

Subject to Contract

HEADS OF TERMS

**RELATING TO THE DISPOSAL OF VARIOUS PARCELS OF LAND AND BUILDINGS IN
MIDSOMER NORTON.**

1. TOWN HALL, THE ISLAND, SILVER STREET, MIDSOMER NORTON, BA3 2HQ.

PROPOSAL	Freehold sale
THE PROPERTY	Land and building known as Town Hall, Silver Street, Midsomer Norton. BA3 2HQ.
THE VENDOR	Bath and North East Somerset Council. Guildhall, High Street, Bath. BA1 5AW
THE PURCHASER	Midsomer Norton Town Council. Council Offices, Town Hall, The Island, Midsomer Norton. BA3 2HQ
PURCHASE PRICE	£1, subject to Member approval.
VAT	The property will be elected for VAT.
TENURE	Freehold, but subject to the existing lease to the Sarah Ann Trust dated 3 rd June 1983. It is understood that this lease is to be surrendered simultaneously with the transfer of the asset. It is further understood that the freehold interest in this property will be transferred at nil premium to the Midsomer Norton Town Trust, which shall in turn lease the Property to the Midsomer Norton Community Trust.
RESTRICTED USER:	Not to use the Property for any purpose other than as a town hall in connection with the delivery of the administrative functions of the Town Council together with ancillary purposes associated with that use subject to the Town Council being able to lease an interest in the town hall to a Charitable Trust to use the premises solely in pursuance of the Trust Objects, which must be limited to the provision of services benefitting the community. The provisions of S33 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to the above covenant.
OVERAGE	<p>If the property is sold on the open market (not including the transfer into the Town Trust) the proceeds of sale will be split on the following percentages:</p> <p style="margin-left: 40px;">60% Midsomer Norton Town Council 40% Bath and North East Somerset Council</p> <p>This is subject to the Town Council or Town Trust being allowed to use all the proceeds of sale to purchase another community building with the same restricted user provision. In these circumstances Bath and North East Somerset Council will transfer its overage rights to the new building.</p>
CONDITIONS	If the property is leased to the Town Trust and their objects change from being aligned with benefitting the community, this will trigger a review of the overage provision and if not agreed between the two parties the immediate payment of the overage sum at 40% of the open market value.
WORKS	Prior to the transfer which is the subject of these Heads of Terms, the Council will undertake a programme of works to the Property, which have been discussed with representatives of the Town Council and which we believe to be agreed and are more fully set out within the Schedule of Works attached to these Heads of Terms. These works shall include the replacement of the existing lift with a new passenger lift.

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2. THE SOMER CENTRE, GULLOCK TYNING, MIDSOMER NORTON.

PROPOSAL	Freehold sale
THE PROPERTY	Land and building known as The Somer Centre, Gullock Tynning, Midsomer Norton.
THE VENDOR	Bath and North East Somerset Council Guildhall High Street Bath BA1 5AW
THE PURCHASER	Midsomer Norton Town Council Council Offices Town Hall The Island Midsomer Norton BA3 2HQ
PURCHASE PRICE	£1, subject to Member approval.
VAT	The property will be elected for VAT.
TENURE	Freehold, but subject to an existing lease to the Trustees of Midsomer Norton Community Association (Charity Registration No. 1056145) dated 23rd June 2005. It is understood that this lease will continue following the transfer on the existing terms including the current rental subsidy.
RESTRICTED USER:	Not to use the Property for any purpose other than as a community hall, together with ancillary purposes associated with that use subject to the Town Council being able to lease an interest in the town hall to a Charitable Trust to use the premises solely in pursuance of the Trust Objects, which must be limited to the provision of services benefitting the community. The provisions of S33 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to the above covenant.
OVERAGE	<p>If the property is sold on the open market the proceeds of sale will be split on the following percentages:</p> <ul style="list-style-type: none">60% Midsomer Norton Town Council40% Bath and North East Somerset Council <p>This is subject to the Town Council or Town Trust being allowed to use all the proceeds of sale to purchase another community building with the same restricted user provision. In these circumstances Bath and North East Somerset Council will transfer its overage rights to the new building.</p>
CONDITIONS	If the property is leased to the Town Trust and their objects change from being aligned with benefitting the community this will trigger a review of the overage provision and if not agreed between the two parties the immediate payment of the overage sum at 40% of the open market value.

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**3. ORCHARD VALE COMMUNITY BUILDING (THE ORCHARD HALL), MIDSOMER
NORTON.**

