

MAIDSTONE BOROUGH COUNCIL

CABINET

WEDNESDAY 14 AUGUST 2013

REPORT OF CHIEF EXECUTIVE and HEAD OF LEGAL SERVICES

Report prepared by Alison Broom and Paul Fisher

1. MOTE CRICKET GROUND

1.1 Issue for Decision

1.1.1 To consider giving consent as representatives of the inhabitants of Maidstone to the advancement of the 2 pieces of land land shown shaded on the attached plan (appendix 2), being part of the Mote Cricket Ground, to Trustees appointed by the Mote Cricket Club to enable them to be sold for residential development thus releasing funds to be used for the improvement of facilities at the ground.

1.2 Recommendation of the Chief Executive and the Head of Legal Services

1.2.1 That formal consent is given to the advancement of the land shown shaded on the attached plan, being part of the Mote Cricket Ground, to Trustees appointed by and representing Mote Cricket Club to enable it to be sold to fund the facilities at the cricket ground.

1.2.2 That the Head of Legal Services be authorized to enter into an agreement to put this into effect and to enter into an agreement whereby the Cricket Ground trustees agree to relax the restrictive covenant which the Cricket Ground has the benefit of and which currently prevents Mote Park being used for anything other than open space without the consent of the Trustees (save for that part of Mote Park, excluding the leisure centre and its curtilage, which falls within 100 metres of the cricket ground).

1.3 Reasons for Recommendation

1.3.1 Attached at appendix 1 to this report is a note from the Cricket Ground Trustees setting out their reason for submitting this request. They wish to be able to sell four acres of the Cricket Ground (out of a total area of 24 acres) to a housing developer with the proceeds being used to build a modern pavilion with changing and bar facilities suitable for

both cricket and rugby together with a conference suite. They hope that these facilities will attract the return of first class cricket but will also improve facilities for sport in the community.

- 1.3.2 The Trustees have approached the Council, in its capacity as representative of the residents of Maidstone, to facilitate this transaction. If Mote Cricket Club and Kent County Cricket Club both cease to exist before the 21st anniversary of the death of HM The Queen then the ground must be held for recreational purposes for the inhabitants of Maidstone. For this reason, the current Trustees need the consent of the Council as a contingent beneficiary to the disposal of the land.
 - 1.3.3 It is very unlikely that the 2 conditions would occur that would mean that the ground had to be used for recreational purposes for the inhabitants of Maidstone, and even if it did, they would benefit from the improvements to the facilities funded by the sale. There would still remain 20 acres for such use, including the cricket pitch. It is considered to be reasonable to allow the sale to take place to fund the much needed improvements to the ground including the pavilion. It should be noted that the Council is not at present being asked about the merits of any housing development on the land. This will be dealt with by the Planning Committee in due course. Any decision relating to the current request will not prejudice the Planning Committee's consideration.
 - 1.3.4 The Trustees have agreed that at the same time as any consent is given by the Council to the advancement of the land, they will agree to relax the restrictive covenant of which they have the benefit. Currently if the Council wishes to use any part of Mote Park (other than certain areas where housing is permitted) otherwise than as open space, it must, in addition to the statutory procedures involving advertising such use and considering objections, obtain the consent of the Cricket Ground Trustees. Otherwise than for an area measuring 100 metres from the boundary of the cricket ground, the Trustees are agreeable to this covenant being relaxed, so that the Council's use of Mote Park is no longer restricted by the covenant.
- 1.4 Alternative Action and why not Recommended
- 1.4.1 The Council could decide not to give its consent to the proposed advancement, but this would prevent the opportunity for significant improvements to sporting facilities in the Borough taking place. An opportunity to take control of what happens in Mote Park would also be lost.

1.5 Impact on Corporate Objectives

1.5.1 The proposal will facilitate improved sporting facilities in the Borough.

1.6 Risk Management

1.6.1 There is a risk that any monies secured by the sale of part of the Cricket ground will not be used to improve facilities, but this will be governed by the legal agreement.

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
- 9. Asset Management

1.7.2 Appendices

Appendix 1 Note from Cricket Ground Trustees

Appendix 2 Map showing area of land proposed to be sold

1.7.3 Background Documents

None

IS THIS A KEY DECISION REPORT?

THIS BOX MUST BE COMPLETED

Yes

No

If yes, this is a Key Decision because:

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Wards/Parishes affected:

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