

South Ayrshire Council

**Report by Assistant Director - Place
to Leadership Panel
of 8 March 2022**

Subject: Sale of Land at Queens Terrace, Maybole

1. Purpose

- 1.1 The purpose of this report is to obtain approval from the Leadership Panel to declare the area shown hatched in the plan attached as [Appendix 1](#) surplus to requirements and to transfer it to Ayrshire Housing as part of its revised proposal to develop 22 affordable homes at Queens Terrace in Maybole.

2. Recommendation

2.1 It is recommended that the Panel:

2.1.1 grants approval to declare this area of land shown hatched in ([Appendix 1](#)) extending to 0.133 hectares (surplus to requirements and transfer ownership to Ayrshire Housing for nil value; and

2.1.2 requests the Head of Legal, HR and Regulatory Services to conclude this transaction.

3. Background

- 3.1 On 27 October 2020 ,the Leadership Panel approved the sale of approximately 0.87 hectares (2.15 acres) of HRA land, shown outlined red in the plan below, at Queens Terrace in Maybole to Ayrshire Housing for £50,000 to allow it to develop 20 affordable homes.

- 3.2 The Council's Acquisition and Disposal of land and buildings policy states that any land that is potentially surplus to requirements will be first offered to Housing Services for affordable housing or as a disposal to a Housing Association for the purposes of affordable housing subject to Leadership Panel approval. The land is held within the HRA and Housing Services have confirmed that they wish to declare this land surplus and transfer an additional 0.133 hectares to Ayrshire Housing.

- 3.3 Ayrshire Housing has now advised it requires an additional 0.133 hectares to accommodate its revised development of 22 units. This area is shown hatched red in the plan attached as [Appendix 1](#).

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4. Proposals

- 4.1 The proposal is to transfer the additional area of land shown hatched in the plan attached as [Appendix 1](#) to Ayrshire Housing to allow it to progress its proposed affordable housing development in Queens Terrace.
- 4.2 The site has been revalued by the District Valuer as at the 14 February 2022. The District Valuer has reported that the market value of the additional 0.133 hectares as shown in [Appendix 1](#) is £nil. There is therefore no uplift in value from the market value reported by the District Valuer in 2020 for the site in the event that the disposal would also include an additional land of 0.133 hectares
- 4.3 The District valuer has reported that the market value of the site with the additional land is £nil under the special assumption the restricting the future use of the site in perpetuity to reflect the social rented housing and taking into account the abnormal site developments costs.
- 4.4 It is proposed that the land declared surplus on 27 October 2020 extending to 0.87 hectares and the additional land requested by Ayrshire Housing extending 0.133 hectares be disposed of for £50,000 (Fifty Thousand Pounds) Sterling on the same terms and conditions as approved by the Leadership Panel on 27 October 2020.

5. Legal and Procurement Implications

- 5.1 The recommendations in this report are consistent with legal requirements. Legal Services will be required to conclude the sale.
- 5.2 Under the Housing (Scotland) Act 1987 ('1987 Act') section 203 (2), a local authority needs the consent of the Scottish Government to transfer land or property between the HRA and Ayrshire Housing. The Scottish Government has developed a general consent process whereby authorities can self-certify consent where the disposal is accredited by an RICS valuer as representing best value and where the necessary level of consultation is undertaken. The Service Lead - Asset Management and Community Asset Transfer has confirmed that the Council has satisfied these requirements and recorded this self-certification as required by the 1987 Act.
- 5.3 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 Per the report to Leadership Panel of 27 October 2020 the Council Housing Revenue Capital Account will receive £50,000 (Fifty Thousand Pounds) Sterling for selling the now combined total area of 1.033 hectares of land at Queens Terrace.

7. Human Resources Implications

- 7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

- 8.1.1 There is no risk to the Council.

8.2 *Risk Implications of Rejecting the Recommendations*

- 8.2.1 The development may not be able to proceed and Maybole may lose out on up to 22 new affordable houses while the Council will miss out on a capital receipt and would remain liable for maintenance costs associated with this area.

9. Equalities

- 9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 2](#).

10. Sustainable Development Implications

- 10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

- 11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

- 12.1 The matters referred to in this report contribute to Commitment 5 of the Council Plan: Stand up for South Ayrshire/ Increase the profile and reputation of South Ayrshire and the Council.

13. Results of Consultation

- 13.1 Consultation has taken place with Councillor Ian Cochrane, Portfolio Holder for Environment, and Councillor Brian McGinley, Portfolio Holder for Resources and Performance, and Councillor Philip Saxton, Portfolio Holder for Housing and Wellbeing, and the contents of this report reflect any feedback provided.
- 13.2 The local tenant group has been consulted and has confirmed that it is happy to support the transfer of this land to Ayrshire Housing.
- 13.3 There has also been consultation with both Legal Services and Housing regarding the content of this report and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

