terms of a property disposal without the invitation of competitive bids, the provisionally agreed terms of any disposal exceeding £1,000,000 shall be reported to Cabinet for approval before the transaction is concluded
- c. in cases that have not been the subject of competitive bids but are below £1,000,000 in value, the provisionally agreed terms of disposal shall be reported to the Strategic Director of Resources, before the transaction is concluded
- d. complying with relevant Council policy on property transactions (e) referring a matter for Member decision where it is proposed to recommend other than the best financial bid

#### **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 currently occupied by the tenant and is used for the Sale and Hire of Bridal Evening And Occasional Wear.

The tenant took occupation on 8 October 2010 initially on a 5-year lease and then a 3 year lease on renewal. The tenant then occupied as a tenant at will with effect from 7 October 2018.

However, the tenant fell and remained in arrears for a considerable period resulting in the Council serving a Notice to Quit. Since then, the tenant brought the rent account up to date whilst expressing a strong desire to remain at the premises.

The last report secured authority to grant a tenancy at will agreement with a view offering a formal lease dependant on prompt rent payments in the interim.

### **Non-key Executive Decision**

The tenant has maintained the rent account to a satisfactory standard and with this in mind this report seeks authority to instruct Legal Services to prepare a new lease agreement in accordance with the terms set out in the appendices.

The new rent is well in excess of market value and therefore satisfies the requirement of s123 of the Local Government Act 1972.

#### **Recommendation**

It is recommended that the Council agrees that the Commercial Property Manager, London Borough of Havering - Property Services to instruct Legal Services to prepare and issue a new lease agreement as detailed in the appendices.

#### **Decisions**

Formal authority is hereby for the Commercial Property Manager, London Borough of Havering - Property Services to instruct Legal Services to prepare and a new lease agreement as per the appendices.

#### **OTHER OPTIONS CONSIDERED AND REJECTED**

Option: Do nothing

Rejected: There is no good reason not to grant a new lease agreement given that the tenant has now maintained the rent account to a satisfactory standard.

#### **PRE-DECISION CONSULTATION**

The Commercial Property Manager has met the tenant and has agreed new lease terms with them.

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

Name: Dale Wilkins

Designation: Commercial Property Manager



Signature:

Date: Wednesday 21<sup>st</sup> January 2026

## Non-key Executive Decision

### Part B - Assessment of implications and risks

#### **LEGAL IMPLICATIONS AND RISKS**

The recommendation of the report is to grant a new lease in accordance with the terms noted in Appendix A. The lease will be contracted out of the security of tenure provisions of the Landlord and Tenant Act 1954 and therefore, the tenant will not have the automatic right to renew the lease at the end of the term. The tenant will be required to vacate the Property at the end of the term.

Pursuant to s123 of the Local Government Act, Councils can dispose of land in any manner they wish, including the sale of freehold interests, granting a lease or assigning any unexpired term on a lease, and the granting of easements. The only constraint is that a disposal must be for the best consideration reasonably obtainable (except in the case of short tenancies), unless the Secretary of State consents to the disposal. It is noted that the rent secured is in line with the independent valuation obtained for the Property.

Furthermore, 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. This power permits the Council to grant a 10 year lease in accordance with any statutory constraints.

The recommendation of this report is in keeping with these powers.

#### **FINANCIAL IMPLICATIONS AND RISKS**

The proposed rent detailed 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.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

### **Non-key Executive Decision**

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**

**EXEMPT Appendix A**      Landlord's Proposals for a new lease

**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 *Mark Butler*

Name: Mark Butler

Position: Assistant Director of Regeneration & Place Shaping

Date: 21.01.2026

**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 \_\_\_\_\_