

## Avebury Parish Council

### Renewal of Sports-field lease

The NT contacted us last summer about renewing the sports-field lease. This note sets out some facts and figures and recommends that APC sets up a temporary working party to meet two or three times to go into the details of a new lease and make recommendations to APC on the terms we might want. APC would then contact the Trust to negotiate terms.

### History

The first lease of the sports-field was created between the Trust and APC in 1947 for 21 years at a nominal rent of one shilling. Three leases were later created in succession for terms of seven years each in 1969, 1974 and 1981. The current lease was created in 1990 for a term of 10 years at a rent of £100 per annum with provision for a rent increase based on the RPI in 1995.

No further lease has been executed since then, and the 1990 lease has therefore been 'holding over' since 2000. Although the rent chargeable under the 1990 lease was £100pa, it appears that the NT has continued to invoice APC for £50 per annum + £10 VAT since 1990. It also appears that no rent review was held in 1995.

### The Trust's suggested main terms

The NT sent APC suggested terms for a new lease last July. These were:

1. A 25 year term with no break clause or rent review, or a 40 year term with a break clause at 20 years and rent reviews every 10 years.
2. An opening rent of £75 pa + VAT
3. Permitted uses are proposed to be:  
*Use of the Property for the purposes of sports pavilion and sports ground with permission for Parish Council or Parish Council sub-committee to grant licences to allow local sports club use and recreational use with specific uses to be approved by the Trust in writing. These clubs are permitted to apply for capital funding for building development and improvements subject to the Parish Council's and Trust's approval in writing. The Parish Council is permitted to apply for capital funding for building development and improvement subject to the Trust's approval in writing.*
4. Other 'agreed terms' are proposed to be:  
*The tenant may share the whole or part of the Property with community groups retaining a not-for-profit character, with written approval from the Trust. These uses must be non-fee charging other than recovering reasonable possession of costs of utilities and nominal licence fee. Subject to approval of dates to prevent conflict with any National Trust event the property may be used for fundraising events by the Parish Council and community groups agreed in advance by the Trust.*
5. APC/ACSReC to be responsible for all repairs, maintenance etc, except for 50% of the costs of boundary walls, fences, gates and hedges where responsibility is shared with a neighbour.
6. To redecorate every seven years
7. Not to assign or sub-let
8. Not to alter the property
9. Not to put up signs without the approval of the Trust
10. To use the Trust's block policy for buildings insurance for the pavilion.

## **The Parish Council's discussions to date**

APC had some preliminary discussions about the proposed new lease at its meetings last July, August and October. The following points were noted:

1. APC's survey of local opinion last autumn showed public interest in cricket, football, croquet, bowls, car boot sales, the community orchard, children's play equipment, Avebury Day, Avebury Rocks and other activities such as map selling.
2. The sports-field is a great asset for the social life of community, but financially it is a liability. Income from sports is, very roughly, less than £1k a year but costs are about £4-5k pa, of which APC meets about £1,500 for mowing and insurance.
3. Overall, APC felt it would be sensible to ask for a longer lease in the region of 25-40 years so that grants could be obtained from agencies such as Sport England
4. We agreed we should negotiate a nominal rent of approx £50 per annum and we felt that £75 + VAT was OK
5. It would save a lot of bureaucracy and admin for us and the NT in getting and giving consents if the lease included the following categories of use:
  - i. Sports
  - ii. Recreation
  - iii. Community benefit activities (such as Avebury Day or the Queen's Jubilee))
  - iv. Charity events benefiting parishioners (such as Avebury Rocks)
  - v. Fund raising activities to meet the costs of running the sportsfield
  - vi. Other similar uses

## **Some points for clarification or decision now:**

1. Whether Keiller's will, or the original conveyance of the sports-field by Keiller to the NT in 1943, indicated that the NT has the role of owning and holding the sports-field as trustee on behalf of the community (as opposed to just being a 'normal' landlord).
2. We should look carefully at the 'Permitted Uses' clause and make sure that all the uses we want are included in it.
3. Following on from that, the need for both the Trust and the Parish to avoid unnecessarily admin in applying for and giving consents for activities. It would be better to have clear categories of use and a single clause setting out NT prohibitions.
4. Is the sports-field part of the Trust's 'alienable' or 'inalienable' estate? If is 'alienable', could APC therefore acquire a 99 or 120 year lease? If so, APC would have long term security and could raise mortgages on the land to help finance, say, a new pavilion at some stage. (But we also need to be aware of the opposite fact, that we would be locked into a potential financial liability for 99 or 120 years.)
5. I'd suggest that a 25 year lease with no break clause or rent review is better than a 40 year lease with a break clause at 20 years and 10 yearly rent reviews.
6. How much will it cost to insure through the NT compared with APC's policy?
7. The need for any Trust approvals to be 'not unreasonably withheld'.

## **The next steps**

It will be helpful if we have a general discussion on Tuesday and decide on any headline issues. I suggest we then set up a temporary working party to look at the details of the lease. I suggest that possible members might be Mike, Lynzey, Dominic, me and any others that are interested, and Mike might chair it. Sara Spratt has kindly offered to give informal legal advice, and Richard Fry (solicitor and ex-APC member) may also be able to help on the earlier legal history of the sportsfield.