

HERITAGE, CULTURE AND LEISURE COMMITTEE

6 September 2016

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

No

Surrenden Field, Staplehurst

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

This report makes the following recommendations to this Committee:

1. That the Committee consider the proposal to grant a 125 year lease of Surrenden Field to Staplehurst Parish Council.
2. That the Committee agree to declare the land as surplus to operational requirements and authorise the placing of a Public Notice pursuant to Section 123 of the Local Government Act 1972 in respect of the disposal of open space.
3. That the response to the public notice be considered by the Heritage, Culture and Leisure Committee before a final recommendation to dispose of the land is made to Policy and Resources Committee.
4. That if, having considered the response to the public notice, the Heritage, Culture and Leisure Committee still deems it appropriate, the matter be referred to Policy and Resources Committee for a final decision concerning the disposal of the parcel of land.

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

Meeting	Date
Heritage Culture and Leisure Committee	6 September 2016
Policy & Resources Committee	TBA following results from public notice

Surrenden Field, Staplehurst

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is for the Heritage Culture & Leisure Committee to consider Staplehurst Parish Council's (SPC) request for the land at Surrenden Field, which is currently leased to them, to be extended on a longer term arrangement.
 - 1.2 This would require the land to formally be declared as surplus by Heritage, Culture & Leisure Committee, and a recommendation made to Policy and Resources Committee for a final decision.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The freehold to Surrenden Field in Staplehurst, as shown in APPENDIX 1, is held by Maidstone Borough Council (MBC).
- 2.2 Currently the site is leased to SPC. This lease is for a term of 21 years and expires on 1st April 2019. SPC currently pay MBC a rent of £75 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 the Parish Council have a right to a further lease on the same terms.
- 2.5 SPC have approached officers to express that they would like to invest in the site to improve the drainage and the play facilities, but before they can do this they would require long tenure of the site and ideally would like the transfer of the freehold of the site 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.
- 2.8 A more appropriate option may be to issue a lease to the SPC which will 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.
- 2.9 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.

- 2.10 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.

3. AVAILABLE OPTIONS

- 3.1 MBC could issue a further 21 year lease to the Parish Council on the same terms as the current lease, 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 125 year lease to SPC. This is the recommended option with the reasons shown below in section 4.
- 3.3 The freehold for Surrenden Field could be handed over to the Parish Council. Passing the freehold of the site to the SPC is not considered appropriate as this would transfer control of the site. Whilst MBC has no long term plans for the site it is not felt that it would be prudent to pass control of a council asset to a third party.
- 3.4 MBC could take the site back when the current lease ends and 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 1st April 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.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is option 3.2, shown above, that 'MBC could issue a 125 year lease to SPC'.
- 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.
- 4.3 If a new lease is to be issued to SPC then Heritage, Culture & Leisure Committee would need to declare the land as surplus and authorise the

placing of a Public Notice pursuant of Section 123 of the Local Government Act 1972 in respect of the open space.

- 4.4 Objections and representations which might be received in response to the advertisement should be considered by the Heritage, Culture and Leisure Committee before making a recommendation to dispose of the land to the Policy and Resources Committee
- 4.5 Should no objections or representations be received in response to the advertisement, the matter would be referred to Policy and Resources Committee for a final decision concerning the disposal of the parcel of land and for the Heads of Terms of the lease to be agreed.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 This subject has not been consulted on with the public and this is the first time that this has been brought to Heritage, Culture & Leisure Committee.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If Heritage, Culture & Leisure Committee recommends the issue of a long lease of Surrenden Field to SPC then the disposal of the land will be advertised pursuant of Section 123 of the Local Government Act 1972.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all – This playing field is important to Staplehurst and makes the area attractive	Parks & Leisure Manager
Risk Management	No impact	
Financial	It is proposed that a pepper corn rent be charged to SPC for the lease of this land.	Section 151 Officer & Finance Team
Staffing	No impact	
Legal	Protection of the Council's ability to regain control of the Premises with the necessary provisions in the lease.	Legal Team

	The requirement for the Council to obtain best consideration for the disposal pursuant to s123 LGA.	
Equality Impact Needs Assessment	No Impact	
Environmental/Sustainable Development	The land is already protected by covenants.	Parks & Leisure Manager
Community Safety	No impact	
Human Rights Act	No impact	
Procurement	No impact	
Asset Management	There will effectively be no asset management considerations as the land will be managed by SPC for the long term, but it does remove obligations from MBC for any active asset management.	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 Staplehurst with boundary shown in red

9. BACKGROUND PAPERS

None