

<b>SUBJECT</b>	Lease to Ashley Green and District Community Association of the Old School
<b>RELEVANT MEMBER</b>	Cllr C Jones, Portfolio Holder for Environment
<b>RESPONSIBLE OFFICER</b>	Chris Marchant, Head of Environment
<b>REPORT AUTHOR</b>	Linda Newell <a href="mailto:linda.newell@chilternandsouthbucks.gov.uk">linda.newell@chilternandsouthbucks.gov.uk</a>
<b>WARD/S AFFECTED</b>	Ashley Green

## 1. Purpose of Report

### RECOMMENDATIONS:

1. **To grant a lease of the Old School at Ashley Green to the Ashley Green and District Community Association to be co - terminus with the lease of the adjacent Memorial Hall to the Community Association.**
2. **To authorise the Head of Environment to agree the terms of the lease and any associated documents in consultation with the Portfolio holder and the Director of Resources**

## 2. Executive Summary

- 2.1 The Ashley Green and District Community Association occupied the Old School buildings since 1989 under a licence. The Council do not hold title deeds to the land which was formerly a church school held in trust for Lord Chesham by the Oxford Diocese. The Council's predecessor Amersham RDC acquired Lord Chesham's land interest in 1956. Since the school closed in 1983 the Council has assumed responsibility for the building which has been let to the Community Association on licence since 1989. Uncertainty about the Council's ownership of the land has prevented the Council granting a long lease to the Community Association which would need to be registered with HM Land Registry. The Council are now applying to register the title and can now grant a lease to the Community Association. The recommendation is to grant a contracted out lease to terminate in line with the lease on the Memorial Hall which is located on the adjacent land and which expires on 23<sup>rd</sup> June 2064 (Appendix 1).

## 3. Reasons for Recommendations

- 3.1 The granting of the lease will secure the old school as a community centre and allow the association to apply for outside funding for the running and upkeep of the building

#### **4. Content of Report**

- 4.1 The school was closed in 1983 and since then the Council have been acting as landlords with the community association occupying under a licence to use the building as a community centre.
- 4.2 The Council carried extensive external repair works over the last five years demonstrating commitment to the ownership.
- 4.3 There are two other poor quality buildings on the side which are used by organisations such as a youth group and for exercise classes. The total rental income is low for all three buildings and therefore the rental suggested to be paid by the Association to the Council will be low to reflect the condition and potential for letting.
- 4.4 The Old school and Memorial Hall are a central part of the village and the community association are committed to maintaining the buildings for community use.

#### **5. Consultation**

- 5.1 Not Applicable

#### **6. Options**

- 6.1 The occupation by the community association requires formalising and granting a long lease will enable the organisation to request external funding for the upkeep of the centre
- 6.2 Alternatively the Council could offer a short lease (less than seven years) which will not be compulsorily registrable at the Land Registry. This would enable the Council's application to register the land to be completed and any requisitions on title or ownership challenges to be dealt with. This could however make it more difficult for the community association to obtain funding for upkeep of the building.

#### **7. Corporate Implications**

- 7.1 Financial – The Community Association have a small income and formalising their occupation will allow external funding and reduce the burden to the Council. It is proposed that there will be a minimal rent to reflect the increased burden on the repairing liabilities and the extent of the property to be demised
- 7.2 Legal – The ownership of the Old School has been subject to uncertainty over the years since the school closed in 1983. The Council do not hold title deeds to the land which was formerly a church school held in trust for Lord Chesham by the Oxford Diocese under a deed dating back to the nineteenth century. The Diocese appear to have held the deeds until the school closed but it is not clear whether these were

returned to Lord Chesham. The Council's predecessor Amersham RDC acquired Lord Chesham's land interest in 1956. Since the school closed in 1983 the Council has assumed responsibility for the building which has been let to the Community Association on licence since 1989. The proposal will require several legal agreements to be entered into and agreed. The Council has a duty to obtain best consideration under Section 123 of the Local Government Act 1972 before disposing of its land under a long lease. Due diligence will need to be undertaken to ensure best consideration can be demonstrated. The Community Association would be expected to pay its own legal costs

## 8. **Unitary Implications** (if applicable)

- 8.1 All the Council's land ownerships, legal agreements and licences will transfer to and vest in Buckinghamshire Council on 1 April. There will be small sum required for legal costs and land registration which would fall to the new Council if the lease is not completed before 31 March.
- 8.2 The granting of the lease is in line with the proposed devolution of sites to parish and councils by the unitary authority and improving the buildings within the public estate.

## 9. **Links to Council Policy Objectives**

- 9.1 The approval will enable a partner /tenant to deliver cost-effective improved service.
- 9.2 Which will help to promote safer and healthier local community.
- 9.3 The building will be constructed to achieve improved Carbon footprint will conserve the environment whilst also promoting healthier local community

## 10. **Next Steps**

- 10.1 Agree heads terms of lease and continue with registration of the site in the name of the Council

<b>Background Papers:</b>	None
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