

## **EAST AYRSHIRE COUNCIL**

### **FINANCE AND PROPERTY SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE**

#### **MINUTES OF SPECIAL MEETING HELD ON THURSDAY 19 DECEMBER 1996 AT 1400 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors David Sneller, Drew McIntyre, Douglas Reid, James Kelly and Thomas Farrell.

**ATTENDING:** Stephen Chorley, Director of Development Services; Kate McVey, Head of Legal Services; Robert McLeary, Head of Property Services; Bill Walkinshaw, Principal Administrative Officer; and Alex Hewetson, Administrative Officer.

**APOLOGIES:** Councillors Wilma Doyle and David Fulton.

**CHAIR:** Councillor David Sneller, Chair.

#### **EXCLUSION OF PRESS AND PUBLIC**

1. The Sub-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 involve the likely disclosure of exempt information as defined in paragraph 9 of Schedule 7A of the Act.

#### **ROWALLAN BUSINESS PARK, KILMARNOCK - PLOT B6 - NEGOTIATION OF HEAD LEASE (Item 20, Page 1188)**

2. There was submitted a report dated 12 December 1996 (circulated) by the Director of Support Services on negotiations currently underway in connection with the lease and sub-lease of a proposed new factory unit at Rowallan Business Park, Kilmarnock, and seeking delegated authority to conclude terms and conditions.

It was agreed:-

- (i) to remit to the Head of Property Services and the Head of Legal Services to finalise negotiations and conclude all legal matters to enable the lease and sub-lease of the proposed new factory unit at Rowallan Business Park, Kilmarnock to proceed, within the undernoted previously approved parameters:-
  - (a) rental at or around £150,000 per annum;
  - (b) lease term not to exceed 19 years 364 days; and
  - (c) sub-lease to the applicant to be on identical terms and conditions as the head lease; and
- (ii) otherwise to note the contents of the report.

#### **PROPOSED DISPOSAL OF SITE OF FORMER NEW FARM LOCH PRIMARY SCHOOL AT MACKELLAR PLACE, KILMARNOCK (Item 16, Page 1251)**

3. There was submitted a report dated 11 December 1996 (circulated) by the Director of Support Services requesting the Sub-Committee's instructions in respect of the proposed disposal of the site of the former New Farm Loch Primary School, MacKellar Place, Kilmarnock.

It was agreed to remit to the Head of Legal Services to accept an offer of £268,000 from the applicant for the site of the former New Farm Loch Primary School, MacKellar Place, Kilmarnock, subject to the undernoted conditions:-

- (i) conditional Missives to be concluded within 4 weeks of the date of the Sub-Committee meeting;
- (ii) formal planning consent and other statutory applications in respect of the proposed development must be submitted within a period of 4 weeks from the date of conditional Missives being concluded;
- (iii) the purchaser must satisfy themselves as to the suitability of the site for the proposed development within a period of 8 weeks following the conclusion of conditional Missives;
- (iv) planning permission and other statutory consents in respect of the proposed development must be obtained within a period of 16 weeks from the date of conclusion of conditional Missives;
- (v) on conclusion of conditional Missives, a deposit of 10% of the purchase price shall be placed on deposit receipt in the joint names of the Council and the purchaser;
- (vi) the purchaser shall be entitled to sell or assign its rights under the Missives subject to the agreement of the Council;
- (vii) the Council shall reserve the rights to resile from the bargain in the event of breach of any of the above conditions;
- (viii) should circumstances require, the timescale indicated above may be varied at the discretion of the Head of Property and the Head of Legal Services; and
- (ix) the Head of Legal Services shall include any other conditions deemed necessary to safeguard the interests of the Council.

**PROPOSED DISPOSAL OF SHOP UNITS AT 2-8 MAUCLINE ROAD, HURLFORD  
(Item 14, Page 1251)**

4. There was submitted a report dated 11 December 1996 (circulated) by the Director of Support Services seeking authority for the Head of Legal Services to accept an offer of £140,000 from the applicant for the shops at 2-8 Mauchline Road, Hurlford.

It was agreed that the Head of Legal Services accept the offer of £140,000 from the applicant for the shops at 2-8 Mauchline Road, Hurlford, subject to conditions proposed by the Director of Support Services as undernoted:-

- (i) conditional Missives to be concluded within 6 weeks of the date of the Sub-Committee Meeting;
- (ii) the purchaser must satisfy himself/herself as to the current planning position for the subjects;
- (iii) the purchaser shall be entitled to sell or assign his/her rights under the Missives subject to the agreement of the Council;

- (iv) the Council reserve the right to resile from the bargain in the event of any breach of the above conditions;
- (v) should the circumstances require, the timescale indicated above may be varied at the discretion of the Head of Property Services and the Head of Legal Services; and
- (vi) the Head of Legal Services shall include any other conditions deemed necessary to safeguard the interests of the Council.

**PROPOSED DISPOSAL OF FORMER GLAISNOCK OUTDOOR CENTRE, CUMNOCK  
(Item 1.1, Page 898)**

5. There was submitted a report dated 11 December 1996 (circulated) by the Director of Support Services seeking authority for the Head of Legal Services to offer for sale the former Glaisnock Outdoor Centre, Cumnock.

It was agreed that the Head of Legal Services offer for sale the former Glaisnock Outdoor Centre, Cumnock, to Strathclyde Fire Board subject to the undernoted conditions, once the Board had approved the said conditions:-

- (a) the purchase price shall be £200,000;
- (b) planning permission and other statutory consents in respect of the proposed development must be obtaining within a period of 20 weeks from the date of conclusion of conditional Missives;
- (c) the transaction shall remain conditional upon Strathclyde Fire Board receiving confirmation of all necessary capital funding from the Scottish Office;
- (d) conditional Missives to be concluded within six weeks of the date of the approval of Strathclyde Fire Board;
- (e) the date of entry shall be the date on which conditions (b) and (c) above have been purified. Notwithstanding this, the Council will remain in occupation of the nursery and yard until 1 March 2000;
- (f) on conclusion of conditional Missives, a deposit of 10% of the purchase price shall be placed on deposit receipt in the joint names of the Council and the purchaser;
- (g) that Strathclyde Fire Board shall meet the cost of the current one man twenty four hour security provision together with the associated costs of heating the building to a level to be agreed, from the date of conclusion of Missives until the agreed date of entry or, the date on which Strathclyde Fire Board resiles from the Missives in accordance with the terms of conditions (b) and (c);
- (h) the Council shall remain liable for all other costs associated with the ownership of the property until the agreed date of entry or date upon which Strathclyde Fire Board resiles from the Missives. For the avoidance of doubt these shall include the empty property rates, insurance, or necessary repairs and maintenance to retain the building in its' present condition and grounds maintenance;
- (i) the Council shall reserve the right to resile from the bargain in the event of breach of any of the above conditions;

- (j) should circumstances require, the timescale indicated above may be varied at the discretion of the Head of Property and the Head of Legal Services; and
- (k) the Head of Legal Services shall include any other conditions which seem necessary to safeguard the interest of the Council.

Councillor Reid joined the meeting during discussion of the above item.

The meeting terminated at 1402 hours.