

BARNSLEY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

Report of the Director of Finance, Assets & IT

Proposed Sale by the Council as Trustee of the North & South Lodges Locke Park

1. Purpose of Report

- 1.1 To consider the sale of the North Lodge and the South Lodge ("the lodges") shown edged black on the attached plans, which are situated within the curtilage of Locke Park ("the park") by the Council as Trustee of Locke Park by most appropriate means on a long leasehold basis, in order to achieve best value.

2. Recommendations

It is recommended that Cabinet recommends to Council;-

- 2.1 That subject to consultation with the Charity Commission and the statutory procedures under the Charities Act 2011 being complied with, the Council in its capacity as Trustee of Locke Park approves the sale of the North Lodge and the South Lodge shown edged black on the attached plans.
- 2.2 That the Director of Finance, Assets and IT on behalf of the Council as Trustee dispose of the North Lodge and the South Lodge by most appropriate means as recommended by an independent surveyor acting on behalf of the Council as Trustee, to achieve best value.
- 2.3 That the Director of Legal and Governance is given delegated authority to address any representations made by the general public to the proposal on behalf of the Council as Trustee and to conclude the necessary legal documentation relating to the disposal of the properties.
- 2.4 That the Director of Legal and Governance is given delegated authority to seek the consent of the Charity Commission to use the proceeds of sale in accordance with the Trust's Governing Documents with such monies being applied towards improvements for the benefit of the remainder of the park, and that until concluded that the Council as Trustee holds the capital receipt on trust.
- 2.5 That once settled and consent of the Charity Commission is obtained, approval is sought for the delegated authority to be granted to the Service Director Stronger, Safer & Healthier Communities (Park Services) to use the proceeds in accordance with the requirements and any directions made by the Charity Commission.

3. Introduction

- 3.1 The Council is Trustee of Locke Park by virtue of a Trust Deed which contains several freehold conveyances dated 7 January 1863, 20 August 1874, 9 October 1874 and 31 December 1914 (“the Trust Deed”). There is also a small part of the park with no formal title deed.
- 3.2 The Trust Deed specifies that the park is to be laid out as recreation or pleasure grounds for the benefit of the inhabitants of Barnsley and for the social wellbeing and recreation of those people.
- 3.3 The Park includes a number of properties within its boundaries, including the two lodges. In the past the lodges were occupied as residential premises, although this use ceased in September 2013 in respect of the North Lodge and May 2015 for the South Lodge. Since then the two lodges have been shuttered up for security purposes and have remained vacant.

4. Proposal and Justification

- 4.1 It is proposed that, subject to consultation with the Charity Commission and the procedures under the Charities Act being adhered to (and this includes giving public notice of the proposal and inviting representations), the Council as Trustee, grants consent to the disposal of the lodges. The proceeds will be held by the Council as Trustee on trust and the receipts will be applied in accordance with a direction given by the Charity Commission. It is anticipated that the Charity Commission will direct that these proceeds must be applied towards future improvements or maintenance in the Park in accordance with the Trust Deed.
- 4.2 If the Council as Trustee approves the sale of the lodges, it will be necessary for public notices to be put in a local newspaper and public representations will be invited for the period of one month from the date of publication. It is considered that the proposal will not result in any material change in or detriment to the use of the Park. It is also proposed that there be delegated to the Director of Legal and Governance the function of addressing any representations received to the proposed disposals and subject thereto, entering into the necessary legal documentation to give effect to the proposal.
- 4.3 The sale of the lodges will bring the properties back into use and should see them improved and used for residential purposes once again. It will also remove a health and safety risk for the Council as well as removing an ongoing maintenance, repair and security liability for the Council.

5. Consideration of Alternative Approaches

- 5.1 If approval is not granted, the Council as Trustee will remain responsible for the properties. Until the Council as Trustee identifies funding to bring the lodges into a

decent state of repair and available for letting the properties would remain empty and shuttered up and probably continue to deteriorate.

- 5.2 The budget costs for works on the lodges in respect of repairs, security and standing charges in 2015 amounted to £27,000. If available to let the properties would require active management and have a potential rental income in the region of £450 - £550 per month. However to achieve this sort of rental the Council would have to refurbish and improve the lodges, which would be an additional cost to the Council.
- 5.3 There is an obvious need to bring these properties back into use as they cannot remain shuttered up and vacant indefinitely. Not only do they look unsightly, in their current state they are attracting a degree of interest from local youths, which is leading to some incidents of anti-social behaviour.
- 5.4 The fact that the lodges are Grade 2 listed buildings would in reality remove the possibility of the Council as Trustee considering demolishing the lodges and incorporating the sites within the park. It is highly unlikely that such consents would be forthcoming in any event. In addition there would be a substantial cost to such an approach, even if it were possible. Also if demolished, the Trust would lose the possibility of any future potential income being generated from the sites and therefore this is not considered best value.

6. Local Area Implications

- 6.1 By granting consent to the disposal any improvements made to the lodges by the purchasers will enhance the surrounding environment and remove a potential attraction for vandalism and anti-social behaviour. When fit for occupation a further housing opportunity in the Locke Park area will have been created.
- 6.2 Once the lodges have been sold the capital receipts received by the Council as Trustee can be used to support maintenance, improvements and repairs for the benefit of the Park and consequently, the local community.

7. Compatibility with European Convention on Human Rights

- 7.1 There are no issues arising as a result of this report.

8. Promoting Equality and Diversity and Social Inclusion

- 8.1 There are no issues arising as a result of this report.

9. Reduction of Crime and Disorder

- 9.1 In investigating the options set out in this report, the Council's duties under section 17 of the Crime and Disorder Act have been considered.

10. Conservation of Biodiversity

- 10.1 There are no issues arising as a result of this report.

11. Risk Management Issues, including Health and Safety

- 11.1 The sale of the lodges will enable the purchasers to bring back into use empty properties and once occupied they will be less of a danger in terms of health and safety. On disposal the health and safety management of the properties will pass onto the purchasers.

12. Financial Implications

- 12.1 The sale of the lodges will generate a capital receipt in the region of £265,000. The estimated sale value of the lodges being as follows: -

- North Lodge being £135,000
- South Lodge is £130,000.

This money will be held on Trust and applied in accordance with the directions made by the Charity Commission.

- 12.2 The intention is that the Council as Trustee will apply its sale proceeds towards improvements within the remainder of the park but the Charity Commission will need to approve this proposal.

- 12.3 The purchasers will pay the Council's reasonable professional costs involved in the drafting and completion of the leasehold sale as is normal practice.

- 12.4 There are no VAT implications arising as a result of this report.

- 12.5 The financial implications are shown in the attached Appendix A.

13. Employee Implications

- 13.1 There are no implications arising from this report.

14. Glossary

- 14.1 Not Applicable

15. List of Appendices

- ### 15.1 Appendix A – Financial Implications.

- ## 15.2 Appendix B – Site Plans

16. Background Papers

- 16.1 Correspondence regarding this matter is held on the files in Asset Management – not available for inspection contains exempt information.

Office Contact Tim Hartley Telephone No 774615 Date 10 August 2016

Annex - Consultations

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