

### Record of officer decision

<b>Decision title:</b>	Acquisition of the Reversionary interest in the Whitehouse Community Hub at Tupsley, Hereford, following the agreement of a surrender of the extant long-term lease with the current Tenants, The Tupsley Whitehouse Project
<b>Date of decision:</b>	7 <sup>th</sup> November 2025
<b>Decision maker:</b>	Commercial and Investments Manager
<b>Authority for delegated decision:</b>	Corporate Services' scheme of delegation dated April 2025 (line 34) gives the Commercial and Investments Manager the authority to take the decision, in liaison with Legal Services
<b>Ward:</b>	Aylestone Hill
<b>Consultation:</b>	Consultations have been undertaken with the Leader of the Council, senior Cabinet Members, and the local Member. In addition, senior officers of the Council, including the Chief Executive, are aware of the many factors which have lead to this decision being taken, and are supportive of it.
<b>Decision made:</b>	To agree to take a surrender of the Tenant's long-term lease and in doing so immediately acquire the Landlord's reversionary interest in the Property
<b>Reasons for decision:</b>	<ul style="list-style-type: none"> <li>• The Tenant holds the Property under a Full Repairing Lease</li> <li>• The building has a number of major defects to the fabric of the building, some arising through the use of certain repair methods which are considered inappropriate given the specialized style of building construction employed at the Property</li> <li>• There is a lack of evidence that the required statutory compliance checks have been completed, and therefore a lack of certainty that the utilities, operating systems, and relevant building registers have been maintained in accordance with published requirements</li> <li>• The Tenant has no resources to undertake the urgent remedial works to safeguard the future of the Property or to ensure relevant compliance standards are met.</li> <li>• The acquisition of the reversionary interest in the property is at nil cost to the Landlord, Herefordshire Council.</li> <li>• Through this process, the Landlord will be better placed to review and establish an appropriate plan of action for the future of this well-used community facility in Tuplse</li> <li>• As part of the surrender, the Tenant will be supported in its efforts to create a temporary Community facility nearby.</li> </ul>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	<p>Finance – it is likely that as part of the surrender, the Council will need to consider a capital bid for the refurbishment or demolition of the property</p> <p>Legal – the Council has the power to acquire the property. The</p>

	<p>acquisition of the property comes with the legal liabilities of owning and correcting defective premises. However, there may be legal risk to the authority under the Defective Premises Act 1972 if the lease is allowed to continue rather than by implementing this surrender and reversionary acquisition. As the tenant does not have the resource to repair the building then the Council would be unable to enforce the repair covenant and an inevitable step would be for the Council to forfeit the lease in due course in any event to prevent further disrepair.</p> <p>Equality – consideration is given to users of the facility and the current operators and it has been agreed to grant them a licence to site demountable units close to the current property – subject to the existing Tenant being responsible for obtaining all necessary consents and meeting all costs in respect of the temporary provision.</p>
<p><b>Details of any alternative options considered and rejected:</b></p>	<p>No suitable alternatives were proposed</p>
<p><b>Details of any declarations of interest made:</b></p>	<p>None</p>

Signed..... Date: 11<sup>th</sup> November 2025

Anthony Oliver  
Interim Director of Commercial Services