

## **Report to the Cabinet**

**Report reference:** C-032-2013/14  
**Date of meeting** 9 September 2013



**Epping Forest  
District Council**

:

**Portfolio:** Asset Management & Economic Development

**Subject:** Transfer of the District Council's freehold interest in Waltham Abbey Town Hall to the Town Council

**Responsible Officer:** Mark Scott (01992 564407).

**Democratic Services Officer:** Gary Woodhall (01992 564470).

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### **Recommendations/Decisions Required:**

- (1) To agree in principle the freehold transfer of the Waltham Abbey Town Hall to Waltham Abbey Town Council at no cost, including a right of pre-emption as the disposal is likely to contribute to the promotion or improvement of the economic and social well being of the area;**
- (2) That the Director of Corporate Support Services in consultation with the Portfolio Holder for Asset Management and Economic Development be given delegated authority to negotiate final agreement of terms; and**
- (3) That further liability for insurance and repairs be transferred to Waltham Abbey Town Council.**

### **Executive Summary:**

This Council and Waltham Abbey Town Council have been attempting for several years to complete a transfer of Waltham Abbey Town Hall to the Town Council. Following a report by the Working Group on Parishes it was resolved to transfer the freehold interest to the Town Council subject to conditions. For various reasons it has not proved possible to complete the detailed terms for this transaction. There remains a willingness to finalise the matter and the fact that the District Council no longer require occupation of the building provides an opportunity to achieve a clean transfer of title, subject to the usual protections for each party.

### **Reasons for Proposed Decision:**

To achieve transfer of title to the Town Council.

### **Other Options for Action:**

Not to complete the transfer and grant a lease for a term of years. This would not fulfil the spirit of the earlier decision or the recent discussions on the matter.

### **Report:**

1. Waltham Abbey Town Hall is an Edwardian brick building, situated in the centre of Waltham Abbey. The site is shown by black verge on the attached plan and comprises a site area of 0.3 acres. It includes public toilets managed by the Town Council. The internal area of the Town Hall is approximately 8,200 sq ft comprising a suite of rooms and a public hall. Until 2013 the premises also contained the District Council's local Information Desk and Cash Office. Whilst not a statutory listed building it has local listed status and is situated in a Conservation Area.

2. Waltham Abbey Town Council have been in occupation of the Town Hall since 1974 under short term leases and are currently holding over on a lease which expired on 31 March 1991 at a rent of £5 per annum. The terms of the lease required the Town Council to complete an agreed programme of works over a 10 year period with an annual expenditure of £ 10,000 per annum. This lease had not been completed pending agreement of terms for the rooms occupied by the District Council.

3. At its meeting on 30 September 1997, the former Policy and Co-ordinating Committee received a report from the Working Group on Parishes. It resolved that subject to the consent of the Secretary of State for the Environment, Transport and Regions and to a right of pre-emption, to transfer the freehold of the Town Hall building to Waltham Abbey Town Council at no cost. In addition the areas then used by the District Council were to be leased back to the District Council for nil consideration.

4. On 30 January 2001, the former Resource Committee received a report from the then Head of Planning Services and Head of Legal and Administration in order to agree the terms of the transfer.

5. For various reasons on both sides it has not been possible to bring the matter to a conclusion and only recently changes to District Council's own use and the impact on the Town Council's own plans have facilitated progress.

6. Since the original decisions were made, albeit the fundamental principle of transfer to the local council remains unchanged, two factors now make the negotiations and process much more straightforward:

(a) during 2013 the District Council's local Information Desk and Cash Office have vacated the premises; and

(b) the Local Government Act 1972: General Disposal Consent (England) 2003 provisions have removed the need to seek the Secretary of State's consent for disposals not exceeding £2,000,000, however the disposal must meet the following criteria:

*The local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of the area, or of all or any persons resident or present in its area:*

(i) *the promotion or improvement of economic wellbeing;*

(ii) *the promotion or improvement of social well being; or*

(iii) *the promotion or improvement of environmental well being.*

7. As both the District and Town Councils are of the view that a transfer satisfies (i) and (ii) above, it is recommended that in principle that the freehold interest in Waltham Abbey Town Hall be transferred to Waltham Abbey Town Council at no cost, including a right of pre-emption in favour of the District Council. A right of pre-emption gives the District Council a right of first refusal in the event of the Town Council wishing to dispose of the Town Hall.

8. In completing the details of the transfer there are always discussions in relation to precise wording. For this reason authority is sought for the Director of Corporate Support Services in consultation with the Portfolio Holder for Asset Management and Economic Development to be given delegated authority to negotiate final agreement of terms.

#### **Resource Implications:**

None.

### **Legal and Governance Implications:**

Section 123 Local Government Act 1972 and General Disposal Consent (England) 2003. Consent given for sale of land (covenants are deemed to be a sale for this purpose) can be released for undervalue provided that they are for social economic or environmental reasons.

### **Safer, Cleaner and Greener Implications:**

The Town Council will have the opportunity to invest in the building in accordance with their plans and the wishes of their local residents.

### **Consultation Undertaken:**

Waltham Abbey Town Council have been consulted regarding their views on the report.

### **Background Papers:**

Policy and Co-ordinating Committee – 30<sup>th</sup> September 1997

Resource Committee – 30<sup>th</sup> January 2001

Cabinet 12 March 2012

### **Impact Assessments:**

#### Risk Management

The documentation will reflect that because of the nil consideration a pre-emption protects the District Council should the Town Council wish to dispose of the Town Hall. Further, liability for insurance and repairs will transfer to the Town Council.

#### Equality and Diversity

None identified

*Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?* No

*Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?* No

*What equality implications were identified through the Equality Impact Assessment process?*  
N/A

*How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?*  
N/A