

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE – 5 OCTOBER 2004

PROPOSED TRANSFER OF LAND AT ST JOSEPH'S ACADEMY, KILMARNOCK

Report by Executive Director of Development and Property Services

1. PURPOSE OF REPORT

- 1.1** To request that the Committee declare surplus to operational requirements an area of land at St. Joseph's Academy, Kilmarnock extending to 1671 sq.m. (0.413 acres) as shown on the attached plan for transfer to Educational Services for inclusion within the approved St Joseph's Academy Public Private Partnership proposals.

2. BACKGROUND

- 2.1** The Education Committee of 11 December 2001 approved the initial outline business case for the proposed East Ayrshire Schools Public Private Partnership with the revised outline business case being approved by the Education Committee of 4 February 2004. One of the approved projects within the outline business case is the redevelopment of the current St Joseph's Academy site at Kilmarnock.

3. CURRENT POSITION

- 3.1** Title investigations carried out following approval of the business case have identified that part of the proposed site is held by Development and Property Services on the Roads Account and accordingly any decision to declare the land surplus to requirements for transfer requires the approval of this Committee.
- 3.2** The area of land in question is adjacent to the adopted roadway and would be incapable of separate effective disposal on the open market.

4. FINANCIAL IMPLICATIONS

- 4.1** As the land is held with the General Services account there will be no transfer of funds.

5. POLICY IMPLICATIONS

- 5.1** The area of land requires to be transferred to Educational Services to allow the approved Public Private Partnership proposals to be finalised in accordance with Committee authority.

6. LEGAL IMPLICATIONS

- 6.1** In terms of Section 70(2) of the Local Government (Scotland) Act 1973, land acquired by a Local Authority for a particular purpose, if not so required for that purpose, may be used in the short term for the purpose of any other of the Authority's functions. Any long term change of use will, however, require a formal transfer between departments and will fall to be treated as a disposal by one department to the other.

7. RECOMMENDATIONS

- 7.1** It is recommended that Committee:
- (i) declare the area of ground surplus to requirements for transfer to Educational Services; and
 - (ii) authorise the Director of Corporate Support in conjunction with the Executive Director of Development and Property Services to regularise the transfer.

James Lavery
Executive Director of Development and Property Services
13 September 2004

LIST OF BACKGROUND PAPERS

Nil

For Further information please contact: Angela Graham, Property Unit on ext 6265 or, Tamara McQuade, PPP Unit on ext 4980

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