

# AGENDA

## HERITAGE, CULTURE AND LEISURE COMMITTEE MEETING



Date: Tuesday 4 October 2016

Time: 6.30 pm

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Ells, Fort, Mrs Hinder, Lewins, Naghi,  
Pickett (Chairman), Revell,  
Mrs Stockell and Mrs Wilson

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members
5. Election of Vice-Chairman

**Continued Over/:**

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**Issued on Monday 26 September 2016**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Poppy Collier on 01622 602242**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

6. Disclosures by Members and Officers
7. Disclosures of Lobbying
8. Minutes of the meeting held on 6 September 2016 1 - 6
9. Presentation of Petitions (if any)
10. Questions and answer session for members of the public
11. To consider whether any items should be taken in private because of the possible disclosure of exempt information
12. Heritage, Culture and Leisure Committee Work Programme 2016 - 17 7 - 14
13. Report of the Head of Commercial and Economic Development - Disposal of Land North of Gore Court Road 15 - 22
14. Report of the Head of Commercial and Economic Development - Land at Surrenden Field, Staplehurst 23 - 30

### **PUBLIC SPEAKING**

In order to book a slot to speak at this meeting of the Heritage, Culture & Leisure Committee, please contact Poppy Collier on 01622 602242 or by email on [poppycollier@maidstone.gov.uk](mailto:poppycollier@maidstone.gov.uk) by 5 pm one clear working day before the meeting. If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

Please note that due to a changeover in service provider this meeting might not be broadcast live or recorded for playback on the Maidstone Borough Council website.

## **MAIDSTONE BOROUGH COUNCIL**

### **Heritage, Culture and Leisure Committee**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 6 SEPTEMBER 2016**

**Present:** Councillor Pickett (Chairman), and  
Councillors Fort, Lewins, Naghi, Newton, Perry,  
Pickett, Revell, Mrs Stockell and Mrs Wilson

40. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hinder. Councillor Stockell advised that she would have to leave the meeting early.

41. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Perry substituted for Councillor Hinder.

42. URGENT ITEMS

There were no urgent items.

43. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

44. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

45. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

46. MINUTES OF THE MEETING HELD ON 5 JULY 2016

Minute 35 - Report of the Head of Finance and Resources – Plaques and People Protocol

A Member moved that the sentence 'During discussion it was clarified that a protocol would only apply to plaques erected on council owned buildings' should be struck from the record as it was inaccurate. This was agreed by the committee.

**RESOLVED:** That the minutes of the meeting held on 5 July 2016 be approved as a correct record and signed subject to the removal of the following sentence from minute 35:

'During discussion it was clarified that a protocol would only apply to plaques erected on council owned buildings.'

47. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

48. QUESTIONS OR STATEMENTS FROM MEMBERS OF THE PUBLIC

There were no questions or statements from members of the public.

49. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION

**RESOLVED:** That the items on the agenda be taken in public as proposed.

50. REPORT OF THE HEAD OF FINANCE AND RESOURCES - HERITAGE, CULTURE AND LEISURE COMMITTEE WORK PROGRAMME

**RESOLVED:** That the committee work programme be noted.

51. REPORT OF THE HEAD OF COMMERCIAL AND ECONOMIC DEVELOPMENT - SURRENDEN FIELD, STAPLEHURST

Jason Taylor, Parks and Leisure Manager, introduced the report which detailed Staplehurst Parish Council's (PC) request for their lease on Surrenden Field to be extended on a longer term arrangement or as a freehold.

It was explained that Staplehurst PC intended to invest in the field, but to do so they required a secure, long term lease. The current lease was for 25 years. Staplehurst PC were entitled to the lease on the same terms, but the officer recommendation was that a lease for 125 years be granted.

A path linking the Field to the A229 named Nicholson Walk was also owned by Maidstone BC and discussions were ongoing with Staplehurst PC regarding the inclusion of this pathway within the lease.

The following points were raised during discussion:

- Staplehurst PC intended to invest in capital improvements on the field such as drainage. The Field was the site of several community events and considered central to the village. Nicholson Walk was a key access point to the Field and a well-used thoroughfare. Staplehurst PC would be willing to take on the maintenance of Nicholson Walk if the freehold for the Field was transferred to them.

- The use of the term 'asset' to describe the Field was queried, as it suggested the potential to change the use of the Field. It was explained that this term was used loosely to describe a part of the Council's estate, and restrictive covenants in place on the Field prevented change of use.

Members requested further information from Mid Kent Legal Services on the security provided by the covenants in place on the Field in order to be able to make a decision on the issue.

It was moved, seconded and:

**RESOLVED:** That the item be deferred until the 4 October 2016 meeting of the committee, and that the report to that committee include the additional information requested by Members.

