



## **Local Committee for Woking 19 January 2005**

### **Public questions on general matters**

#### **This question was received from Mr Bob Milton:**

I have today found reference in the Countryside Agency CROW 2000 s15 exempt land list that the Garibaldi lands and the rest of Bisley common in the ownership of Surrey County Council are subject not only to s193 of the Law of property Act 1925 but also to a Scheme of Regulation under the Commons Act 1899. This requires that the sole purpose of the acquisition of the land is to maintain it for public recreation. Why has this not been divulged before by the County's Estates Officer in his dealings with the Local Committee and residents and will the County now amend their maintenance regime to facilitate the duties under the Scheme for public recreation.

#### **Cecile Rose, Legal Executive, Legal Services responded:**

The County Council has no evidence that S.193 of the Law of Property Act 1925 applies to this land we have been unsuccessful in locating the Deed Poll.

The County Council also has no evidence that the District Council has exercised its power to make a scheme for the regulation of this land (if it is common) under the 1899 Act referred to.

If there is such evidence, it would be very helpful if Mr Milton shared it with the County Council so that a definitive and agreed position on the legal status of this land could be reached without further expenditure of time and money.

#### **This question was received from Mr Andrew Bowden**

At the last meeting I was present and it was said that SCC and WBC would discuss the subject of the ownership and maintenance of the "Garibaldi Land".

I understand that reference has been found in the Countryside Agency CROW 2000 s15 exempt land list that the Garibaldi lands and the rest of Bisley Common are subject not only to s193 of the Law of Property Act 1925 but also to a Scheme of Regulation under the Commons Act 1899. This indicates that the purpose of the acquisition of the land is for public recreation and that this would require maintenance of the land.

With reference to the above please could you tell me what progress has been made by either or both councils to reinstate that required maintenance for 2005.

**Mike Howes, Local Director for Woking, responded:**

The claim that the Garibaldi land features in the exempt land list has only just come to the Council's attention. Officers need to satisfy themselves that this claim is correct and then to ascertain the implications of such a listing. The claim has resulted in negotiations between the County and Borough Councils being suspended pending clarification of the legal status of the land and the management and maintenance implications of that status.

It is expected that seeking the necessary clarification will delay negotiations by some weeks.

**This question was received from Mrs Pauline Marshall**

I have been informed that there is a reference in the Countryside Agency CROW 2000 s.15 exempt land list that the Garibaldi land and the rest of Bisley common in the ownership of Surrey County Council are subject not only to S.193 of the Law of Property Act 1925 but also to a Scheme of Regulation under the Commons Act 1899.

Is this the case and if so can the Council give a straightforward account of the effect of this on the Bisley common and in particular the Garibaldi land?"

**Mike Howes, Local Director for Woking, responded:**

Officers have not yet confirmed that the Garibaldi site features on the exempt land list or that it is subject to a Scheme of Regulation under the Commons Act of 1899 nor have they determined the implications of such a listing or scheme of Regulation. However, the claim that this listing exists and the possibility of a Scheme of Regulation has, at least temporarily, halted negotiations between the Borough and County Councils over the future of the site.

**This question was received from Mr Clive Wood**

Martyrs Lane Civic Amenity is not an accessible service to disabled people. There are steps to the waste containers, which are extremely steep. Wheelchair users are totally excluded from using this service. Staff who work at the facility do not seem willing to give assistance to people with special needs. How can this situation be rectified to ensure this amenity is made fully accessible to all the residents of the borough?

**Mike Howes, Local Director for Woking, responded**

Officers will be reporting later in the meeting on the plans by Surrey Waste Management for improvements at Martyrs' Lane and will address in their report the issues of access.