

# **AGENDA ITEM 14: APPENDIX I**

## **WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE – 02/09/2014**

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**Title:**

**PROPERTY MATTERS**

**[Portfolio Holders: Cllrs Simon Thornton and Julia Potts]  
[Wards Affected: Farnham Hale and Heath End, Godalming Farncombe and  
Catteshall, Haslemere East and Grayswood, Farnham Wrecclesham and  
Rowledge]**

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**Note pursuant to Section 100B(5) of the Local Government Act 1972**

Annexes to this report contain exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of the revised Part I of Schedule 12A to the Local Government Act 1972, namely

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

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**Summary and purpose:**

To consider a number of property-related issues in the borough outlined below.

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**How this report relates to the Council's Corporate Priorities:**

The proposals contained within this report will contribute towards a number of the Council's corporate priorities:-

- Value for Money –
  - New Lease, Farnham Town Youth Football Club, Heath End Recreation Ground – the pitch and pavilion are currently not leased following the failure of the previous football club. This proposal will bring back the facilities into beneficial use. The tenant will be responsible for upgrading and putting into repair and keeping in repair the pavilion at the site.
  - Surrender & Renewal of Lease, Godalming Lawn Tennis Club, Broadwater Park - the current clubhouse is in poor condition and the new longer term will enable the club to invest significant funds in a new modern purpose built facility. The rental income for the Council will be increased and the term of agreement will be extended by a further 10 years.
  - New Licence, Haslemere Preparatory School, Haslemere Recreation Ground – whilst the exclusive use of the land

proposed in the licence is limited to certain defined times, we must ensure that the terms of the licence do not grant a use in breach of a covenant or a restriction on the land or in breach of a term of another disposition relating to the land. There will also be an associated cost in relation to officer time spent drafting the licence and producing a title report.

- Sale of Land, Moons Hill, Frensham – the sale will provide a capital receipt to the Council and remove a financial maintenance liability.

- Leisure and Lives –

- New Lease, Farnham Town Youth Football Club, Heath End Recreation Ground – the facility is intended to be used by Farnham Town's youth and junior football teams. Therefore the granting of the lease is in line with the Council's will to continue to support opportunities for all to take part in sport, recreation and other leisure activities to promote health and well-being for all. This report also links to the Council's playing pitch strategy and helps with provision of sporting facilities for local clubs.
- Surrender & Renewal of Lease, Godalming Lawn Tennis Club, Broadwater Park – once upgraded it is intended that the enhanced facilities at the club will be used by the general public in Godalming. Therefore the granting of the lease is in line with the Council's will to continue to support opportunities for all to take part in sport, recreation and other leisure activities to promote health and well-being for all.
- New Licence, Haslemere Preparatory School, Haslemere Recreation Ground – the school will only be permitted to use the facilities at strictly defined times and therefore the use by other sports clubs and the general public is not prevented. A booking system will simplify the management of uses by all parties and ensure there is access for all.
- Management Agreement, Grayswood Recreation Ground – the management agreement will ensure that an important area of open space remains suitable for recreational and sporting use for the next 10 years.

- Environment –

- Management Agreement, Grayswood Recreation Ground – Waverley will be able to maintain the present environment.
- Sale of Land at Moons Hill, Frensham – the sale will ensure that an area of scrub trees will be managed in the future and remove the problem of the land being used for the dumping of rubbish.

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**Financial Implications:**

Resource implications are set out in the (Exempt) Annexes to this report but specific details are noted below.

- New Lease, Farnham Town Youth Football Club, Heath End Recreation Ground – there are no immediate financial implications, with the initial proposed rent in line with the previous figure and maintenance responsibilities also being in line with the existing position.
- Surrender & Renewal of Lease, Godalming Lawn Tennis Club, Broadwater Park – the proposal will produce a modest and increasing rental income to the Council as detailed in term 8 of the (Exempt) Annex.
- New Licence, Haslemere Preparatory School, Haslemere Recreation Ground – the licence will provide increasing income to the Council as detailed in the (Exempt) Annex.
- Management Agreement, Grayswood Recreation Ground – no financial impact from the current budgetary position will result from the recommendation of this report, as the land is already being maintained by Waverley for the benefit of the local community. There is of course a small cost involved, estimated to be within £2,000 pa
- Sale of Land at Moons Hill, Frensham – the proposed sale should produce a capital receipt for the Council, with expectations shown in the (Exempt) Annex. There will also be a benefit to the Council in terms of future potential costs being avoided.

