

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

**Yes****Disposal of Land at Unicumes Lane, Fant**

<b>Final Decision-Maker</b>	Policy and Resources Committee
<b>Lead Director or Head of Service</b>	Director of Finance & Business Improvement
<b>Lead Officer and Report Author</b>	Lucy Stroud
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	Fant

**This report makes the following recommendations to the final decision-maker:**

1. To agree to dispose of the open space land outlined in red on the attached plan.

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

- Keeping Maidstone Borough an attractive place for all.

**Timetable**

<b><i>Meeting</i></b>	<b><i>Date</i></b>
Policy and Resources	26 <sup>th</sup> October 2016
Council	n/a
Other Committee	n/a

# Disposal of Land at Unicomes Lane, Fant

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Council owns an area of open space off Unicomes Lane in Fant, known as the Fant Wildlife Area, and has been working with a local volunteer group to manage it.
  - 1.2 The volunteers, the Fant Wildlife Group, would now like to take over the management and lease the site from the Council. This requires a disposal of the land on a leasehold basis.
  - 1.3 To dispose of the land, it has been declared surplus to operational requirements by the Heritage, Culture and Leisure Committee, and the intention to dispose publically advertised. A recommendation to dispose is now being made to the Policy and Resources Committee to make the final decision.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Fant Wildlife Group is a charitable volunteer group from the local community, established in 1996 to manage an area of abandoned allotment gardens located between Upper Fant Road and the River Medway. The site is shown outlined in red on the plan attached as Appendix A.
- 2.2 The aims of the Group are to maintain and diversify the wildlife on the site, and to encourage educational use and local involvement. Over the last 20 years the Group has worked to improve the site and now wish to take on full responsibility for the maintenance and management. A long term lease is deemed the most suitable mechanism by which to provide the Group with the security they need in order to access funding and be able to further develop the site for wildlife.
- 2.3 The Wildlife Area is currently managed by the Group with the assistance and input of Council officers, and grounds maintenance team. The total area of open space to be disposed of by lease is 3.95 hectares / 39,500 square metres.
- 2.4 The land has been confirmed by the Parks and Leisure team as being suitable for disposal, and has been declared surplus by the Heritage, Culture and Leisure Committee.
- 2.5 The Group have also satisfied the Parks and Leisure team that they are a capable organisation and will manage the Wildlife Area successfully.
- 2.6 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. 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 will remain as public open space and accessible to all it is considered that an independent valuation is not required.

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### **3. AVAILABLE OPTIONS**

- 3.1 The Policy and Resources Committee could decide to not dispose of the land and retain it as part of the Council's open space provision. This option would also allow the Council to retain management and maintenance control of the Wildlife Area.
- 3.2 This is not recommended because if the Council was responsible for the Wildlife Area, it would struggle to dedicate the necessary resources needed to successfully manage such a large open space.
- 3.3 The Policy and Resources Committee could decide to retain the status quo, making the Council responsible for the Wildlife Area, but allowing the Group to continue their management.
- 3.4 This is not recommended because the Fant Wildlife Group would be unable to access funding opportunities without a formal agreement to manage the land. The future successful management of the Wildlife Area would then be at risk and the site would suffer as a consequence.
- 3.5 The Policy and Resources Committee could decide to dispose of the land, relieving the Council of the maintenance responsibility and facilitating the proper management and future use of the site.

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

- 4.1 It is recommended that the Policy and Resources Committee agrees to dispose of all the land outlined in red on the attached plan on a leasehold basis to the Fant Wildlife Group.
- 4.2 The Heritage, Culture and Leisure Committee declared the land surplus and agreed to the land being publically advertised for disposal pursuant to Section 123 of the Local Government Act 1972. No objections were received in response to the advert.
- 4.3 Officers have entered into negotiations with the Group, and have agreed a 99 year lease at a peppercorn rent. The Group will have full management and maintenance responsibility for the Wildlife Area, and be bound by the lease to use and preserve the land in a manner that preserves the flora, fauna or geological features of special interest in the area.
- 4.4 The lease will also ensure that the land remains as public open space and accessible to all. The Group must also provide officers with copies of its Management Plan, annual report to the Charity Commission and its Constitution.

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## 5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 No objections were received to the public notice and the Heritage, Culture and Leisure Committee has declared the land surplus.
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## 6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If the recommendations are agreed by the Policy and Resources Committee, the Property Officer will instruct Mid Kent Legal Services to draft transfer documents.
- 6.2 Lease documents will be sent to legal representatives of the Group and the leasehold transfer of the land will be completed on agreement of both parties to the draft lease.
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## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	This report supports the priority Keeping Maidstone Borough an attractive place for all.	Parks and Leisure Services Manager
<b>Risk Management</b>	There are no material risks arising from this report	Parks and Leisure Services Manager
<b>Financial</b>	There are no specific financial implications from this report as maintenance costs in relation to the site are already borne by the Fant Wildlife Group.	Section 151 Officer and Finance Team
<b>Staffing</b>	There are no staffing implications arising from this report	Parks and Leisure Services Manager
<b>Legal</b>	The documentation for the land being transferred leasehold to the Fant Wildlife Group will be dealt with by Mid Kent Legal Services	Head of Legal Services
<b>Equality Impact Needs Assessment</b>	There are no implications arising from this report	Parks and Leisure Services

		Manager
<b>Environmental/Sustainable Development</b>	The recommendations enable the delivery of public open space in the Borough	Parks and Leisure Services Manager
<b>Community Safety</b>	There are no implications arising from this report	Parks and Leisure Services Manager
<b>Human Rights Act</b>	There are no implications arising from this report	Parks and Leisure Services Manager
<b>Procurement</b>	There are no implications arising from this report	
<b>Asset Management</b>	Assets and the associated liabilities will be transferred away from MBC	Parks and Leisure Services Manager

## 8. REPORT APPENDICES

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

- Appendix A: Site plan

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## 9. BACKGROUND PAPERS

- Heritage, Culture and Leisure Committee Decision dated 3<sup>rd</sup> November 2015