

# **WAVERLEY BOROUGH COUNCIL**

## **EXECUTIVE**

**7 SEPTEMBER 2021**

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**Title:**

**Elstead Village Green, Elstead, Godalming, Surrey**  
**Transfer Freehold of Village Green to Elstead Parish Council**

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

An Annex 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).

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## **1. Purpose and summary**

- 1.1 This report seeks approval for an asset transfer of the Freehold of Elstead Village Green from the Waverley Borough Council (Waverley) to Elstead Parish Council for a consideration of £1.
- 1.2 This will enable the Parish Council to have full control over the local village green and removes Waverley from the responsibility and cost for grounds maintenance of that key site.
- 1.3 The transfer of freehold, as opposed to the previously approved long lease of 125 years, will also remove any opportunity for Waverley to have any control over the future use or development of the Village Green in perpetuity. All responsibility for the future of the Village Green will be vested in the Parish Council.

## **2. Recommendation**

- 2.1 The Freehold transfer to Elstead Parish Council of Elstead Village Green be approved;

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 transfer will enable Elstead Parish Council to have full control over the local village green and removes Waverley 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 leasehold transfer of assets to a number of Towns and Parish Councils of green spaces. That report also approved one freehold transfer. A further recommendation was added to give delegated authority to the Head of Finance, in consultation with the relevant Portfolio Holder(s), to agree and complete other transfers on a freehold basis.

The Executive on 8 September 2020 resolved that 'the leasehold transfer to Elstead Parish Council of Elstead Village Green is approved'. Further to this Elstead Parish Council has indicated that it would like to take ownership of the Village Green through Freehold transfer on terms based on those agreed with other Parish Councils where Freehold transfers have taken place. Therefore approval is sought to grant Freehold ownership of the village green to Elstead Parish Council.

- 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 transfer documents. Elstead Parish Council have been involved in this process and are awaiting a draft transfer document.

### **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)**

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

Elstead Parish Council have been maintaining the sites for many years under their 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 Elstead Parish Council. However failing to grant a transfer to the Parish Council means that there is a risk that the maintenance costs

will revert back to Waverley as Freeholder.

The transfer of Freehold does also mean that Waverley will no longer own the land and will have no future option to re-possess the land as would have been the case with the long leasehold transfer approved by the Executive on 8<sup>th</sup> September 2020.

### **6.3 Legal**

The Council has power under the Local Government Act 1972 (section 123) to dispose of land in any manner they wish, including sale of their 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 which the authority considers will help it “to secure the promotion or improvement of the economic, social or environmental well being 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, Waverley 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 Waverley and Elstead Parish Council, however, the Parish Council has not yet 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 This request for a freehold transfer supports previous approvals at Executive with regard to asset transfers to towns and parishes.

Officers in the Estates and Valuation Team have been in consultation with the Greenspaces Manager who confirms that a freehold transfer is appropriate for the grounds maintenance obligations of the village green.

## **8. Other options considered**

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

## **9. Governance journey**

9.1 The freehold transfer follows the leasehold transfer agreed at Executive in September 2020.

### **Annexes:**

Annexe 1 – plan of Village Green

Annexe 2 – Heads of Terms (exempt)

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### **Background Papers**

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

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### **CONTACT OFFICER:**

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Agreed and signed off by:

Legal Services: 10.08.21

Head of Finance: 09.08.21

Strategic Director: 13.08.21

Portfolio Holder: 12.08.21