

ESTATES COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 17 January 2012

Chair:

Councillor Jim Docherty

Councillors Present:

Walter Brogan, Jackie Burns (Depute), Douglas Edwards, Lynn Filshie, Beith Forrest, Ian Gray, Bill Holman, Eileen Logan, Alex McInnes, Denis McKenna, John McNamee, George Sutherland, Chris Thompson, Jim Wardhaugh, Sheena Wardhaugh

Councillors' Apologies:

David Baillie, Graeme Campbell, Gordon Clark, Jim Handibode, Edward McAvoy, Alice Marie Mitchell, Graham Simpson, Mary Smith

Attending:

Community and Enterprise Resources

K Meek, Project Manager

Finance and Corporate Resources

M Armstrong, Administration Officer; J McDonald, Administration Adviser

Housing and Technical Resources

J Forbes, Estates Manager; D Lowe, Head of Property Services

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Forrest	Peacock Cross Link Road and Park and Ride – Full and Final Payment of Compensation	Personal

2 Minutes of Previous Meeting

The minutes of the meeting of the Estates Committee held on 11 October 2011 were submitted for approval as a correct record.

The Committee decided: that the minutes be approved as a correct record.

3 Sale of Land at Carlisle Road, Ferniegair, Hamilton

A report dated 9 December 2011 by the Executive Director (Housing and Technical Resources) was submitted on the sale of land extending to 0.52 acres at Carlisle Road, Ferniegair, Hamilton to V Hendry to allow it to be incorporated into an adjacent proposed residential development.

It was proposed that the land be sold to V Hendry, in the sum of £210,000, subject to the terms and conditions detailed in the report.

The Committee decided:

- (1) that the land extending to 0.52 acres at Carlisle Road, Ferniegair, Hamilton be sold to V Hendry, in the sum of £210,000, subject to the terms and conditions detailed in the report; and
- (2) that the Executive Director (Housing and Technical Resources), in consultation with the Head of Legal Services, be authorised to conclude negotiations and the necessary legal agreements on terms which were in the best interests of the Council.

[Reference: Minutes of Executive Committee of 6 July 2011 (Paragraph 12)]

4 Peacock Cross Link Road and Park and Ride - Full and Final Payment of Compensation

A report dated 28 November 2011 by the Executive Director (Housing and Technical Resources) was submitted on the final balance payment of compensation to Robert Reid Junior in full and final settlement for the land compulsorily acquired at 12 Wellhall Road, Peacock Cross, Hamilton as part of the land required for the Peacock Cross Link Road, Hamilton.

It was proposed that the final balance payment of £43,000 be paid to Robert Reid Junior, in respect of the compulsory purchase of the land at 12 Wellhall Road, Peacock Cross, Hamilton, subject to the terms and conditions detailed in the report.

The Committee decided:

- (1) that the final balance payment of £43,000 be made to Robert Reid Junior in respect of the compulsory purchase of land at 12 Wellhall Road, Peacock Cross, Hamilton, subject to the terms and conditions detailed in the report; and
- (2) that the Executive Director (Housing and Technical Resources), in consultation with the Head of Legal Services, be authorised to conclude negotiations and the necessary legal agreements on terms which were in the best interests of the Council.

[Reference: Minutes of 17 May 2011 (Paragraph 7)]

Councillor Forrest, having declared an interest in this item, withdrew from the meeting during its consideration

5 Concessionary Lease of Office Accommodation at 67 Almada Street, Hamilton

A report dated 12 December 2011 by the Executive Director (Housing and Technical Resources) was submitted on the concessionary lease of the ground floor premises at Almada Court, 67 Almada Street, Hamilton to Hamilton Citizens' Advice Bureau Limited for use as office accommodation. The proposed period of the lease would run co-terminus with the organisation's Service Level Agreement with the Council, at a rent of £1 per annum, subject to the terms and conditions detailed in the report.

