

## Notice of NON KEY Executive Decision containing exempt information

This Executive Appendix A of this report is not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to information relating to the financial or business affairs of any particular person (including the Local Authority holding that information) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

<b>Subject Heading:</b>	<p><b>Subject Property:</b> Land at Bridge Road, Rainham, RM13 9YZ (EGL351859)</p> <p><b>Event:</b> Transfer Document Amendment</p>
<b>Decision Maker:</b>	Mark Butler - Assistant Director of Regeneration & Place Shaping
<b>Cabinet Member:</b>	Councillor Paul McGeary – Cabinet Member for Housing and Property
<b>SLT Lead:</b>	Neil Stubbings - Strategic Director of Place
<b>Report Author and contact details:</b>	<p>London Borough of Havering (LBH)            Luke Kubik            Estates Surveyor            Property Services            Town Hall            Main Road            Romford            RM1 3BD</p> <p>Tel: 01708 434 176            E: <a href="mailto:luke.kubik@havering.gov.uk">luke.kubik@havering.gov.uk</a></p>
<b>Policy context:</b>	Asset Management Plan

### Non-key Executive Decision

<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>	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 (x)

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

#### **Background**

The Council owns a strip of land at Bridge Road (EGL351859) neighbouring the Tesco store (EGL348988).

The Tesco at Rainham opened in 1991 and in 1996 the land was transferred from Havering Council to Tesco Stores Limited. The schedule of rights gives Tesco the right to connect into the drainage system and the right for the free passage and running of water, soil, electricity and gas through any channels, drains, cables etc.

Tesco wish to lay a new electricity cable from their land into the road which goes across a few metres of the Council's retained land on title number EGL351859. Tesco wish to amend the transfer document to specify that the rights include laying of new services as well as the existing.

#### **Recommendations**

It is recommended that the Council agrees to the amend the transfer document to allow Tesco to install a new electricity supply. The Estates Surveyor, LBH - Property Services will instruct Legal to draw up the appropriate documentation to amend the rights in the transfer document.

#### **Decisions**

Formal authority is hereby given for the Council to agree to amend the transfer document to allow Tesco to install a new electricity supply. The Estates Surveyor, LBH - Property Services will instruct Legal to draw up the appropriate documentation to amend the rights in the transfer document.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

Havering Council's Constitution Part 3.3 scheme 3.3.5 (2<sup>nd</sup> 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.

**Non-key Executive Decision**

**STATEMENT OF THE REASONS FOR THE DECISION**

There is no good reason not to agree to amend the transfer document.

**OTHER OPTIONS CONSIDERED AND REJECTED**

Option: Not to agree to amend the transfer document.  
Rejected: There is no good reason to not to agree to the amend the transfer document.

**PRE-DECISION CONSULTATION**

None

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

Name: Luke Kubik  
Designation: Estates Surveyor  
Signature:

A handwritten signature in black ink, appearing to be 'LK' or similar, on a light background.

Date: 17 December 2025

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

The Council is empowered under several statutory provisions to support the recommendations in this report

- **Section 1 of the Localism Act 2011** confers a general power of competence, allowing the Council to do anything an individual may do, unless specifically prohibited by legislation. This includes acting for its own purposes, for commercial purposes, or for the benefit of others
- **Section 111 of the Local Government Act 1972** authorises the Council to undertake any activity that is calculated to facilitate, or is conducive or incidental to, the discharge of its functions, provided it is not otherwise prohibited by law. The recommendations in this report are consistent with and supported by these statutory powers.

### FINANCIAL IMPLICATIONS AND RISKS

Tesco's will pay the Council's legal fees to amend the document, which will allow them to lay new services.

### 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.

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.

**Non-key Executive Decision**

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 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**

<b>Appendix A</b>	Transfer Document Amendment	Exempt
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**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: 26.01.2026

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