
Lease of an Area of Stow Park to Stow Community Park Group

Report by Service Director Commercial Services

EXECUTIVE COMMITTEE

1 December 2015

1 PURPOSE AND SUMMARY

- 1.1 **This report proposes that Scottish Borders Council leases an area of 0.89 acres of the Council owned park in Stow to the Stow Community Park Group for a period of 10 years at a rent of £1 per annum if asked.**
- 1.2 The public park in Stow has been in Council ownership since 1957 and consists of a football pitch and general grass park.

A local group has been formed with a view to develop a new play park for children and teenagers.
- 1.3 The budget cost of a new play park is £150,000. Grant funding is available from local wind farms, trust and foundations and Council grant schemes. In order to secure grant funding a lease of the land is required for a minimum period of 10 years.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Executive Committee authorises the Service Director for Commercial Services together with the Chief Legal Officer and in consultation with the Chief Financial Officer to grant a 10 year lease to the Stow Community Park Group for an area of 0.89 acres at Stow Park (as shown on the attached plan) at a nominal annual rent of £1, if asked.**

3 BACKGROUND

- 3.1 In 1957 Ian Innes sold an area of 5.6 acres in Stow to the District Council of Gala Water. This formed the public park in Stow and mostly consists of a football pitch but previously included a Council play park.
- 3.2 The current Council play park is situated next to the Bowling Green and is mostly suited to young children. The previous play park now just consists of an old set of swings.
- 3.3 Following the success of the Selkirk Playpark Project in Pringle Park, a group in Stow has been formed to progress the development of a new play park suitable for older children and teenagers.
- 3.4 An area of 0.89 acres in the south east corner of the public park has been identified as a site for a new play park. (see attached plan)
- 3.5 The budget cost for a new play park is £150,000. A grant of £50,000 has been provisionally offered from two wind farm funds close to Stow. The remaining £100,000 could be raised through Council grant schemes.
- 3.6 The grant funding bodies require security of tenure of the subjects before any grants can be awarded. A lease of at least 10 years is required. The proposed lease would be at a nominal rent of £1 per annum, if asked.
- 3.7 The proposed play park will be subject to planning permission. Issues such as flood risk, landscaping and neighbour consultation will be covered under the planning process. Initial discussions have taken place with the Council's planning officer for Stow.
- 3.8 SBC will continue to be responsible for the day to day maintenance of the area including grass cutting and basic maintenance of the new play park. A Memo of Understanding will be drawn up to clarify the responsibilities of the Stow Community Park Group and Scottish Borders Council. This will be similar to the Memo of Understanding for Selkirk Pringle Park Project.
- 3.9 Stow Community Park Group have made enquiries to play park developers. Initial layouts and quotes have been received. (see attached indicative design showing the type of features proposed)
- 3.10 The proposed lease would proceed under the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and the purpose of the lease would be for the promotion and improvement of the health and social well-being of Stow and its wider community.

4 PROPOSAL

- 4.1 It is proposed that a lease of 10 years at a rent of £1 per annum if asked, be granted to Stow Community Park Group for an area of 0.89 acres at Stow Park.
- 4.2 With a draft lease Stow Community Park Group will seek charity status from the Office of the Scottish Charity Regulator (OSCR).
- 4.3 Once the lease is approved and drafted, Stow Community Park Group will seek grant funding with the help of the Council's Funding and Projects Officers. If the required funding is not secured, the Council will not proceed with the lease.
- 4.4 At the end of the lease period of 10 years, the play park will either revert to Scottish Borders Council with all repairs and maintenance becoming the responsibility of Scottish Borders Council, or the community may request a new lease.
- 4.5 The lease will include any other terms that the Service Director Commercial Services together with the Chief Legal Officer and in consultation with the Chief Financial Officer deems appropriate.

5 IMPLICATIONS

5.1 Financial

- (a) The Council's Neighbourhood Services section currently cut the grass at Stow Park. A new play park will reduce the area of grass cutting but Neighbourhood Services will take on the responsibilities of routine safety checks of the play park.
- (b) In line with the agreement at Pringle Park in Selkirk, it is proposed that any routine maintenance under £500 will be the responsibility of the Council's Neighbourhood Services. Any expenditure over £500 will be the responsibility of Stow Community Park Group. These responsibilities will be formalised in the Memo of Understanding.

5.2 Risks and Mitigations

If the lease is not granted an opportunity to facilitate the development of an improved play park facility in Stow could be lost.

5.3 Equalities

There are no adverse equality implications.

5.4 Acting Sustainably

The granting of the proposed lease and the development of the play park would help encourage a healthy lifestyle in the community and improve its social well-being.

5.5 Carbon Management

There are no effects on carbon emissions as a result of the proposal in this report.

5.6 Rural Proofing

This report does not affect the Council’s rural proofing policy.

5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

6 CONSULTATION

6.1 The Chief Financial Officer, Service Director Strategy and Policy, Service Director Regulatory Services, Chief Officer Audit and Risk, Chief Officer Human Resources, Neighbourhood Services Manager and the Clerk to the Council have been consulted in the preparation of this report.

Approved by

Andrew Drummond-Hunt
Service Director Commercial Services

Signature

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Background Papers: None

Previous Minute Reference: None

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