

# **POLICY AND RESOURCES COMMITTEE**

**14 December 2016**

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

**Yes**

## **Surrenden Field, Staplehurst**

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

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

1. To agree a disposal of Surrenden Field and Nicolson Walk on a leasehold basis, for a term of 125 years, to Staplehurst Parish Council. The land is shown edged in red on the plan at Appendix I.

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

- Keeping Maidstone Borough an attractive place for all – the disposal would allow Staplehurst Parish Council to invest in the site and for the playing field to remain as a valuable amenity in the village.

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Policy & Resources Committee	14 December 2016

# Surrenden Field, Staplehurst

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Staplehurst Parish Council has made a request to Maidstone Borough Council (MBC) for an extension to their current leasehold arrangement of Surrenden Field.
- 1.2 In order to realise their aspirations for the playing field, the Parish Council would like the future of the site secured and placed under their stewardship. This is best achieved by way of a long term leasehold transfer.

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## 2. INTRODUCTION AND BACKGROUND

- 2.1 Surrenden Field and Nicolson Walk are owned freehold by MBC and the Field has been leased to Staplehurst Parish Council for the last 18 years. The current lease is for a term of 21 years and at a rent of £75 per annum.
- 2.2 When the lease expires in 2019 the Parish Council are entitled to a further lease on identical terms because they have the benefit of being protected by the Landlord and Tenant Act 1954. The Parish Council has however requested that a new arrangement is considered.
- 2.3 The current lease makes the Parish Council responsible for maintaining the playing field, but it is well acknowledged that funding opportunities available for community projects require a long term leasehold to be in place. For the Parish Council to apply for grant funding, a longer term than the 3 years remaining under the current lease or a further 21 year lease would be required.
- 2.4 The land is subject to a restrictive covenant that prevents any other use than that of an open space, and any lease with the Parish Council would be subject to that covenant.
- 2.5 Nicolson Walk is the pedestrian access to the playing field, and although not included in the current lease to the Parish Council, it would make practical sense for a longer term arrangement to include this access.

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## 3. AVAILABLE OPTIONS

- 3.1 The first option available to the Committee is to grant the Parish Council a 125 year lease of the land show in Appendix I. This would satisfy the future plans for the playing field because it would;
  - give the Parish Council the long term management of the site that they desire
  - enable the Parish Council to effectively maintain the site and plan improvements

- ensure the playing field remains as an amenity space for the local community
- enable access to funding and grant opportunities from external organisations
- secure the use of the site for future generations
- retain MBC's interest in the site.

3.2 The Committee could decide to follow the provisions of the Landlord and Tenant Act 1954 and grant the Parish Council a new lease on identical terms to the current lease. This option is not recommended because;

- it only allows the Parish Council to continue their management of the site in the same way as they do currently
- the Parish Council will remain without the means to carry out improvements
- it will only secure the future of the village amenity for a further 21 years
- it makes funding opportunities difficult to apply for
- it discourages investment in the site
- it doesn't include the access path at Nicolson Walk.

3.3 The final option available to the Committee is to dispose of the site to Staplehurst Parish Council by way of freehold transfer. This option is not recommended because;

- this is contrary to MBC's Asset Management Policy
- a freehold transfer is not necessary for the Parish Council to realise their future plans for the site
- MBC would lose control of an important amenity asset
- transfers of community assets has been by leasehold in the past, and this is standard practice.

The Heritage, Leisure and Culture and Committee recommended this option, with the proviso that if the land were placed on the market in the future, ownership would revert to Maidstone Borough Council. This condition would be difficult to enforce, and for the reasons set out above, the recommendation of the Heritage, Leisure and Culture Committee is not supported.

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

4.1 The first option as described above in paragraph 3.1 is the preferred option because;

- MBC's Asset Management Policy supports the transfer of community based assets, preferably in the form of long leasehold interests
- leasehold transfer is consistent with past practice and MBC's asset strategy
- funding from external organisations for community projects require a lease term of significant length in order to satisfy the application criteria
- the Parish Council would gain the control of the site that they are seeking

- long term maintenance and management of the site would be the responsibility of the Parish Council
- the Parish Council will be able to plan for their proposed improvements to the play area and site drainage
- the future of the site as an amenity area in Staplehurst would be protected.

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## **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 Public Notices advertising the proposed disposal were placed in the Kent Messenger on the 28 October 2016 and 4 November 2016. No comments or objections were received in connection with the recommendation to dispose of Surrenden Field and Nicolson Walk.

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## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 Should the Policy and Resources Committee recommend that the land be disposed, officers will agree detailed terms with Staplehurst Parish Council, and Mid Kent Legal Services will be instructed to draft the relevant documentation.

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## **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The proposed disposal will support the Council's priority of making the Borough an attractive place to live.	Parks and Leisure Manager
<b>Risk Management</b>	No impact	
<b>Financial</b>	There is no financial impact because the Parish Council will be charged a peppercorn rent.	Section 151 Officer & Finance Team
<b>Staffing</b>	No impact	
<b>Legal</b>	Mid Kent Legal Services to prepare draft documents.	Legal Team
<b>Equality Impact Needs Assessment</b>	No impact	
<b>Environmental/Sustainable Development</b>	The land is protected by restrictive covenants to remain	Parks and Leisure

	as open space.	Manager
<b>Community Safety</b>	No impact	
<b>Human Rights Act</b>	No impact	
<b>Procurement</b>	No impact	
<b>Asset Management</b>	The land will be managed by the Parish Council in the long term, which removes the need for active asset management from MBC.	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: Site Plan

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## 9. BACKGROUND PAPERS

Heritage, Leisure and Cultural Decision 4 October 2016