For – 9          Against – 0          Abstain – 0

52. REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS - STRATEGIC PLAN PERFORMANCE UPDATE QUARTER ONE FOR HERITAGE, CULTURE AND LEISURE COMMITTEE

Mark Green, Director of Finance and Business Improvement, introduced the report outlining the results of the four performance indicators aligned with the Committee's service areas.

The Committee was informed that two performance indicators had missed their target, those being satisfaction at the Maidstone Leisure Centre, and footfall at the Museum and Visitor Centre.

In response to a question it was explained that several factors contributed to the missed targets in quarter one:

- The Maidstone Leisure Centre had been without a centre manager during quarter one due to the promotion of the previous manager.
- Easter fell within the month of March, which meant that visitors to the Museum and Visitor centre during that busy time were reported on as part of quarter four of the previous municipal year. It was also noted that the closure of the Museum on Mondays correlated with the reduction in footfall.

Dawn Hudd, Head of Commercial and Economic Development advised that an Urban Panel visit to Maidstone would take place early in 2017. This would take the form of a panel of professionals appointed by Historic England, who would visit and review the Borough's heritage assets in order to provide recommendations.

**RESOLVED:** That the report be noted.

53. REPORT OF THE DIRECTOR OF FINANCE AND BUSINESS IMPROVEMENT - FIRST QUARTER BUDGET MONITORING 2016/17

Mark Green, Director of Finance and Business Improvement, introduced the report detailing the financial performance of the services within the committee's remit.

The performance for all services taken overall was under budget, but some individual service areas were over budget. It was expected that the budget would be balanced overall at year end.

With regard to Mote Park it was clarified that:

- Parking at Mote Park was not reported as part of the figures to committee, even though the committee had an interest in its financial performance. This was because the budget fell within parking services, whose financial performance was reported to the Strategic Planning, Sustainability and Transport Committee.
- A review of performance at Mote Park café had been undertaken. Action was being taken to address the issues identified, which included a revision of the menu and implementation of portion control, and the employment of a catering and development manager to oversee MBC catering outlets.

Members queried the exclusion from the report of figures for the Cobtree Manor Park and Café. It was explained that responsibility for this budget sat with the Cobtree Manor Estate Charity Committee. The Chairman requested that an explanatory note on the need for separate committees to consider the financial performance of charitable trusts be circulated to Members outside of the meeting.

**RESOLVED:** That the report be noted.

54. REPORT OF THE HEAD OF COMMERCIAL AND ECONOMIC DEVELOPMENT - MOTE PARK CAR PARK CHARGING REVIEW

The Head of Commercial and Economic Development presented the report on income generation at the Mote Park car park, and put forward reasons for the projected shortfall in income compared to the original targets set in February 2016.

It was explained that:

- Charging for parking in Mote Park was one part of a package of measures designed to generate income and reduce the financial impact of the parks service on the Council's budget.
- In February 2016, when the decision to implement charges was made, the target income was estimated at £171,400. This estimate was based upon research that anticipated 385,000 cars using the car park in one year.

- Income had been lower than expected. Officers recognised that the income target should have been lower for the first year of operation in order to monitor performance, and this understanding would be taken forward and applied to new commercial projects. Reasons for the projected shortfall included:
  - The income target required each parking space to be filled twice in one day;
  - The number of paying customers varied depending on the season;
  - The original income calculations did not include free parking before 10 a.m., and subsequently this was not factored into the financial projections.

The Parking Services Manager informed the committee that:

- There had previously been an issue with the Car Park being used by commuters. Prior to the implementation of charges the gates to the Park were locked until 9 a.m. in an effort to tackle the issue.
- Advanced ticket purchasing, which would allow someone to buy a ticket during the free period to cover the paid period, would mean that someone could park between 10.00 a.m. and 4.00 p.m. for £1 even if they originally parked at 7.00 a.m. This would reduce parking availability throughout the day for other visitors.

During discussion Members raised the following points:

- Altering or removing free parking before 10.00 a.m. would affect early morning park users such as dog walkers and joggers.
- An increase in the charge for parking would be simple to implement and would raise income. Work should be undertaken to ascertain the most viable charge that could be implemented.
- Use of the car park was expected to increase with the opening of the Adventure Zone. Further analysis on the relationship between the Adventure Zone and the Car Park was required.
- Members stated that it had been understood when the decision was made that the income generated would be put back into Mote Park, however it was noted that a contribution had also been budgeted to be made to the Council's Medium Term Financial Strategy. The Head of Commercial and Economic Development explained that the contribution prevented the committee from having to make cuts to the Parks budget.

It was moved, seconded and:

**RESOLVED:** That the report be deferred to the meeting of the committee taking place on 29 November 2016 to address the points raised, and to be considered alongside a report on the Adventure Zone.

