



Response to Request for Information

Reference EIR 0715151
Date 29 July 2015

Land on the "North side of Himley Crescent"

Request:

Your request for information has been dealt with under the Environmental Information Regulations 2004 ("EIR", "The Regulations"). I would reply to your numbered points as follows.

- 1) When did you acquire the freehold land under title MM42351, please fully detail the financial consideration paid and whether such consideration included any agreements whether express or implicit as to your future use of the freehold land. Please also detail whether you hold any information as to whether the consideration paid was at market rate at the time of acquisition. I believe you will hold documentary information on these points.

The Council acquired the freehold of the land registered under title number MM42351 on 31 October 1951. The consideration paid was £315. We do not hold any information as to whether the consideration was at open market value. The root conveyance provided that "the Council are acquiring the said property under the powers conferred upon them by the Small Holdings and Allotments Act 1908 to 1931, the Allotments Act 1922 and 1925 and an Order of the Minister of Agriculture and Fisheries cited as "the Urban District of Sedgley – Himley Crescent – Compulsory Purchase Order 1948" confirmed on the 4th September 1948".

- 2) In relation to number 1 above from the information held on the freehold title what covenants or other restrictions (leases excepted) are subject to this freehold title particularly in relation to the freehold estate referenced in the original 1951 conveyance between the Earl of Dudley and others in one part and The Sedgley Urban District Council. I believe you will hold documentary information on this point in your archives or elsewhere.

There are no restrictive covenants in the 1951 conveyance. However, the above-mentioned recitals confirm that the property was acquired for allotment purposes with the result that statutory restrictions of disposals to include lease and licenses would apply.

- 3) Could you please disclose all minutes, documents and valuations in any written form including electronic and telephone attendance notes related to the grant of

the lease to the Himley Crescent Allotment association in 2010. I am particularly interested in any policy or other documents related to only the part lease grant of the freehold land under MM42351. Please also reference this answer with regard to the part reservation of the land not subjected to the lease under title number MM22102.

Please find enclosed a copy of Approval to grant the 2010 lease. Personal information (signature of individuals involved in the process) have been removed from the document in line with the provisions of the exception to disclosure (a reason under the regulations to withhold information) contained at Regulation 13 EIR.

Following careful consideration, the lease document is being withheld as it falls under the exception at Regulation 6 (1) (a) of the Regulations, which relate to Information already publicly available and easily accessible in another form or format.

The exception applies as the lease document itself is a public document which you may obtain from the Land Registry, who can be contacted via:

http://landregistry.custhelp.com/app/contactus_general/

- 4) In relation to number 3 above please include all documents related to any impact assessments, valuations, minutes of meetings and community consultations. I believe you will have retained this information as it pertains to the disposal of public land.

The lease referenced in you question 3 relates to car parking for allotment holders.

Regarding your risk assessments question, the Council is unable to respond on this point and is applying the provisions of the exception contained at Regulation 12 (4) (c) where a request for information is formulated in too general a manner.

This is because an impact assessment would not generally be undertaken for such uses. In addition, there are different types of assessment. These may refer for example to an equalities, environmental or other impact assessment.

It will be necessary for you to resubmit this element of your request and confirm or specify the nature of the assessment(s) to which you have referred.

- 5) In relation to the remainder land held under title MM42351 but not subject to the lease granted in 2010 could you detail all agreements whether leases or licences that you have granted under your 'entire' ownership of the remainder land.

A lease dated 2 November 1984 between the Council of the Borough of Wolverhampton and Betram Ralph Husson and Alexander William Booth as trustees for the Wolverhampton Reform Baptist Church for a term of seven

years.

A lease dated 11 February 2004 between Wolverhampton City Council and Himley Crescent Nursery Association and June Green

A licence to assign dated 6 July 2004 between Wolverhampton City Council and Himley Crescent Nursery Association and Lakhbir Khosa and Jaswant Singh.

- 6) In relation to the remainder land not subject to the lease to the Himley Crescent Allotment Association please provide all documents related to your current decision to dispose by way of lease, license or sale. If it is easier then you should limit your documentary disclosure under the Act to the date(s) of decision taken by a committee or sub-committee to publicly advertise the disposal of this land to the present date.

On 8 April 2014, approval was given by the Council's Cabinet Resources Panel to declare the property as surplus and to proceed to dispose of the front part of the site.

Extracts of the report to seek approval and extracts of the decision given are attached.

This proposal did not proceed. There is no document in existence which seeks approval of the Council to grant a lease of the front part of the property as Heads of Terms and internal due diligence is yet to be completed.

It has been established that the Council does not hold information relating to the proposal. Thus, we are unable to provide any information relating to the above, and are informing you as required by Regulations 4-5 of the Regulations.

