

**ABERNETHY COMMON GOOD FUND COMMITTEE****13 May 2015****POWRIE PARK, STATION ROAD, ABERNETHY  
EAST SCOTLAND REGIONAL SCOUT GROUP AS TRUSTEES FOR THE 66TH  
PERTSHIRE (ABERNETHY) SCOUT GROUP – NEW GROUND LEASE****Report by Depute Director (Environment)**

This report seeks approval from the Abernethy Common Good Fund Committee to proceed with a new ground lease of the site of the existing pavilion and surrounds at Powrie Park, Station Road, Abernethy to East Scotland Regional Scout Group as Trustees for the 66<sup>th</sup> Perthshire (Abernethy) Scout Group on the terms and conditions contained in this report.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 The Provost, Magistrates and Councillors of the Burgh of Abernethy bought Powrie Park in 1930. The park forms part of the common good of Abernethy.
- 1.2 A 21 year ground lease of the site for the pavilion was agreed between Perth and Kinross District Council and the Perth and Kinross District Area Scout Council, as Trustees for the Abernethy Scout Group from 26 February 1986 until 24 February 2007. Abernethy Scout Group (ASC) subsequently built the pavilion shortly after the Lease start date following fundraising by ASC.
- 1.3 Agreement was reached in September 2008 to extend the lease until 24 February 2012.
- 1.4 Discussions were held locally about either creating an overall organisation to be the party to the Lease or ASC being the party to the Lease. This had to be resolved before the Council could negotiate a new lease, which took a significant period.
- 1.5 Following this, negotiations started with ASC to revise the original lease to create a new lease with new terms and conditions which was eventually agreed by ASC.
- 1.6 In 2008, East Scotland Regional Scout Group (ESRSG) was formed as an amalgamation of four previously existing scout groups, one of which was the Perth and Kinross District Area Scout Council.
- 1.7 ESRSG act on behalf of scout groups in matters relating to property.

**2. PROPOSALS**

- 2.1 The following terms and conditions have been agreed with East Scotland Regional Scout Group as Trustees for the 66<sup>th</sup> Perthshire (Abernethy) Scout Group:-

- The ground lease will be for 25 years from 25 February 2012 until 24 February 2033.
- The rent will be £150 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
- ESRSG 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
- ESRSG will indemnify PKC against all claims as a result of their use of the site
- ESRSG 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 ESRSG continue to provide the pavilion for public use 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 Scout Groups in similar circumstances.

#### 5. CONCLUSION AND RECOMMENDATION

- 5.1 It is recommended that the Committee agree to the ground lease to East Scotland Regional Scout Group as Trustees for the 66<sup>th</sup> Perthshire (Abernethy) Scout Group 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

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>None</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>Yes</b>
Workforce	<b>None</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>None</b>
Legal and Governance	<b>Yes</b>
Risk	<b>None</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>None</b>
<b>Communication</b>	
Communications Plan	<b>None</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 (i), (ii), (iv) and (v) above.

### 2. Resource Implications

#### Financial

#### Capital

2.1 There are no capital resource implications.

## Revenue

- 2.2 Abernethy Common Good Fund will receive the rent of £150 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

