

## **EAST AYRSHIRE COUNCIL**

### **HOUSING COMMITTEE - 5 NOVEMBER 2003**

#### **PROPOSED TRANSFER OF LAND AT MONTGOMERY PLACE, KILMARNOCK**

##### **Report by The Director of Homes and Technical Services**

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

- 1.1** To request that Committee declare surplus to requirements an area of land at Montgomery Place, Kilmarnock extending to 811 square metres or thereby (shown hatched on the attached plan) for the purpose of a transfer to the Department of Educational and Social Services

### **2. BACKGROUND**

- 2.1** The Social Work Committee at a meeting on 30 January 2003 approved the development of an Intensive Support Service comprising both residential and staff support facilities for young people who would otherwise be placed in residential units external to the authority.
- 2.2** The Social Work Committee at a meeting on 11 September 2003 approved the proposal to build the new Intensive Support Unit on a site at Montgomery Place, Kilmarnock and instructed the Director of Educational and Social Services to seek the appropriate consents regarding the transfer of the land to the Department of Educational and Social Services.
- 2.3** Initial title investigations have confirmed that part of the site at Montgomery Place, Kilmarnock comprising a grassed open area extending to 811 square metres or thereby shown hatched black on the plan attached on which the proposed new Intensive Support Unit will be built is held on the Housing Revenue Account and accordingly to enable the project to be completed the ground requires to be declared surplus to requirements by this Committee.
- 2.4** The remaining part of the site extending to 163 square metres or thereby is shown crosshatched black on the plan attached but the title position relating to this area is still under investigation. No building will however be erected on this area of land, which will form part of the garden ground associated with the proposed new Intensive Support Unit. Should subsequent investigation confirm that that part of the site is held under the Housing Revenue Account a further referral would be required to this Committee.

### **3. CONSULTATION**

- 3.1** The Local Member has been consulted and offers no objection to the proposed transfer.
- 3.2** The Director of Development Services has been consulted and advises that the value of the area of land for the purpose of a transfer is £16,000.

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

- 4.1 The sum of £16,000 in respect of the transfer will be credited as a Capital Receipt to the Housing Capital Account.

#### **5. LEGAL IMPLICATIONS**

- 5.1 In terms of Section 78 (2) of the Local Government (Scotland) Act 1973, land acquired by a local authority for a particular purpose, if not required for that purpose, may be used in the short term for the purpose of any other of the authority's functions.
- 5.2 Any long term change of use will, however, require a formal transfer between departments and will require to be treated as a disposal by one department to the other.
- 5.3 As the area of ground in question is currently held on the Housing Revenue Account, the formal consent of the Scottish Executive to the transfer is required in terms of Section 203 (2) of the Housing (Scotland) Act 1987.

#### **6. POLICY IMPLICATIONS**

- 6.1 The proposed transfer accords with agreed Council policy for the development of an Intensive Support Service for young people.

#### **7 RECOMMENDATION**

- 7.1 It is recommended that Committee;-
- (i) Declare the area of ground at Montgomery Place Kilmarnock extending to 811 square metres or thereby surplus to requirements for the purposes of a transfer to the Educational and Social Services Department only subject to the consent of the Scottish Executive in terms of Section 203(2) of the Housing (Scotland ) Act 1987; and
  - (ii) Thereafter refer the matter to the Director of Finance in conjunction with the Director of Development Services to regulate the transfer in accordance with the Council's agreed procedures.

**James Lavery**  
**Director of Homes and Technical Services**  
**October 2003**

#### **LIST OF BACKGROUND PAPERS**

1. Site plan of Montgomery Place, Kilmarnock

Members wishing further information on the above should contact John Stokes, Kilmarnock Central Area Manager on 01563 – 576628

Implementation Officer: Chris McAleavey, Head of Homes