#### **Legal Implications:**

- New Lease, Farnham Town Youth Football Club, Heath End Recreation Ground – officer time will be involved with drafting the lease.
  - Surrender & Renewal of Lease, Godalming Lawn Tennis Club, Broadwater Park – a title investigation should be carried out prior to granting a new lease to ensure that the terms are compliant with any existing rights and restrictions on the land. The only other legal implication is the officer hours associated with negotiating and drafting the lease.
  - New Licence, Haslemere Preparatory School, Haslemere Recreation Ground – granting exclusive use of the land may be in breach of covenant or breach the terms of other licences relating to the land. We will need to check the title to the land and other licences and ensure that the proposed licence is not in breach of any restrictions on our use of the land. There will also be an associated cost in relation to officer time spent drafting the licence and producing a title report.
  - Management Agreement, Grayswood Recreation Ground – above and beyond the obligations formalised by the management agreement and the risk imposed should Waverley breach the terms of the agreement, the Council risks potential liability for damages caused as a result of the state of the NT land.
  - Sale of Land at Moons Hill, Frensham – the land must not be sold for less than best consideration. Depending upon how the land is currently held and what restrictions there are there may be additional requirements for the Council to satisfy prior to completing any sale. There is also an impact on officer's hours in the conveyancing process.
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**1. Introduction:**

1.1 Authorisation is sought for the property-related issues detailed individually below.

**2. Grant of New Lease to Farnham Town Youth Football Club of Football Pitch and Pavilion, Heath End Recreation Ground Upper Weybourne Lane, Farnham**

2.1 Authorisation is sought for the granting of a new lease of the above property for a term of 15 years. The other terms and conditions are shown in (Exempt) Annexe 1A. The property is shown outlined on the plan at Annexe 1.

2.2 Farnham Town Youth Football Club is expanding rapidly with many junior, youth and girls football teams. Therefore the club is keen to secure its own pitch with pavilion facilities.

2.3 Following the failure of Weybourne FC in February of this year, the lease of the pitch and pavilion facilities was surrendered. Farnham Town Youth FC are currently using the pitch on a licensed pay and play basis.

2.4 Being a junior / youth club the team has very little in the way of funds and therefore the rent has not been increased from the level of £475 per annum which was the sum paid by the previous team. It is proposed that the team takes a long-term lease of the premises as soon as possible to enable the committee to invest money in the refurbishment of the premises. The terms of the new lease will be in accordance with the standard form for sports facilities leases by setting out those areas that the tenant should maintain throughout the term of the lease but also allowing for a Service Level Agreement that can be modified over the term to meet changing needs. These terms and conditions are set out in the (Exempt) Annexe.

2.5 The 15-year term proposed for the lease will be sufficient to allow the tenant to seek grant aid for improvements to the property during the next few years. These improvements are necessary in order to create a modern facility that will attract a wider number of participants in the sport and to meet the minimum Football Association requirements for the leagues in which the club plays.

**3. Surrender of Existing Lease and Granting of New longer term Lease for Godalming Lawn Tennis Club, Broadwater Park**

3.1 Authorisation is sought for the surrender of the existing lease and the granting of a new lease of a maximum term of up to 30 years duration. The full terms and conditions of the lease are detailed in (Exempt) Annexe 2A. The premises comprise a clubhouse and 5 courts as shown outlined in red on the plan attached at Annexe 2.

3.2 Godalming Lawn Tennis Club is located at Broadwater Park adjacent to the leisure centre. The Club currently occupy the premises under a lease for a term of 25 years ending on 30 April 2030.

3.3 The clubhouse is in poor condition and the Club intend to demolish the existing premises and construct a new building. The extended term is required in order to secure funding and Sport England grant aid.