For – 7      Against - 0      Abstain - 0

55. DURATION OF MEETING

6.32 p.m. to 8.26 p.m.

**Committee Work Programme**



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# Heritage, Culture and Leisure Committee Work Programme

## **INTRODUCTION**

This document sets out the decisions to be taken by the various Committees of Maidstone Borough Council on a rolling basis. This document will be published as updated with new decisions required to be made.

## **DECISIONS WHICH COMMITTEES INTEND TO MAKE IN PRIVATE**

Committees hereby give notice that they intend to meet in private after its public meeting to consider reports and/or appendices which contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended). The private meeting of any Committee is open only to Councillors and Council officers.

Reports and/or appendices to decisions which Committees will take at their private meetings are indicated in the list below, with the reasons for the decision being made in private.

## **ACCESS TO COMMITTEE REPORTS**

- ∞ Reports to be considered at any of the Committees' public meeting will be available on the Council's website ([www.maidstone.gov.uk](http://www.maidstone.gov.uk)) a minimum of 5 working days before the meeting.

## **HOW CAN I CONTRIBUTE TO THE DECISION-MAKING PROCESS?**

You can submit a question to the relevant Committee, details are on our website ([www.maidstone.gov.uk](http://www.maidstone.gov.uk)).

<b>Decision Maker and Date of When Decision is Due to be Made:</b>	<b>Title of Report and Brief Summary:</b>	<b>Contact Officer:</b>	<b>Public or Private (if Private the reason why)</b>	<b>Documents to be submitted (other relevant documents may be submitted)</b>
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 4 Oct 2016	Surrenden Field, Staplehurst  A report regarding the future management of this playing field in Staplehurst	Jason Taylor, Parks and Leisure Manager <a href="mailto:jason.taylor@maidstone.gov.uk">jason.taylor@maidstone.gov.uk</a>	Public	Surrenden Field, Staplehurst
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 4 Oct 2016	Disposal of Land North of Gore Court Road  To consider that a strip of land at on the South of Senacre Playing Field is declared as surplus to requirement to enable Gore Courte Road to be realigned.	Jason Taylor, Parks and Leisure Manager <a href="mailto:jason.taylor@maidstone.gov.uk">jason.taylor@maidstone.gov.uk</a>	Public	Disposal of Land North of Gore Court Road
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 1 Nov 2016	Second Quarter Budget Monitoring			

<b>Decision Maker and Date of When Decision is Due to be Made:</b>	<b>Title of Report and Brief Summary:</b>	<b>Contact Officer:</b>	<b>Public or Private (if Private the reason why)</b>	<b>Documents to be submitted (other relevant documents may be submitted)</b>
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 1 Nov 2016	Parks 10 Year Plan  A report stating the current situation with Maidstones Parks, setting out issues and giving options going forward.	Jason Taylor, Parks and Leisure Manager <a href="mailto:jason.taylor@maidstone.gov.uk">jason.taylor@maidstone.gov.uk</a>	Public	Parks 10 Year Plan
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 1 Nov 2016	Public Realm Design Guide and Public Art Policy  To produce final draft report for town centre design guide and borough-wide art policy	Fran Wallis <a href="mailto:fran.wallis@maidstone.gov.uk">fran.wallis@maidstone.gov.uk</a>	public	Public Realm Design Guide and Public Art Policy
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 1 Nov 2016	Strategic Plan Performance Update Q2 for HCL  A quarter 2 performance update for the Heritage, Culture, and Leisure Committee and related indicators/Actions	Anna Collier <a href="mailto:anna.collier@maidstone.gov.uk">anna.collier@maidstone.gov.uk</a>	Public	Strategic Plan Performance Update Q2 for HCL

<b>Decision Maker and Date of When Decision is Due to be Made:</b>	<b>Title of Report and Brief Summary:</b>	<b>Contact Officer:</b>	<b>Public or Private (if Private the reason why)</b>	<b>Documents to be submitted (other relevant documents may be submitted)</b>
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 29 Nov 2016	Strategic Plan 2015-2020 refresh			
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 29 Nov 2016	Medium term Financial Strategy – Fees and Charges	Ellie Dunnet	Public	
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 29 Nov 2016	Mote Park Adventure Zone  Procurement and Planning update	Kwame Owusu-Boateng <a href="mailto:kwameowusuboaeng@maidstone.gov.uk">kwameowusuboaeng@maidstone.gov.uk</a>	Public	Mote Park Adventure Zone Mote Park Adventure Zone
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 29 Nov 2016	Tourism Destination Management Plan - Progress Update  Six monthly progress report on the Tourism Destination Management Plan	Laura Dickson <a href="mailto:lauradickson@maidstone.gov.uk">lauradickson@maidstone.gov.uk</a>	Public	Tourism Destination Management Pla - Progress Update