- 7) In relation to number 6 above please include any valuations and impact assessments with particular reference to any documents held on complying with your overarching statutory duties e.g. Section 123 of the Local Government Act 1972.

In respect of valuations or impact assessments in relation to number 6, it has been established that the Council does not hold the above information. Thus, we are unable to provide any information relating to the above, and are informing you as required by Regulations 4-5 of the EIR.

In particular, there is no information available with regards to valuations and impact assessment in relation to the proposal to grant a lease as Heads of Terms and internal due diligence is yet to be completed.

- 8) In relation to number 7 above please detail any documents on your decision to consult local residents.

See response to item 9

- 9) In relation to number 8 above if a decision was taken not to consult local

[NOT PROTECTIVELY MARKED]

residents could you please disclose (subject to legal privilege) decisions taken by any relevant individual. I am not interested in any legal advice but I would like sight of all documents, minutes, notes etc. relating to such a decision.

In response to your questions 8 and 9, it has been established that the Council does not hold the above information. This is because the due diligence process was not fully completed.

Additionally, there is no statutory duty for the Council to consult residents on the grant of a lease. Therefore, there are no documents or information held by the Council pertaining to any consultation regarding this matter.

Thus, we are unable to provide any information relating to the above questions, and are informing you as required by Regulations 4-5 of the Regulations.

Enclosures:

Q3 Approval document

Q6 Approval document

Wolverhampton City Council

GREEN DECISION NOTICE

Cabinet / Cabinet Team **CABINET (RESOURCES) PANEL**

Portfolio(s) **COUNCILLOR HOLDCROFT - LEISURE AND CULTURE**

Originating Service Group(s) **CULTURAL SERVICES**

Contact Officer(s)/
Telephone Number(s) **S CAMPBELL
2052**

Title/Subject Matter **ALLOTMENTS SELF MANAGEMENT - PROPOSED LEASE AGREEMENTS**

Recommendation

It is recommended that the council agrees to offer leases to the allotments associations at Crowther Road, Himley Crescent and Penn Road, the proposed terms of the lease being for 15 years with a nominal rent of £1 per annum, payable as a lump sum of £15 at the beginning of the lease.

Signature

Date: 24.9.09

Signature

Date: 24/09/09

PUBLIC DISCLOSED COPY

1. Background

- 1.1 In April 1995, Members agreed to a policy of allowing allotments to become self managed in order to protect the level of service provision for the future. As a result of this policy, 10 allotment sites have become self managed. The ten self managed allotment sites are: Boundary Way, Crowther Road, Dunstall Park, Himley Crescent, Mount Road, Nursery Walk, Oxbarn Avenue, Penn Road, Sandy Lane (Bushbury) and The Droveaway.
- 1.2 On these sites, plot holders, through a site committee, run their own site, taking on responsibility for such issues as letting plots, the collection of plot rent and general administration of the site. The site committee sets the level of the rent and use this to undertake general maintenance and repair of the site, pay utility bills, insurance and any other general expenses. Allotment associations are also in a position to apply for lottery and other grants for site improvements. Under the original agreement Parks and Contracts retained responsibility for the principal upkeep and maintenance of fencing, paths and driveways.
- 1.3 This scheme was only intended to be a "first step" towards full self management and after extensive consultation with the current self managed sites a way forward has been agreed in principle.
- 1.4 It is proposed that there will be two levels of self managed sites, those administered under a 5 year "rolling" management agreement and those opting for a 15 year lease.
- 1.5 The management agreement allows those sites that do not yet feel confident enough to take on a longer term commitment to remain self managed. The agreement requires the allotment association to take on responsibility for all aspects of site management including responsibility for paths, driveways and fencing. The management agreement option provides an ideal vehicle to encourage other allotment sites to join the self management scheme. Seven of the ten self managed sites have chosen this option and five of these have already signed the agreement.
- 1.6 The remaining three allotment associations, Crowther Road, Himley Crescent and Penn Road, have chosen the 15 year lease option. The lease allows a self managed allotment association to take full responsibility for their site and plan for its longer term future. The lease has a nominal rent of £1 per year which is payable as £15 lump sum at the start of the lease. The lease will require allotment associations to use the land as an allotment site only and to comply with the provision of current allotment legislation.

2. Financial Implications

- 2.1 Self managed allotments have provided a cost effective way for the section to manage and develop the allotment provision for the city. The proposed lease will pass full responsibility for the sites which will reduce the liability for the Council. There is demand for additional sites in the city and many of the existing sites

require upgrading, so the budget saved on these sites will be allocated for the same purpose elsewhere in the city. The current budget is £12,720 per annum.

3. **Environmental Implications**

- 3.1 There are environmental implications arising from this report. Allotments are part of the green infrastructure of the city and encouraging people to grow their own food not only provides a healthy form of activity, but can reduce 'food miles'.

