

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:	Subject Property: Land between 57A & 59 Linley Crescent, Romford, RM7 8RB ("the property") Event: Wayleave Agreement for Water Pipe
Decision Maker:	Mark Hopson - Assistant Director of Regeneration & Place Shaping
Cabinet Member:	Robert Whitton - Cabinet Member for Regeneration
SLT Lead:	Neil Stubbings - Strategic Director of Place
Report Author and contact details:	London Borough of Havering (LBH) Luke Kubik Estates Surveyor Property Services Town Hall Main Road Romford RM1 3BD Tel: 01708 434 176 E: luke.kubik@havering.gov.uk
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 (x)

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Recommendations

It is recommended that the Council agrees that Property Services instructs the Council's Legal Department to draw up a new wayleave agreement as per the details in Appendix A.

Decisions

Formal authority is hereby given to instruct Property Services to instruct the Council's Legal Department to draw up a new wayleave agreement 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 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

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The industrial estate at King George's Close comprises a number of industrial units. A water pipe was installed under the Council land between 57A and 59 Lindley Crescent that serves one of the industrial units on the estate.

For reasons not clearly understood a wayleave agreement was granted to the occupant rather than the freeholder of the industrial unit. The wayleave agreement commenced in July 2000 for a term of twenty years with a one off fee being charged.

A new wayleave agreement is required as the old wayleave expired in July 2020.

The terms of a new wayleave agreement have now been reached with freeholder as set out in appendix A

OTHER OPTIONS CONSIDERED AND REJECTED

Option: Not to renew the wayleave

Rejected: The wayleave needs to be renewed with terms now agreed with the freeholder. There is no good reason not to proceed with the wayleave.

PRE-DECISION CONSULTATION

None

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

Name: Luke Kubik

Designation: Estates Surveyor

Signature:



Date: 30 July 2026

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The recommendation is to grant a new wayleave agreement in accordance with the terms set out in Appendix A. The proposed agreement will regularise the continued presence, maintenance, repair and renewal of the water pipe beneath Council-owned land following the expiry of the previous wayleave agreement in July 2020.

The Council has the power to grant the proposed wayleave pursuant to section 123 of the Local Government Act 1972 and the general power of competence under section 1 of the Localism Act 2011, subject to compliance with the Council's Constitution and Scheme of Delegation. The agreed consideration is considered appropriate having regard to the nature of the rights being granted. A wayleave is a personal contractual right and does not create a permanent interest in land. The proposed agreement will provide legal certainty for both parties and formalise rights of access for the inspection, maintenance, repair and replacement of the apparatus.

Overall, the legal and commercial risks are considered low. The grant of the wayleave will regularise an existing arrangement, protect the Council's interests and ensure that the rights and obligations of the parties are clearly documented.

FINANCIAL IMPLICATIONS AND RISKS

This report is seeking permission to draw up a new wayleave agreement for a water pipe running through a section of council land between 57A and 59 Linley Crescent to an industrial unit on the estate.

The income from the wayleave agreement will help to alleviate the pressure on the commercial rent income budget.

The grantee will pay the majority of the legal and surveyor costs of this transaction, with the remainder being 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;

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- (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 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 Landlord's Proposals for a Wayleave Agreement - 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



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Signed

Name: Mark Hopson

Position: Assistant Director of Regeneration & Place Shaping

Date: 20th August 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 _____