

OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No:
AHWB/040/2018 Micro-brewery and Tap at Cusworth Hall

Box 1

DIRECTORATE: Adults, Health & Wellbeing

DATE: 8th June 2018

Contact Name: Nick Stopforth

Tel. No.: 01302 862693

Subject Matter: Micro-Brewery and Tap at the former alehouse, Cusworth Hall.

Box 2

DECISION TAKEN:

To approve the lease for a Micro-brewery and Tap at Cusworth Hall to DCLT.

Box 3

REASON FOR THE DECISION:

The facility would be leased to, managed and delivered by Doncaster Culture and Leisure Trust (DCLT), using their experience of the management of the Leopard and the Counting House, and other commercial facilities. The demised premises shall be used as a tap selling a range of real ale, craft beer, traditional bitters, wine and local spirits. This will be complimented by hot beverages, speciality blended soft drinks that can all be enjoyed in the tap, out in the court yard or as take away. Food will also be available as part of a growing visitor offer at the hall and park. Alterations to the overall style of this proposed provision would only be agreement with the Council. Full planning and listed building applications would be progressed accordingly.

Terms have been provisionally agreed as follows:

Term: 9 years lease term contracted out of Part II Landlord and Tenant Act 1954.

Rental: £2,000 per annum paid quarterly plus 10% of gross turnover of the Tap paid in arrears annually (if the opening of the tap falls below 15 hours per week then an agreed sum per gallon of Cusworth branded beer/ale that is brewed will be paid to DMBC). An annual rent of 1 peppercorn if demanded.

Rent review: 3 years

Rent free period: Rent free for one year (£2,000)
Repairs: The tenant to be responsible for all internal repairs.
Use: Wood Store – storage. Old Brew House – Micro Brewery and tap.
Courtyard.

Box 4

OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:

a) Option 1 – Do nothing (not recommended)

Take no action and leave this part of the Cusworth Hall building vacant, unmaintained, and not contributing to the business growth of Heritage Doncaster

b) Option 2 – regenerate this part of the venue (This is the recommended option)

This will form part of Heritage Doncaster's business plan and bring an income to the service. It will widen the appeal of Cusworth Hall and Park as a visitor destination. It will bring a dormant part of the building back to life in a way which is sensitive to the history, heritage and environment of the building.

c) Option 3 – regenerate this part of the property to an alternative purpose (Not Recommended)

Heritage Doncaster have no other plans, business use or potential partner available to refurbish and commercialise this empty part of the building. To conduct an options appraisal for other functions of the former Brewhouse would not necessarily be in keeping with this part of the building's heritage, would not necessarily be de-risked by putting all financial and other responsibilities on to the tenant, and would risk the service losing the significant capital outlay which DCLT is prepared to put into the venue to make it fit for the purpose described.

Box 5

LEGAL IMPLICATIONS:

Under s.123 of the Local Government Act 1972 the Council has statutory power to grant a short (less than seven year) lease of non-housing/non-HRA land without the need to obtain the best consideration reasonably available. This means that the proposed variable return based on turnover is acceptable.

The Council's Financial Procedure Rules authorise the Council's Property Officer to arrange the disposal of land for less than best than best consideration where the best consideration reasonably obtainable would not exceed £250,000. If the market value of the disposal exceeds £250,000 then the approval of Cabinet is required.

Name: Adam Bottomley Signature: By Email Date: 08/06/2018

Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 9**ICT IMPLICATIONS:**

There are no direct ICT implications in relation to this decision and it is assumed that the tenants (DCLT) will be responsible for the provision of any required ICT services. However, there is a requirement for DMBC ICT to extend the provision of public wifi at Cusworth Hall to include the new Micro Brewery and Tap and a proposal in relation to this has been submitted for consideration by the ICT Governance Board (IGB).

Name: Peter Ward (Technology Governance & Support Manager)

Signature: [redaction]

Date: 08/06/18

Signature of Assistant Director of Customers, Digital & ICT (or representative)

Box 10**ASSET IMPLICATIONS:**

The heads of terms for the proposed lease have been negotiated by a representative from the Strategic Asset Management Team, and signed off by the Property Services Manager.

The proposal as presented was reported to the Council's Assets Board (Operational Group) on 17th May 2018, and to the Strategic Decision making Group on 30th May 2018, where it received full support.

Name: Gillian Fairbrother (Principal Property Surveyor)

Signature: By email

Date: 8th June, 2018

**Signature of Assistant Director of Trading & Property Services
(or representative)**

Box 11**RISK IMPLICATIONS:**

There is a risk in doing nothing that Heritage Doncaster does not build on its plans for business growth, which reduces its commercial confidence in other developmental areas of the service.

There is a low risk of the microbrewery lacking in commercial sales in the first one to three years, although that risk is carried by the tenant.

There is no risk of cost to the Council in refurbishing the space, as this will be managed by the proposed tenant.

(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)

Box 12**EQUALITY IMPLICATIONS:**

The Cusworth Hall and Park venue provides free access to all. This free access is supported by income generation which contributes significantly to the upkeep of the Hall and Park. Aside from the service priority to ensure equitable access for all, the service and its corporate partners, as well as the supply chain, will demonstrate a consistent approach to due regard for protected characteristics as set out by the Equalities Act 2010, in procurement, capital works, service design and service delivery. This approach to demonstrating due regard will be monitored through appropriate KPIs and review processes.

Name: Nick Stopforth Signature: by email Date: 21.6.2018

(Report author)

Box 13**CONSULTATION****Officers**

(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)

Members

Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.

Please list any comments from Members below:

Cllr Nigel Ball has been sent a copy of this ODR for information.

Box 14

INFORMATION NOT FOR PUBLICATION:

In accordance with the Freedom of Information Act 2000, it is in the Public's interests for this decision to be published in full, redacting only the signatures.

Name: __ Gillian Parker __ **Signature:** _by email__ **Date:** _21/06/2018
Signature of FOI Lead Officer for service area where ODR originates

Box 15

[redaction]

Signed: _____ **Date:** _28/06/2018_
Debbie John-Lewis Assistant Director

Signed: _____ **Date:** _____
Additional Signature of Chief Financial Officer or nominated representative for Capital decisions (if required)

Signed: _____ **Date:** _____
Signature of Mayor or relevant Cabinet Member consulted on the above decision (if required).

- This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.
- A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.
- A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.
- A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox