

WAVERLEY BOROUGH COUNCIL

EXECUTIVE

8 SEPTEMBER 2020

Title:

Property Matter: Elstead Village Green, Elstead, Godalming, Surrey
Grant of new 125 year lease to Elstead Parish Council

Portfolio Holder: Cllr Mark Merryweather, Portfolio Holder for Finance, Assets and Commercial Services

Head of Service: Peter Vickers, Head of Finance and Property

Key decision: No

Access: Part Exempt

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

Annexe 1 to this report contains 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 Part I of Schedule 12A to the Local Government Act 1972, namely:

Paragraph 3

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

1. Purpose and summary

- 1.1 This report seeks approval for an asset transfer of Elstead Village Green on a 125 year lease at a peppercorn rent from the Council to Elstead Parish Council.
- 1.2 This will enable the Parish Council to have full control over the local village green and removes Waverley Borough Council from the responsibility and cost for grounds maintenance of that key site.

2. Recommendation

It is recommended that:

1. The leasehold transfer to Elstead Parish Council of Elstead Village Green is approved; and
2. Delegated authority is given to officers to finalise the heads of terms and complete the necessary legal document(s) with the Parish Council with detailed terms and conditions to be agreed by the Strategic Director, in consultation with the relevant Portfolio Holder(s).

3. Reason for the recommendation

- 3.1** This new lease will enable the Parish Council to have full control over the local village green and removes Waverley Borough Council from the responsibility and cost for grounds maintenance of that key site.

4. Background

- 4.1** On 8 October 2019, the Executive gave approval to the transfer of assets to a number of Towns and Parish Councils of green spaces. Further to that Executive, Elstead Parish Council has indicated that it would like to take a lease of the Village Green on terms based on those agreed with other Parish Councils.
- 4.2** Whilst all the formal approvals are yet to be provided, general agreements in principle have been given by the Clerks, to enable the sharing of draft lease documents. Elstead Parish Council has been involved in this process and is awaiting a draft lease.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1** The proposed asset transfer supports the Council's ambition to see devolution of responsibility for delivering services devolved to Parishes where appropriate as was previously agreed with those Parish Councils set out in the item of 8 October 2019.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

The Council will relinquish the grounds maintenance responsibilities for the sites transferred. All maintenance costs will be transferred to the Parish Council.

The Parish Council has been maintaining the sites for many years under its own Council Tax precept. This arrangement will become formalised under the terms of the proposed lease.

6.2 Risk management

The risks of transferring the asset have been assessed. Currently the cost of maintaining the property is met by the Parish Council. However failing to grant a lease to Elstead Parish Council means that there is a risk that the maintenance costs will revert to the Borough Council as Freeholder.

The risk of not being able to reposses the land should this prove to be necessary in the future has been reduced by the inclusion of a break clause in the proposed Heads of Terms submitted to the Parish Council.

6.3 Legal

The Council has power under the Local Government Act 1972 (section 123) to dispose of land in any manner it wishes, including sale of a freehold interest or granting a long lease. The only constraint is that a disposal must be for the best consideration reasonably obtainable, unless the Secretary of State consents to the disposal. Under Circular 06/03: *Local Government Act 1972 general disposal consent (England) 2003*, the Council may dispose of land for less than the best consideration in circumstances in which the authority considers will help it "to

secure the promotion or improvement of the economic, social or environmental wellbeing of its area.” This applies in the case of the freehold and leasehold transfers of land to the Parish and Town Councils.

In relation to the freehold transfer, the Council should ensure that it complies with normal and prudent commercial practices, including an independent valuation.

Lease heads of terms have not been fully agreed by the Council and the Elstead Parish Council, however the Parish Council has not received a draft lease.

6.4 Equality, diversity and inclusion

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

6.5 Climate emergency declaration

There are no climate change implications as a result of the transfer of assets to Town and Parish Councils.

7. Consultation and engagement

- 7.1 Estates have been in consultation with the Greenspaces Manager to confirm that they are happy with the proposed long lease transfer to the Parish Council. They support the proposed lease.

8. Other options considered

- 8.1 Other options have been considered, including to leave things as they are, however the proposed lease gives the best opportunity to meet the objectives of the Council’s Corporate Strategy.

9. Governance journey

- 9.1 Under the Scheme of Delegation the length of this lease requires approval at Executive.

Annexes:

Annexe 1 – Exempt Annexe – proposed Heads of Terms

Annexe 2 – plan of Village Green

Background Papers

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

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Agreed and signed off by:

Legal Services: 23/07/2020

Head of Finance: 23/07/2020

Strategic Director: 24/07/2020

Portfolio Holder: date 06/08/2020