PROPOSAL	Leasehold disposal for a term of 99 years
THE PROPERTY	Land and building known as Orchard Vale Community Building, Midsomer Norton.
THE LANDLORD	Bath and North East Somerset Council Guildhall High Street Bath BA1 5AW
THE TENANT	Midsomer Norton Town Council Council Offices Town Hall The Island Midsomer Norton BA3 2HQ
PREMIUM	£1, subject to Member approval.
VAT	The property will be elected for VAT.
TENURE	Freehold, but subject to the existing lease to the Orchard Recreational Community Association dated 19 th May 2005. It is understood that this lease will be surrendered simultaneously with the asset transfer.
RESTRICTED USER:	Not to use the Property for any purpose other than as a community hall, together with ancillary purposes associated with that use subject to the Town Council being able to sub-lease an interest in the town hall to a Charitable Trust to use the premises solely in pursuance of the Trust Objects, which must be limited to the provision of services benefitting the community. The provisions of S33 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to the above covenant.
BREAK OPTION	The tenant has the right to serve six months' notice to terminate the lease at any time during the lease in the event of either ceasing to use the premises for the permitted purpose or the Property reaching the end of its economic life.
REPAIRS	The tenant is to be liable for all internal and external repairs and maintenance and to keep the Property in good condition.
ALIENATION	Assignment of the Property in whole or in part is not permitted. Subletting of the Property as a whole or in part is not permitted other than to Charitable Trust where the Trust's objectives are aligned with those set out within the permitted user provisions, subject to landlord's consent which not to be unreasonably withheld.

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4. RIGHT OF WAY TO PROVIDE ACCESS TO THE TOWN PARK, MIDSOMER NORTON.

PROPOSAL	Right of Way
THE PROPERTY	Land adjacent to Gullock Tynning, Midsomer Norton.
THE LANDOWNER	Bath and North East Somerset Council Guildhall High Street Bath BA1 5AW
THE PURCHASER	Midsomer Norton Town Council Council Offices Town Hall The Island Midsomer Norton BA3 2HQ
PREMIUM	Nil Premium
TENURE	The landowner owns the freehold, and will grant a permanent right of access over the land adjacent Gullock Tynning to access the Town Park as will be indicated for information purposes only on the attached plan shown hatched black.
RESTRICTED USER:	The Right of Way is to be granted for the purpose only of providing access to the Town Park for recreational activities and for no other purpose.
CONDITION:	The granting of this private Right of Way will be subject to the requirement for a public notice advertising the intention to dispose of an area of open space.

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5. SILVER STREET WOODLAND RESERVE, MIDSOMER NORTON.

PROPOSAL	Freehold sale of woodland adjoining Silver Street in Midsomer Norton
THE PROPERTY	Land adjoining, Silver Street, Midsomer Norton.
THE LANDLORD	Bath and North East Somerset Council Guildhall High Street Bath BA1 5AW
THE TENANT	Midsomer Norton Town Council Council Offices Town Hall The Island Midsomer Norton BA3 2HQ
PURCHASE PRICE	£1 Subject to Member approval
VAT	The property will be elected for VAT.
TENURE	Freehold
RESTRICTED USER:	Not to use the Property for any purpose other than as a woodland reserve for the benefit of the community subject to the Town Council being able to sub-lease an interest in the Property to a Charitable Trust to use the premises solely in pursuance of the Trust Objects, which must be limited to the provision of activities benefitting the community. The provisions of S33 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to the above covenant.
OVERAGE	If the property is sold on the open market the proceeds of sale will be split on the following percentages: 60% Midsomer Norton Town Council 40% Bath and North East Somerset Council This is subject to the Town Council or Town Trust being allowed to use all the proceeds of sale to purchase another community building with the same restricted user provision. In these circumstances Bath and North East Somerset Council will transfer its overage rights to the new building.
CONDITIONS	If the property is leased to the Town Trust and their objects change from being aligned with benefitting the community this will trigger a review of the overage provision and if not agreed between the two parties the immediate payment of the overage sum at 40% of the open market value.
WORKS	Prior to the transfer of the assets, which are the subject of these Heads of Terms, the Council will undertake a programme of works to the trees. The programme is to be agreed with the Town Council but will effectively address any outstanding Health & Safety standards.

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GENERAL INFORMATION RELATING TO THESE DISPOSALS

**VENDOR'S
CONTACT**

Property Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

Tel: 01225 477248
Carolyn Smallwood – Surveyor
Email: carolyn_smallwood@bathnes.gov.uk

**PURCHASER'S
CONTACT**

Midsomer Norton Town Council
Council Offices
Town Hall
The Island
Midsomer Norton
BA3 2HQ

Tel: 01761 418701
Clive Stilwell – Town Clerk
Email: townclerk@midsomernortontowncouncil.co.uk

LEGAL COSTS

Each party to bear their own legal and other professional costs

APPROVALS

Subject to Bath & North East Somerset Member approval
Subject to Midsomer Norton Town Council approval

CONDITIONS

These Heads of Terms will potentially involve the disposal of property assets at less than best consideration.

Under s123 of the Local Government Act 1972, any disposal by the Council of an asset in excess of 7 years (including leasehold interests) must obtain "best consideration", unless the General Disposal Consent (England) 2003 can be applied or a specific consent is obtained. The General Consent allows specified circumstances where the consent can be applied. This includes circumstances where the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;

- i) the promotion or improvement of economic well-being;
- ii) the promotion or improvement of social well-being;
- iii) the promotion or improvement of environmental well-being

Accordingly, these HoT's are subject to the condition that MSN Town Council identify the specific community benefits that they perceive will be generated as a result of the various transfers, in order to enable B&NES Council to assess the value of those benefits to ensure they can be shown to be greater than or equal to the asset value being conceded.