

Request for Village Green application

Final Decision-Maker	Policy & Resources Committee
Lead Head of Service	Director of Finance and Business Improvement
Lead Officer and Report Author	Corporate Property Manager
Classification	Public
Wards affected	Boxley

Executive Summary

On 18 June 2019 a petition was presented to this Committee requesting that the Council apply to Kent County Council (the Commons Registration Authority) for Weaving Heath to be registered as a Village Green. Following debate the Committee resolved that a full report on the options available be prepared for the appropriate Committee.

This report makes the following recommendations to this Committee:

1. That Members refer the petitioners' request to Policy & Resources Committee.

Timetable

Meeting	Date
Communities Housing and Environment Committee	12 November 2019
Policy and Resources Committee	4 December 2019

Request for Village Green application

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The Safe, Clean and Green corporate priority is relevant but there is no incremental impact as Weaving Heath is held as public open space.	Corporate Property Manager
Cross Cutting Objectives	As for corporate priorities.	Corporate Property Manager
Risk Management	Covered in the risk section of the report.	Corporate Property Manager
Financial	No implications at this stage.	Section 151 Officer & Finance Team
Staffing	No implications at this stage.	Corporate Property Manager
Legal	The council has a discretion as owner of the land to apply to register the land as a village green under s15 (8) of the Commons Act 2006. It is a discretion not a duty and the decision will be made by Policy and Resources Committee having considered relevant factors.	Legal Team
Privacy and Data Protection	No implications.	Corporate Property Manager
Equalities	No implications.	Corporate Property Manager
Public Health	No implications.	Corporate Property Manager
Crime and Disorder	No implications.	Corporate Property Manager
Procurement	No implications.	Corporate Property Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 As part of the development of Grove Green a section 52 Planning Agreement, (previous version of current s106), was signed on 30 March 1982. As part of that agreement the owners of the land, now known as Weaving Heath, transferred ownership of it to Maidstone Borough Council.
 - 2.2 The land was transferred subject to necessary easements and rights and subject to a covenant in favour of the owners that the land be used by the Council for no purpose whatsoever other than as a public space.
 - 2.3 This has continued from 1982 to date and is required by the transfer covenant to continue until 30 March 2062.
 - 2.4 On 18 June 2019 a petition was presented to this Committee requesting that the Council approach KCC to register Weaving Heath as a Village Green. Following some debate the Committee resolved that a full report on the options available be prepared for the appropriate Committee.
 - 2.5 Under the Council's Constitution, the Policy and Resources Committee is responsible for making decisions regarding land and property. This report therefore recommends that the matter is referred to Policy & Resources Committee.
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3 AVAILABLE OPTIONS

- 3.1 Option 1 – Take no further action.
 - 3.2 Option 2 – Refer the matter to the appropriate Committee
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4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 2 – Refer the matter to the appropriate Committee. This conforms with the Council's constitution and allows the petition to be dealt with.
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5 RISK

- 5.1 It is recommended that risk is considered by Policy & Resources Committee.
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6 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 This matter arose following a local petition.

7 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 This report recommends that the matter is referred to Policy & Resources Committee.

8 REPORT APPENDICES

None.

9 BACKGROUND PAPERS

None.