

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**FINANCE, INNOVATION and PROPERTY ADVISORY BOARD**

**19 May 2021**

**Report of the Director of Central Services & Deputy Chief Executive**

**Part 1- Public**

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

**1 PROPOSED DISPOSAL OF LAND TO BOROUGH GREEN PARISH COUNCIL**

**This report details the proposed disposal of two areas of public open space in Borough Green to Borough Green Parish Council**

**1.1 Background**

1.1.1 At the 6<sup>th</sup> January 2021 meeting of this Board, Members considered a report on the proposed transfer of certain public conveniences to Parish Councils.

1.1.2 One of those public conveniences was at Borough Green and the report stated the Parish Council had requested that the Borough Council transfer them an area of open space at Crowhill prior to any transfer of the public conveniences taking place. A verbal update was given at the meeting stating the Parish Council had also requested the transfer of a second area at Staleys Acre.

1.1.3 Members resolved that the request be investigated and a report on the matter be submitted to a future meeting of the Board.

**1.2 Proposed Transfer**

1.2.1 It is felt these areas have no borough wide significance and as local amenity areas would be best served by the Parish Council taking over responsibility for them.

1.2.2 The following terms have been agreed with the Parish Council, subject to Member approval, in respect of both areas:

- Freehold transfer of the open space at Crowhill, measuring approximately 11,974 sqm, (as shown at Annex 1) and Staleys Acre, measuring approximately 256 sqm, (as shown at Annex 2)
- Covenants – covenants will be included in the transfers stating the land can only be used as public open space
- Price - £1 each

- Legal fees – each side to meet their own legal fees

1.2.3 As required under the Local Government Act 1972 Section 123, there is a requirement for an advert to be placed in a local newspaper for 2 consecutive weeks to advertise any proposed disposal of an area of public open space. This advert has been placed and no objections have been received.

1.2.4 If approved by Members, it is anticipated that the transfer of the public convenience would take place at the same time as the transfer of the open spaces.

### 1.3 Legal Implications

1.3.1 Legal Services would be instructed to undertake the conveyancing process to ensure all relevant terms are included.

### 1.4 Financial and Value for Money Considerations

1.4.1 The proposal is to transfer the areas at £1 each which would reflect the fact the areas could only be used as public open space. A small saving will be generated by the Borough Council not having to maintain the areas in the future.

### 1.5 Risk Assessment

1.5.1 If these two areas are not transferred the Parish Council have indicated they would not be willing to take a transfer of the public conveniences, meaning they would be closed.

### 1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### 1.7 Policy Considerations

1.7.1 Asset Management

### 1.8 Recommendations

1.8.1 It is **RECOMMENDED** to Cabinet that the two areas of open space at Crowhill and Staleys Acre are transferred to Borough Green Parish Council as detailed in the report.

The Director of Central Services & Deputy Chief Executive confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Stuart Edwards

Nil

Adrian Stanfield  
Director of Central Services & Deputy Chief Executive