

## PERTH AND KINROSS COUNCIL

## AUCHTERARDER COMMON GOOD COMMITTEE

26 February 2014

## ST MARGARET'S HOSPITAL FIELD - ALLOTMENTS

Report by Depute Director (Environment)

**PURPOSE OF REPORT**

This report seeks approval from the Auchterarder Common Good Fund Committee to proceed with the ground lease of St Margaret's Hospital Field to Auchterarder Allotment Association on terms contained in this report. The Committee is also asked to note the potential longer term interest in this site from Housing and Community Care.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 The Auchterarder Muir Commissioners bought St Margaret's Hospital Field as part of the Auchterarder Muir Improvements Act 1860, subsequent legislation means that Perth & Kinross Council is now the owner. It is deemed that this field is common good land.
- 1.2 The field has been used for various activities in the past and the most recent lease was to a local farmer for agricultural purposes. Following the expiry of the lease, the field has been left fallow and is now overgrown with no enquiries from any party to use it.
- 1.3 In 2007, NHS Tayside wrote to the Council expressing an interest in this site for potential health care purposes but the interest has been subsequently withdrawn.
- 1.4 In 2012, Auchterarder Community Council expressed an interest in creating allotments with poly-tunnels and they identified this site as their preferred location.
- 1.5 Meetings have been held with the newly created and constituted Auchterarder Allotment Association. Provisional agreement has been reached on the proposed Heads of Terms for the ground lease.
- 1.6 Individual Services within the Council have been consulted to establish if they have any future needs for this site. Housing and Community Care have indicated that they may have a potential future use for the site.
- 1.7 In the proposed Local Development Plan, this site is zoned as open public space and is unlikely to obtain planning consent for permanent built development.

## **2. PROPOSALS**

2.1 The following terms and conditions have been agreed with Auchterarder Allotment Association (AAA) :-

- The ground lease will be for 5 years with an option to extend for a further 5 years
- The rent will be £200 per annum
- Both parties will be able to break the ground lease upon giving the other party one year's written notice
- AAA will be responsible for creating and maintaining the allotments, poly-tunnels and any other structure erected on the field
- No animals, birds or insects will be allowed to be kept
- No commercial growing is allowed although small fundraising sales are permitted for the benefit of the allotments
- The site for the allotments will be kept in a neat and tidy condition
- AAA will indemnify the PKC against all claims as a result of their use of the site
- AAA will have Public Liability Insurance of £5,000,000

2.2 The existing informal play area created by local residents will not be affected by the allotments.

2.3 AAA has agreed to allow a path to be used between the allotments and St Margaret's Hospital for the public to walk on.

## **3. BEST VALUE**

3.1 The Local Government in Scotland Act 2003 requires the Council to make the best use of public resources, including land and property, and to be open and transparent in transactions.

3.2 The Council is required to demonstrate responsiveness to the needs of communities, citizens, customers and the other stakeholders where relevant in its assessment of best value. The aspects of this duty which are relevant to the proposals in this report are as follows:

- making the best use of 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

3.3 The implementation of the recommendations in this report is considered to comply with the Council's requirement to fulfil its statutory duties in respect of Best Value and meet the Council's Corporate Plan 2013-18 strategic objectives of supporting people to lead independent, healthy and active lives.

#### **4. DISPOSAL REGULATIONS**

4.1 The Disposal of Land by Local Authorities (Scotland) Regulations 2010 came into force on 1 June 2010. The regulations were made by the Scottish Ministers in exercise of powers conferred by Section 74 of the Local Government (Scotland) Act 1973 as amended by Section 11 of the Local Government in Scotland Act 2003. Under the 1973 Act, in its original form, a local authority required the consent of the Scottish Ministers (formerly of the Secretary of State) to dispose of land for a consideration less than the best that could reasonably be obtained.

4.2 The new Regulations set down the procedure to follow and circumstances which allow local authorities to dispose of land (including by lease) for a consideration less than the best that can reasonably be obtained, without seeking the consent of the Scottish Ministers.

4.3 In this case the value of the land has been determined in accordance with the Disposal Regulations at an amount lower than the threshold amount of £10,000 and consequently the Council can dispose of the subjects in accordance with the recommendation without reference to the procedures or circumstances that would otherwise apply.

#### **5. CONCLUSION AND RECOMMENDATIONS**

5.1 It is recommended that the Committee:

- (i) Agree the ground lease to Auchterarder Allotment Association on the terms and conditions contained in this report.
- (ii) Note the potential interest in this site from Housing and Community Care at a future date that may or may not be brought forward.
- (iii) Note that the Executive Director (Housing and Community Care) will be consulted on the granting of the option to extend the lease for a further 5 years.

#### **Author(s)**

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**Approved**

<b>Name</b>	<b>Designation</b>	<b>Date</b>
Barbara Renton	Depute Director	11 February 2014

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>No</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>Yes</b>
Workforce	<b>No</b>
Asset Management (land, property, IST)	<b>Yes</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>Yes</b>
Strategic Environmental Assessment	<b>Yes</b>
Sustainability (community, economic, environmental)	<b>No</b>
Legal and Governance	<b>Yes</b>
Risk	<b>No</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>No</b>
<b>Communication</b>	
Communications Plan	<b>No</b>

### 1. Strategic Implications

#### Corporate Plan

1.1 The Council's Corporate Plan 2013-18 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate land service level and shape resources allocation. They are as follows:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

1.2 This report relates to (iv) above.

### 2. Resource Implications

#### Financial

#### Capital

2.1 There are no capital resource implications.

## Revenue

- 2.2 Auchterarder Common Good Fund will receive the rent of £200 per annum

## Asset Management (land, property, IT)

- 2.3 There are no direct asset management implications arising from this report other than those reported within the body of this report.

## **3. Assessments**

### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) Assessed as **not relevant** for the purposes of EqIA

### Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 The proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

### Legal and Governance

- 3.5 The Head of Legal Services and the Head of Democratic Services have been consulted in the preparation of this report

## **4. Consultation**

### Internal

- 4.1 The Head of Legal Services and the Head of Finance have been consulted in the preparation of this report.
- 4.2 The Executive Director (Housing and Community Care) has been consulted and advised that there may be a potential health and social care integration opportunity for developments close to existing community hospitals. This is a medium to long term strategy.

## **2. 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.

## **3. APPENDICES**

Appendix 1 - Plan



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**PERTH &  
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The Environment  
Service

### St Margaret's Hospital Field - Allotments Auchterarder

### Proposed Ground Lease

#### COMMITTEE REPORT PLAN



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