

Policy and Resources Committee

26 October 2016

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

Yes

Councillor Referral from Heritage, Culture and Leisure Committee

Final Decision-Maker	Policy and Resources Committee
Lead Head of Service	Head of Policy and Communications
Lead Officer and Report Author	Head of Policy and Communications
Classification	Public
Wards affected	Downswood and Otham Ward

This report makes the following recommendations to this Committee:

1. That the referral be considered and a decision to either:

- (a) endorse the original Committee decision; or
- (b) substitute a different decision in place of the decision of the Committee

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all

Timetable

Meeting	Date
Policy and Resources Committee	26 October 2016

Councillor Referral from Heritage, Culture and Leisure Committee

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To consider the referral of a decision of Heritage, Culture and Leisure Committee which related to a request to declare as surplus a strip of open space, with a total area of 414 square metres, to the north of Gore Court Road.

2. INTRODUCTION AND BACKGROUND

- 2.1 The Constitution as agreed by Council on 21 May 2016 allows councillors to refer decisions of Service Committees in certain circumstances. Where the referral is of a decision of a Service Committee, as is the case with this referral, the requirement is for a minimum of three councillors to refer the decision to Policy and Resources Committee.
- 2.2 The Head of Policy and Communications received a referral request for a recent decision of the Heritage, Culture and Leisure Committee on 4 October 2016 in relation to land north of Gore Court Road.
- 2.3 The Chairman of Policy and Resources Committee has been consulted on the issue and agreed to accept the referral for consideration at the Policy and Resources Committee meeting on 26 October 2016.
- 2.4 The referral details are set out below:-

Decision making body:	Heritage, Culture and Leisure Committee
Decision made:	That the open space strip of land with a total area of 414 square metres to the west of Gore Court Road, outlined in red on Appendix A to the report of the Head of Commercial and Economic Development, not be declared surplus to requirement, and that no further action be taken.
Reason for referring the decision:	The wider impact of not declaring the land surplus on development plans for the area has not sufficiently been considered, including the enabling effect on the development already approved for land North of Bicknor Wood at Planning Committee on 14 July 2016. Of some relevance also is the fact that the proposed development would compensate for the loss of this strip by the creation of a much larger area of open space.

Members calling in the decision:	Signatories: Councillors Mrs Gooch, D Mortimer, Perry and Lewins
----------------------------------	--

3. AVAILABLE OPTIONS

- 3.1 After consideration of the reasons for referral and the report and original decision of the Heritage, Culture and Leisure Committee, the Committee may endorse the original decision of Heritage, Culture and Leisure Committee. In this case the original decision will stand as published following the Committee meeting.
- 3.2 However, the Committee may propose an alternative decision and substitute that for the decision of the Heritage, Culture and Leisure Committee.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 As the matter is a decision based upon a referral there is no preferred option to be presented by officers.
- 4.2 Attached to this report is the original report, appendices, published decision and a copy of the referral.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The decision of Heritage, Culture and Leisure Committee will either stand as published or be amended by the record of the decision of Policy and Resources Committee made in response to the referral.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

- 6.1 The cross cutting issues which related to the recommendations set out in the original report of the Heritage, Culture and Leisure Committee were as follows:-

Issue	Implications	Sign-off
Impact on Corporate Priorities	The proposed disposal of the land identified will support the Council's priority of planning for sufficient homes to meet our Borough's needs.	Head of Planning
Risk Management	Failure to agree this disposal could lead to the risk of an agreed housing development	Head of Planning

	not coming forward.	
Financial	Disposal of this land supports the Council's overall strategy of planning for new homes, which will promote economic development and ameliorate the housing shortage in the borough. The value realised through the disposal proceeds will support the Council's capital programme. This value is only capable of being realised in the specific context described in the report.	Section 151 Officer & Finance Team
Staffing	No implications	Head of Commercial and Economic Development
Legal	The referral has been made in accordance with the Constitution.	Interim Head of Legal Partnership
Equality Impact Needs Assessment	The impacts of the proposal have been considered within the body of this report and no adverse impacts on groups with protected characteristics is anticipated.	Head of Planning
Environmental/Sustainable Development	The proposed disposal would allow the implementation of agreed development whilst safeguarding ancient woodland. Not agreeing such a disposal would put this ancient woodland and associated protected trees at risk.	Head of Planning
Community Safety	The proposed disposal will not affect the safety of current or potential users of the remaining open space and the resulting realignment of the road will benefit road and pedestrian safety.	Head of Planning
Human Rights Act	None.	
Procurement	None.	
Asset Management	The retained asset, Senacre Recreation Ground, will continue to be managed in the same way due to the minor	Property and Procurement Manager

	impact the disposal will have on the remaining open space.	
--	--	--

7. REPORT APPENDICES

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

- Appendix A – Report and Appendices to the Heritage, Culture and Leisure Committee
 - Appendix B – Original Decision of the Heritage, Culture and Leisure Committee relating to the disposal of land North of Gore Court Road, Parkwood
 - Appendix C – Copy of Decision Referral
-

8. BACKGROUND PAPERS

As appended.