<b>Decision Maker and Date of When Decision is Due to be Made:</b>	<b>Title of Report and Brief Summary:</b>	<b>Contact Officer:</b>	<b>Public or Private (if Private the reason why)</b>	<b>Documents to be submitted (other relevant documents may be submitted)</b>
<p><b>Heritage, Culture and Leisure Committee</b></p> <p>Due Date: Tuesday 29 Nov 2016</p> <p>12</p>	<p>Review of MCL Festivals and Events 2016</p> <p>A review of Proms in the Park and the Mela following consultation into the future shape and delivery of these events, and an overview of other events that have taken place in our venues during the year.</p>	<p>Dawn Hudd  <a href="mailto:dawnhudd@maidstone.gov.uk">dawnhudd@maidstone.gov.uk</a></p>	<p>Public</p>	<p>Review of MCL Festivals and Events 2016</p>
<p><b>Heritage, Culture and Leisure Committee</b></p> <p>Due Date: Tuesday 3 Jan 2017</p>	<p>Medium Term Financial Strategy – Capital Programme</p>	<p>Ellie Dunnet</p>		
<p><b>Heritage, Culture and Leisure Committee</b></p> <p>Due Date: Tuesday 3 Jan 2017</p>	<p>Maidstone Museums Sustainability Options Paper</p> <p>Paper setting out future governance and management arrangements for Maidstone Museums.</p>	<p>Dawn Hudd  <a href="mailto:dawnhudd@maidstone.gov.uk">dawnhudd@maidstone.gov.uk</a></p>	<p>Public</p>	<p>Maidstone Museums Sustainability Options Paper</p>

Decision Maker and Date of When Decision is Due to be Made:	Title of Report and Brief Summary:	Contact Officer:	Public or Private (if Private the reason why)	Documents to be submitted (other relevant documents may be submitted)
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 3 Jan 2017	Mote Park - A New Cafe/Visitor Centre  Business case for a new café and visitor centre for Mote Park relating to £2.5m capital funding identified in capital programme.	Dawn Hudd <a href="mailto:dawnhudd@maidstone.gov.uk">dawnhudd@maidstone.gov.uk</a>	Public	Mote Park - A New Cafe/Visitor Centre
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 3 Jan 2017	Maidstone Museums Sustainability Options Paper  Paper setting out future governance and management arrangements for Maidstone Museums.	Dawn Hudd <a href="mailto:dawnhudd@maidstone.gov.uk">dawnhudd@maidstone.gov.uk</a>	Public	Maidstone Museums Sustainability Options Paper
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 31 Jan 2017	Strategic Plan Performance Update Q3			
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 31 Jan 2017	Third Quarter Budget monitoring			

<b>Decision Maker and Date of When Decision is Due to be Made:</b>	<b>Title of Report and Brief Summary:</b>	<b>Contact Officer:</b>	<b>Public or Private (if Private the reason why)</b>	<b>Documents to be submitted (other relevant documents may be submitted)</b>
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 31 Jan 2017	Plaques and People Protocol  New protocol for the erection of commemorative plaques and the inclusion of names in the Council Chamber	Dawn Hudd dawnhudd@maidstone.gov.uk	Public	Plaques and People Protocol
<b>Heritage, Culture and Leisure Committee</b>  Due Date: Tuesday 4 April 2017	Fourth Quarter Budget Monitoring			

<b>HERITAGE, CULTURE AND LEISURE COMMITTEE</b>	<b>4 October 2016</b>
Is the final decision on the recommendations in this report to be made at this meeting?	<b>Yes</b>

**Disposal of Land North of Gore Court Road, Parkwood**

<b>Final Decision-Maker</b>	Heritage, Culture & Leisure Committee
<b>Lead Head of Service</b>	Head of Commercial and Economic Development
<b>Lead Officer and Report Author</b>	Jason Taylor. Parks and Leisure Manager
<b>Classification</b>	Public
<b>Wards affected</b>	Downswood and Otham

**This report makes the following recommendations to this Committee:**

1. To declare surplus the open space strip of land with a total area of 414 square metres to the west of Gore Court Road, outlined in red on the attached plan Appendix A.
2. To authorise the placing of a Public Notice pursuant of Section 123 of the Local Government Act 1972.

