

Record of officer decision

Decision title:	Service of Legal Notice to bring a protected tenancy to an end
Date of decision:	3 rd October 2024
Decision maker:	Commercial & Investment Manager
Authority for delegated decision:	Corporate Services' scheme of delegation dated May 2024 (line 36) gives the Commercial Investment Manager the authority to take the decision - "To instruct Legal Services to serve legal notices"
Ward:	Central
Consultation:	None – this is an operational decision.
Decision made:	To instruct Legal Services to serve a Landlord and Tenant Act 1954 s25 notice on one of its commercial tenants at Widemarsh Street, Hereford to bring its lease to an end, at the same time offering a new lease on proposed terms.
Reasons for decision:	<ul style="list-style-type: none"> • The Landlord has appointed external agents to undertake rent reviews and lease renewals across its commercial estate. • The appointed agents have advised that following attempts at engaging with the Tenants, they have been unable to make any progress in the matter of the lease renewal, the Tenant stating it intends to continue to "hold over" under the terms of an expired lease. • The notice to be served is a statutory notice which will bring the existing lease to an end. The notice is non-hostile – i.e. the external agent has provided Heads of Terms which will be included with the statutory notice and which form the basis of the Landlord's proposal for a new Lease term.
Highlight any associated risks/finance/legal/equality considerations:	<ul style="list-style-type: none"> • Not bringing the current lease to an end will mean that the Tenant continues to hold over on its current lease, and will potentially benefit from out of date terms. • There is a risk the Tenant will still not engage in the process which will mean the lease will end at the end of the period of notice (at least 6 months). • It is considered likely the Tenant will engage in the statutory process – although a failure to agree terms amicably may result in a court determination based on the evidence of the parties.
Details of any alternative options considered and rejected:	No suitable alternatives were proposed, as the Tenant has failed to engage in meaningful negotiations with the appointed agents.
Details of any declarations of interest made:	None

Signed..... Date: 3rd October 2024