

## Valuation brief relating to Walsden Cricket Ground

### 1. Background

- 1.1 Town Councillors of Todmorden Town Council are Trustees of Walsden Cricket and Bowling Club, Scott Street, Todmorden, OL14 7SX) Charity Number 523976.
- 1.2 Title to the land only is held under Title number YY91567 registered on 11 January 2018.
- 1.3 The Town Council has leased the land to the Trustees of the Walsden Cricket Club and Bowling Club with the current lease dated 1<sup>st</sup> April 1999 and expired 31<sup>st</sup> March 2020, since when they have been “holding over” . A reserved rent of £150 has applied since 2000.
- 1.4 The Cricket Club wish to apply for external grant funding and wish for The Town Council to grant them a new lease for a term of 25 years.
- 1.5 The Town Council has no objection to granting this new lease, but obligations placed on Councillors as trustees were defined in the Charities Act 2011 Section 119 as detailed below.

**119 Requirements for dispositions other than certain leases**

- (1) The requirements mentioned in section 117(2)(b) are that the charity trustees must, before entering into an agreement for the sale, or (as the case may be) for a lease or other disposition, of the land—
  - (a) obtain and consider a written report on the proposed disposition from a qualified surveyor instructed by the trustees and acting exclusively for the charity,
  - (b) advertise the proposed disposition for such period and in such manner as is advised in the surveyor's report (unless it advises that it would not be in the best interests of the charity to advertise the proposed disposition), and
  - (c) decide that they are satisfied, having considered the surveyor's report, that the terms on which the disposition is proposed to be made are the best that can reasonably be obtained for the charity.
- (2) Subsection (1) does not apply where the proposed disposition is the granting of such a lease as is mentioned in section 120(1).
- (3) For the purposes of subsection (1) a qualified surveyor is a person who—
  - (a) is a fellow or professional associate of the Royal Institution of Chartered Surveyors or satisfies such other requirement or requirements as may be prescribed by regulations made by the Minister, and
  - (b) is reasonably believed by the charity trustees to have ability in, and experience of, the valuation of land of the particular kind, and in the particular area, in question.
- (4) Any report prepared for the purposes of subsection (1) must contain such information, and deal with such matters, as may be prescribed by regulations made by the **[F1 Secretary of State]**.

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- 1.6 Before we are able to formally take this forward with the Cricket Club we need to satisfy the Charities Commission that we have taken the appropriate steps to ensure that the Trustees realise good value for the disposal of land by way of lease for 25 years.

### 2. Restrictions on use of Land

- 2.1 The title to the property does not include any buildings erected thereon.

- 2.2 The Clubhouse is owned by the Trustees of the Walsden Cricket Club and Bowling Club as is any equipment placed thereon.
- 2.3 Todmorden Town Council does not meet any costs associated with the running of the Cricket and Bowls Club.
- 2.4 Todmorden Town Council does not have any maintenance or repair obligations save for trees that are located within the demised area.
- 2.5 The Land Registry Official copy of register of title refers to an indenture dated 8<sup>th</sup> January 1909 containing restrictive covenants as follows:-
  - a) Indenture states “may at any time grant the use of the same either gratuitously or for payment to any club or institution as a cricket bowling or recreation ground or for any agricultural horticultural or other show or any other public purpose or may use the same for any such purposes, but not for any shooting , rabbit coursing ,dog racing or other nuisance.

### **3 Extent of site/covenants**

- 3.1 The site consists of approximately fourteen thousand five hundred and thirty four square yards.
- 3.2 Its use is stipulated as “ a cricket ground or bowling green only for such games or recreations if any) as may be sanctioned or approved from time to time in writing by the Trustees.
- 3.3 Only to erect on the land a club pavilion and shed and such other buildings as may be necessary ..... approved by the Trustees.
- 3.4 If the club were to cease and any lease surrendered Trustees would have the right to seek removal of such buildings and to return to original site and make good any compensation for any damage in doing so.
- 3.5 Having erected buildings to ensure they are kept in good repair and condition.

### **4 Valuation**

- 4.1 This is not treated as an income earning asset by Todmorden Town Council and had the Charities Act requirements not changed in 2011, the lease would have been simply renewed with a likely nominal uplift applied.
- 4.2 However the 2011 Act places an obligation of Trustees to seek proper value albeit the Trust has no expenses to meet of any nature at all.
- 4.3 The use is restricted to that of a Cricket and Bowls Club and supported by the community. The opportunity to attract any other club to use a Cricket and or

Bowls Club is non - existent and any process to force this would be more than be strongly resisted.

- 4.4 The lease has not been “contracted out “ clause and as such therefore is subject to automatic rights of renewal. There is no “open market” value and if the club sought renewal of the existing 21-year lease through the courts, it is highly unlikely that any substantive increase would be awarded and indeed Todmorden Town Council would not wish to seek any substantive increase.
- 4.5 However the requirement of the Charities Act Section 119 requires that an independent valuation be obtained which will the inform rental negotiations with the Cricket and Bowling Club.