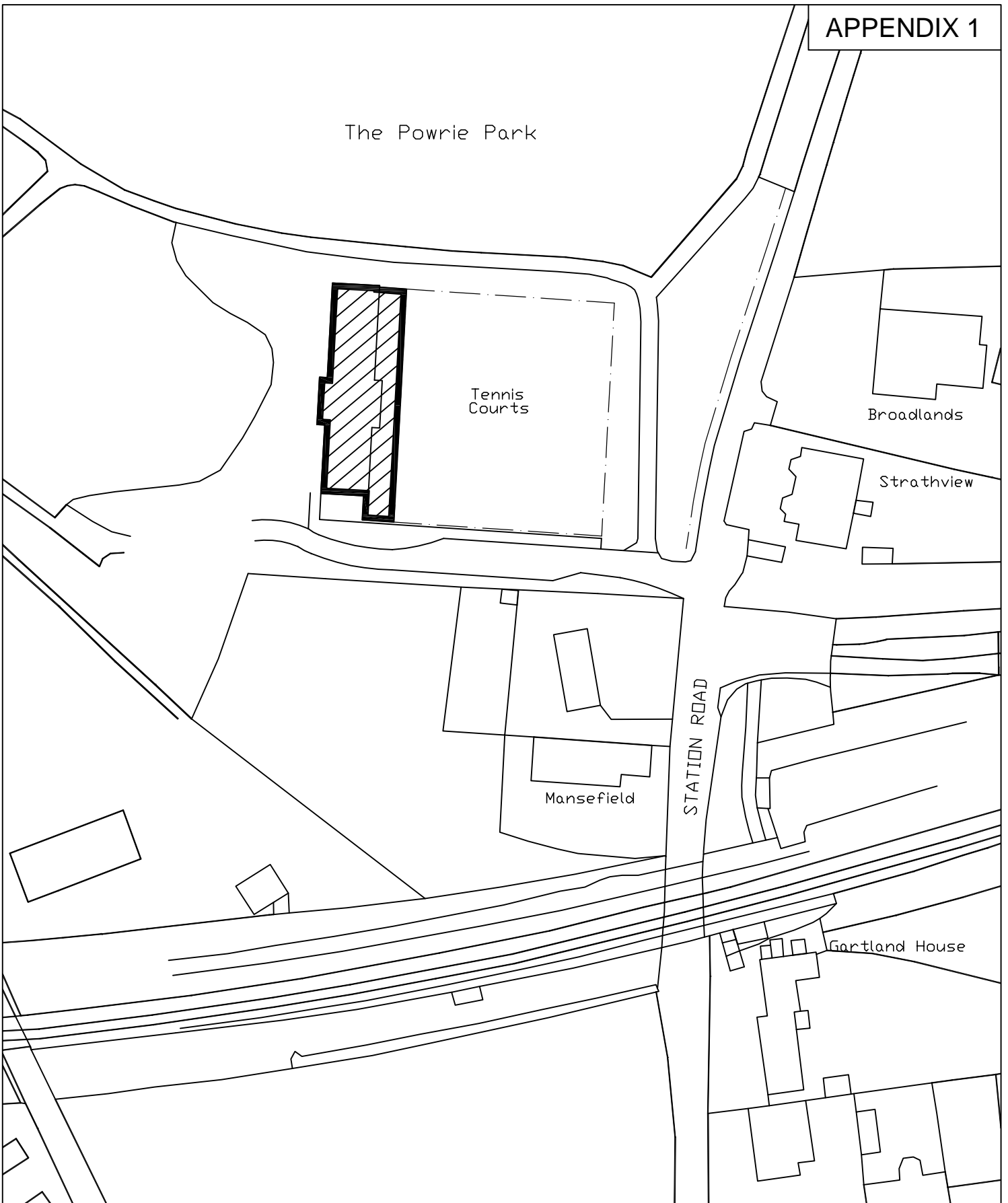
- 4.1 The Head of Legal Services and the Head of Finance have been consulted in the preparation of this report.

## **2. BACKGROUND PAPERS**

- 2.1 None.

### **3. APPENDICES**

- 3.1 Appendix 1 – Plan
- Appendix 2 – Abernethy Financial Assistance



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**PERTH & KINROSS COUNCIL**

The Environment Service

Scout Hut, Powrie Park  
Station Road  
Abernethy

Proposed Lease

**COMMITTEE REPORT PLAN**



Printed at  
Scale: NTS

Contact Officer:	Malcolm Hill
Ref:	020011-0002
Date:	08/04/2015
Dwg No:	CRP 0265





## COMMON GOOD FUNDS WITHIN PERTH AND KINROSS AREA CRITERIA

Within the boundary of the relevant common good area and if funding is available, applications will be considered from individuals either in full time education or of senior citizen status and from groups whose members qualify on the same basis or which are operating within the same boundary.

1. Christmas lighting - Firework displays up to a maximum of 50% of the total costs
2. Organisation of events/games/festivals up to a maximum of 50% of the total costs
3. Prizes at events/games/festivals
4. Acquisition of equipment - consideration on merits up to a maximum of 50%
5. Capital grants for provision/improvement of facilities - consideration on merits up to a maximum of 50% (the facilities must be available to the general public)
6. School/youth exchanges
7. School prizes
8. Voluntary work overseas
  - 6 months or more: £100 - **Perth Common Good Fund only**: up to £400 per individual
  - 1 – 5 months: £100 - **Perth Common Good Fund only**: up to £250 per individual
9. Attendance at summer schools/events
  - Less than 1 month but more than 2 weeks: £100 **Perth Common Good Fund only**: up to £150 per individual
  - One/two weeks: up to £100 per individual
10. Excursions/Parties (up to 2 per year per group)
  - Contribution of 50% towards the actual costs. Each organisation is allowed 2 applications during the course of a financial year. **Perth Common Good Fund only**: overall grant to be capped at up to £7 per individual with an overall maximum grant of up to £700.

11. Visits by and from School/Youth/Sport/Music groups

- Contributions of up to £600 for groups less than 20 individuals and up to £1,000 for groups over 20 individuals for youth groups, senior citizen or vulnerable groups for activities exceeding 1 day. **Perth Common Good Fund only and for schools:** Contribution of 50% of the costs up to a maximum of £300 for each young person who due to financial difficulties are unable to participate in an extra curriculum school activity outwith the boundaries of Perth, exceeding 1 day and organised by a school. It will be the responsibility of each school to state the purpose of the extra curriculum school activity and identify such young person and advise the Common Good Fund accordingly.

12. Any purpose where it can be demonstrated that there is a benefit to the community of the common good area

The following is not eligible:

- Assistance with further or higher education fees
- Charity based sponsored walk/cycle/canoe etc.
- Town twinning activities other than those qualifying through the age/occupation criteria
- Organisations with religious/political associations where there are restrictions on usage or availability
- Core funding of the Voluntary sector
- Assistance with rental of premises