

Report Title:	Cabinet review of previous decision concerning the disposal of open space land at Braywick Park, Maidenhead and associated petitions.
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Reynolds, Cabinet Member for Communities and Leisure
Meeting and Date:	13 Dec 2023
Responsible Officer(s):	Andrew Durrant, Executive Director of Place & Elaine Browne, Deputy Director of Law & Governance
Wards affected:	Oldfield

REPORT SUMMARY

On the 27th July, Cabinet considered the objections received to the proposed disposal of land (by grant of a lease) at Braywick Park, Maidenhead following the publication of an Open Space Notice. The full details can be found within the associated Cabinet Report in [appendix A](#) of this report, which included the specific recommendation as follows:

- That Cabinet consider the objections received in relation to the proposed disposal (by the grant of a lease) of land at Braywick Park, Maidenhead (“the Open Space”) following the statutory notification of the Council’s intention to dispose of the Open Space and having regard to the objections, confirm whether it agrees to the disposal of the Open Space.

Following public speakers and debate across the Cabinet, The Cabinet Member for Communities and Leisure proposed that they did not agree to the disposal of the open space, with the following agreed unanimously:

- That Cabinet considered the objections received in relation to the proposed disposal (by the grant of a lease) of land at Braywick Park, Maidenhead (“the Open Space”) following the statutory notification of the Council’s intention to dispose of the Open Space and having regard to the objections, confirmed that they did not agree to the disposal of the Open Space.

The purpose of this latest report provides Cabinet the opportunity to review the previous Cabinet decision taken on 27 July 2023 following a closed two e-petitions placed on the Council’s e-petition portal. Details of the two petitions can be found at Appendix B of this Report.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) **Reconsiders the decision of Cabinet not to dispose of open space land at Braywick Park taken on 27th July 2023, taking into account representations made in two resident led petitions;**
- ii) **Reaffirms the original decision to stand;**
- iii) **Or, if Cabinet approves a change in decision, delegates responsibility to the Executive Director of Place in consultation with the Cabinet Member for Communities and Leisure to recommence the open space notice process in relation to a proposed disposal of the land at Braywick Park**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
A) To reconsider the previous decision not to dispose of open space land at Braywick Park, Maidenhead to provide for the relocation of Maidenhead Football Club and reaffirm the decision to stand	Cabinet will take full account of the previous report considered on 27 th July but also representations made in a closed resident led petition.
B) Cabinet approves a change in decision and as a result delegates responsibility to the Executive Director of Place in consultation with the Cabinet Member for Communities and Leisure to recommence the open space notice process in relation to a proposed disposal of the land at Braywick Park	If Cabinet take forward this option, officers would act under delegated powers to recommence the open space notice process and the decision in relation to the disposal of the Land (having regard to any objections received during the Open Space Notice Process) would be brought back to Cabinet.

- 2.1 The recommendations to be considered will be set within the context of the previous Cabinet Paper (appendix a) and historical decision making process undertaken to date.

3. KEY IMPLICATIONS

- 3.1 Key implications are set out in the previous Cabinet report, depending on the decision take by Cabinet will determine next steps.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 As previously outlined the council will receive in return for the sale of the land, subject to planning, a capital receipt of circa £460,000. This has currently not been identified in the 2023/24 Budget and 2024/25 MTFP. This will only be paid if planning permission is achieved.

5. LEGAL IMPLICATIONS

- 5.1 The “move us or lose us” petition which Cabinet are being asked to consider states that when making its original decision on 27 July 2023, Cabinet only considered the adverse consequences of the loss of open space and did not fulfil its obligation to also consider the advantages of leasing the land to the football club meaning that it did not take a balanced view in its decision making.
- 5.2 The Council has sought advice from the Council’s Monitoring Officer which has confirmed that the Council’s decision on 27 July 2023 was lawful. In accordance with the Council’s Constitution, members of the public may address Cabinet or ask questions of Cabinet in respect of any Part I agenda item. Neither Maidenhead United Football Club nor a representative on behalf of the football club made a request to address Cabinet at the meeting.
- 5.3 Under section 123(2A) of the Local Government Act 1972, where a Local Authority intends to dispose of land held as public open space, they must first advertise their intention to do so in a newspaper circulating in the area where the land is situated
- 5.4 The Council’s Petitions Protocol provides that “If a Petition is received relating to a matter which is subject to a statutory consultation process after the statutory process has concluded, then the Petition will not be accepted by the Council.” Therefore, the petition has been accepted on the basis that the statutory consultation (open space notice procedure) will have to be carried out prior to any further decision making process on the substantive issue.

6. RISK MANAGEMENT

- 6.1 Throughout the wider process, officers have regularly taken key advice from the Legal Department to ensure any risk is mitigated. This includes valuation advice from external experts and legal advisors.
- 6.2 More specifically officers received advice in terms of the Open Spaces Notice to ensure compliance and due process was followed correctly, for which RBWM Legal Department have confirmed was executed correctly and in line with Legislation.

7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as part of the previous Cabinet Report in appendix a.

8. TIMETABLE FOR IMPLEMENTATION

- 8.1 Implementation date will be subject to the decision taken by Cabinet and subsequent actions required.

9. APPENDICES

- 9.1 This report is supported by two appendices:

- Appendix A – Cabinet Report 27th July titled: Disposal of Open Space Land at Braywick Park, Maidenhead
- Appendix B – details of the two petitions

10. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officer (or deputy)</i>	
Elizabeth Griffiths	Executive Director of Resources & S151 Officer	1/12/2023	5/12/2023
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	1/12/2023	1/12/2023
<i>Deputies:</i>			
Andrew Vallance	Deputy Director of Finance & Deputy S151 Officer		
Jane Cryer	Principal Lawyer & Deputy Monitoring Officer		
<i>Mandatory:</i>		<i>Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>	
Lyn Hitchinson	Procurement Manager		
<i>Mandatory:</i>		<i>Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>	
Samantha Wootton	Data Protection Officer		
<i>Mandatory:</i>		<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>	
Ellen McManus-Fry	Equalities & Engagement Officer		

<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Stephen Evans	Chief Executive	28/11/2023	
Andrew Durrant	Executive Director of Place	28/11/2023	28/11/2023
Kevin McDaniel	Executive Director of Adult Social Care & Health		
Lin Ferguson	Executive Director of Children's Services & Education		

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Communities & Leisure	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision	No	No

Report Author: Andrew Durrant, ED-Place