**This report relates to the following corporate priorities:**

Securing a successful economy for Maidstone Borough - Planning for sufficient homes to meet our Borough's needs

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Heritage, Culture and Leisure Committee	4 October 2016
Policy and Resources Committee	If required

### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Council has been approached by Bellway Homes with a request to purchase an area of open space land on the eastern side of Senacre Recreation Ground as shown on the attached plan Appendix A, in order to facilitate a housing development.
  - 1.2 To dispose of the land, it needs to be declared surplus to operational requirements and the intention to dispose publically advertised pursuant to Section 123 of the Local Government Act 1972 (“the LGA72”)
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### 2. INTRODUCTION AND BACKGROUND

- 2.1 The disposal of this strip of land would allow the minor realignment of Gore Court Road, thus enabling the provision of a necessary road access to the “Land North of Bicknor Wood” development site, for which the Council’s Planning Committee resolved to grant planning permission on 14 July 2016.
- 2.2 The alternative way to widen Gore Court Road to enable the development would be to take land on its eastern side which would involve the loss of ancient woodland and 3 statutorily protected trees. This option was considered and discounted by Planning Committee in favour of the proposal outlined in this report.
- 2.3 The strip of land has been confirmed by the Parks and Leisure team as having no strategic value to the Council for the reasons set out below and is therefore, in its opinion, surplus to operational requirements.
- 2.4 The strip of land which is proposed for disposal is currently hedgerow and a thin strip of amenity grass and is up to 6metres wide and 145 metres long. The total area is 414 square metres as shown in the plan in **Appendix I**. The existing fence and hedgerow would be replaced with like for like as a condition of disposal.
- 2.5 Senacre Recreation Ground is an informal open space maintained and owned by the Council. It includes a community building used as a community and skills centre leased by Kent County Council. Following discussions with Catch 22, who manage the building, the area of land to be disposed of appears to be primarily used by dog walkers. Catch 22 use the wider area of open space for informal team building exercises, picnics and kick-about. They operate two

community gardens as part of their facility. The rest of the open space has had football pitches but these have not been in operation since 2013 due to lack of demand. In the past a local church has used the open space for a fair. The proposed disposal would not prevent these activities taking place or make the open space less attractive to users. None of these activities would be adversely affected by the proposal to dispose of the strip of land in question.

- 2.6 The development approved by Planning Committee for Land North of Bicknor Wood site provides a minimum 5.8 hectares open space. The 414 square metre (0.04 ha) reduction of open space from the disposal of this land will be compensated by this new provision. The disposal of the strip of open space will also generate a capital receipt which will provide best value for the Council in accordance with the requirements of Section 123 of the LGA72.
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### **3. AVAILABLE OPTIONS**

- 3.1 HCL Committee is recommended to declare this strip of open space on the eastern side of Senacre Recreation Ground, as shown in Appendix I, as surplus to operational requirements and authorise the placing of a Public Notice pursuant of Section 123 of the LGA72.
- 3.2 HCL Committee could decide not to declare the land surplus to operational requirements and retain it as part of the Council's open space provision. This is not recommended, firstly, because it has been confirmed by the Parks and Leisure Team that this land is, in its opinion, surplus to operational requirements and, secondly, because the development which the disposal will support and which has been approved by the Council's Planning Committee, will provide much needed housing and additional open space in the Borough.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is 3.1 to agree that the land in question is surplus to requirements as outlined in section 2 of this report.
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### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 Consultation will be through the publication of the Section 123 Notice.
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### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 If HCL Committee recommends the disposal of the land then a public notice will be placed pursuant of Section 123 of the Local Government Act 1972, as detailed in this report
- 6.2 After the six week period for comments and objections has expired, the final decision on disposing of the land will be taken either by Policy and Resources Committee or the Chief Finance Officer under delegated authority if appropriate.
- 6.3 Pursuant to Section 123 of the LGA72, if an independent valuation of the land is required, this will be undertaken following the decision of this Committee.

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## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	The proposed disposal of the land identified will support the Council's priority of planning for sufficient homes to meet our Borough's needs.	Head of Planning
<b>Risk Management</b>	Failure to agree this disposal could lead to the risk of an agreed housing development not coming forward.	Head of Planning
<b>Financial</b>	Disposal of this land supports the Council's overall strategy of planning for new homes, which will promote economic development and ameliorate the housing shortage in the borough. The value realised through the disposal proceeds will support the Council's capital programme. This value is only capable of being realised in the specific context described	Section 151 Officer

	in the report.	
<b>Staffing</b>	No implications	Head of Commercial & Economic Development
<b>Legal</b>	Compliance with the procedural requirements of the Local Government Act 1972 is upheld by the production of this report.	Mid Kent Legal Services
<b>Equality Impact Needs Assessment</b>	The impacts of the proposal have been considered within the body of this report and no adverse impacts on groups with protected characteristics is anticipated.	Head of Planning
<b>Environmental/Sustainable Development</b>	The proposed disposal would allow the implementation of agreed development whilst safeguarding ancient woodland. Not agreeing such a disposal would put this ancient woodland and associated protected trees at risk.	Head of Planning
<b>Community Safety</b>	The proposed disposal will not affect the safety of current or potential users of the remaining open space and the resulting realignment of the road will benefit road and pedestrian safety	Head of Planning
<b>Human Rights Act</b>	None	
<b>Procurement</b>	None	
<b>Asset Management</b>	The retained asset, Senacre Recreation Ground, will continued to be managed in the same way due to the minor impact the disposal will have on the remaining	Property and Procurement Manager

	open space.	
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## **8. REPORT APPENDICES**

