

Aberfeldy Common Good Fund Committee – 27 June 2012**ABERFELDY BOWLING CLUB****Report by the Depute Director (Environment)****ABSTRACT**

The purpose of this report is to seek approval for the Council to enter into a Management Agreement in respect of Aberfeldy Bowling Green and Clubhouse with the Aberfeldy Bowling Club.

1 RECOMMENDATIONS

- 1.1 It is recommended that the Committee agrees that the Council should enter into a Management Agreement with Aberfeldy Bowling Club in respect of the bowling green and clubhouse forming part of Victoria Park, Aberfeldy on the basis of the terms contained within this Report and otherwise on terms and conditions to be agreed and to the satisfaction of the Head of Planning and Regeneration and the Head of Legal Services.

2 BACKGROUND**2.1 General**

- 2.1.1 In 1905 the Town Council of Aberfeldy leased Victoria Park from the Marquess of Breadalbane by Minute of Agreement. Clause (First) of the Minute of Agreement states that the Town Council of Aberfeldy “have given and hereby give the use of the subjects to the said Aberfeldy Bowling Club”.
- 2.1.2 In 1920 the Town Council of Aberfeldy became owners of the Victoria Park.
- 2.1.3 There is documentation dating from the 1960s which indicates that both the Bowling Club and the Town Council considered there to be some formal agreement between the parties. However an extensive search by Perth and Kinross Council’s archivist and the Bowling Club has failed to produce this agreement.
- 2.1.4 Aberfeldy Bowling Club presently maintain the bowling green and the clubhouse that they built in 1978 with the “Breadalbane” pavilion presently shared with the Aberfeldy Tennis Club. Perth and Kinross Council has a maintenance liability for the pavilion in keeping the pavilion wind and watertight.
- 2.1.5 At present, there is no agreement between the Aberfeldy Bowling Club and Perth and Kinross Council and this Management Agreement will formalise the arrangement between the two parties.

2.2 Best Value

2.2.1 The Council is required to fulfil its statutory duties under Best Value as set out in Section 1 of the Local Government (Scotland) Act 2003. Relevant aspects of this duty include:

- making the best use of public resources including land and property
- being open and transparent in transactions
- insuring sound financial controls are in place to minimise the risk of fraud and error
- assessing the full financial consequences of decisions at an appropriate level before major financial decisions are taken or commitments entered into
- Demonstrating responsiveness to the needs of communities, citizens, customers and other stakeholders, where relevant.

2.2.2 The Management Agreement puts the existing relationship between the Bowling Club and the Council on a more formal footing which will ensure better governance, better financial control, and greater transparency in respect of the arrangement between the Club and the Council. It also strengthens the commitment of the Council and the Club to work together to maintain a local asset for the benefit of the community. It meets the Council's Corporate Improvement Plan 2009 – 2012 by achieving continuous improvement in outcomes for communities and delivering services in an efficient and effective way which provides value for money, and is also responsive to local people's needs.

2.3 Common Good

2.3.1 The subjects form part of the Common Good of Aberfeldy.

3 PROPOSALS

3.1 To formalise the relationship between the Bowling Club and the Council it is proposed that the Club be granted a Management Agreement on the following terms and conditions:

- (i) The duration of the Management Agreement to be 10 years from 01 April 2012 or a mutually agreed date.
- (ii) The Club shall pay the Council £66 per annum in respect of the Management Agreement from season 2012/13.
- (iii) The Club will be responsible for the clubhouse built in 1978, the bowling green and all other structures, hard and soft landscaping within the boundary shown hatched coloured on the plan attached to this report. The chain link fence that separates the bowling green and the tennis courts is the responsibility of Aberfeldy Tennis Club.

- (iv) The Council will maintain the “Breadalbane” pavilion in a wind and watertight condition, and meet the cost of external decoration and gas and electrical installations. The Club will be responsible for all other repairs and costs.
- (v) The Club to allow members of the public the use of the bowling green throughout the week except when it is fully utilised by the Club with matches and / or competitions
- (vi) Such other terms as might be agreed.

4 CONSULTATION

- 4.1 The Head of Legal Services, the Head of Democratic Services and the Acting Head of Finance have been consulted in the preparation of this report.

5 RESOURCE IMPLICATIONS

5.1 Capital

- 5.1.1 There are no Capital resource implications arising directly from the recommendations in this report.

5.2 Revenue

- 5.2.1 The granting of the Management Agreement will have the following implications:
 - The payments referred to at 3.1 (ii) of this report will accrue to the Council General Fund to assist the funding of pavilion maintenance costs noted in Section 3.1 (iv) of this report.
 - There is no increase in the planned and unplanned maintenance budgets held by Technical Services.

6 COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012

- 6.1 The Council's Corporate Plan 2009-2012 lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. This report impacts on the following:
 - (i) A Safe, Secure and Welcoming Environment
 - (ii) Healthy, Caring Communities
 - (iii) A Prosperous, Sustainable and Inclusive Economy
 - (iv) Educated, Responsible and Informed Citizens
 - (v) Confident, Active and Inclusive Communities

This report relates to (i), (ii) and (v) above.

