

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BETAKEN BY:

Mr Gary Cooke, Cabinet Member for Corporate and Democratic Services

DECISION NO:

17/00033

For publication

Key decision: NO

Appropriation of Land at Boughton Mount, Boughton Lane, Maidstone
Decision:

As Cabinet Member for Corporate and Democratic Services, I agree to commence the appropriation procedure in relation to land at Boughton Mount, Boughton Lane, Maidstone, comprising Boughton Mount Hostel, Boughton Mount Grounds and former Maidstone SEC and Special Care Unit, to override a restrictive covenant.

Governance:

The Executive Scheme of Delegation for Officers set out in Appendix 2 Part 4 of the Constitution (and the directorate schemes of sub-delegation made thereunder) provide the governance pathway for the implementation of this decision by officers as it assumes at 1.9 of the scheme that once a Member-level decision has been taken, the implementation of that decision will normally be delegated to officers, so that multiple Member decisions are not required in respect of the same matter.

In this instance, the Director of Infrastructure will be the lead officer who will ensure that all such steps as are necessary to implement the decision are undertaken.

Reason for decision:

The property at Boughton Mount is considered surplus to operational requirements and this declaration is currently being formalised, in order to properly assess the next steps for the land it is necessary to secure the release of the restrictive covenant as with it in place it would not be possible to implement beneficial use of the site through development.

Delegations within the Council's constitution, specifically within the Property Management Protocol do not explicitly include the power for officers to utilise legislative powers granted to public authorities under a combination of the Town and Country Planning Act 1990 (now amended by provisions in the Housing and Planning Act 2016) and the Local Authorities Act 1972 to appropriate land and it is therefore considered necessary for the Cabinet Member to agree the course of action in order for officer to progress.

Cabinet Committee recommendations and other consultation:

The decision will be considered by the Property Sub-Committee 21 March 2017 and comments will be included here for consideration by the Cabinet member on taking the decision.

Any alternatives considered and rejected:

Alternatives considered and rejected are fully explained within the report to the Committee.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None

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signed

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date