

AUCHTERARDER COMMON GOOD FUND COMMITTEE**13 May 2015****WESTERN PARK, WESTERN ROAD, AUCHTERARDER
AUCHTERARDER PRIMROSE FOOTBALL CLUB – NEW GROUND LEASE****Report by Depute Director (Environment)**

This report seeks approval from the Auchterarder Common Good Fund Committee to proceed with a new ground lease of the site of the existing pavilion and surrounds at Western Park, Western Road, Auchterarder to Auchterarder Primrose Football Club on terms and conditions contained in this report.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Auchterarder Muir Commissioners bought Western Park as part of the Auchterarder Muir Improvements Act 1860. Perth & Kinross Council is now the owner as statutory successors to the Muir Commissioners. The park forms part of the common good of Auchterarder.
- 1.2 A 21 year ground lease for a new pavilion was agreed between Perth and Kinross District Council and Auchterarder Primrose Football Club (APFC) from 15 May 1982 until 14 May 2003. APFC subsequently built the pavilion shortly after the Lease start date following fundraising by APFC.
- 1.3 Agreement was reached in May 2003 to extend the lease until 28 May 2013.
- 1.4 The named contact with APFC had left the organisation, which caused a lengthy delay in discussions about the lease. However, negotiations started with APFC to revise the original lease to create a new lease with new terms and conditions which was eventually agreed by APFC.
- 1.5 The use of the pitch at the park is the subject of a separate agreement between the Council and APFC.

2. PROPOSALS

- 2.1 The following terms and conditions have been agreed with Auchterarder Primrose Football Code (APFC) :-
 - The ground lease will be for 25 years from 28 May 2013 to 27 May 2034.
 - The rent will be £70 per annum exclusive of VAT
 - The rent will be reviewed every 5 years on an upward only basis and based on the Retail Price Index
 - Both parties will be able to break the ground lease upon giving the other party one year's written notice

- APFC will be responsible for all repairs, upkeep, maintenance, security and decoration (internal and external) associated with the pavilion and surrounds including drainage
- The pavilion and surrounds will be kept in a neat and tidy condition
- APFC will indemnify the PKC against all claims as a result of their use of the site
- APFC 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.

3.4 The implementation of the recommendations in this report will ensure that APFC continue to provide the pavilion for members of the public (adults and children) who play for the various teams under the umbrella of APFC which might not otherwise be there as the Council has no budgetary provision for this.

4. BEST CONSIDERATION

4.1 The Council has a duty in terms of Section 74 of the Local Government (Scotland) Act 1973 to obtain best consideration when it sells or leases its land and buildings.

4.2 The rent for the Lease is considered to be the full market rent and is consistent with the Council's approach to clubs in similar circumstances.

5. CONCLUSION AND RECOMMENDATION

5.1 It is recommended that the Committee agree to the ground lease to Auchterarder Primrose Football Club on the terms and conditions contained in this report.

Author

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Name	Designation	Date
Barbara Renton	Depute Director	24 April 2015

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	None
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	None
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	None
Legal and Governance	Yes
Risk	None
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	None

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 £70 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 the 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 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.

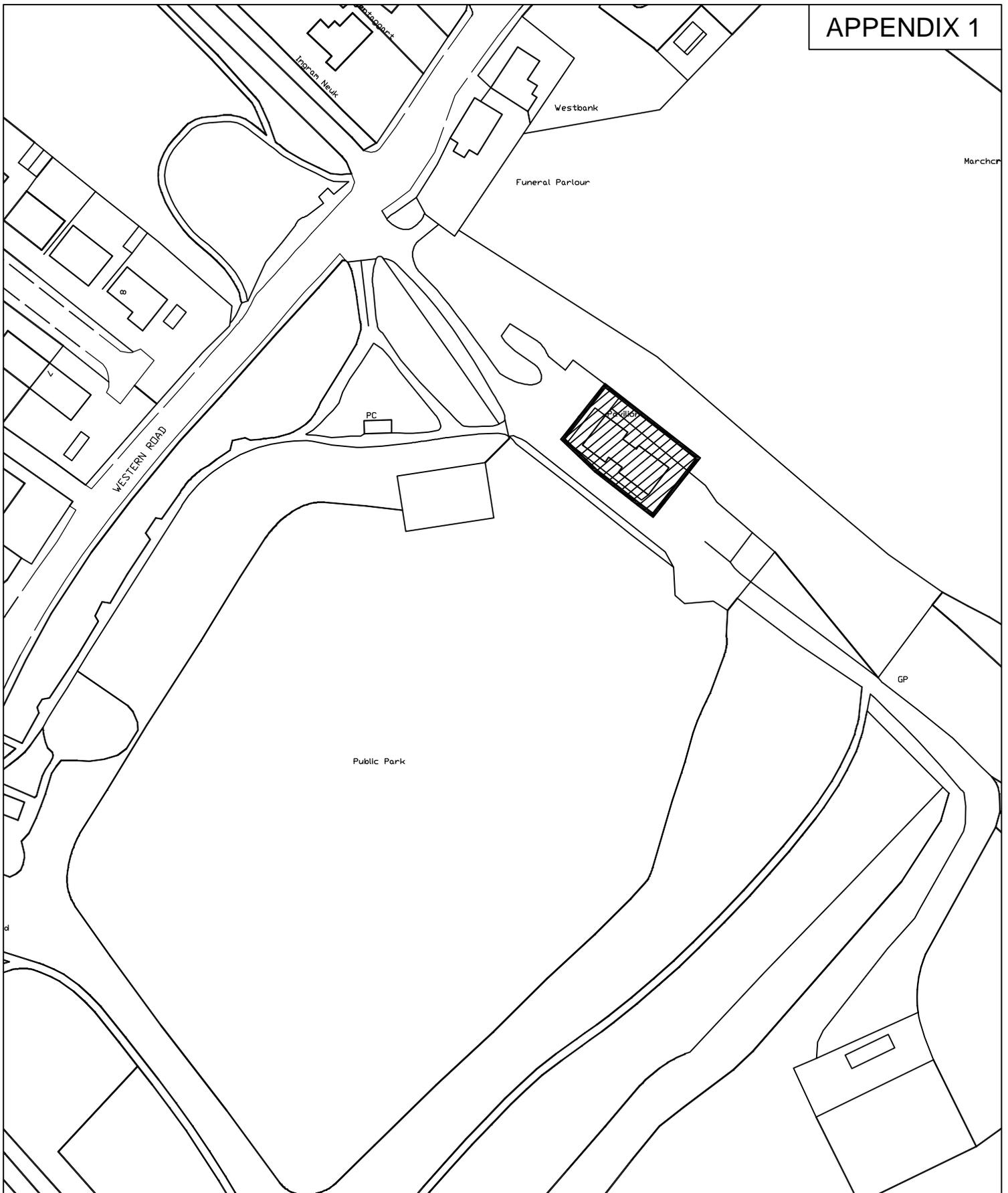
2. BACKGROUND PAPERS

- 2.1 This section should list the documents that have been relied on in preparing the report, other than those committee reports already referenced within the main body of the report. All documents must be kept available by the author

for inspection by the public for four years from the date of the meeting at which the report is presented.

3. APPENDICES

3.1 Appendix 1 - Plan



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PERTH & KINROSS COUNCIL

The Environment Service

Pavillion, Public Park
Western Road
Auchterarder

Proposed Lease

COMMITTEE REPORT PLAN



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