

<b>Cabinet Meeting</b>	
<b>Meeting Date</b>	31 October 2018
<b>Report Title</b>	Warden Bay Land (jct Imperial Drive & Cliff Drive), Community Asset Transfer
<b>Cabinet Member</b>	Cllr Duncan Dewar-Whalley, Cabinet Member for Finance and Performance
<b>SMT Lead</b>	Emma Wiggins, Director of Regeneration
<b>Head of Service</b>	Charlotte Hudson, Head of Housing, Economy and Community Services
<b>Lead Officer</b>	Sophia Ramm, Community Services Officer
<b>Key Decision</b>	No
<b>Classification</b>	Open
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. To transfer Warden Bay Land (jct Imperial Drive &amp; Cliff Drive) to Warden Bay Parish Council (WBPC) on a 125 year lease.</li> <li>2. To delegate authority to the Head of Housing, Economy and Community Services and the Head of Property Services to negotiate the final terms of the lease, in consultation with the Cabinet Member for Finance and Performance.</li> <li>3. To delegate authority to the Head of Mid Kent Legal Services to complete the documentation required for the lease on the terms as agreed by the Head of Economy and Community Services and the Head of Property Services, in consultation with the Cabinet Member for Finance and Performance.</li> </ol>

## **1 Purpose of Report and Executive Summary**

This report provides Cabinet with the background on this area of SBC land, recommendation for a community asset transfer to WBPC and their intention for the land.

## **2 Background**

- 2.1 This area of land is situated in the Parish of Warden Bay and is on the junction between Imperial Drive and Cliff Drive (site plan Appendix I).

- 2.2 In the 2008 The Local Plan this area was allocated on the Proposals map as provision for a play area. On the most recent Local Plan, this area remains unallocated.
- 2.3 This land was transferred to Swale Borough Council (SBC) in 2010 as part of a Section 106 planning agreement.
- 2.4 WBPC showed tentative interest in this land when the planning application and Section 106 arrangement was agreed. WBPC formally requested a Community Asset Transfer in May 2018.
- 2.5 WBPC have been working with local residents, groups and a playground design and manufacturing company to put together a concept drawing for the new play park (Appendix II).
- 2.6 Under the terms of the Asset Transfer Policy, it has been determined that an external valuation under Section 123 of the Local Government Act 1972 is not required as there is no alternative non-community use. The proposed disposal would only be at an 'undervalue' if it was realistic to think that the Council could sell or lease the land/premises for a capital receipt or a higher rent. Given that the Section 106 Agreement includes the need to protect it as public open space and it is assumed the Transfer Agreement will also require this, the above options are not possible.
- 2.7 Internal valuation is not proposed on the basis that the land only has a low value as public open space.

### **3 Proposals**

- 3.1 To transfer Warden Bay Land (jct Imperial Drive & Cliff Drive) to WBPC on a 125 year lease.
- 3.2 To delegate authority to the Head of Housing, Economy and Community Services and the Head of Property Services to negotiate the final terms of the lease, in consultation with the Cabinet Member for Finance and Performance.
- 3.3 To delegate authority to the Head of Mid Kent Legal Services to complete the documentation required for the lease on the terms as agreed by the Head of Economy and Community Services and the Head of Property Services, in consultation with the Cabinet Member for Finance and Performance.

## 4 Alternative Options

The land is not transferred to WBPC for improved community benefit. This is not recommended as SBC do not have any current plans to make improvements to the land. The Greenspaces team would also need to find some way of levelling and maintaining the space with grass cutting and regular litter picks, which would have financial implications.

## 5 Consultation Undertaken or Proposed

- 5.1 Consultation has been carried out with residents in the immediate surrounding area, along with a presentation at a Parish Council meeting where any objections were answered. The Parish Council has also consulted with some parents and young people who attend the local primary school, along with the local Boxing and Football clubs. This Consultation was undertaken in June 2018.
- 5.2 Consultation has taken place with the Asset Transfer Group, including representatives from Legal Services, Property Services and Finance.

## 6 Implications

Issue	Implications
Corporate Plan	The asset transfer of this land will assist with delivering 'The Community to be Proud of' priority within the Corporate Plan.
Financial, Resource and Property	Following the Community Asset Transfer of this land, WBPC will be in a position to apply for funding to support their project. The Parish Council have experience with fundraising and are already in conversations with a number of funders.  Internal valuation is not proposed on the basis that the land only has a low value as public open space.
Legal and Statutory	A lease will need to be prepared for the transfer and this will cover all statutory and legal obligations.
Crime and Disorder	WBPC to ensure that the design of the ball park has taken into consideration designing out crime. This will also be considered when obtaining planning permission.
Environment and Sustainability	Funding to be sourced by WBPC to complete ball park construction works. WBPC to maintain this by utilising WBPC funds. Any building works will be subject to planning permission, which would include Ecology works.
Health and	The plans for the land will provide space for residents, specifically young people, to use for a range of activities. All of which will

Wellbeing	enhance the health and wellbeing of residents in the borough.
Risk Management and Health and Safety	<p>Health and Safety risks will be the responsibility of WBPC going forward.</p> <p>The main risks to the asset transfer is that WBPC fail in their fundraising to build the proposed ball park. The Parish Council have experience with fundraising and are already in conversations with a number of funders. The Parish Council have provided information to confirm that they have enough funds to continue with maintenance of the land.</p>
Equality and Diversity	The Asset Transfer Policy has been subjected to a Community Impact Assessment, no issues were identified.
Privacy and Data Protection	There is no personal sensitive data contained in this report, and so there are no privacy or data protection implications for the information reported.

## **7 Appendices**

7.1 Appendix I – Title plan

7.2 Appendix II - Concept drawing

## **8 Background Papers**

None