

## **EAST AYRSHIRE COUNCIL**

### **HOUSING COMMITTEE – 8 SEPTEMBER 2004**

#### **PROPOSED TRANSFER OF LAND AT GRANGE ACADEMY, KILMARNOCK**

##### **Report by Executive Director of Neighbourhood Services**

#### **1. PURPOSE OF REPORT**

- 1.1 To request that the Committee declare surplus to operational requirements an area of land at Grange Academy, Kilmarnock extending to 1.95 Hectares (4.82 acres) as shown on the attached plan for transfer to the General Services Account to be held by Educational Services for inclusion within the approved Grange 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 Grange Academy site.
- 2.2 Title investigations carried out following approval of the business case have identified that part of the proposed site which currently forms part of the playing-fields and adjacent access strip is held on the Housing Revenue Account and accordingly any decision to declare the land surplus to requirements for transfer requires the approval of this Committee.

#### **3. CURRENT POSITION**

- 3.1 The value of the ground in question is subject to ongoing negotiations prior to determination by the Executive Director of Development and Property Services.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The monies due in respect of the transfer of the area of land to Educational Services will be debited from the General Services Capital Account and credited to the Housing Revenue Capital Account.

#### **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. As the land which is to be transferred is currently held on the Housing Revenue Account, the formal consent of the Scottish Executive to the transfer will be required in terms of Section 203(2) of the Housing (Scotland) Act 1987.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that Members:
- (i) Declare the area of ground surplus to requirements for transfer to the General Services account in accordance with Council procedures subject to the consent of the Scottish Executive as detailed in paragraph 6.1 of this report and authorise the Director of Corporate Support subject to conclusion of the negotiations referred to in paragraph 3.1 of this report to regularise the transfer.

**William Stafford**  
**Executive Director of Neighbourhood Services**  
**23 August 2004**

### **LIST OF BACKGROUND PAPERS**

**Nil**

**For further information please contact: Tamara McQuade, PPP Unit.**

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