

**MAIDSTONE BOROUGH COUNCIL**

**COUNCIL**

**25 OCTOBER 2017**

**REPORT OF THE POLICY AND RESOURCES COMMITTEE HELD ON  
25 JULY 2017**

**POLICY ON DISPOSAL OF PROPERTY – AMENDMENTS TO THE  
CONSTITUTION**

**Issue for Decision**

To agree amendments to the Constitution following the decision of the Policy and Resources Committee to adopt a new Policy on Disposal of Property.

**Recommendation Made**

- 1) That the following paragraph is added to the Terms of Reference of Heritage, Culture and Leisure Committee:

'To declare Open Space surplus to requirements for the purposes of advertising and disposing of open space under Section 123 of the Local Government Act 1972 or any other similar enactment and to take the final decision on disposal.'

- 2) That the following paragraph is added to the Terms of Reference of the Policy and Resources Committee:

'To make decisions regarding land and property including acquisition (by agreement or compulsorily), disposal, appropriation and development, with the exception of the declaration of Open Space surplus to requirements for the purposes of advertising and disposing of open space under section 123 of the Local Government Act 1972 or any other similar enactment and the final decision on the disposal of Open Space.'

**Reasons for Recommendation**

The Policy and Resources Committee agreed a new Policy on Disposal of Property on 25 July 2017. However in order for the policy to be compliant with the arrangements in the Constitution, some changes to the Terms of Reference of Committees were required. Therefore Policy and Resources Committee recommended that Council makes these changes to ensure that the new Policy and the Constitution do not contradict each other.

**Alternatives Considered and Why Not Recommended**

The Council could choose not to agree the changes to the Constitution. However this would mean that the Policy agreed by the Policy and Resources Committee would be contrary to the Constitution.

## **Background Documents**

None