

## Record of officer decision

<b>Decision title:</b>	<b>Grant of new lease in respect of site of the closed St Martins Street public toilets (WCs) Hereford</b>
<b>Date of decision:</b>	4 August 2021
<b>Decision maker:</b>	Assistant Director for Technical Services
<b>Authority for delegated decision:</b>	The Economy and Place Directorate's scheme of delegation dated 28 April 2021 (line 54) gives the Assistant Director for Technical Services the authority to take the decision
<b>Ward:</b>	Hinton & Hunderton
<b>Consultation:</b>	With legal team who have confirmed that the restrictive covenant in respect of sale of alcohol in respect of nearby George V playing fields does not apply in this location. With Cabinet Member and Ward Member who are supportive of the proposal subject to the lease requiring the tenant not to commit obstruction or nuisance in the vicinity
<b>Decision made:</b>	Approve grant of new lease in respect of St Martins Street WCs Hereford for conversion to micro-distillery
<b>Reasons for decision:</b>	The site of St Martins Street WCs is owned by the council and the facility has been closed for a number of years following a review of the provision of public toilet facilities in the city The site has been identified by the owner of an established microbrewery business as suitable for conversion to a micro-brewery subject to the grant of planning and building regulation approvals and he has requested a lease of the premises Terms for a lease have been provisionally agreed and provide for a lease term of 10 years with a rent review after 5 years at a rent of £9,000 per annum, tenant to be responsible for obtaining all necessary statutory approvals, for repairs, insurance and all other out-goings in respect of the property. The lease will provide for a rent free period to reflect the tenant's expenditure on converting and refurbishing the premises.
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	Any security or financial risks attributable to the conversion of a public toilet to a micro distillery will be mitigated by transferring all responsibility for obtaining planning, for all repairs and insurances to the tenant under the lease. In the event that the council requires the site for its own use the lease will be excluded from the security provisions of the Landlord & Tenant Act 1954 and will contain a landlord's option to break the lease
<b>Details of any alternative options considered and rejected:</b>	Retaining the property and clearing the building to facilitate additional parking in the St Martin's Street car park has been considered but there is insufficient requirement for additional parking in this location to justify the costs involved
<b>Details of any declarations of interest made:</b>	None

Signed

Chris Jenner  
Assistant Director for Technical Services

Date: 4 August 2021