

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

Subject Heading:	Subject Property: 1 Hacton Parade, Central Drive, Hornchurch Essex, RM12 6EL ("the Property") Event: Tenancy at Will / New Lease
Decision Maker:	Mark Hopson – Interim Assistant Director of Regeneration & Place Shaping
Cabinet Member:	Councillor Robert Whitton – Cabinet Member for Regeneration
SLT Lead:	Neil Stubbings - Strategic Director of Place
Report Author and contact details:	London Borough of Havering (LBH) Helen Gardner Senior Estates Surveyor Property Services Town Hall Main Road Romford RM1 3BD Tel: 01708 434123 helen.gardner@havering.gov.uk

Non-key Executive Decision

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 ()

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 approve the grant of a new tenancy at will while a new lease is being prepared by legal services in accordance with 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 and disposals, and commercial estate management.

8.6 To dispose of any property or 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

Background

The Property is becoming vacant mid-June as the current lease has expired. The proposed tenant currently occupies the next-door unit in this parade and operates as a dog groomer. They wish to expand their business into dog food/toys and take a lease of the Property.

They wish to start this new part of their business as soon as possible. They have always been a 'good tenant' in terms of rent payments and adhering to their lease obligations.

Non-key Executive Decision

Therefore, we are agreeable to them commencing their occupation by way of a tenancy at will to accelerate their occupation and minimise the Council's liabilities.

The terms agreed are based on the valuation proforma from Hilbery Chaplin as the best open market rent achievable for this unit at this time and are as detailed in Appendix A.

Recommendations

It is recommended that the Senior Estates Surveyor, London Borough of Havering - Property Services, prepares the new tenancy at will and simultaneously instructs Legal services to prepare the new lease as per the details in Appendix A.

OTHER OPTIONS CONSIDERED AND REJECTED

Option: To not proceed with this new letting.

Rejected: There is no reason not to agree a new letting as this will provide an income stream and end the utilities and rates liability for the Council.

PRE-DECISION CONSULTATION

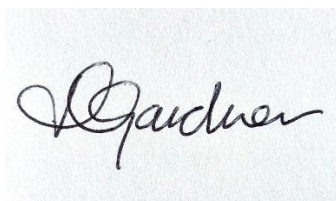
None

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

Name: Helen Gardner

Designation: Senior Estates Surveyor

Signature:

A handwritten signature in black ink, appearing to read 'H Gardner', on a light blue textured background.

Date: 24/06/26

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The recommendation of this report requires the Council to grant a tenancy at will and new lease in accordance with the terms stipulated in Appendix A. The lease has a contractual term of 5 years and is not afforded security of tenure.

The tenancy at will is a short term arrangement to regularise the tenant's occupation of the Property following the termination of the lease pursuant to a break notice served on the tenant by the Council. Either tenant or the Council can terminate the agreement at any time.

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.

Section 123 of the Local Government Act 1972 ("LGA 1972") allows principal councils to dispose of land as they wish for the best consideration that can reasonably be obtained unless with the consent of the Secretary of State or by way of a short-term tenancy. It is noted that the rent was negotiated to best value given the circumstances to ensure that the Council can comply with the duty to obtain best consideration, pursuant s.123 LGA 1972.

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

FINANCIAL IMPLICATIONS AND RISKS

This report is seeking approval to agree a tenancy at will with the incoming tenant, to enable occupancy to commence once the existing lease expires this month and until the new lease is drawn up.

The new rent figure will generate additional revenue for the Council, helping to alleviate some of the pressure on the commercial rent income budget. The first month will be rent-free. VAT is not chargeable on the rent.

The tenant will be responsible for any repairs required at the property and for ensuring appropriate insurance is in place.

The legal and surveyor costs of drawing up the tenancy at will and subsequent new lease will be paid for by the tenant.

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.

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 any 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 Tenancy At Will / New Letting - 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

Agreed

Details of decision maker

Signed



Name: Mark Hopson

Position: Interim Assistant Director of Regeneration & Place Shaping

Date: 24/06/2026

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 _____