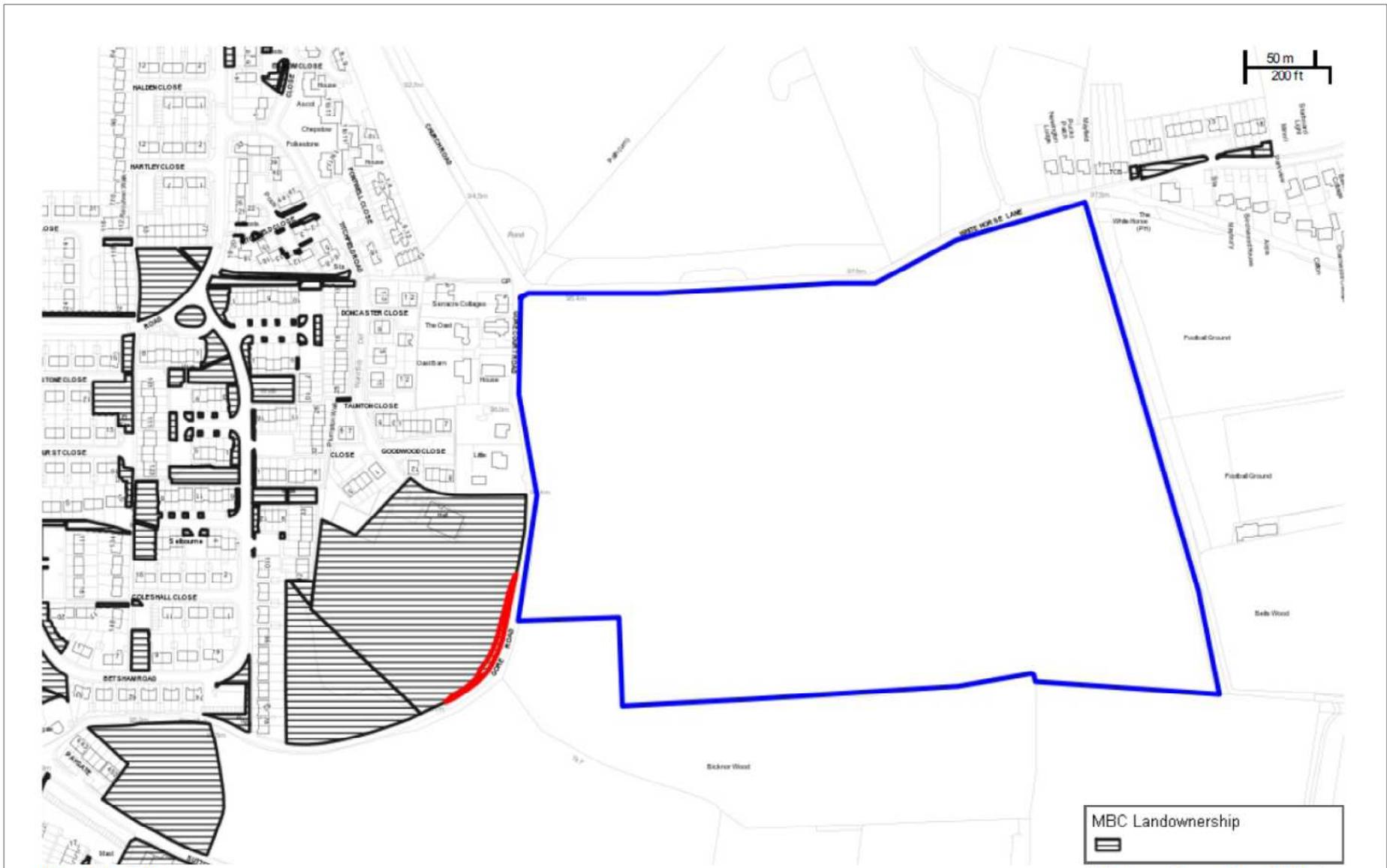
The following documents are to be published with this report and form part of the report:

- **Appendix I:** The land which HCLC is considering the disposal of North of Bicknor Road, in Downswood and Otham ward.
  - **Appendix II:** Map showing the proposed housing developments site at the Land North of Bicknor Wood. This map also shows other open space currently located in the vicinity.
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## **9. BACKGROUND PAPERS**

- Maidstone Borough Local Plan Publication (Regulation 19) February 2016
- Minutes of Maidstone Borough Planning Committee 14<sup>th</sup> July 2016.





