

## Proposal to approve the legal transfer of a property to Peterborough City Council

To: Assets and Procurement Committee

Meeting Date: 22 January 2025

From: Executive Director of Finance and Resources

Electoral division(s): Bretton Peterborough

Key decision: Yes

Forward Plan ref: 2025/029

Executive Summary: Peterborough City Council (PCC) currently operates Bretton Library in the Cresset Centre at Peterborough. Originally, the lease was between the Cresset Centre and Cambridgeshire County Council (CCC) but is pursuant to an Order made under the Local Government Act (LGA) 1992 for agreement to be reached over the transfer of the asset on reorganisation. Despite PCC taking responsibility for the building and lease, the legal transfer never happened. This paper is therefore seeking approval to complete the transfer of the leasehold interest to PCC so that the lease can be registered in PCC's name at the Land Registry.

Recommendation: The Committee is recommended to agree to legally formalise the transfer of the Cresset Centre leasehold interest to Peterborough City Council from Cambridgeshire County Council.

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# 1. Creating a greener, fairer and more caring Cambridgeshire

1.1 This proposal does not directly affect Cambridgeshire County Council.

## 2. Background

- 2.1 This paper proposes to transfer a lease from Cambridgeshire County Council (CCC) to Peterborough City Council (PCC), a process which should have completed in 1998 when PCC became a Unitary Authority. The lease remains registered under CCC at the Land Registry which is now causing delays in PCC subletting and allowing the building to be used as a Dementia Resource Centre.
- 2.2 The freehold of the Cresset Centre is registered in the ownership of Peterborough City Council (PCC). Prior to the freehold transfer from Peterborough Development Corporation (the Corporation) to PCC, the Corporation granted a 999-year lease with effect from 1 January 1978 to the Cresset Peterborough Limited. The Cresset is completely self-funding but in 2014 it merged with what is now YMCA Trinity Group.
- 2.3 The Corporation also granted a 99-year underlease with effect from 1 January 1978 to Cambridgeshire County Council (CCC) Title number CB33493 and CB189379.
- 2.4 In accordance with the Cambridgeshire (City of Peterborough) Structural, Boundary and Electoral Changes Order 1996, the reorganisation of the Peterborough City boundaries meant that property interests, which fell into certain boundary areas, would be transferred from CCC to PCC.
- 2.5 The Order however doesn't, itself, transfer property (there isn't a 'transfer and vest' provision – unlike the 1974 reorganisation). The Order was made under the Local Government Act 1992, which instead provides for the relevant councils to reach an agreement over transfer of assets on reorganisation.
- 2.6 In practice, PCC has responsibility and is acting as the leasehold owner of the lease granted to CCC. They are seeking to obtain consent from YMCA Trinity Group to enter a licence to alter, and licences to underlet and change of use to a Dementia Resource Centre.

## 3. Main Issues

- 3.1 Due to the lapse in time, there is no evidence of what was agreed or any officers delegated authority to agree the scheme for the property transfer. The Monitoring Officer's advice is that as there isn't an existing delegated authority it is a key decision and will require Assets and Procurement Committee approval.
- 3.2 PCC has been managing the Cresset as their leasehold, but it is still registered to CCC at the Land Registry, and PCC is looking for the devolution of title to PCC.
- 3.3 To do so, PCC will need to apply to HM Land Registry either by providing the evidence that the title changed to PCC (if HM Land Registry will accept it) or by a legally documented transfer of the leasehold from CCC to PCC.

- 3.4 PCC is due to start a project at Bretton Library, which is part of the Cresset, to incorporate a Dementia Resource Centre into some of the space. To allow this to happen, the lease needs to be varied to allow the change of use and a licence to alter to be signed. The draft documents have been agreed with the Cresset Centre but cannot complete until the transfer has taken place which is being held up because the lease is still in CCC's name.

## 4. Conclusion and reasons for recommendations

- 4.1 Both CCC and PCC have acted on the basis that the intention for the sublease should have transferred to PCC in 1998. Therefore conclusion is to Agree to legally formalise the transfer of the underlease from CCC to PCC.

## 5. Significant Implications

### 5.1 Finance Implications

This property is not reported in the finance statements or for any budgeting purposes. Transferring the title removes any possible legal obligation to CCC for the property. Both sides are meeting their own legal costs which will be in the region of £1,500 each.

### 5.2 Legal Implications

Pathfinder Legal has advised that a transfer is the simplest way to rectify this oversight.

### 5.3 Risk Implications

Delaying the rectification will impact on the establishment of the Dementia Resource Centre in the property PCC is planning.

### 5.4 Equality and Diversity Implications

Proposal is for PCC to incorporate a Dementia Resource Centre into part of the library space at the Cresset Centre.

There are no negative implications for equality and diversity.

A completed and approved Equality, Impact Assessment (EqIA) can be requested with the reference EQIA-05398.

### 5.5 Climate Change and Environment Implications

Not applicable

## 6. Source Documents

- 6.1 None.