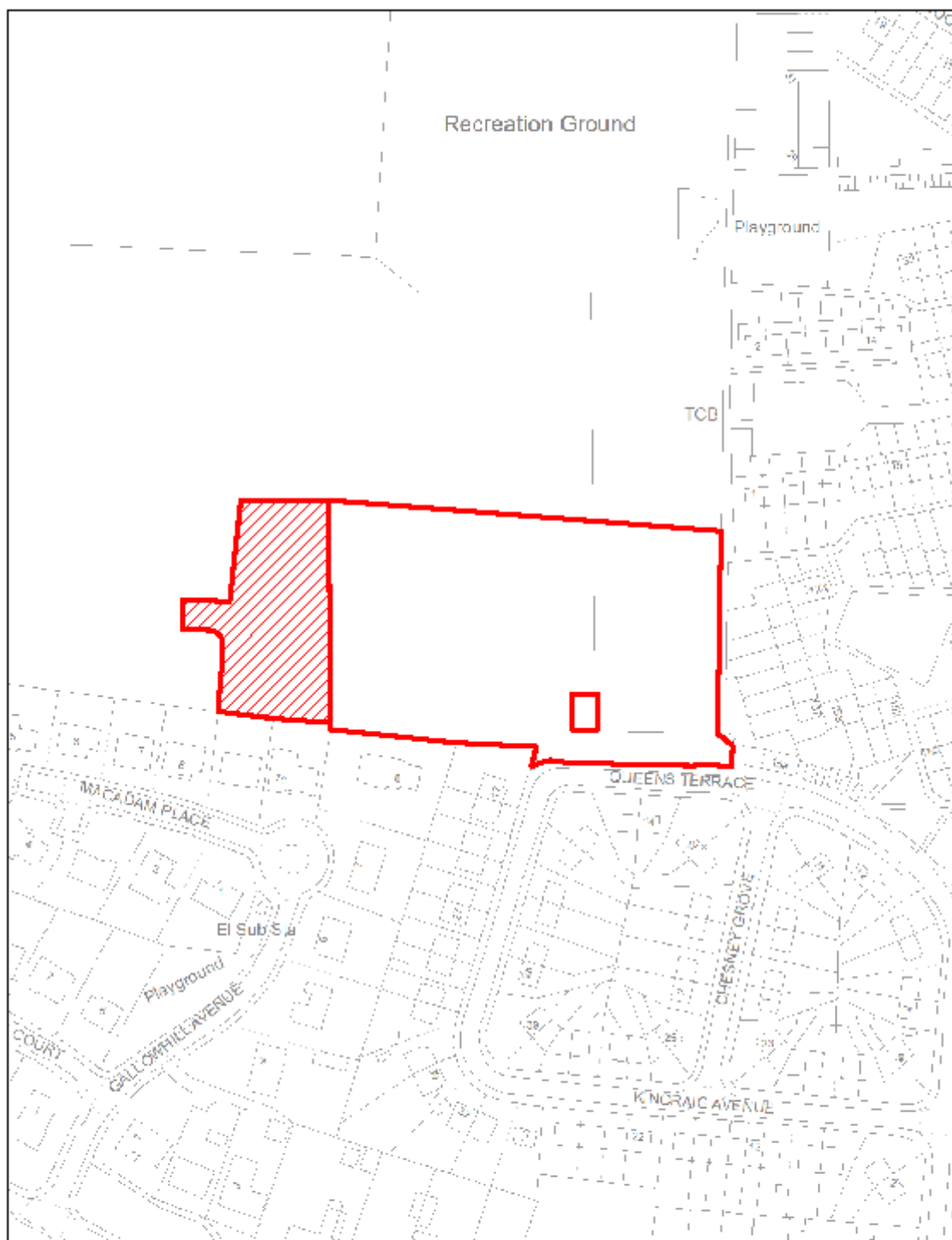
- 14.1 If the recommendations above are approved by Members, the Assistant Director – Place will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Leadership Panel in the ‘Council and Leadership Panel Decision Log’ at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Sale to be concluded	30 September 2022	Service Lead – Asset Management and Community Asset Transfer

Background Papers **Report to Leadership Panel of 27 October 2020 – [Sale of Land at Queens Terrace, Maybole](#)**

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Date: 1 March 2022



Queens Terrace, Maybole.

Scale 1:1500



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South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. See information here: [Interim Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018.

1. Policy details

Policy Title	Sale of land at Queens Terrace, Maybole
Lead Officer (Name/Position/Email)	Tom Burns, Service Lead – Asset Management and Community Asset Transfer – tom.burns@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – gender identity (issues specific to women & men or girls & boys)	-	-
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-
Thematic Groups: Health, Human Rights & Children's Rights	-	-

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage? (Fairer Scotland Duty). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent’s education, employment and income	-	-

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low impact
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low impact
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low impact
Increase participation of particular communities or groups in public life	Low impact
Improve the health and wellbeing of particular communities or groups	Low impact
Promote the human rights of particular communities or groups	Low impact
Tackle deprivation faced by particular communities or groups	Low impact

5. Summary Assessment

<p>Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)</p>	<p>YES</p> <p>NO</p>
<p>Rationale for decision:</p> <p>This report advises the Panel of 8 March 2022. Their decision on this has no specific equality implications</p>	
<p>Signed : Tom Burns Service Lead Asset Management and CAT</p> <p>Date: 14 February 2022</p>	