

AUCHTERARDER COMMON GOOD COMMITTEE

25 June 2014

**DECORATIVE MILL WHEEL WITH HANGING FLOWER BASKETS
GROUND AT TOWNHEAD, AUCHTERARDER****Report by Depute Director (Environment)****PURPOSE OF REPORT**

This report seeks approval from the Auchterarder Common Good Fund Committee to grant a Licence to Occupy ground at Townhead, Auchterarder adjacent to St Margaret's Hospital to Auchterarder Bloom Association on the terms contained in this report.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Auchterarder Muir Commissioners acquired the ground which is the subject of this report as part of the Auchterarder Muir Improvements Act 1860. Perth & Kinross Council is now the owner of the ground as statutory successor of the Commissioners. The ground forms part of the common good of Auchterarder.
- 1.2 The ground is presently used for formal gardens along with mown grass with trees.
- 1.3 In 2013, Auchterarder Bloom Association expressed an interest in erecting a decorative mill wheel with hanging baskets in one of the formal flower beds.
- 1.4 Provisional agreement has been reached on the proposed Heads of Terms for a Licence to occupy the ground for this purpose.
- 1.5 Community Greenspace have been consulted to establish if they have any objection to this proposal and they do not.
- 1.6 In the 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 Bloom Association (ABA) :-
 - The Licence to Occupy will be for 5 years
 - The rent will be £1 per annum, if asked
 - ABA will be responsible for constructing, erecting and maintaining the decorative mill wheel with hanging baskets on the ground (See Appendix 1)
 - The site for the decorative mill wheel will be kept in a neat and tidy condition

- ABA will indemnify the PKC against all claims as a result of their use of the site
- ABA will have Public Liability Insurance of £5,000,000

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 CONCLUSION AND RECOMMENDATIONS

4.1 It is recommended that the Committee agree that a Licence to Occupy ground at Townhead, Auchterarder adjacent to St Margaret's Hospital should be granted to Auchterarder Bloom Association on the terms and conditions contained in this report.

Author(s)

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Approved

Name	Designation	Date
Barbara Renton	Depute Director (Environment)	3 June 2014

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Council Text Phone Number 01738 442573

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

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 (iii) above.

2. Resource Implications

Financial

Capital

2.1 There are no capital resource implications.

Revenue

- 2.2 There are no revenue implications.

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.

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

Hanging baskets
610 x 510 x 200

R1200

150 x 6 galvd m.s. flat

50 dia. galvd m.s. tube

630

50 dia. galvd m.s. tubular spokes

3000

100 dia. galvd m.s. tube

600

2400

300

2400

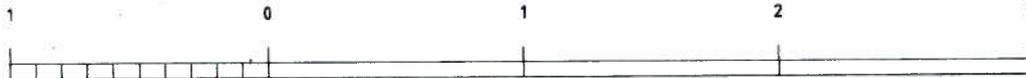
GROUND LEVEL

450

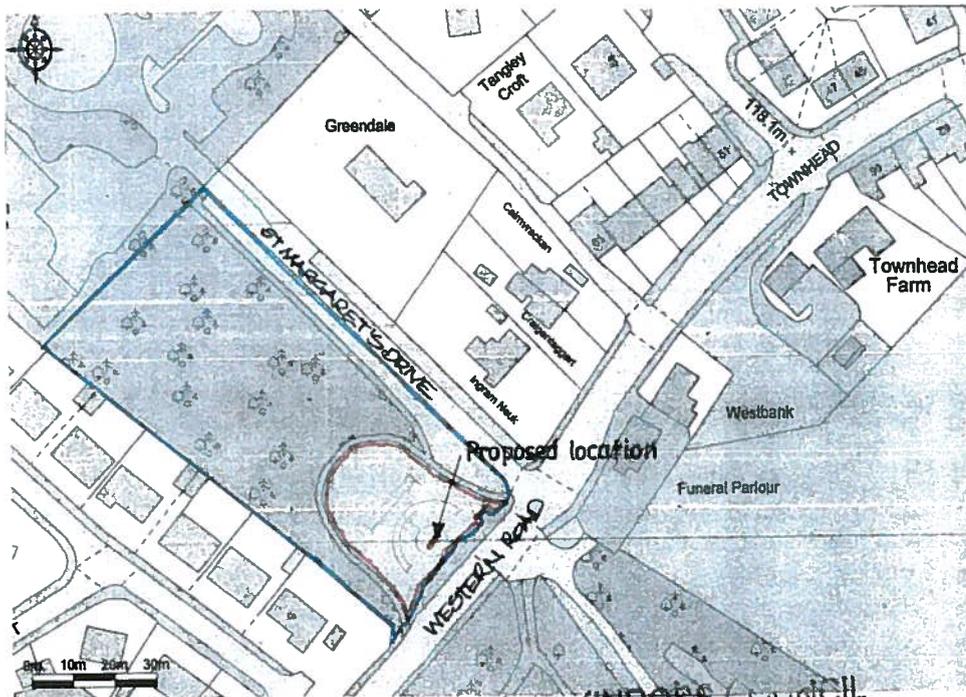
Concrete foundation

Elevation 1

Elevation 2



Scale of metres



Location plan 1:1250

KINROSS COUNCIL
PERMITS AND CONSTRUCTION
DRAWING REF: 13/00074/1

NOTE

Wheel to be made of galvanised mild steel painted dark green.

Foundation to be mass concrete with A192 mesh top and bottom.

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Job no
PROPOSED FLOWER WHEEL

APPENDIX 1

Client
AUCHTERARDER BLOOM
ASSOCIATION

Job no
12/11

Dwg no
1

Drawn
NHG

Rev

Scale
1:20

Date
Nov 2012

