

DUTCH COTTAGE, CROWN HILL, RAYLEIGH

1 SUMMARY

- 1.1 The purpose of the report is to consider arrangements for the management of the Dutch Cottage and options for safeguarding its future, following consultations with the Town Council, Civic Society, National Trust and the Dutch Cottage Management Committee.

2 INTRODUCTION

- 2.1 In September last year the Committee resolved to seek the views of the above interested parties on possible options for the future management of the Dutch Cottage (minute 304/06).
- 2.2 The Dutch cottage is a 17th century listed building owned by the Council and subject to a charitable trust created in 1964 which is registered with the Charity Commission. The objectives of the Trust are to preserve the property as a traditional Dutch cottage, its use and occupation being subject to the approval of the Management Committee created under the trust.
- 2.3 The Trust deed states that the purchase monies were raised by public subscription from the inhabitants of Rayleigh as a gift to the Rayleigh Urban District Council for the express purpose of preserving the property as a historic building and show place for the District.
- 2.4 The powers of management are vested in the Management Committee comprising the Chairman and Vice-Chairman of the Council, Chairman of the Rayleigh Mount Local Committee of the National Trust and Chairman of the Rayleigh Civic Society.
- 2.5 The Council as Custodian Trustee is obliged to maintain and keep the property in good repair and preserve the property in accordance with the terms of the trust.
- 2.6 The property has been used for residential accommodation since 1984 when the Council undertook extensive restoration works. It is occupied under an assured tenancy agreement that provides the public with the opportunity of visiting the premises by appointment on Wednesday afternoons. As the property is subject to trust it does not form part of the Council's housing stock and is not included in the transfer programme.

3 CURRENT ARRANGEMENTS

- 3.1 The Council manages and maintains the property, the costs being met from the rent and a contribution from the General Fund, currently £2,000 per annum. The surplus/deficit on the account is held within general balances and is not significant enough to warrant its own account. Annual accounts are

prepared and audited separately and reported to the Charity Commission as required by the Charities Act.

- 3.2 Following transfer of the Council's housing stock, arrangements will need to be put in place to provide for the maintenance and day to day management of the property as the existing management resources will no longer be available to the Council.
- 3.3 These services could be procured from a property management agent or a housing association or alternatively arrangements could involve the transfer of the trust property to another body or organisation who would then assume the Council's responsibilities as Custodian Trustee. Rayleigh Town Council has previously expressed a keen interest in undertaking this role.

4 CONSULTATION

- 4.1 The Management Committee of the Dutch Cottage consider the trust's objectives are best served by the Council retaining its custodian role and do not feel there is an essential need for the ownership of the property to be transferred at this point in time to another organisation. It is of the opinion that the security of tenancy arrangements is important and the residential use and tenancy arrangements best preserve the building and the public's enjoyment of the local heritage. The procurement of management services might be explored with the Rochford Housing Association who has indicated it would be prepared to undertake this task.
- 4.2 The National Trust has strict criteria for taking on responsibility for historic buildings in public ownership and a property would not only need to be under threat but also a substantial endowment would be required for its maintenance. The Trust has advised that it would only consider acquisition as a last resort if no other acceptable solution could be found.
- 4.3 Rayleigh Town Council consider that the cottage is part of Rayleigh's heritage, and are firmly of the view that the Council has a moral responsibility given the origins of the trust and the manner in which the purchase monies were raised by public subscription locally, to undertake the stewardship of the property. The Town Council consider it is capable and best placed to take over the management responsibilities as Custodian Trustee with ownership of the property being transferred to the Town Council. The Town Council has confirmed that it would not wish to alter the current tenancy or public access arrangements.
- 4.4 The Civic Society are of the view that the best way forward would be for the Dutch Cottage to be managed by Rayleigh Town Council.

5 DISCUSSION

- 5.1 As the property is subject to trust its continued existence and preservation is assured. The protection afforded by its charitable status is unaffected whoever owns the property, whether it is the Council or any other association or body. A Transfer of Ownership would be subject to a charitable scheme being agreed with the Charity Commission to safeguard the trust.
- 5.2 The Council as Custodian Trustee is required to act in the best interests of the trust. There is no obligation to transfer the property but it must ensure that appropriate arrangements are made following transfer of the Council's housing stock for the proper management and maintenance of the property.
- 5.3 A number of original delft tiles found at the time of the restoration works are displayed at the Dutch Cottage, arrangements would need to be made to ensure these items are maintained and safeguarded as part of the property in the event of transfer.

6 RESOURCE IMPLICATIONS

- 6.1 If the Council retains management of the Dutch Cottage it would have to ensure that arrangements were put in place to administer the property including the collection of rents and arranging repairs that are currently undertaken as part of the housing management function.
- 6.2 If the ownership and maintenance responsibilities under the trust pass to the Town Council the Council would need to consider whether to continue to contribute the sum of £2,000 annually towards the upkeep of the property.

7 LEGAL IMPLICATIONS

- 7.1 The Council must act in accordance with the Trust arrangements to ensure the property is safeguarded.
- 7.2 A transfer of ownership and trusteeship to another organisation would require the approval of the charity commission and the creation of a charitable scheme to safeguard the trust. Any change to the existing management arrangements would require the Charity Commissions agreement.

8 PARISH IMPLICATIONS

- 8.1 The Town Council has expressed a firm interest in taking over the custodian trusteeship and management of the property.

9 RECOMMENDATION

- 9.1 It is proposed that the Committee considers the arrangements for the future management and ownership of the Dutch Cottage to ensure the property's heritage is best safeguarded.

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Background Papers:-

None

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