

EAST AYRSHIRE COUNCIL**EMERGENCY POWERS COMMITTEE****MINUTES OF MEETING HELD ON WEDNESDAY 17 MARCH 2004 AT 0900 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Drew McIntyre, Brian Reeves, Daniel Coffey, Douglas Reid, John Knapp and Elaine Dinwoodie.

PRESENT: Fiona Lees, Depute Chief Executive/Director of Corporate Resources; David Mitchell, Head of Administrative and Legal Services; Robert Paton, Head of Economic Development; Chris McAleavey, Head of Homes; Sam McVie, Principal Surveyor; Anna Gallagher, Solicitor; and Julie Armstrong, Assistant Administration Manager.

APOLOGY: Councillor Jimmy Kelly.

CHAIR: Councillor Drew McIntyre, Chair.

EXCLUSION OF PRESS AND PUBLIC

1. The Committee resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 9 of Schedule 7A of the Act.

PROPOSED DISPOSAL OF LAND AT LOMOND AVENUE, HURLFORD TO SHIRE HOUSING ASSOCIATION LIMITED (Item 21, Page 2763, 99/02)

2. There was submitted a joint report dated 3 March 2004 (circulated) by the Directors of Homes and Technical Services and of Development Services which sought approval to dispose of land at Lomond Avenue, Hurlford, to Shire Housing Association Limited for a nominal consideration to take into account the abnormal development costs associated with the development of the site, subject to the consent of the Scottish Ministers in terms of Section 74(2) of the Local Government (Scotland) Act 1973 and Section 25 of the Local Government Act 1988.

It was agreed:-

- (i) to authorise the Solicitor to the Council to proceed with the disposal of the land at Lomond Avenue, Hurlford, to Shire Housing Association Limited in accordance with the terms and conditions identified within the report subject to the consent of the Scottish Ministers in terms of Section 74(2) of the Local Government (Scotland) Act 1973 and Section 25 of the Local Government Act 1988; and
- (ii) that an additional condition be imposed to the effect that in the event that Shire Housing do not proceed with the proposed development, the ownership of the ground will revert back to the Council.

PROPOSED DISPOSAL OF RESIDENTIAL DEVELOPMENT SITE AT BANK GLEN, CUMNOCK

3. There was submitted a report dated 11 March 2004 (circulated) by the Solicitor to the Council which advised of the outcome of the recent marketing of the site at Bank Glen, Cumnock, and which sought authority to dispose of the subjects accordingly.

It was agreed:-

- (i) to authorise the Solicitor to the Council to dispose of the site at Bank Glen, Cumnock, in accordance with the terms and conditions identified within the report; and
- (ii) that should Missives not be successfully concluded within an acceptable timescale or the suspensive conditions contained therein were not fulfilled, to authorise the Solicitor to the Council to revert to accept the offer from the second highest bidder.

**PROPOSED DISPOSAL OF SITE BETWEEN 44 AND 50 MAIN STREET, PATNA
(Item 12, Page 3458, 95/98)**

4. There was submitted a report dated 12 March 2004 (circulated) by the Solicitor to the Council which advised of the outcome of the recent marketing of the site lying between 44 and 50 Main Street, Patna, and which sought authority to dispose of the subjects accordingly.

It was agreed:-

- (i) to authorise the Solicitor to the Council to dispose of the site between 44 and 50 Main Street, Patna, in accordance with the terms and conditions identified within the report; and
- (ii) that should Missives not be successfully concluded within an acceptable timescale or the suspensive conditions contained therein were not fulfilled, the Solicitor to the Council be authorised to revert to accept the offer from the second highest bidder subject to deletion of the suspensive planning condition referred to in Paragraph 7.2 of the report.

**NORTHWEST KILMARNOCK PRIMARY CARE NEIGHBOURHOOD SERVICES CENTRE - TRANSFER OF OWNERSHIP OF THE ARDBEG HEALTH CLINIC
(Item 24, Page 3542, 99/03)**

5. There was submitted a report dated 12 March 2004 (circulated) by the Depute Chief Executive/Director of Corporate Resources which sought approval for the transfer of ownership of the Ardbeg Health Clinic from Ayrshire and Arran Primary Care (NHS) Trust to the Council in order to facilitate the implementation of the Northwest Kilmarnock Primary Care Neighbourhood Services Centre.

It was agreed:-

- (i) that the Council retain lead responsibility for the planning, development and construction of the Northwest Kilmarnock Primary Care Neighbourhood Services Centre and ultimately, upon completion, ownership of the Centre, this being the most advantageous solution for the successful conclusion of the project;

- (ii) that the Solicitor to the Council be authorised to complete the purchase of the Ardbeg Clinic and surrounding land required for the development from Ayrshire and Arran Primary Care Trust prior to the end of the current financial year;
- (iii) to note that the purchase price of £130,000 would be reinvested by the Trust into the overall budget for this development;
- (iv) to note that, as outlined in Section 3 of the report, both Partner Organisation's respective interests would be protected by the proposed Short-term Lease and Head of Terms agreement relative to this development, the details of which would be agreed by the Project Board and concluded by the Solicitor to the Council in consultation with the Trust's Central Legal Office; and
- (v) otherwise, to note the contents of the report.

The meeting terminated at 0917 hours.