3.4 The terms of the new lease will be modernised so that it will follow the standard form of agreement for sports facilities within the WBC area. The rent will be set at a market level and will be subject to 5 yearly reviews linked to the increase in RPI. The lease will set out the tenant's obligation for repair and a Service Level Agreement for the services the Council will provide.

4. **Licence to Haslemere Preparatory School Trust to use the sports pitches at Haslemere War Memorial Recreation Ground , Old Haslemere Road , Haslemere**

4.1 Authority is sought to grant a licence to the school to use the sports pitches on a non exclusive basis for a period of 10 years .The other terms and conditions are set out in (Exempt) Annexe 3A. The property is shown on the plan at Annexe 3.

4.2 The school has been using the facility for a number of years as part of their curriculum and paying the Council an annual fee. No formal agreement has been in place though to record this arrangement to date

4.3 Terms for a 10 year licence to use Haslemere War Memorial Recreation Ground have been agreed without break clauses. The formalising of the current arrangements will increase the communication between the Council and the School on the management and use of the facility and secure the Council's income.

4.4 It will also provide the Council with a full understanding of the school's use of the facility so that when other bookings are taken through our sports pitch booking contractor, Glendale, there will be clarity on available usage times.

5. **Management Agreement, Grayswood Recreation Ground, Grayswood Common, Grayswood Road, Grayswood**

5.1 Authority is sought to enter into a 10-year licence with the National Trust to maintain the Trust's common land shown outlined on the plan at Annexe 4 adjacent to Waverley's land at Grayswood Recreation Ground as shown hatched. The land forms part of Grayswood Recreation Ground and is registered common land.

5.2 Waverley has mown the grass and maintained the whole of Grayswood Recreation Ground for many years until the present time. There is, however, no formal agreement with the National Trust (NT) to undertake this work. The NT's land forms an important part of the recreation ground: for example, it

includes much of the outfield of the cricket ground and half of the playground. It is therefore considered important to maintain the land in connection with Waverley's adjoining land under a more formal arrangement.

- 5.3 The proposed management agreement will not impose any extra conditions on Waverley with regards to the maintenance of the land, nor will there be any fee. However, it does ensure that Waverley will have security of tenure for the length of the agreement, which is proposed to be 10 years, and it clearly sets out the obligations of each party

## **6. Sale of land at Moons Hill, Frensham**

- 6.1 Authority is sought to sell a small piece of land outlined in red on the plan at Annexe 5 which is covered in scrub trees. The land is considered to have no alternative uses and is a maintenance liability.
- 6.2 The area shown coloured green on the plan is common land. It is at present overgrown with scrub trees and has been used as a dumping ground which has imposed a liability and cost on Waverley to keep it clear. Parks & Countryside have no interest in the site as it is of no use as recreational open space. At present there is an annual licence granted to an adjoining house owner (terminable on giving 1 month's notice) to manage the land.
- 6.3 Housing Strategy and Development does not consider this site to be suitable for the development of affordable housing. The position of the common land would make any development difficult, if not impossible. It is therefore considered of no use to Waverley and suitable for disposal on the open market under terms and conditions as set out in (Exempt) Annexe 5A.

## **Recommendation:**

It is recommended that:

1. a lease be granted to Farnham Town Youth Football Club for a period of 15 years on terms and conditions described in (Exempt) Annexe 1A, other terms and conditions to be agreed by the Estates and Valuation Manager;
2. the existing lease to the Godalming Lawn Tennis Club between the parties dated 1 May 2005 be surrendered and a new lease of a maximum term of up to 30 years be granted upon the terms proposed in (Exempt) Annexe 2A;
3. a licence be granted to the Haslemere Preparatory School Trust for the land outlined in red on the plan at Annexe 3 for a period of 10 years, on terms and conditions as set out in (Exempt) Annexe 3A, with other terms and conditions to be agreed by the Estates and Valuation Manager;
4. Waverley enters into a 10-year management agreement with the National Trust to manage the land shown outlined on the plan at Annexe 4 in connection with Waverley's adjoining land; and

5. the land at Moons Hill, shown outlined in red on the plan at Annexe 5, be offered for sale on the open market on the terms and conditions as set out in (Exempt) Annexe 5A and with other terms and conditions to be agreed by the Estates and Valuation Manager.

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#### Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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