

**Disposal of open space at Franklin Drive**

<b>Final Decision-Maker</b>	Heritage, Culture and Leisure Committee
<b>Lead Head of Service</b>	Jennifer Shepherd, Head of Environment & Public Realm
<b>Lead Officer and Report Author</b>	Andrew Williams, Parks and Open Spaces Manager
<b>Classification</b>	Public
<b>Wards affected</b>	Boxley

**Executive Summary**

This report recommends the disposal of Franklin Drive Open Space by long lease to Boxley Parish Council for them to manage and maintain the space for play and recreation for the public. Boxley Parish Council would then be able to invest in play equipment as they see fit.

**This report makes the following recommendations to this Committee:**

1. That agreement be given to the disposal of Franklin Drive open space to Boxley Parish Council by a long lease (99 years).
2. That the proposed disposal be advertised for two consecutive weeks in a local newspaper and consideration be given to any objections that may be received in response.
3. That the Director of Finance & Business Improvement be authorised to negotiate, agree and complete the Lease and such other documents and to undertake such steps as are necessary and incidental to the recommendations in this Report.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Heritage, Culture and Leisure	3 <sup>rd</sup> July 2018

# Disposal of open space at Franklin Drive

## 1 INTRODUCTION AND BACKGROUND

The Maidstone Parks and Open Spaces 10 year Strategic Plan 2017-2027 was formally adopted by HCL Committee on the 4<sup>th</sup> July 2017 and part of that work plan was the development of the Maidstone Play Area Policy.

The Maidstone Play Area Policy identified those areas that will be most effective in providing high quality play for mixed age ranges within reach of the majority of residents of the borough. In all 78 Strategically Important Play Areas were identified in the borough

The review of play areas identified 20 play sites that did not meet the criteria and as such should not be maintained into the future with revenue nor capital investment from MBC core budgets. In time these areas would be decommissioned when they are not fit for purpose. Consideration could be given to refurbishing such areas if other funds become available from Section 106 Developer Contributions or other grant aiding bodies.

The report highlighted the possibility of disposing of such sites (to remain as public parks/play areas) to Parish Councils, Housing trusts or other community groups.

Boxley Parish Council has requested that they take on the management of Franklin Drive Open Space on a long lease to allow them to continue to provide a resource to the local residents and invest in new play equipment.

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## 2 AVAILABLE OPTIONS

- 2.1 Transfer land and existing play equipment on a 99 year lease to Boxley Parish Council. There will be a nil premium and a peppercorn rent. Draft heads of terms are attached in Appendix 2 to illustrate obligations and conditions.
  - 2.2 Do nothing and retain site as MBC managed site – no further investment and decommissioning play equipment as it reaches end of life. Site would be retained as informal grassed public open space with on-going ground maintenance costs and the future costs associated with removal of play equipment and ground restoration.
  - 2.3 Retain land until existing play equipment is decommissioned and dispose of land for alternative uses. Land has potential value for extending existing gardens or as potential for a secure access route for Network Rail to reach line-side. Market for sale of land would need to be tested in approximately 10 years-time. Ongoing maintenance costs for 10 years and potential for negative community reaction to the sale of public open space/parks land.
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### **3 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

Members are recommended to endorse Option 2.1 above to allow Boxley PC to invest in the local play provision as they see fit. Boxley Parish Council have already earmarked funds for new play equipment at this location. Reduce MBC's exposure to risk and reputational damage in managing the decline of the play area over the next 5-10 years. Transfer of the land to an established accountable organisation embedded within the community may generate more opportunities for a sense of community ownership, fundraising and activities such as those found at the nearby Weaving Diamond Jubilee Orchard. Disposal of land will comply with the Council's policy adopted at the Policy & Resources Committee meeting 25/07/17 as the disposal will contribute to the improvement of social well-being; the promotion or improvement of environmental well-being; and the difference in the value of the land and the price for disposal does not exceed £2 million.

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### **4 RISK**

4.1 The risks associated with this proposal, including the risks if the Council does not act as recommended and shown in section 2.2, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

### **5 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

5.1 The Maidstone Parks and Open Spaces 10 year Strategic Plan 2017-2027 was formally adopted by HCL Committee on the 4<sup>th</sup> July 2017 and part of that work plan was the development of the Maidstone Play Area Policy; the disposal of non-strategic play areas to Parish Councils is part of the agreed way forward.

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### **6 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

6.1 If members are minded to agree to the disposal of Franklin Drive Play Area by long term lease to Boxley Parish Council then local notification would be undertaken for a period of four weeks – this would involve use of site notices, direct communication with neighbouring households and circulating the outcome through the parish communications network of e-mail & newsletters. Statutory notification in a local newspaper for a period of not less than two weeks would also be undertaken.

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## 7 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims as set out in the 10 Year Parks and Open Spaces Strategy	Jennifer Shepherd Head of Environment & Public Realm
<b>Risk Management</b>	Already covered in the risk section – option 2.1 reduces risk, other options are status quo	Jennifer Shepherd Head of Environment & Public Realm
<b>Financial</b>	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Paul Holland, Senior Finance Manager (Client)
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Jennifer Shepherd Head of Environment & Public Realm
<b>Legal</b>	The Local Government Act 1972, section 123(2) requires that the disposal by way of a lease exceeding seven years or more must not be for a consideration or value which is less than the best that can reasonably be obtained. Valuation advice should be obtained to ensure that the Council complies with its obligation under section 123(2).	Claudette Valmond on behalf of Head of Legal Services

	123(2A)of the Local Government Act 1972 requires that before disposing of any land consisting of or forming part of open space the Council must advertise the proposed disposal for two consecutive weeks in a local newspaper and consider any objections received in response	
<b>Privacy and Data Protection</b>	There are no implications for privacy and data protection	Democratic Services Officer
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
<b>Crime and Disorder</b>	The recommendation will not have a negative impact on Crime and Disorder.	Jennifer Shepherd Head of Environment & Public Realm
<b>Procurement</b>	Not required	Jennifer Shepherd Head of Environment & Public Realm

## **REPORT APPENDICES**

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

- Appendix 1: Map of Franklin Drive Open Space
- Appendix 2 : Draft Heads of Terms