

**17<sup>th</sup> September 2014**

**Asset and Enterprise Committee**

**Herongate Village Hall**

*Report of:* Adrian J Tidbury, Estates and Valuation Surveyor

*Wards Affected:* Herongate and Ingrave and West Horndon

*This report is:* Public

**1. Executive Summary**

- 1.1 This report considers the history, current condition and future of the Herongate Village Hall.

**2. Recommendation(s)**

- 2.1 To seek the Charity Commission's further advice and timely intervention as there are no Managing Trustees now willing to act and the Council has no power to take a decision on behalf of the Charity to dispose of the property and to deal with the proceeds of any disposal**

**3. Introduction and Background**

- 3.1 Herongate Village Hall (176 Brentwood Road) is situated adjacent to the A128 in Herongate opposite the Green Man Public House in the south of the Borough and 100 metres northeast of the junction of Billericay Road and the A128 Brentwood Road. The building was previously known as St Andrews Church Hall and sits within the Herongate Conservation area although the building is not listed. It is shown on the 1876 Ordinance Survey map but not on mapping prior to this date and therefore construction is understood to be during the 19<sup>th</sup> century and though to have been formerly a school. It consists of white painted brickwork and has a low pitched slate roof.
- 3.2 Originally, the hall was run by a committee of various village groups including Thorndon WI, the Village Preservation Society, the Church of England, the Methodist Church, a playgroup, Girl Guides, Brentwood Council, East Horndon Manor and the Ingrave Tigers Football Club.

3.3 A report on the title to the Village Hall is contained in Appendix A.

3.4 The salient points in this report on title are as follows:

- The Council own the freehold of the above land and building (the property). The property was transferred to the Council on 3 April 1979. The Trustees appointed the Council to act as Custodian Trustee and the Council therefore should oversee the trust being run in accordance with the trust powers and provisions.
- The Council cannot dispose of this land without the consent of the Charity Commissioners or the Registrar.
- The property is subject to a restrictive covenant not to redevelop the property; if the current building is demolished, then the land needs to become Common Land to be used for recreation, amusement, convenience and exercise of the inhabitants of Herongate and Ingrave ward. The Chelmsford Diocesan Board of Finance Limited have the benefit of this covenant.
- The village hall can only be used by then inhabitants of Herongate and Ingrave for any political, religious or other opinions, including use of the property for meetings/lectures/classes or any other form of recreation/leisure.
- The objects and powers of the Trust are to be administered by the Trustees Management Committee, as Charitable Trustees ('Managing Trustees').
- The Trustees Management Committee is responsible for the repairs of property and responsible for insuring the buildings, fixtures and public liability.
- The Trustee Management Committee, with the consent of the Charity Commissioners or Secretary of State, may mortgage the property for maintaining, extending or improving the property, including erecting any building thereon or internal works (bear in mind the covenant over the land is not breached by such proposals).
- The Trustee Management Committee can decide on ground of expense or otherwise to discontinue use of the property, they need to call a meeting of the inhabitants of Herongate and Ingrave ward by least 14

day notice period, by Notice which must state details of the resolution) inviting inhabitants who are 18 or over to attend the meeting to vote and the resolution has to be supported by 3/4 of those inhabitants voting and attending the meeting. The Notice must be posted at the property and advertised in the local paper. Any decision to demolish will require the Committee to grass over the site of demolition.

- 3.5 It would appear that the hall was last used in 2006 which is demonstrated by the certificate of insurance remaining on display inside the building.
- 3.6 The lack of use of the property was reported in the November 2011 Parish Council newsletter indicating that residents had asked about clearing the site or rescuing the property with a view to using it. The May 2012 newsletter comments on a meeting with representatives of village societies and groups took place on 23<sup>rd</sup> April 2012.
- 3.7 A further meeting also took place on 24<sup>th</sup> September 2012 with Borough Council Officers and group representatives from the village where the future of the building was discussed.
- 3.8 The property is insured through the Councils insurance policy.
- 3.9 A further meeting of interested parties took place on 25<sup>th</sup> February 2014 to discuss the future and need for the hall and concluded that there are currently 4 Halls in this area and this 5<sup>th</sup> hall is no longer required, particularly as there appears to be no willing participants who would become trustees to run and maintain it. In addition the last remaining trustee has now informed the Council that she no longer wishes to remain a trustee. It is not clear whether she is permitted to resign without appointing new trustees.
- 3.10 The Council wrote to the Charity Commission on 13<sup>th</sup> March 2014 setting out that the trustees have disbanded due to a significant number now deceased and the remaining sole trustee, has indicated that she no longer wishes to remain a trustee. The Council has been unable to recover any minute books or any accounts of the trust (in accordance with clause 16 of the 1978 deed) and the hall is in disrepair, an unkempt state and semi-derelict condition requiring significant expenditure of approximately £120,000 to bring the hall back in to repair. The Charity Commission was further advised that, there appears to be no interest in the use of this hall which has been uninhabited for some eight years and it is unlikely to be listed as an asset of community value. There are four other community halls within the same vicinity being utilised and it is believed the lack of use of this hall is compounded by the fact that it is located on a main road,

exacerbated by there being no provision for on-site parking, with limited parking nearby, resulting in a lack of community interest in using this hall for the trust's objects. The letter concludes seeking an order from the Charity Commissioners to appoint trustees.