4. **Equal Opportunities Implications**

- 4.1 Allotments are available to all members of the community, but charges on self managed sites are set by the allotment committee on that site. Some of the allotments have provision for users with disabilities and this is certainly an area where a self managed site can apply for external funding – which is less available to the Council.

for amendment

Agenda Item No:



Cabinet (Resources) Panel

8 April 2014

Report title

Seeking authority to declare property surplus to requirements and approval of the disposal strategies

Decision designation

AMBER

Cabinet member with lead responsibility

Councillor Peter Bilson
Economic Regeneration and Prosperity

Key decision

No

In forward plan

No

Wards affected

All

Accountable directors

Tim Johnson, Education and Enterprise
Keith Ireland, Delivery

Originating services

Delivery, Central Services

Accountable officer(s)

David Harris Section Leader (Estates & Valuation)
Tel 01902 55(5576)
Email david.harris2@wolverhampton.gov.uk

Alistair Merrick Assistant Director
Tel 01902 55(5216)
Email alistair.merrick@wolverhampton.gov.uk

Report to be/has been considered by

N/A

Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

Declare land and property surplus to requirements and agree their disposal in accordance with the strategy set out in this paper specifically:-

CABINET MEMBER CONSULTATION			
Cabinet member(s) consulted	Consulting employee	Mode of consultation	Primary date of consultation
Cllr Bilson; Cllr Gibson;	David Harris	Briefing	Briefing to be arranged
Key comments arising from consultation (if applicable):			

1. To seek approval to declare surplus to requirements the properties known as Goldthorn Park Assembly Hall, (

and to dispose of these properties on the open market by auction, tender or private treaty for an appropriate use.

3. To approve any agreed terms for the disposal and/or leasing of the assets identified in recommendations one and two through an independent decision delegated to the Cabinet Member for Economic Regeneration and Prosperity in consultation with the Strategic Director for Education and Enterprise.

1. Purpose

Approved
8th
Apr.



Cabinet (Resources) Panel

Minutes – 8 April 2014

Attendance

Members of the Cabinet (Resources) Panel

Cllr Andrew Johnson (Chair)
Cllr Peter Bilson
Cllr Steve Evans
Cllr Phillip Page
Cllr John Reynolds
Cllr Paul Sweet

Other attendees

Cllr Elias Mattu
Cllr Val Gibson

Employees

Sarah Norman	Strategic Director – Community
Alistair Merrick	Assistant Director – Delivery
Mark Taylor	Assistant Director, Finance - Delivery
Robert Baldwin	Head of Service – Property and Projects Team
Tessa Johnson	Graduate Management Trainee
Matt Vins	Graduate Management Trainee

Apologies were received from Cllr Roger Lawrence.

Part 1 – items open to the press and public

Item No. Title

MEETING BUSINESS ITEMS

- Declarations of interests**
Cllr Bilson declared a disclosable non-pecuniary interest in respect of Item 12.
Cllr Johnson declared a disclosable non-pecuniary interest in respect of Item 18.
- Minutes of the Previous Meeting (11 March 2014)**
Resolved:
That the minutes of the meeting held on 11 March 2014 be approved as a correct record and signed by the Chair.
- Matters Arising**
There were no matters arising.

8. To authorise the Cabinet Member for City Services, in consultation with the Strategic Director for Delivery, to approve the award of a contract for supply of manufactured vehicle spares and factored parts once the tender evaluation process is complete, and to authorise the Chief Legal Officer to execute the contract.
9. To authorise to the Cabinet Member for Economic Regeneration and Prosperity, in consultation with the Strategic Director for Education and Enterprise, to approve the award of a contract for the demolition of Tower Works and Fort Works once the tender evaluation process is complete, and to authorise the Chief Legal Officer to execute the contract.
10. To authorise the Cabinet Member for City Services, in consultation with the Strategic Director for Delivery, to approve the award of a framework contract for corporate security services including events security once the tender evaluation process is complete, and to authorise the Chief Legal Officer to execute the contract.

11. **Surplus Properties**

Resolved:

1. To declare land and property surplus to requirements and agree their disposal in accordance with the strategy set out in this paper specifically:-
 - a. To declare surplus to requirements various properties and to dispose of these properties on the open market by auction, tender or private treaty for an appropriate use.
 - b. To declare surplus to requirements various properties and to further investigate the potential for the community asset transfer of these assets failing which the properties will be disposed of or leased on the open market for an appropriate alternative use.
2. To delegate responsibility to agree terms for the disposal and/or leasing of the assets identified above to the Cabinet Member for Economic Regeneration and Prosperity, in consultation with the Strategic Director for Education and Enterprise.

12.

