



TODMORDEN TOWN COUNCIL

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REPORT TO FULL COUNCIL

REPORT AUTHOR	Colin Hill Town Clerk and Responsible Financial Officer
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Date	14th July 2021
SUBJECT	Walsden Club Lease

PURPOSE OF REPORT

1. To remind Members that they collectively act as Trustees for Walsden Cricket Ground by way of conveyance dated 8th Jan 1909 and is registered under Charity number 523976.
2. To inform Members that historically the Trustees of the Cricket Club have enjoyed the benefit of a 21-year lease with the last lease ending March 2020, which was then subject to an annual rental of £150.
3. To inform Members that the Trustees of the Cricket Club have asked for the lease to be renewed for a period of 25 years, noting that they are “holding over” on the current lease under the Landlord and Tenant Act 1954.
4. To advise Members that the Charities Act 2011 imposed conditions relating to the disposal of property in that where any freehold disposal or lease over 7 years is proposed, it requires an independent valuation to be obtained from a qualified surveyor as to the “market rental value” which by its nature will consider any restrictive covenants in place.
5. To advise Members that such a valuation has been obtained indicating a far market rental of £200 per annum with a recommendation for an increase every five years of a minimum of 5%

BACKGROUND

5. Under the Landlord and Tenant Act 1954 the Trustees of the Cricket Club have an automatic right of renewal of underlying terms including length of lease and conditions, save for the rental amount.
6. Whilst they are requesting an increase in the term to 25 years, this does not increase the Town Council’s risk other than by length of term given that we are only responsible for the land itself. However this is more advantageous and hence the recommendation of the valuer to an uplift every five years.

7. By agreeing a term of 25 years this will benefit the Cricket Club in their ambitions to seek external grant funding.
8. To meet other requirement of the Charities Act 2011 we will place an advert seeking any objections to disposal of this land.
9. Following this we will seek Charities Commission approval to enter into this new lease.
10. Given that there is no need to reflect normal commercial terms and conditions it is proposed to use the existing lease wording save for the rental amount and uplift every five years.
11. In considering the property boundary we have tried to establish ownership of the garages that adjoin our boundary opposite Fir Street.
12. Whilst the Cricket Club themselves have purchased a small piece of land at the end of the run of garages, we have been unable to ascertain ownership of the garages, but have noticed that a recent house for sale on a leasehold basis has included within it one of the garages.
13. There is nothing in the Land Registry Searches that indicates any ownership by the Town Council or indeed within any of the conveyance documents held should this plot of land still be unregistered. It is not shown on Calderdale MBC Land Asset Register.
14. For the purposes of our lease to the Cricket Club there is no indication of any ownership of this plot of land.

FINANCIAL CONSIDERATION

15. The preparation of the lease can be completed by officers without need for legal advice given the same lease terms (save for rental amount and uplift). It is up to the Cricket Club to register their lease within two months of execution to ensure legal title.
16. There will be some modest costs for advertising for any objections but this will be met from within existing property related budgets

RECOMMENDATION

17. That the Town Council offer a 25-year lease on the same terms to the Cricket Club at an annual rental of £200m per annum with 5% uplift every five years, such lease to be effective from 1st April 2020.
18. That subject to acceptance of these terms by the Cricket Club and no justifiable adverse response received to any advert advising of such terms to be offered, approval be sought from the Charities Commission.
19. That subject to agreement by the Charities Commission, a 25-year lease be entered into and delegated powers be given to The Mayor and Chair of Resources to sign such lease on behalf of the Council.

REASONS FOR RECOMMENDATION

20. Full Council approval is required to grant a lease.
21. Charities Act 2011 requirements need to be satisfied.

22. The Lease needs to be signed by two Councillors “under hand”.

POLICY IMPLICATIONS:

23. None

DETAILS OF CONSULTATION:

24. None from this report.

CLIMATE CHANGE:

15. None arising from this report.

IMPACT EQUALITY ASSESSMENT

26. None arising from this report.

SUPPORTING PAPERS:

- 27. Appendix 1 - Valuation Brief
- Appendix 2 - Valuers recommendation
- Appendix 3 - Garage Search

FURTHER INFORMATION, PLEASE CONTACT: Colin Hill