

MAIDSTONE BOROUGH COUNCIL

CABINET MEMBER FOR CORPORATE SERVICES

REPORT OF HEAD OF BUSINESS IMPROVEMENT

Report prepared by Christopher Finch

Date Issued: 6 August 2009

1. Disposal of Land at Luck's Way, Marden

1.1 Issue for Decision

- 1.1.1 To consider the Decision of the Cabinet Member for Leisure and Culture Services dated 18th July 2008, to declare the parcel of land at Luck's Way Marden surplus to operational requirements and the request to dispose of the land to Marden Parish Council.

1.2 Recommendation of the Head of Business Improvement

- 1.2.1 That the Cabinet Member authorizes Leasehold disposal of the land at Luck's Way Marden, for a term of 125 years, to Marden Parish Council.
- 1.2.2 That the Cabinet Member authorizes the Head of Corporate Law and Legal Services to enter into a contract with Marden Parish Council to transfer the Leasehold interest in the land (plan attached as Appendix A) to the Parish Council for a term of 125 years at a peppercorn rent, for use as a play area.

1.3 Reasons for Recommendation

- 1.3.1 The Assistant Director of Regulatory and Environmental Services recommended in a report to the Cabinet Member for Leisure and Culture Services that the parcel of land at Luck's Way Marden was of no strategic value to the Council and would benefit from being locally managed by the Parish Council.
- 1.3.2 The Cabinet Member for Leisure and Culture Services declared the land surplus on 18th July 2008 and authorized the publication of a S123 Notice in accordance with the Local Government Act 1972.
- 1.3.3 No responses to the advertisement were received during the statutory period allowed for comments. As a result the Decision of the Cabinet Member for Leisure and Culture Services to dispose should be considered on terms agreed between the Parish and Borough Council.

1.3.4 The Parish Council are keen to take on responsibility for the site. They have identified it for use as a children's play area. The Parish Council will be able to bid for external funding (which the Borough Council is unable to access) to purchase play equipment for the site.

1.3.5 The playground is one of the few open spaces within this part of Marden owned by the Borough and suitable for use as a play area.

1.3.6 The Borough Council is keen to see the land transferred to local Parish management as it reduces the Council's land management costs by approximately £1,000 per year.

1.4 Alternative Action and why not Recommended

1.4.1 The Cabinet Member could consider retaining the land under management by the Borough Council, however this would, in all likelihood mean that the site could not benefit from new play equipment for children.

1.5 Impact on Corporate Objectives

1.5.1 Transfer of the land for use as a play area supports the Council's corporate priorities of: 'a place that has strong, healthy and safe communities' and 'a place to live and enjoy'.

1.6 Risk Management

1.6.1 There are no risks identified which could be associated with this disposal.

1.7 Other Implications

1.7.1

1. Financial
2. Staffing
3. Legal
4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety
7. Human Rights Act
8. Procurement

X
X

9. Asset Management

X

- 1.7.2 Disposal of the land to Marden Parish Council reduces the Borough Council's maintenance costs by up to £1,000 per annum.
- 1.7.3 The parcel of land will provide an area for local children to be able to play in a safe and secure environment.
- 1.7.4 Disposal of this site to the Parish Council supports the objective within the Asset Management Plan to effect the transfer of surplus land to the 'third sector'

1.8 Background Documents

- 1.8.1 Report to the Cabinet Member for leisure and Culture Services dated 10th July 2008
- 1.8.2 Decision of the Cabinet Member for Leisure and Culture Services dated 18th July 2008
- 1.8.3 Site location plan

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes ☐ No ☒

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes ☐ No ☒

How to Comment

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

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