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## HERITAGE, CULTURE AND LEISURE COMMITTEE

**4<sup>th</sup> October 2016**

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

### Land at Surrenden Field, Staplehurst

<b>Final Decision-Maker</b>	Heritage, Culture and Leisure Committee.
<b>Lead Head of Service</b>	Head of Commercial and Economic Development
<b>Lead Officer and Report Author</b>	Jason Taylor, Parks and Leisure Manager
<b>Classification</b>	Public
<b>Wards affected</b>	Staplehurst

#### **This report makes the following recommendations to this Committee:**

1. To declare as surplus the land known as Surrenden Field, outlined in red on the attached plan Appendix 1.
2. To authorise the placing of a Public Notice pursuant to Section 123 of the Local Government Act 1972.

#### **This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all
  - This playing field is important to Staplehurst and helps make the area attractive. The issue of a lease to Staplehurst Parish Council would enable them to make improvements to the site.

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Heritage Culture and Leisure Committee	4 <sup>th</sup> October 2016

### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 The Council has been approached by Staplehurst Parish Council (SPC) with a request for a longer tenure on the land at Surrenden Field, which is currently leased to them. They would also like to take on Nicholson Walk if the freehold were to be transferred to them for both sites.
  - 1.2 This would require both parcels of land to be declared as surplus by Heritage, Culture & Leisure Committee (HCLC) and the placing of a Public Notice pursuant of Section 123 of the Local Government Act 1972.
  - 1.3 Following the consultation period, any final decision about disposal of the land – and whether any disposal is of the freehold or leasehold - would be taken by Policy & Resources Committee or the Chief Finance Officer acting under delegated powers (subject to the value of the land being less than £100,000).
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### **2. INTRODUCTION AND BACKGROUND**

- 2.1 The freehold to Surrenden Field in Staplehurst and Nicholson Walk, as shown in APPENDIX I, is held by Maidstone Borough Council (MBC).
- 2.2 Currently Surrenden Field is leased to SPC. This lease is for a term of 21 years and expires on 31 March 2019. SPC currently pay MBC a rent of £80 per annum.
- 2.3 The land is protected by a restrictive covenant to be used only as an open space.
- 2.4 The current lease is protected under the Landlord and Tenant Act 1954 and this means that SPC have a right to a further lease on the same terms.
- 2.5 SPC have approached the Council as they would like to invest in the site to improve the drainage and the play facilities (for which S106 monies are available), but before they do this they would require a longer tenure of the site and ideally would like the freehold of the site transferred to them.
- 2.6 Surrenden Field is highlighted in the Staplehurst Neighbourhood Plan 2015-2031 as being part of the 'Village Heart Policy'.

- 2.7 SPC would like control of this site as it is important to the town and feel that by having the freehold it would secure the site as green space for the future. If the freehold is not available then the Parish have asked for a minimum of 125 year lease which would give them security of tenure, enable them to invest in the site and give them added security that the site will remain as green space in the future. However SPC may be unwilling to take over the maintenance of Nicholson Walk.
- 2.8 It has been determined that an independent valuation under Section 123 of the Local Government Act 1972 is not required as there is no alternative non-community use for this site. The proposed disposal would only be at an 'undervalue' if it was realistic to think that the Council could sell or lease the land for a capital receipt or a higher rent. Given the land is protected by a restrictive covenant to be only used as open space it is considered that an independent valuation is not required.
- 2.9 The current lease will expire at the end of the existing term unless it is surrendered by either of the two parties, subject to the ability of both parties to renew the lease pursuant to the provisions of the Landlord and Tenant Act 1954.
- 2.10 This report was originally taken to HCLC on September 6<sup>th</sup> 2016. At this meeting the committee discussed options regarding the handing over of the freehold to SPC, and SPC's suggestion that they would also take on the adjoining land at Nicholson Walk if they were to be granted the freehold to Surrenden Field.
- 2.11 No final decision was taken by HCLC at the meeting on September 6<sup>th</sup> but it was requested that officers investigate further the strength of the existing covenants of the land to remain as green space; and include the request by SPC to take over Nicholson Walk subject to the freehold being transferred.
- 2.12 Existing Covenants.  
Legal Services have investigated the current covenants on the land and discovered that if the Property is transferred to SPC the transfer can be drafted to include a positive obligation on SPC to continue to comply with the restrictive covenant, together with a requirement to obtain a deed of covenant from any successor in title to SPC to comply with this obligation. This can in turn be protected by a restriction on the freehold title.
- 2.13 Nicholson Walk.  
Officers have discussed the disposal of Nicholson Walk further with representatives from SPC and it has been confirmed that if the freehold was given to SPC then Nicholson Walk could be included in

