

## 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> 55 High Street, Romford, Essex, RM1 1JL (the Property) <b>Event:</b> Service of a Positive Section 25 Notice
<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)

## **Non-key Executive Decision**

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 approve the service of a positive section 25 notice as per detailed below and in 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.

#### **STATEMENT OF THE REASONS FOR THE DECISION**

##### **Background**

The Property forms part of a secondary retail parade of shops fronting High Street and is within walking distance of the town centre's prime retail pitch.

The Property is held on a lease dated 27<sup>th</sup> September 2017 for a term of five years from 31<sup>st</sup> May 2017 thus the lease expired on 30<sup>th</sup> May 2022.

External property consultants have provided valuation advice which recommends the service of a positive Section 25 notice bring in the current lease to an end whilst quoting renewal terms.

This report therefore seeks authority to instruct Legal Services to prepare and serve a positive section 25 notice as detailed in the appendices.

##### **Recommendations**

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 positive section 25 notice as per the details in Appendix A.

##### **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 positive section 25 notice as per the details in Appendix A.

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**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**

A valuation report has been prepared and signed off noting that the tenant is keen to renew the lease and has been advised to expect the notice in due course.

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

Name: Dale Wilkins

Designation: Commercial Property Manager

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

Signature:

Date: Thursday 16<sup>th</sup> April 2026

## Non-key Executive Decision

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

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

The rent detailed in the proposed s25 notice will generate additional rental income for the Council during the new 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.

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.

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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 to serve a Positive section 25 notice

**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: 15.04.2026

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