

TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

25 February 2020

Report of the Director of Street Scene, Leisure and Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 BASTED MILL PUBLIC OPEN SPACE

Summary

This report updates Members on the current and proposed future management arrangements for Basted Mill Public Open Space, Borough Green. This follows the formal notification of resignation from the existing Joint Management Committee, by the three participating Parish Councils. There are no financial implications of the recommendations in the report to the Medium Term Financial Strategy.

1.1 Introduction

1.1.1 Basted Mill Public Open Space is owned by Tonbridge and Malling Borough Council and is located one mile south of the centre of Borough Green, crossing into the parish of Platt and running adjacent to the boundary of Plaxtol. The site is around 7.3 Hectares (18 acres) and predominantly includes a pond, woodland, paths and grassland. The area takes its name from the historic Basted Paper Mill, which used to sit at the southern end of the man-made millpond through which flows the beginnings of the River Bourne.

1.1.2 The site is currently managed by a constituted Committee comprising of Council Members from Tonbridge & Malling Borough Council together with representatives from Platt, Plaxtol and Borough Green Parish Councils. The Committee is formally known as the Basted Mill Public Open Space Joint Committee.

1.2 Current Management Arrangements

1.2.1 Following agreement in November 1999 the 'Joint Committee' was formed to oversee the management of the open space on behalf of the Borough Council as detailed in a Constitution attached at **Annex 1**. Since the start of the Joint Committee, each Council has contributed an annual fixed sum towards the management of Basted Mill Open Space, which is held within the Joint Committee's bank account. Annual contributions are shown below:

- Borough Green Parish Council - £1,050.00

- Platt Parish Council - £487.50
- Plaxtol Parish Council £337.50
- Tonbridge & Malling Borough Council £4,500.00

1.2.2 The Joint Committee meet regularly throughout the year to discuss and agree works required and the allocation of funds. Members of the Joint Committee are also supported by Borough Council Officers, and the Council's Outdoor Leisure Manager attends Joint Committee meetings to offer technical support. The Joint Committee is also assisted by a Clerk for general administration duties as well as co-opted members of the public who provide additional skills, knowledge and experience.

1.3 Notification of Resignation

1.3.1 In March 2019 Plaxtol Parish Council formally handed in its resignation from the Joint Committee stating that it felt concerns "at the potential for situations which might arise leading to depletion of the BMPOS financial reserves which, in turn, might lead to an unquantifiable financial burden on our Parish Council". In accordance with the adopted Constitution, 1 years notice was given and, therefore, Plaxtol Parish Council will formally leave the Joint Committee on 31 March 2020.

1.3.2 Following the notice of resignation from Plaxtol Parish Council the Joint Committee proposed amendments to the adopted Constitution and these proposed amendments are shown in red at **Annex 1**. The proposals cover a number of areas, but in particular focus on:

- indemnification of any unforeseen costs by the Borough Council,
- equitable dispersion of any financial assets remaining if the Committee is wound up and,
- voting rights on operational matters by the co-opted members.

1.3.3 Comments on the proposal were sought from both the Director of Finance and Transformation and Director of Central Services considering the financial and legal implications. Comments received were then sent to the Joint Committee. Whilst the Borough Council could agree to some of the proposed amendments they could not agree to all. The detailed response from the Borough Council is shown in green at **Annex 1**.

1.3.4 At the most recent meeting of the Joint Committee on 16 January 2020, consideration was given to the Council's response. Following the meeting the Borough Council received a letter from the Clerk of the Joint Committee advising that both Borough Green Parish Council and Platt Parish Council had formerly

resigned giving notice in accordance with the adopted Constitution. They have advised on withdrawal from the Joint Committee on the 31 March 2021.

1.4 Future Management

- 1.4.1 With the resignation of all three Parish Councils, the Borough Council would be the only remaining constitute organisation after the 31 March 2021, and it is, therefore, proposed that the Joint Committee should be ‘wound up’ on the 1 April 2021 in accordance with sections 22 and 23 of the Constitution.
- 1.4.2 In accordance with the Constitution (22 (i)) if the Joint Committee is ‘wound up’ any remaining assets shall be transferred to the Borough Council. Therefore, all assets on the land (steps, bridges, benches, bins, notice boards etc) will remain on site for the Borough Council to manage and maintain. The trees, grass, paths and ponds (the ‘land’) will be managed and maintained in full by the Borough Council.
- 1.4.3 Any remaining funds within the Joint Committee’s bank account on 31 March 2021 would also be transferred to the Borough Council and it is proposed that any such funding would be ring-fenced in a designated ‘Reserve’ to be solely used on the future management and maintenance of Basted Mill Public Open Space. As of January 2020 the reserve funds of the Joint Committee stand at £26,329.90.

1.5 Legal Implications

- 1.5.1 The Director of Central Services has been consulted throughout this process and liaison will continue to ensure compliance with the adopted Constitution.

1.6 Financial and Value for Money Considerations

- 1.6.1 The Director of Finance and Transformation has been consulted throughout this process and liaison will continue to ensure compliance with financial procedures and protocols.
- 1.6.2 The current contribution made by the Borough Council to the Joint Committee will be transferred, in full, to a revenue budget for the future maintenance of the site. This budget will be adequate to manage the site, with the ability to draw on the reserve as and when required.
- 1.6.3 Any residual funding from the Joint Committee will be transferred to the Borough Council, in accordance with the adopted Constitution and ring-fenced in a designated ‘Reserve’ to be solely used for the future management and maintenance of Basted Mill Public Open Space.
- 1.6.4 Following the transfer of management back to the Borough Council consideration will need to be given to the sites inclusion in Special Expenses alongside other similar public open spaces.

1.7 Risk Assessment

- 1.7.1 Work based health and safety risk assessments and site inspections will continue to be undertaken. The strategic risks of managing this site have been assessed as medium to low and relate to: service standards; strategic site management; financial investment.

1.8 Equality Impact Assessment

- 1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act, with no perceived impact to end users.

1.9 Policy Considerations

- 1.9.1 Asset Management, Biodiversity & Sustainability, Community, Health and Safety, Healthy Lifestyles.

1.10 Recommendations

- 1.10.1 It is **RECOMMEND TO CABINET** that:

- 1) the resignation of Plaxtol, Platt and Borough Green Parish Councils from the Basted Mill Public Open Space Joint Committee be noted;
- 2) the Basted Mill Public Open Space Joint Committee be 'wound up' on the 1 April 2021 and the management and maintenance of the site be undertaken solely by the Borough Council;
- 3) the current contribution made by the Borough Council to the Joint Committee be transferred, in full, to a revenue budget for the future maintenance of the site; and
- 4) any residual funding from the Joint Committee be transferred to the Borough Council on the 1 April 2021, in accordance with the adopted Constitution and ring-fenced in a designated 'Reserve' to be solely used for the future management and maintenance of Basted Mill Public Open Space.

The Director of Street Scene, Leisure and Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Mike Harris

Nil

Robert Styles

Director of Street Scene, Leisure and Technical Services