the arrangement. Meaning that the parcel of land transferred to SPC would include Surrenden Field and Nicholson Walk. SPC would take on all management and maintenance responsibilities for both parcels of land. These adjoining parcels of land can be seen in Appendix 1. . Nicholson Walk is not protected by a restrictive covenant requiring the land to be used as open space. However, it is subject to a restriction that no disposition of the land is to be registered unless made in accordance with the Physical Training and Recreation Act 1937 which requires the land to be used for the development of facilities for the encouragement of physical training and recreation and to facilitate the establishment of centres for social activities. If this Property is transferred to SPC the transfer can be drafted to include a restrictive covenant not to use the land for any purpose other than in pursuance of this Act.

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### **3. AVAILABLE OPTIONS**

- 3.1 MBC could issue a further 21 year lease to SPC on the same terms as the current lease for Surrenden Field, as is their right under the Landlord and Tenant Act 1954. This would be on exactly the same terms as the current agreement. SPC have indicated that this lease would not be long enough to allow them to carry out the proposed improvement works to the site.
- 3.2 MBC could issue a new 125 year lease to SPC for Surrenden Field with the potential addition of Nicholson Walk. This would give SPC long term security of tenure, which would enable them to invest in the site with the security of knowing that the site will remain as green space for the next 125 years whilst the council would retain the asset.
- 3.3 The freehold for Surrenden Field along with that for Nicholson Walk could be transferred to the Parish Council. This would give SPC full ownership of both sites and responsibility for how they are managed in the future.
- 3.4 When the current lease ends (and without further extension) the site would revert to MBC which would manage it in the future. This is not considered appropriate as the maintenance of the site would be passed to MBC. It would also take away the ability for SPC to invest in improvement of the site.
- 3.5 The current lease could be left in place until it runs out on 31 March 2019, and then a new lease on the same terms would have to be granted to the Parish Council, unless MBC had specific grounds under the Landlord and Tenant Act 1954 to deny such a request.

This is not recommended as SPC require a longer lease of the site to enable them to carry out improvement works. SPC may not be in a position to carry out these works in the future.

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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is option 3.2, as shown above, that MBC issues a new 125 year lease to SPC for Surrenden Field and Nicholson Walk.
  - 4.2 This would give SPC long term security of tenure, which would enable them to invest in the site with the security of knowing that the site will remain as green space in the future with the asset remaining with MBC. PSC could also take on the maintenance of Nicholson Walk if they are agreeable to it being included in the lease.
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#### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 This matter was previously brought to HCLC on September 6<sup>th</sup> 2016, and has now been brought back following the committee's request for further information.
  - 5.2 Consultation will be through the publication of the Section 123 Notice.
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#### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 If HCL Committee recommends that Policy and Resources Committee agrees to the disposal of Surrenden Field and Nicholson Walk to SPC then this committee must declare that the land is surplus. The committee would authorise a Public Notice to be advertised declaring that the land is surplus and the intention to dispose of the land pursuant of Section 123 of the Local Government Act 1972.
  - 6.2 After the six week period for comments and objections has expired, the final decision on disposing of the land will be taken either by Policy and Resources Committee or the Chief Finance Officer under delegated authority if appropriate.
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#### **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
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<b>Impact on Corporate Priorities</b>	Keeping Maidstone Borough an attractive place for all – This playing field is important to Staplehurst and makes the area attractive.	Parks & Leisure Manager
<b>Risk Management</b>	No impact	
<b>Financial</b>	MBC would not receive the £75 per year that it receives from the current lease of Surrenden Field, but the cost to maintain Nicholson Walk would be transferred to SPC.	Section 151 Officer & Finance Team
<b>Staffing</b>	No impact	
<b>Legal</b>	Compliance with the procedural requirements of the Local Government Act 1972 is upheld by the production of this report.	Mid Kent legal Services
<b>Equality Impact Needs Assessment</b>	No Impact	
<b>Environmental/Sustainable Development</b>	The land is already and would continue to be protected by covenants.	Parks & Leisure Manager
<b>Community Safety</b>	No impact	
<b>Human Rights Act</b>	No impact	
<b>Procurement</b>	No impact	
<b>Asset Management</b>	MBC would not have any active asset management obligations if the land was transferred to the Parish Council.	Head of Service & Manager

## 8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

Appendix I: Surrenden Field and Nicholson Walk Staplehurst with boundary shown in red.

## **9. BACKGROUND PAPERS**

None

Appendix I  
Surrenden Playing Field and Nicholson Walk



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