

ANGUS COUNCIL

POLICY & RESOURCES – 7 FEBRUARY 2023

**PROPERTY TRANSACTION – INCH PAVILION AND BOWLING GREEN, CROFT ROAD,
MONTROSE**

REPORT BY GRAEME DAILLY, DIRECTOR OF INFRASTRUCTURE AND ENVIRONMENT

ABSTRACT

The report seeks approval to dispose of the Inch Pavilion and Bowling Green at Croft Road, Montrose which is held by Montrose Common Good.

1. RECOMMENDATION

1.1. It is recommended that the Committee:

- (i) agrees, in principle, to the sale of the Inch Pavilion and Bowling Green, Croft Road, Montrose in accordance with the preferred Option 3 as detailed in the Options Appraisal at Appendix 3 subject to completion of the consultation and legal process as set out in this report.

2. ALIGNMENT TO THE ANGUS PLAN/COMMUNITY PLAN

2.1 This report contributes as a whole to the Council Plan and the Community Plan

- make Angus a low-carbon, sustainable area
- support business and economic growth by improving the physical and digital infrastructure
- continue to reduce the council's carbon footprint with the aim of reducing our net carbon emissions to zero by 2045
- identify any further opportunities for efficiencies in revenue budget
- continue the rationalisation of our property

3. BACKGROUND

3.1 Following the amalgamation of bowling clubs in Montrose the Inch Pavilion and Bowling Green was no longer required.

3.2 Subsequently the Pavilion was leased and is currently operating as a flower shop and generating a small income to the Common Good.

3.3 It was intended that the bowling green be retained to provide an extension to the neighbouring cemetery but SEPA declared that the ground conditions were unsuitable for this use.

3.4 Inch Pavilion and Bowling Green was declared surplus by the Policy and Resources Committee at its meeting of 31 August 2021.

4. CURRENT POSITION

4.1 The property, as shown outlined on the plan at Appendix 1, has been on the market through the Council's retained agents Shepherds
<https://www.shepherd.co.uk/commercial/property/details/6992>

4.2 Following a closing date on 11 November 2022 several offers have been received as detailed in Appendices 2 and 3

5. PROPOSALS

- 5.1 To sell Inch Pavilion and Bowling Green, Croft Road, Montrose in accordance with Option 3 as detailed in Appendix 3 as this provides a substantial capital receipt to the Common Good and contributes to the economic development and regeneration of the wider area.
- 5.2 The Disposal of Land by Local Authorities (Scotland) Regulations 2010 state that a local authority may dispose of land for a consideration less than the best that can reasonably be obtained if the local authority is satisfied that the disposal for that consideration is reasonable; and is likely to contribute to the promotion or improvement of:
- (a) economic development or regeneration;
 - (b) health;
 - (c) social well-being; or
 - (d) environmental well-being.

In considering which offer to accept officers have considered the statutory duty to secure best value in accordance with these Regulations. Members should also be aware of this duty when making their decision.

- 5.3 Section 104 of the Community Empowerment (Scotland) Act 2015 came into force on 27 June 2018 requires us to consult under the Act on this proposed disposal of common good property before a final decision can be taken. Committee is asked to agree to the proposed disposal in principle to allow this consultation to be undertaken.
- 5.4 Under the scheme of delegation to officers the Director of Infrastructure and Environment has delegation to approve the disposal of land and property declared surplus to the requirements of the Council including all transactions relating to Common Good properties as delegated Standing Orders, and in accordance with, the Council's Financial Regulations. In the event that there are no unresolved negative representations to the consultation, the Director of Infrastructure and Environment shall apply this delegation. In the event that the consultation results in unresolved negative responses to the proposal a further report will be brought to Committee.
- 5.5 As experienced with other Common Good assets the question of alienability of the common good property has been considered. Advice has been sought and colleagues in legal have confirmed that a question arises as to the right of the Council to alienate the land. This means that alongside the duty to consult, the Council must also apply to the court for authority to dispose of the common good asset. This would fall within the delegated powers of the Director of Legal and Democratic Services. The timescale for obtaining court consent could take between 6-12 months.

6. FINANCIAL IMPLICATIONS

- 6.1 The disposal of the site will potentially generate a substantial capital receipt for Montrose Common Good.
- 6.2 In addition, if sold, there will be a reduction in future years maintenance and/or improvement costs to the building and surrounding land.
- 6.3 In accordance with Report No 138/21 - Revised Common Good Fund Policy Guidelines and Administrative Procedures, the expense of going to court to seek approval to dispose of the common good asset will be fully met by the Montrose Common Good Fund and offset against any capital receipt.

7. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment is attached as Appendix 4

NOTE: The 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 are:

- Strategic Policy Committee 3/12/13- Report No 683/13 – Montrose Bowling Clubs
- Policy & Resources 31/08/21 - Report No 269/21 – Montrose Common Good Surplus Properties

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List of Appendices:

Appendix 1 – Plan
Appendix 2 – Details of Offers (EXEMPT)
Appendix 3 – Options Appraisal (EXEMPT)
Appendix 4 – Equality Impact Assessment