

Agenda item no.	13.c.
Report to	Burwash Parish Council (BPC)
Subject	Village Car Park
From	The Clerk

Summary

There has been an ongoing conversation with Rother District Council (RDC) over the position of the freehold since October 2018. BPC has asked on numerous occasions for the matter to be taken to Cabinet (the first request was on the 04/09/18). On the 20/09/18 we were informed that an update would be given to Cabinet were items had not progressed for devolution and the matter was unlikely to be taken to Cabinet before December 2018. Below is an update for Councillors on the correspondence since.

Correspondence

In October 2018 the Parish Council through the Clerk reiterated that BPC were very supportive of taking on the car park but requested again that the matter be taken to cabinet and asked why RDC were not considering the option of freehold on the village car park. We received a response from Executive Director Malcolm Johnson as below:

“this Council has used leasehold devolvement in all the previous cases (with variations within that for each individual situation) is that the advice has always been that as a general rule if a Council is disposing of a freehold then it must ensure it gets best value for that freehold... If we fail to follow this course of action then the decision to transfer the freehold could be open to challenge. Our view is that offering a long lease to e.g. a Parish Council or community group is not the same as disposal so therefore we do not need to go through a process of inviting offers nor is the decision open to challenge on the basis of not achieving best value/price.”

The Clerk replied upon consultation with Cllrs McBride, Moore and Vereker (below is a summary):

In light of the car park being a key community asset we proposed that: “local authorities do have within their jurisdiction the option to dispose of land at undervalue under The Local Government Act 1972: General Disposal Consent (England) 2003. The Parish Council asks that Rother Council use this legislative power (as has been done on other disposals) for the freehold disposal of the Burwash village car park, including the huts and public conveniences. The Parish Council requests the freehold so they can properly control and maintain these key community assets. “

We asked again when the matter would be taken to Cabinet.

Malcolm Johnson then replied in December 2018:

“Rother is not looking to dispose of this asset through a freehold sale, it is offering the Parish Council an opportunity to take on a lease along the lines offered and accepted by four other Parish Councils to date. We can negotiate around terms and length of the lease if that is something the Parish Council wish to consider but Rother has been clear and consistent on the grounds for devolution and I see no reason to change that (and then subsequently revisit those already devolved).”

We were then informed about the wider Civil Parking Enforcement consultation and that a new car parking order will be considered for the rural car parks that had not been devolved and that the BPC could respond to this. There was no mention of the BPC’s previous three requests to take our specific item to Cabinet.

Conclusion

At the time of writing this report Cllr Kirby Green had confirmed that she and Cllr Barnes were 100% supportive of taking the matter to Cabinet. An update will be given for next Tuesday’s full Parish Council meeting.