



City of Westminster

# Officer decision report

**Decision Maker:**

Gerald Almeroth – Executive Director of  
Finance and Resource

**Date:**

20 November 2024

**Classification:**

Part exempt

The accompanying part B report is exempt  
from disclosure by virtue of the following  
Paragraphs of schedule 12A to the Local  
Government Act 1972:

Information relating to the  
financial or business affairs  
of a particular person  
(including the authority  
holding that information).

**Title:**

Supported Housing Accommodation in  
W9 – Tenancy at Will

**Wards Affected:**

Westbourne Ward

**Key Decision:**

No

**Financial Summary:**

There are no direct financial  
implications as a result of granting the  
tenancy at will.

**Report of:**

Davina Dawkins – Asset Manager,  
Corporate Property

## **1. Executive Summary**

- 1.1. This report recommends that Westminster City Council grant a Tenancy at Will to the Service Provider.

## **2. Recommendations**

- 2.1. It is recommended that the Executive Director for Finance and Resources:
  - 2.1.1. Approves the grant of a Tenancy at Will to the Service Provider on the terms detailed in Part B.

## **3. Reasons for Decision**

- 3.1. The decision is required to enable the Service Provider to remain in occupation and provide the services required under their commissioning contract, whilst we negotiate terms for a new lease.

## **4. Background, including Policy Context**

- 4.1. The subject property is a purpose-built single storey CQC registered care home, with six bed spaces and provides care for adults with learning disabilities.
- 4.2. The Service Provider has been in occupation of the subject property for the past 25 years in accordance with the lease dated 21<sup>st</sup> October 1999.
- 4.3. The Bi-borough Adult Social Care Team are negotiating a renewal of the Service Provider's commissioning contract.

## **5. Financial Implications**

- 5.1. There are no direct financial implications as the rent paid under the tenancy at will is the same as that currently charged.

## **6. Legal and Governance Implications**

- 6.1. Under section 123 of the Local Government Act 1972 the Council may dispose of land in any manner it wishes. However, except with the consent of the Secretary of State, a council may not dispose of land, otherwise than by way of a short tenancy (having a term of seven years or less), for a consideration less than the best that can reasonably be obtained.
- 6.2. A tenancy at will exists where there is a tenancy on terms that either party may determine the tenancy at any time. A tenancy at will cannot be assigned and is generally regarded as not being an estate in land. It is a personal relationship between the original landlord and tenant.
- 6.3. Tenancies at will are often used where the parties are in negotiation for a lease to be granted for a fixed term but require a documented short-term occupational arrangement pending completion of the lease. A tenancy at will

is not a tenancy with security of tenure within Part II of the Landlord and Tenant Act 1954.

## **7. Climate Impact**

- 7.1. There is no carbon impact from this decision which relates to the grant of a Tenancy at Will.

## **8. Equalities Implications**

- 8.1. Not applicable.

## **9. Consultation**

- 9.1. Not applicable.

**If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:**

[ddawkins@westminster.gov.uk](mailto:ddawkins@westminster.gov.uk)

## **APPROVED BY**

<b>Title</b>	<b>Date sent</b>	<b>Date approved</b>
Davina Dawkins, Corporate Property	6/11/2024	11/11/24
Jane Newcombe, Finance	6/11/2024	11/11/24
James Holliman, Legal	6/11/2024	11/11/24
Rosamund Cox, Governance	20/11/24	20/11/24

## **APPENDICES**

Appendix 1: Part B exempt appendix

## **BACKGROUND PAPERS**

Not applicable.