

## Policy and Resources Committee

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<b>Title:</b>	<b>Thame Barns Centre Lease</b>
<b>Date:</b>	<b>14 February 2023</b>
<b>Purpose of Report:</b>	<b>To provide an update on the review of the Lease and charity set up.</b>
<b>Contact Officer:</b>	<b>Mandy Sturdy – Town Clerk</b>

### Background Information

1. The Barns Centre is owned by Thame Town Council and The Diocesan Trustees (Oxford) in equal parts. There is a lease in place between those parties and the Parochial Church Council of the Parish of Thame and the Trustees of the Church Farm Barns (the Barns Centre)<sup>1</sup>.
2. The Trustees of the Barns Centre are made up of:
  - The Town Clerk for Thame Town Council
  - The Vicar of St Mary's Church
  - Two Thame Town Councillors
  - Two Members of St Mary's Church
  - A Treasurer
3. Day to day operations of the Barns Centre is carried out by the management team and staff of approximately 20 including casual staff.
4. The original lease was drawn up in 1990 for a period of 21 years with a second lease for 12 years starting on 1 May 2011. The lease covers the property and the terms and conditions upon which the Trust would operate the Barns Centre. The lease is somewhat complicated by having two landlords, trustees who are the tenants and oversee the management committee. In addition, there are Holding Trustees who hold the Title Deeds to the building / assets but have no legal right to take part in the management of the charity.
5. A new lease is now required, and the discussions have begun around possible changes to the lease agreement and constitution of the charity. The charity objectives would be maintained:

*To maintain the property known as the Church Farm Barns...for the purposes of a community centre for the use of the inhabitant of the Parish of Thame aforesaid for community, recreation and for the authorised uses of the parochial church council of Thame including use by the religious bodies comprised in the Thame Council of Churches.*

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<sup>1</sup> Registered charity 900597

6. Since the 2011 Lease was signed Charitable Incorporated Organisations (CIO) have been founded. The Barns Centre Trustees are considering converting to a CIO in part to protect trustees against personal liability.
7. legal advice is to renew the lease after the CIO has been registered so that the lease is granted directly to the CIO.
8. Following the last meeting of the Trustees it was felt that the change to a CIO should coincide with the end of the financial year in 2023/4 therefore starting as a CIO from 1 April 2024. This will mean that although the lease will lapse the agreement will remain until the new lease is in place.
9. Next Steps:
  - a) the charity to formally agree that the Barns Charity should be changed to a CIO
  - b) agree any changes to *Schedule 1* of the lease. This includes specified times when St Mary's Church and the Town Council may have free or discounted use of the facilities
  - c) agree where the title deeds to the building should sit. Unincorporated charities (as the Barns Centre is now) are unable to own property. This is not the case for a CIO
  - d) ongoing work to seek legal advice for this process

### **Risk Assessment**

10. Personal Liability of TTC representatives who are trustees to The Barns Centre

### **Resource Appraisal**

Staff time and legal advice.

Legal costs should be met by the Barns Centre Trustees??

### **Legal Powers:**

Local Government Act 1972

### **Action**

The Committee is asked:

- i) ***To note the report.***