

EAST AYRSHIRE COUNCIL

EDUCATION COMMITTEE – 30 JANUARY 2007

FORMER OLD PERSONS CABIN, 11 RICCARTON ROAD, HURLFORD

Report by Executive Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1** The purpose of this report is to inform Members of the Education Committee of the position regarding the former Old Person's Cabin in Hurlford shown on the attached plan and to make recommendations accordingly.

2. BACKGROUND

- 2.1** The former Old Person's Cabin was historically occupied and used by the Hurlford Old Person's Club which was established in the 1950's at which time it appears the cabin was erected. The Old Person's Club appears to have stopped using the premises in the late 1990's and the last known office bearer subsequently advised the Council that title deeds could not be located to the property amongst the club papers. Legal Services thereafter arranged for a detailed search to be carried out by a professional company, however the searchers were unable to identify any titles to the site in favour of the club or any other party.
- 2.2** Latterly, the Hurlford and District Pigeon Club used the premises and paid rental to the Old Person's Club. Given the uncertain title position the Pigeon Club considered the possibility of acquiring title by way of an "A Non Domino" Disposition, however the Pigeon Club's solicitors subsequently intimated in September 2004 that they did not intend to proceed further. The premises have now been vacated by the Pigeon Club.
- 2.3** The Council does not have title to the property but historically the Council, given the uncertain title position, has taken responsibility for the maintenance costs of the property which latterly have been met by the Department of Education and Social Services.

3. PROPOSAL

- 3.1** The property has been closed for sometime and there are now considerable health and safety issues. The option currently being looked at is demolition, subject to consultation with the local community as to potential alternative uses. However, as title deeds cannot be sourced the Council cannot easily proceed to demolition or to regularise any alternative suitable use identified.
- 3.2** Advice has been sought from Legal Services. The proposal is for the Council to take steps to acquire title by way of an A Non Domino Disposition and thereafter, subject to consultation as detailed in 3.1 above, instruct demolition

works to be carried out after having obtained an appropriate insurance policy to meet any potential claims of a third party producing a prior title to the property.

4. LEGAL AND POLICY IMPLICATIONS

- 4.1** As the Council does not have title to the property, it is not the legal owner and therefore the property is not currently held as an asset by any Holding Department. If the Keeper of the Land Register accepts the Council's application for the registration of an "A Non Domino" Disposition, the Council will only secure a good title after the expiry of a 10 year period and then provided that no third party claiming legal ownership is successful in challenging the Council's "title" within that period.
- 4.2** Should a true legal owner appear within the said 10 year period, they may have a potential claim against the Council for demolishing or authorising any alternative use of the building without their consent, which claim should be met by an appropriate insurance policy.

5. COMMUNITY PLANNING IMPLICATIONS

- 5.1** Nil

6. FINANCIAL IMPLICATIONS

- 6.1** There will be costs incurred in acquiring an A Non Domino title, a suitable insurance policy and in carrying out the demolition of the building all of which will be met from existing departmental resources. There may be additional revenue costs from increased grounds maintenance following any demolition of the cabin. These will also be met from existing departmental resources.

7. RECOMMENDATIONS

- 7.1** It is recommended that Members of the Education Committee:
- (i) approve the proposal to take title to the property by registering an "A Non Domino" Disposition
 - (ii) approve the proposal to proceed to demolition, subject to consultation as to alternative uses and subject to the Council obtaining an appropriate Insurance policy
 - (iii) otherwise note content of report

Graham Short
Executive Director of Educational & Social Services

15 January 2007
KG/JW

LIST OF BACKGROUND PAPERS

Nil

Members wishing further information should contact Kay Gilmour, Head of Community Support, Tel: (01563) 576104 or Robin Gourlay, Head of Facilities Management, Tel: (01563) 576089.

IMPLEMENTATION OFFICER: ROBIN GOURLAY