

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 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 authority holding that information).and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Subject Heading:	<p>Subject Property: Telecommunications equipment at King's Wood School (Formerly Hardold Hill Community School), Settle Road, Romford (Site Ref: 1490189) ("the Property")</p> <p>Event: Section 26 Notice Response</p>
Decision Maker:	Mark Butler - Assistant Director of Regeneration & Place Shaping
Cabinet Member:	Cabinet Member for Housing and Property
SLT Lead:	Neil Stubbings - Strategic Director of Place
Report Author and contact details:	<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</p>

Non-key Executive Decision

	E: luke.kubik@havering.gov.uk
Policy context:	Asset Management Plan
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 (x)

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Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Recommendations

The Council agrees that Property Services instructs the Legal Department to check the Section 26 Notice to ensure it has been served correctly. If it has been served correctly the notice needs to be acknowledged by returning a signed copy of the Notice to the tenant. Telemaster are then to be instructed to act for the Council to negotiate the terms for the new Lease.

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

The Property is leased to the tenant on a 12-year lease dated 18 September 2008 for a term of 12 years commencing on 21 March 2007, that is protected by the Landlord & Tenant Act 1954. The property is used as for telecoms equipment.

The tenant has served a Section 26 Notice for a new lease on the Council. This notice contains the terms the tenant wishes to renew their lease on. To ensure the council is able to negotiate the terms for a new lease with the tenant, the notice needs to be acknowledged by signing the notice and returning a copy. Telemaster will then need to be instructed to negotiate the terms of the new lease on behalf of the Council.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to respond to the Section 26 Notice
Rejected: Not responding would allow the tenant to apply to Court and ask them to set terms for a new lease leaving the Council with little say in the matter.

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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', is written over a light grey, textured rectangular background.

Date: 13 May 2026

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The report seeks authority to respond to a s26 notice to negotiate 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 Council is required to respond and provide the s40 information.

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

By acknowledging the Section 26 notice, the Council can then begin negotiations with the tenant on the terms of the new lease. Once the negotiations have concluded, a separate Report will be produced detailing the new lease terms.

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

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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 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

Appendix A Lease Summary 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

Proposal agreed

Details of decision maker

Signed 

Name: Mark Butler

Position: Assistant Director of Regeneration & Place Shaping

Date: 14.05.2026

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 _____