

ANGUS COUNCIL

POLICY & RESOURCES COMMITTEE – 31 AUGUST 2021

MONTROSE COMMON GOOD SURPLUS PROPERTIES

REPORT BY THE DIRECTOR OF INFRASTRUCTURE

ABSTRACT

This report seeks Committee approval to declare a number of properties held on the Montrose Common Good fund surplus and to the disposal of these properties subject to consultation and legal criteria.

1. RECOMMENDATION

1.1. It is recommended that the Committee approve the following properties are surplus:

- (i) Inch pavilion and bowling green at Croft Road as shown on the plan in **Appendix 1**, and market for sale;
- (ii) Land at Broomfield Road as shown on the plan in Appendix 2 and is marketed for lease or sale;
- (iii) Land at Traill Drive as shown on the plan in Appendix 3 and is leased; and
- (iv) Note that further reports will be brought to Committee as appropriate in accordance with Financial Regulations

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN / COUNCIL PLAN

ECONOMY

1. An inclusive and sustainable economy
2. A skilled and adaptable workforce
3. Attractive employment opportunities

PEOPLE

4. The best start in life for children
5. More opportunities for people to achieve success
6. Improved physical, mental and emotional health and well-being

PLACE

7. Safe, secure, vibrant and sustainable communities
8. A reduced carbon footprint
9. An enhanced, protected and enjoyed natural and built environment

3. CURRENT POSITION

3.1 The Council administers the five individual Common Good funds:

- Arbroath
- Brechin
- Forfar
- Kirriemuir
- Montrose

3.2 With the exception of the Kirriemuir fund, the burgh funds have a number of properties including several that are leased and generate some income into the funds. Dependant on the lease conditions there are periodically costs to the Common Good fund to maintain and/or improve the properties.

3.3 There are a number of Common Good properties which the local Montrose members have agreed to dispose of and these are the subject of this report.

3.4. As Members are aware the disposal of Common Good property is governed by both Section 104 of the Community Empowerment (Scotland) Act 2015 and Section 75 of the Local Government (Scotland) Act 1973. There is a requirement for consultation with the community, along with

potential legal constraints on what can be done with the land. Thus, the following steps will require to be undertaken:

- Consultation on the proposals with the Community Council and others (known as “section 104” consultation)
- Legal checks to determine if the land is alienable (we can dispose of the land) or inalienable (in which case we can’t dispose of the land unless we get authority from the Court of Session or Sheriff)
- Open market disposal for sale/lease in accordance with Financial Regulations.

4. PROPOSALS

4.1 It is proposed that the following properties are declared surplus:

- Inch pavilion (currently leased) and former bowling green at Croft Road as shown on the plan in **Appendix 1**, and market for sale;
- Land at Broomfield Road (currently vacant) as shown on the plan in **Appendix 2** marketed for lease or sale; and
- Land at Traill Drive (currently vacant) as shown on the plan in **Appendix 3**. This site has previously been agreed by the local Members, to test the market and has subsequently progressed through the section 104 consultation. The result of the consultation was one response (set out in **Appendix 4**) and the local Members have confirmed that having considered and given due regard to the response they are content that the property is leased.

4.2 Further reports will be presented to Committee on the disposal of the land where required in accordance with the council’s Financial Regulations. For the avoidance of doubt the properties will not be disposed of until consultation and legal processes have been satisfactorily completed.

5. FINANCIAL IMPLICATIONS

5.1 The Inch Pavilion has provided a rental income to the Montrose Common Good Fund which if the property and the surrounding land is sold will be lost providing a capital receipt and reducing future years maintenance and/or improvement costs to the building and surrounding land. Marketing costs and costs in regard to consultation and any legal process will be met by Montrose Common Good fund and offset any capital receipt.

5.2 The Broomfield land will provide a rental income or capital receipt to Montrose Common Good Fund. Marketing costs and costs in regard to consultation and any legal process will be met by Montrose Common Good fund and offset any financial receipt.

5.3 The land at Traill Drive will provided a rental income to the Montrose Common Good Fund. Marketing costs and costs in regard to consultation and any legal process will be met by Montrose Common Good fund and offset this financial receipt.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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List of Appendices

Appendix 1 – Plan of Inch Pavilion and former bowling green
Appendix 2 – Plan of Land at Broomfield Road
Appendix 3 – Plan of Land at Traill Drive

Plan of Inch Pavilion and former bowling green

Plan of Land at Broomfield Road

Appendix 3 – Plan of Land at Traill Drive

Trall Drive Consultation Response

I hereby lodge my objection to green common land being leased by Council for purpose of snack bar at Montrose sea front.

I lodged an objection when the Pavilion was put up for lease a few years ago, saying that Montrose weather didn't warrant another café at sea front. It opened for a few months before closing. The building has since been sold and to date still closed.

We are trying to keep current business running in this economic crisis and if another snack bar is opened you are taking customers from existing and long established businesses. We want to entice visitors to Montrose but opening a snack bar will NOT DO THAT. If the council had kept the Pavilion, which had been donated to the Towns people, and redeveloped the toilets, we would have had shelter and conveniences for use of all in our inclement weather. Local artists could have exhibited their work and more people would have employment. As it is, the Pavilion lies empty and new toilets, at great expense, are under construction and taking up car parking space!!

The Beach Café already supplies teas, coffees, cakes, toasties, ice cream, buckets spades etc. East Coast Burgers does sit in meals and take away (delicious) burgers and chips. I don't think we need to duplicate it. Mr. [REDACTED] keeps his frontage painted, clean and tidy and clears up every night. Will a new takeaway snack bar outlet keep area free from rubbish? I doubt it.

I know you will already have made up your minds to lease the land, but think twice about what you put on it, if anything, as you could be causing the death knell of other Montrose businesses.