

**To receive a report on The Trustees of Saltash Heritage and consider any actions and associated expenditure**

Full Town Council 7<sup>th</sup> December 2023:

It was proposed by Councillor Brady, seconded by Councillor Peggs and **RESOLVED:**

1. To delegate to the Town Clerk to appoint a Law Firm to act on behalf of Saltash Town Council;
2. Associated legal costs to be paid by The Trustees of Saltash Heritage;
3. The Town Clerk to report back at 11th January 2024 Full Town Council meeting subject to sufficient advice being sought for Members further consideration;
4. The Town Clerk to provide an update to Coodes Solicitors on the set resolution.

Appointment and Legal Fees RE Charitable Incorporated Organisations Conversion:

Four solicitor quotes were received to act on behalf of Saltash Town Council regarding a request from Coodes Solicitors in respect of the potential conversion of Saltash Heritage currently unincorporated body to a CIO.

Delegation allowed the Town Clerk to appoint a Law Firm to act on behalf of Saltash Town Council, that being, Earl and Crocker Solicitors, Liskeard office.

Anthony Earl Director and Solicitor is able to represent Saltash Town Council in this respect as this is the type of matter he deals with and is available during the months of January and February 2024 avoiding potential delay.

Anthony advises Saltash Town Council during this process to consider as a Landlord the potential consequences of accepting a limited liability tenant and whether the Town Council would want any personal guarantees from any of the trustees or alternatively a rent deposit from the tenant to protect the Town Council position.

Earl and Crocker fees for carrying out the work on behalf of Saltash Town Council would be £650 + VAT inclusive and no further costs will be added to this at a later stage. The fee will include full guidance and advice throughout the matter to ensure the Town Council remains protected for years to come.

The Trustees of Saltash Heritage have agreed to pay Saltash Town Council associated legal fees (£650+VAT). This has been received in writing from Coodes solicitors.

The procurement side of things will be managed by the Town Clerk working with both parties in line with Financial Regulations.

#### Lease:

A 25 year Lease between Saltash Town Council and Saltash Heritage was formed on 28<sup>th</sup> July 1999 (as attached).

Further to this, a Memorandum of Agreement and Understanding together with a Renewal Lease by Reference to an Existing Lease was formed on 19<sup>th</sup> April 2018 to include a Break Date of the 27<sup>th</sup> July 2027 and thereafter during the mid-term of all new Councils (four yearly) thereafter on the 27<sup>th</sup> July (as attached).

Earl and Crocker have confirmed the existing lease expires on the 27<sup>th</sup> July 2049 as the old lease was renewed for that period under the renewal lease.

However there is a break clause within that renewed lease which allows either the landlord or tenant to end the lease by giving 12 months written notice to the other to end it on a break date and the break dates under the Lease are the 27<sup>th</sup> July 2027 and the 27<sup>th</sup> July every fourth year after that.

As the lease is just an agreement between the Landlord and Tenant it can be varied at any time if both parties agree.

#### Next Steps:

As part of the existing request, Saltash Town Council may wish to consider Anthony Earl raising a review of the existing Lease agreement and to better understand Saltash Heritage future plans. This slightly relates to what Saltash Town Council is being asked to consider as a Landlord.

This is something Earl and Crocker are able to raise direct with Coodes, but if this becomes more complicated and a separate issue they may need to review their initial fees but would not do this until discussing it with the Town Clerk beforehand.

It is important to note that Saltash Town Council and Saltash Heritage hold years of good supportive partnership working, it is important the relationship continues.

Members are asked to consider:

1. Providing further delegated authority to the Town Clerk to work with Anthony Earl of Earl and Crocker Solicitors to review options regarding the potential conversion of The Trustees of Saltash Heritage currently unincorporated body to a CIO;
2. How Saltash Town Council wish to proceed with the existing Lease arrangements and any potential additional legal cost;
3. The Town Clerk reporting back at a future Full Town Council meeting as required.

**Budget:**

Budget Code: 6273 EMF Legal Fees

Budget Availability 2023-24: £5,601

**End of Report  
Town Clerk/RFO**