



City of Westminster

Officer decision report

Decision Maker:

Gerald Almeroth – Executive Director of
Finance and Resources

Date:

9 December 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:

Rampayne Street – Tenancy at Will

Wards Affected:

Pimlico North 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 relates to a proposed property lease transaction to the building known as the Old Pimlico Library, Rampayne Street (defined in this report as the **Property**).
- 1.2. This report recommends that Westminster City Council grant a tenancy at will to the tenant.

2. Recommendations

- 2.1. It is recommended that the Executive Director for Finance and Resources approves:
 - 2.1.1. the Council granting a tenancy at will of the Property on the terms set out in Exempt Part B of this report.

3. Reasons for Decision

- 3.1. The proposed transaction will enable the tenant to remain in occupation whilst we consider negotiating terms for a new lease.

4. Background, including Policy Context

- 4.1. The Property is owned freehold by the Council and sits within the general fund.
- 4.2. The tenant has been in occupation of the Property for the past 10 years in accordance with a lease dated 18 December 2014. The lease is due to expire on 18 December 2024.
- 4.3. A tenancy at will is required to allow the tenant to remain in occupation following expiry of the lease, whilst we consider negotiating terms for a new lease.
- 4.4. There are no relevant Council policies or Government guidance that applies to the proposals.

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 Security of tenure is excluded from the current lease, which means the lease will determine on expiry of the term granted. However, it is advisable to liaise with the Tenant before the expiry of the term to ensure that the property is vacated upon expiry, or it may be that the Landlord is content for the Tenant to remain and negotiate the grant of a new lease. If the latter is the case then a tenancy at will should be granted. Otherwise, a new secure

tenancy could be established if the Tenant is allowed to remain in occupation and continue to pay rent.

- 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.
- 6.4 Under paragraph 23.9 of the Council's Scheme of Delegations The Executive Director Finance and Resources has delegated authority To approve the terms for the acquisition or disposal of non Housing Revenue Account (HRA) land and property (except those relating to a regeneration/development scheme), provided that:- (a) in the case of freehold land and/or property, the premium does not exceed £500,000; and (b) in the case of leasehold transactions: (i) the premium does not exceed £500,000; and (ii) the rental value does not exceed £150,000 per annum; and (iii) the term does not exceed 25 years.

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. A full Equality Impact Assessment is not needed as this proposed transaction does not impact adversely on any specific parties.

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

APPROVED BY

Title	Date sent	Date approved

Davina Dawkins, Corporate Property	N/A	2/12/2024
Jane Newcombe, Finance	2/12/2024	2/12/2024
Elizabeth Ellenbogen, Legal	2/12/2024	2/12/2024
Governance	9/12/2024	9/12/2024

APPENDICES

Appendix A: Part B exempt appendix

BACKGROUND PAPERS

Not applicable.