

ABBEY BOWLING GREEN STANLEY STREET ARBROATH

Abstract

This report advises the Committee of a further request to acquire the Abbey Bowling Green from the tenants, the Abbey Bowling Club.

1 RECOMMENDATION

The Resources and Central Services Committee is recommended:

to note the request to purchase from the Abbey Bowling Club and to authorise the Director of Property Services to advise the Club that Angus Council does not wish to dispose of the property.

2 INTRODUCTION

The Policy and Resources Committee of 4 September 2001 (Report No. 829/01) noted that the tenants of the Abbey Bowling Green had requested to acquire the bowling green, which is held on the Arbroath Common Good account. Due to the implication of legislative changes taking place through the Abolition of Feudal Tenure etc. (Scotland) Act 2000 the club were advised that the most appropriate method of obtaining long-term security of the site was by way of a 99 year lease. The 99 year lease was concluded with effect from 17 November 2001.

3 CURRENT POSITION

The Abbey Bowling Club have again contacted the Director of Property Services requesting the opportunity to acquire the bowling green. It has been suggested that the Council could protect the future of the Bowling Green ground by imposing a conservation burden in a disposition, if it agreed to sell the subjects

The Title Conditions (Scotland) Act 2003 allows the imposition of conservation burdens by a conservation body and Local Authorities are on the current list of conservation bodies, although the Scottish Ministers may remove bodies from the list, by order.

“For a burden to be a conservation burden there must be some special architectural or historical characteristic or some other special characteristic which is being protected” and “it must be for the benefit of the public” (Land Tenure in Scotland - Professor Robert Rennie)

It is not considered that in this context a conservation burden would necessarily provide any control over future disposal of the ground, which the Council would wish to retain. At this early

stage in the development of the law, post abolition of feudal tenure, little is known about how future challenges to burdens contained in deeds will be decided.

As the property is held on the Arbroath Common Good Account, the Director of Property Services requested the views of the Arbroath Councillors to the proposed acquisition by the Club. The outcome is that there is no support from local Councillors for a disposal to the Club.

4 FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

5 CONSULTATION

The Chief Executive, the Director of Law & Administration and the Director of Finance have been consulted in the preparation of this report.

6 CONCLUSION

The Arbroath Councillors are not in support of a request from the Abbey Bowling Club to acquire the Abbey Bowling Green.

HUMAN RIGHTS IMPLICATIONS

There are no Human Rights Act Implications specific to this report.

BACKGROUND PAPERS

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

M G Lunny
Director of Property Services