

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

**Yes**

## **Disposal of open space at Fant, Maidstone**

<b>Final Decision-Maker</b>	Heritage, Leisure and Culture Committee
<b>Lead Director or 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>	Non-exempt
<b>Wards affected</b>	Fant

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

1. To declare surplus the open space land outlined in red on the attached plan.
2. To authorise the placing of a Public Notice pursuant of Section 123 of the Local Government Act 1972
3. To refer the matter to the Policy and Resources Committee for a final decision concerning disposal of the land.

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

- Keeping Maidstone Borough an attractive place for all

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Heritage, Culture and Leisure	3 <sup>rd</sup> November 2015

# Disposal of open space at Fant, Maidstone

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To consider the leasing of public open space at Unicumes Lane, Maidstone to Fant Wildlife Group.

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Fant Wildlife Group is a charity of volunteers from the local community. The group was started in 1996 to manage an area of abandoned allotment gardens located between Upper Fant Road and the River Medway, close to the town centre of Maidstone. The aim of the Fant Wildlife Group is to maintain and diversify the wildlife in the Fant Wildlife area, to encourage educational use and local involvement. Further information can be found on the group's website [www.fantwildlife.org.uk](http://www.fantwildlife.org.uk)
- 2.2 The group of volunteers have worked to improve the site for more than 10 years and now wish to take over the management of the site, by leasing it from the council.
- 2.3 Leasing this land to the group will provide long term security for Fant Wildlife Group and would also enable them to access additional funding and further develop the site for wildlife.
- 2.4 As the land is designated as open space it has to be advertised that a potential disposal is being considered. It is proposed that if no objections are received that the Policy and Resources Committee be recommended to agree to the disposal.
- 2.5 If the land is declared surplus to operational requirements it is recommended that a lease is produced and agreed by both parties, and that the land is then leased to Fant Wildlife Group.
- 2.6 The lease would stipulate that the current use of the land cannot be altered and that it must remain open to the public.
- 2.7 The area can be seen in Appendix A.

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## 3. AVAILABLE OPTIONS

- 3.1 The Heritage, Culture and Leisure Committee could decide to not declare the land surplus to operational requirements and retain it as part of the Council's open space provision.
- 3.2 This is not recommended because the Council would then have to maintain responsibility for the maintenance of a large open space area, and would

struggle to dedicate the necessary resources needed to successfully manage the site.

- 3.3 The Heritage, Culture and Leisure Committee could decide to retain control of the land, but allow the Fant Wildlife Group to continue managing the site.
  - 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.
  - 3.5 The Heritage, Culture and Leisure Committee could decide to declare the land surplus, relieving the Council of their 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 Heritage, Culture and Leisure Committee declare all the land outlined in red on the attached plan surplus to operational requirements and authorise the placing of the Section 123 Notice to advertise the disposal.
  - 4.2 The Notice will be placed in the Kent Messenger newspaper for two consecutive weeks and will give members of the public six weeks in which to submit any comments or objections to the Council.
  - 4.3 Any comments or objections received will need to be considered by the Heritage, Culture and Leisure Committee before making a recommendation to the Policy and Resources Committee.
  - 4.4 Should no comments or objections be received in response to the Notice, the matter will then be referred to the Policy and Resources Committee for a final decision concerning disposal of the land.
  - 4.5 Declaring surplus all the land identified on the attached plan is the best option because this allows the land to be disposed of to Fant Wildlife Group, relieving the Council of its responsibility to maintain of the site, allow the Group access to funding opportunities and secure the future management of the a large area of public open space.
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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 Once the recommendations have been agreed by the Heritage, Culture and Leisure Committee, the Parks and Leisure team will request that the

Council's Communications team publish the relevant Section 123 Notice in the Kent Messenger newspaper for two consecutive weeks.

- 6.2 After the six week period for comments and objections has expired, a recommendation will be made to the Policy and Resources Committee to make the final decision for disposal.

## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<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>	The recommendations will result in a saving in management and maintenance costs for MBC.	Chief Accountant
<b>Staffing</b>	There are no staffing implications arising from this report	Parks and Leisure Services Manager
<b>Legal</b>		
<b>Equality Impact Needs Assessment</b>	There are no implications arising from this report	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 I: Site plan
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## **9. BACKGROUND PAPERS**

None