7 EQUALITIES IMPACT ASSESSMENT (EqIA)

- 7.1 An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.
- 7.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) and assessed as **not relevant** for the purposes of EqIA.

8 STRATEGIC ENVIRONMENTAL ASSESSMENT

- 8.1 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).
- 8.2 However, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee is not being requested to approve, adopt or agree to an action or to set the framework for future decisions.

9 CONCLUSION

- 9.1 The granting of the Management Agreement of the subjects will represent a significant contribution to the operation and maintenance of this facility by the Club at a time when the Council's budgets for operating and maintaining this type of facility have been cut back.

**BARBARA RENTON
DEPUTE DIRECTOR (ENVIRONMENT)**

Note

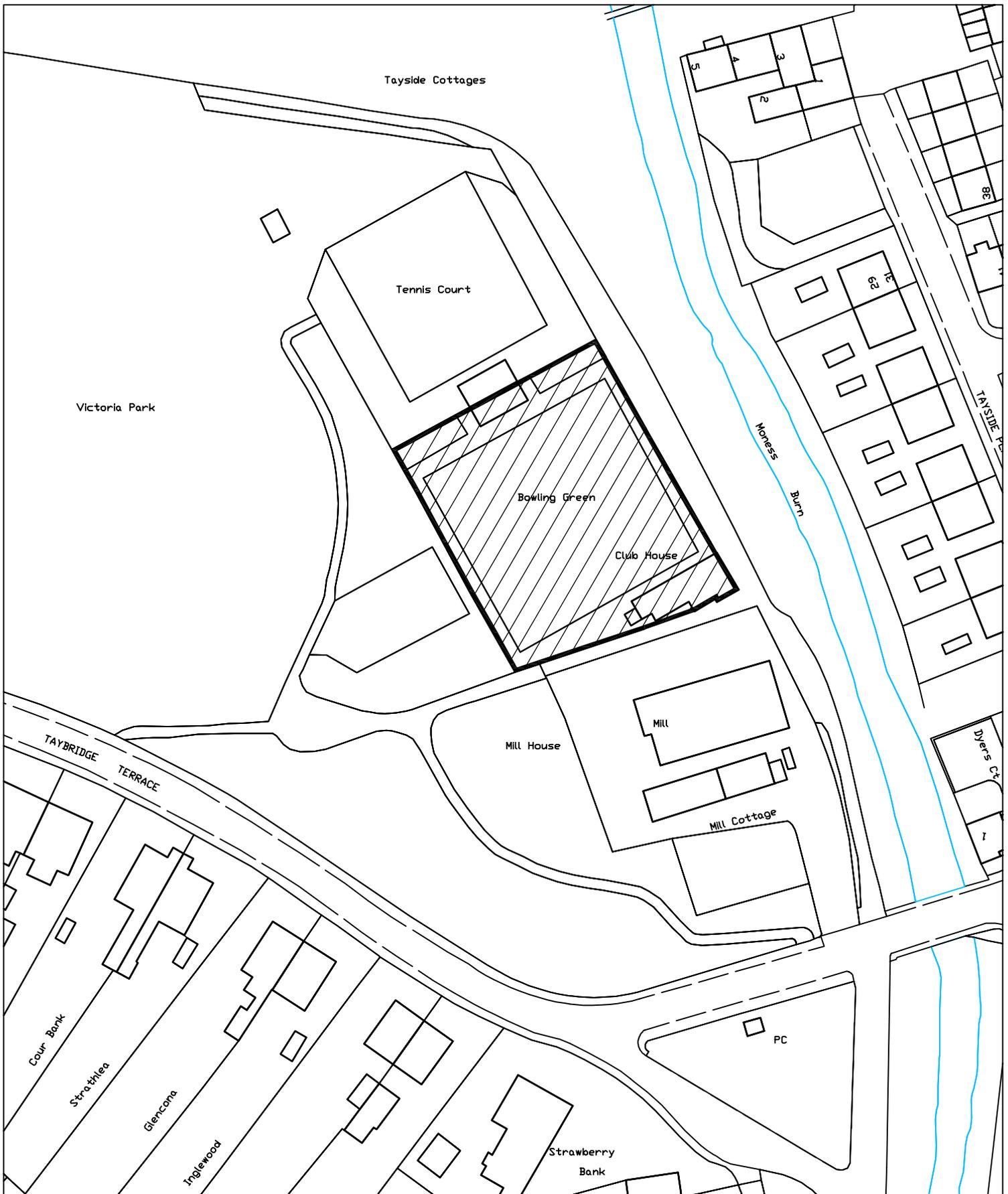
No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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PERTH & KINROSS COUNCIL

The Environment Service

Bowling Club Victoria Park Aberfeldy

Proposed Management Agreement

COMMITTEE REPORT PLAN



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