Somerset Council Asset Devolution

1. Walton Parish Council has previously expressed an interest regarding the ownership/management, of the Hempitts road play area.

2. Somerset Council have now responded:

Somerset Council have been reviewing the current outstanding Devolution Expressions of Interest (EOI) and are taking the opportunity to start to approach those Parish Councils whose EOIs relate to a small number of assets. Our records indicate that Walton PC are interested in both acquiring and maintaining the following:

- Hempitts Road

I would be grateful if you could confirm that this is still the case.

In addition, following internal consultations, Somerset Council has identified other assets which it would like to include in a discussion around transferring to Walton PC, along with the above listed sites. The other sites are:

- Broughton Close
- Meadow Lane & Littlefield Close
- Smallmoor Chase
- Land rear of South Close

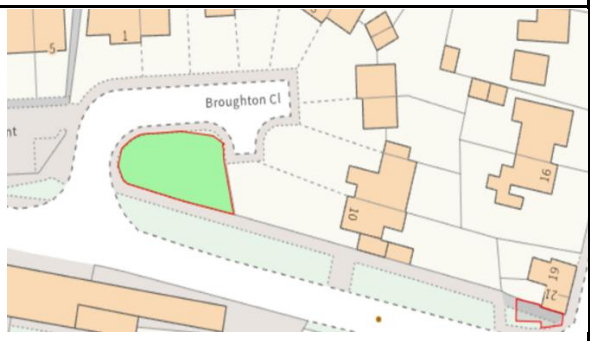
Please see plans attached to aid identification.

Whilst there has been a lot of change taking place, Somerset Council has been making good progress with many of the larger City and Town Councils across Somerset, with the Property Service currently dealing with the Devolution of circa 1,000 assets. With this in mind, and by way of a bit of expectation management, given the large number of assets currently in various stages of devolution there is limited spare capacity, so I am currently not in a position to commit to a timescale for these assets to be considered and, if approved, transferred. However, we are looking to start to progress small Devolution packages, which are considered to be 'straight forward', and all parties agree to the basic Heads of Terms, attached; I will insert the relevant information into the Heads of Terms template when I have received confirmation that you wish to proceed. Should matters, as we progress, prove to be, or become complex, then Somerset Council might have to pause progress until the appropriate resource capacity becomes available.

It is important that local councils obtain their own independent advice during these negotiations, Somerset Association of Local Council (SALC) has identified two sector-specialist firms of solicitors that can support city, town, and parish councils with the devolution of assets & services from Somerset Council; so please do get in touch at info@somerset-alc.org.uk if you would value introductions to solicitors with experience of devolution in Somerset and other counties.

Once I receive confirmation that your Council is still interested in both acquiring and maintaining the assets mentioned, I will commence the processes within Somerset Council. Please note that this is not a 'one time offer' so if Walton PC is not currently in a position pursue this matter, then there will be opportunities in the future to do so.

Maps and initial Heads of Terms are attached.

Walton PC	Hempitts Road	
Walton PC	Broughton Close	
Walton PC	Meadow Lane & Littlefield Close	
Walton PC	Smallmoor Chase	

Walton PC	Land rear of South Close	

PROPERTY

HEADS OF TERMS – PROPOSED DEVOLUTION of PUBLIC ASSETS FREEHOLD TRANSFER

FULL PROPERTY ADDRESS: *(including postcode)*

PARTIES

Transferor: Somerset Council, County Hall, Taunton, TA1 4DY
Contact:
Phone:
EMAIL:

Transferee: Parish/Town/City Council,
Address:

Contact:
Phone:
EMAIL:

Transferor's Solicitor: Legal Services, Somerset Council, County Hall, Taunton, TA1 4DY

Transferee's Solicitor: *Full details or "unrepresented send to Clerk/Transferee contact"*

TERMS

Property: *Address/description*

See transfer Plan *(attached or refer to LR title for whole title transfers).*

LR Title: *LR Number and whole or part*

Price: £1 if demanded. The consideration for the disposal is continued Public benefit.

VAT: Not applicable, property not elected for VAT. *(check, if not just open space)*

Deposit: n/a.

Insurance: Purchaser's responsibility from exchange of contracts. (This is a standard clause)

Estate Charge: Not applicable, *(unless the transfer is part of a wider landholding with shared structures or services).*

Restrictions: The asset transferred will have a covenant attached to the freehold title which restricts use to the specific use for public benefit which exists at the time of the transfer, being . This will be protected by a chain of indemnities (not a legal charge).

Fees: Each party will meet their own costs in this matter. This is a transfer between Public Bodies for Public benefit, therefore Somerset Council will not offer full CPSEs and does not expect the same level of detailed solicitor interrogation which would be appropriate for a commercial transaction.

Other Terms:

1. The transfer will contain a right of Pre-emption in favour of Somerset Council at £1 in the event that the use ceases or the asset is intended to be sold or disposed to a third party.

2. The transfer includes the benefit of *(any leases, licences etc)*

3. *Anything else*
   eg simultaneous surrender of existing lease/licence/TaW, specific covenants or pre-existing restrictions on title.

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Conditionality

- Subject to Contract
- Subject to s123 LGA procedure

UPRN/Civica/File Ref: SITE********

Date: