

Record of Officer Decision

Deed of Variation, Twyver House, Gloucester

Decision Taker and Date Decision Taken:

Director of Finance on 22 September 2026

Summary of Matter or Issue Requiring Decision:

The Council's Tenant, the Secretary of State for Communities and Local Government, occupies Twyver House under a lease dated 29th September 1968 for a term of 99 years. The lease contains a Tenant only break clause at the end of the 60th year (28th September 2028) exercisable on serving 12 month's notice. The Tenant confirmed they will terminating the lease in 2028.

Following subsequent negotiations with the Tenant in a bid to retain them beyond 2028, agreement has been reached for the lease to be varied on the following basis:

- Revised Tenant only break dates; remove 2028 and introduce a break on 29 September in 2030, 2031, 2032, 2033 and 2034 on the Tenant serving 9 month's notice.
- Tenant to receive a rent free period of two months following completion of the Deed of Variation, and a further 1 month rent free each year on 29th September from 2030 until 2034 in the event of not serving notice to terminate.
- Up to 25% of the accommodation can be vacated on serving 2 months notice, at which point £0 rent applies to the vacated space. The tenant will continue to be liable for business rates, insurance and other outgoings associated with the space. The Tenant can subsequently re-occupy space, triggering resumption of the associated rent for that space.

Decision Taken:

That the lease for Twyver House be varied on the above terms.

Summary of Reason(s) for Decision Taken:

In varying the lease in the manner detailed above, the Council will prevent the tenant from terminating the lease and vacating in 2028, and will secure the tenant for a minimum of a further 2 years.

Summary of Alternatives or Options considered and rejected and Background Papers:

The Council may choose not to vary the lease however the Tenant has confirmed that they will vacate the whole premises in 2028 through triggering the Tenant only break clause. This will create a significant void resulting in lost rental income and the introduction of void costs pending either redevelopment or re-letting of the space. Given the condition of the office accommodation, re-letting the space will be challenging in its current form.

Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:

None

Implementation:

This decision will be implemented immediately.

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's offices or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email governance.support@torbay.gov.uk

Signed: _____ Date: _____
(Director of Finance)