

Get your landlord on board before you diversify: advice for Guernsey retailers

Senior associate Piers Dereham discusses the importance of keeping your landlord informed of any plans you have to diversify your retail offering.

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I run a retail business but trade has not been good recently. Can I let someone run a small coffee bar in the shop to try to attract more customers?

This depends on a few things.

Your landlords might be concerned that you are changing the use of the property. In general, the landlords will be more relaxed if the coffee bar will only occupy a small area. However, if it will occupy a significant area, the issues could be more complicated and might require planning permission.

If you are not intending to run the café yourself, the landlords will want details of the proposed operator and the proposed arrangements between you. You will need to obtain the landlords' permission before you can let the operator occupy part of the shop.

Permission will also be required from your landlords for the works involved in fitting out the new coffee bar. You should give them copies of the plans of the fitting out works.

Permission for the fitting out of the coffee bar and the sharing of occupation of the shop will usually be given in a formal licence. You might also need to involve Building Control if the works are significant. An architect or surveyor is best placed to advise on this.

The arrangements between you and the coffee bar operator should be recorded in a suitable agreement – setting out any licence fee payable to you and giving you control over how the bar is operated to ensure there is no negative effect on the running of your shop. It needs to set out the operator's responsibilities clearly – e.g. compliance with hygiene requirements and maintenance and cleaning of the coffee bar area. It also needs to give you the ability to step in and take over the running of the bar if it is not being properly managed.

This article first appeared in Guernsey Press Business Panel.

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