- 3.11 The Charity Commissioners response outline an expectation that the sole remaining surviving trustee will hold inquorate meetings to appoint additional trustees.
- 3.12 The property remains in a derelict state with visible brickwork failure and recent damage from passing traffic to the roof construction at the eaves. At the present time the property remains water tight and significantly overgrown with vegetation. The property is not considered to be a dangerous structure at this point in time.

#### **4. Issue, Options and Analysis of Options**

- 4.1 The building prior to 2006 was in good use with the management committee managing bookings, maintaining and insuring the property. Since that time the use of the available halls at the Ingrave Johnstone School, the St Nicholas Church Hall and the St Andrews Church have become the main community rooms for the village and use of this hall became less and less particularly with the demise of the trustees. From the meeting of the interested parties held on 25<sup>th</sup> February 2014, it would appear that with the current halls available, which are larger in size, have better facilities and more importantly, the availability of parking, there is now no future demand for this property.
- 4.2 The property is currently derelict with a 'ball park' cost of up to £120,000 possibly required to bring the building back into modern use.
- 4.3 There are no parking facilities attached to the building and therefore any future use of the building would need to make use of the adjacent road space which is severely limited due to the widths of the side roads available as parking could not be permitted on the A128 Brentwood Road.
- 4.4 The location of the property is within 1 metre of the A128 Carriageway and therefore vulnerable to damage from passing traffic which has occurred in recent months.
- 4.5 From recent discussions with the representative groups there would appear to be no appetite to seek funding to refurbish the property. However, the deed provides for either alterations to the existing building, letting the building or demolition. Clearly, the lack of support for the

property would prevent any alterations, which leaves options for letting or demolition.

- 4.6 In the past years the Council has received at least one request to purchase the property. It is for the Trustees to consider any such requests and not the Council as its role is to hold the legal title on behalf of and at the direction of the Trustees. It should be noted that the deed restricts the property for use by the inhabitants of Herongate & Ingrave Ward.
- 4.7 Failing any prospective interested party coming forward the remaining option for the Trustees is one of demolition and returning the property to open grass and common land as there is no facility within the covenant to provide a new building on the site.
- 4.8 Clearly, prior to any decision on the property the response from the Charity Commission needs to be followed. However, with the purported resignation of the last trustee this may be no longer possible.

## **5. Reasons for Recommendation**

- 5.1 A recent inspection of the property by officers has revealed that the property is now in a vulnerable condition and whilst not considered a dangerous structure, will soon be so.
- 5.2 In the light of no Trustees or Management Committee the Council as Custodian Trustee has now insured the property
- 5.3 There is a requirement for action to be taken to remedy the situation and either bring the property back into community use or demolish the property and return the site to the common in accordance with the title.
- 5.4 As the Council is the Custodian Trustee, then the property is held on behalf of the Charity. The Council cannot dispose of such property in the absence of a decision by the Managing Trustees and the Charity Commission. The Council holds the legal title only on behalf of the charity. It is in effect the charity's property. Therefore the matter will need to be referred back to the charity Commission for clarity on the way forward leading to the recommendation set out in this report.

## **6. Consultation**

- 6.1 Two meetings have taken place with representatives of the remaining community groups and other interested parties including Ward members and the Parish Council on 24<sup>th</sup> September 2012 and 25<sup>th</sup> February 2014.

## **7. References to Corporate Plan**

- 7.1 Value for Money: policies that invest in key services to create opportunity for all, provide better value for Brentwood's taxpayers and enhance the borough's infrastructure whilst modernising and transforming Brentwood Borough Council. We will re-prioritise and focus our resources and be innovative in our approach.
- 7.2 Our Borough: Policies which promote our environment, support sustainable growth, and safeguard our high quality environment including heritage and countryside. We will provide responsive, accessible and forward thinking services for vulnerable residents, supporting people back into work and providing good quality housing making Brentwood our residents' Borough of Choice.

## **8. Implications**

### **Financial Implications**

**Name & Title: Jo-Anne Ireland, Acting Chief Executive**

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- 8.2 Should a decision for demolition of the property be the final outcome, there will be costs in the order of £50,000 required to enable that work to be completed and would need to be included in the 2015/16 Capital Programme.
- 8.3 Should the decision to renovate the property then costs in the region of £120,000 will be required to enable the property to be brought back to modern use and would need to be included in the 2015/16 Capital Programme.

### **Legal Implications**

**Name & Title: David Lawson, Deputy Head of Legal Services  
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8.4 The Legal implications, requisite procedures and options are as set out in the body of the report and correctly identify the important role of the Charity Commission

**9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

9.1 Notes from the 24<sup>th</sup> September 2012 meeting of interested parties (Appendix B)

**10. Appendices to this report**

Appendix A – Herongate Village Hall – Report on Title

Appendix B – Notes from 24<sup>th</sup> September 2012

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