

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:	<p>Subject Property: 101 Front Lane, Upminster, RM14 1XN (The Property)</p> <p>Event: Service of a Non-Opposing 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 ()

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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 a non-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, disposals, and commercial estate management.

STATEMENT OF THE REASONS FOR THE DECISION

Background

The Property is leased for 20 years from 1st September 2005 and expired on 1st September 2025. The tenant has been holding over and the lease is protected by the Landlord & Tenant Act 1954. The Property is a lock-up shop which forms part of a secondary retail parade. The Property is used as a hair and beauty salon.

A Valuation Report dated 28th January 2026 from property consultants Hilbery Chaplin provides comparable evidence to suggest an uplift in rent in the lease renewal. Consequently, they have advised to serve a non-opposing Section 25 Notice bringing the current lease to an end and granting a new lease on the terms detailed in Appendix A.

Recommendations

It is recommended that the Senior Estates Surveyor, London Borough of Havering - Property Services, instructs the Legal Department to serve a non-opposing Section 25 Notice on the tenant bringing the current lease to an end in 6 months' time with a view to legally completing a lease renewal within the Landlord & Tenant Act 1954.

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OTHER OPTIONS CONSIDERED AND REJECTED

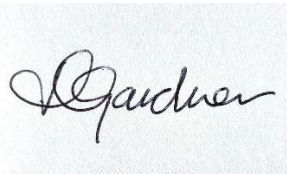
Option: To not serve a non-opposing Section 25 Notice and agree new lease terms with the existing tenant.
Rejected: There is no good reason not to serve a non-opposing Section 25 Notice and agree new lease terms with the existing tenant as there will be an uplift in rental income.

PRE-DECISION CONSULTATION

None

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

Name: Helen Gardner
Designation: Senior Estates Surveyor
Signature:

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to read 'H Gardner'.

Date: 17/02/26

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

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

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

FINANCIAL IMPLICATIONS AND RISKS

If the new proposed lease conditions are agreed post Section 25, then this will generate additional rental income for the Council during the lease term. This will help to alleviate the pressure on the commercial rent income budget. VAT is not chargeable on the rent.

The costs associated with drawing up the Section 25 notice will be paid for from existing budgets. The tenant is responsible for any repairs required at the property and for ensuring appropriate insurance is in place if the new lease proposed is signed.

There is a risk that the tenant may not agree to the new terms, which would leave the property vacant, attracting void and remarketing costs.

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 is not 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 A Non-Opposing 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: 18.02.2026

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 _____