The Committee decided:

- (1) that Hamilton Citizens' Advice Bureau Limited be granted a concessionary lease of the ground floor premises at Almada Court, 67 Almada Street, Hamilton at a rent of £1 per annum, subject to the terms and conditions detailed in the report; and

- (2) that the Executive Director (Housing and Technical Resources), in consultation with the Head of Legal Services, be authorised to conclude negotiations and the necessary legal agreements on terms which were in the best interests of the Council.

[Reference: Minutes of 16 February 2010 (Paragraph 4)]

6 Lease of Ground at 5 Cathcart Place, Rutherglen

A report dated 23 November 2011 by the Executive Director (Housing and Technical Resources) was submitted on the lease of ground at 5 Cathcart Place, Rutherglen to MMPS (Scotland) Limited for the relocation of their business. To allow early entry to the site, it was proposed that the lease initially be on a month to month basis at £375 per month pending completion of a 99 year lease at a rent of £4,500 per annum.

In view of the requirement to progress this matter as soon as possible and in terms of Standing Order No 36(c), the Executive Director (Housing and Technical Resources), in consultation with the Chair and an ex officio member, had:-

- ◆ approved a month to month lease agreement with MMPS (Scotland) Limited pending finalisation of the 99 year lease
- ◆ approved the 99 year lease of ground at 5 Cathcart Place, Rutherglen to MMPS (Scotland) Limited, in the sum of £4,500 per annum, subject to the terms and conditions detailed in the report
- ◆ authorised the Executive Director (Housing and Technical Resources), in consultation with the Head of Legal Services, to conclude negotiations and the necessary legal agreements on terms which were in the best interests of the Council

The Committee decided: that the following action taken, in terms of Standing Order No 36(c), by the Executive Director (Housing and Technical Resources), in consultation with the Chair and an ex officio member, be noted:-

- ◆ approval of the lease of ground at 5 Cathcart Place, Rutherglen to MMPS (Scotland) Limited for a period of 99 years, in the sum of £4,500 per annum, subject to the terms and conditions detailed in the report
- ◆ approval of the month to month lease agreement with MMPS (Scotland) Limited pending finalisation of the 99 year lease
- ◆ authorisation of the Executive Director (Housing and Technical Resources), in consultation with the Head of Legal Services, to conclude negotiations and the necessary legal agreements on terms which were in the best interests of the Council

7 Urgent Business – Palace Grounds Retail Park, Hamilton – Amendment to Ground Lease Restrictions

In view of the timescales involved, the Chair decided, in terms of Standing Order No 4, that consideration be given as a matter of urgency to a request to amend the existing ground lease at Palace Grounds Retail Park, Hamilton.

A report dated 13 January 2012 by the Executive Director (Community and Enterprise Resources) was tabled proposing that the existing ground lease covering the Palace Grounds Retail Park, Hamilton be amended to allow a fourth electrical retailer, Carphone Warehouse, to be accommodated in a vacant unit originally built for fast food use.

In consideration of the grant of a Deed of Variation to the Palace Grounds Retail Park ground lease, the current owners, Hamilton Trustees Limited, would pay to the Council the sum of £50,000 (exclusive of VAT) together with a payment of £5,000 (excluding VAT) to cover legal and surveying expenses.

The Committee decided:

- (1) that the existing ground lease at Palace Grounds Retail Park, Hamilton be amended to allow the vacant unit originally built for fast food use to be accommodated by Carphone Warehouse;
- (2) that a payment of £50,000, exclusive of VAT, plus up to £5,000, excluding VAT, to cover legal and surveying expenses from Hamilton Trustees Limited in consideration of the grant of a Deed of Variation to the Palace Grounds Retail Park ground lease be approved; and
- (3) that the Executive Director (Community and Enterprise Resources), in consultation with the Head of Legal Services, be authorised to conclude negotiations and the necessary legal agreements on terms which were in the best interests of the Council.