
**LEASE OF VOLUNTEER PARK AND STAND TO BILL McLAREN
PARK Ltd**

Report by Head of Corporate Governance

HAWICK COMMON GOOD FUND SUB COMMITTEE

19 November 2013

1 PURPOSE AND SUMMARY

- 1.1 **This report seeks to obtain the views of the Hawick Common Good Sub Committee regarding a request to indicate support to Bill McLaren Park Ltd for the development of a 3G playing pitch on land currently leased to the Volunteer Park Sports Committee.**
- 1.2 The Bill McLaren Foundation through its company, Bill McLaren Park Ltd, should it be successful in raising sufficient funding to undertake major improvements to the sporting facilities at the Volunteer Park, propose to take on a lease of the park and stand in order to proceed with its development and to thereafter manage it for the benefit of the sporting fraternity and wider community. In this event the current lease to the Volunteer Park Sports Committee would be terminated to allow the development to proceed.
- 1.3 The proposed improvements include the development of a new 3G synthetic pitch on the Volunteer Park as part of a sports centre for Hawick that would also include facilities at the neighbouring Buccleuch Park.
- 1.4 The Volunteer Park Sports Committee is understood to have been consulted on the proposals by the Bill McLaren Foundation and is believed to be supportive of them.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Hawick Common Good Sub Committee:-**
- (a) Authorises the Head of Corporate Governance to issue a letter (or letters) confirming their support of grant funding applications the Bill McLaren Foundation (or Bill McLaren Park Ltd) may make in respect of their proposed development at the Volunteer Park, Hawick.**
- (b) Authorises the Head of Corporate Governance, should the Bill McLaren Foundation (or Bill McLaren Park Ltd) secure the funding it needs to undertake its proposed development at the Volunteer Park and obtains the necessary planning consent, to:-**

- (i) Confirm the position with the existing tenants, the Volunteer Park Sports Committee, that they consent to the proposal;**
- (ii) Serve notice of termination of the lease to the Volunteer Park Sports Committee and upon termination;**
- (iii) Grant a new 25 year lease to Bill McLaren Park Ltd for an area of 2.37 hectares (approx) comprising the Volunteer Park and Stand at a rent of £1,700 per annum; and**
- (iv) Agree any other lease terms that he deems appropriate**

3 BACKGROUND & PROPOSALS

- 3.1 The Volunteer Park was sold by the Duke of Buccleuch to the Hawick Common Riding Committee in 1920. The Park and stand has been leased to the Volunteer Park Sports Committee for many years with the most recent lease being for 25 years from 1997.
- 3.2 The ownership of the Volunteer Park and Stand was transferred from the Common Riding Committee to the Hawick Common Good Fund in 2012 subject to the above lease arrangements.
- 3.3 The Volunteer Park Sports Committee currently pay an annual rent to the Common Good fund of £1,700. The Common Good fund have also awarded grants to that Committee for upgrading works to the stand in the last three years which amount to more than the rental income.
- 3.4 The Bill McLaren Foundation have plans to redevelop the Volunteer Park and neighbouring Buccleuch Park to create a sports centre for rugby, football, cricket, tennis and athletics. (see attached plans).
- 3.5 In order to progress the redevelopment plans a new company, Bill McLaren Park Ltd, was set up in 2013. The directors/shareholders in this new company are Hawick Lindean and Hawick Wanderers rugby clubs, Hawick and Wilton Tennis Club and Hawick and Wilton Cricket Club and is chaired by the Bill McLaren Foundation. (see attached business plan)
- 3.6 An application to the Sport Scotland 3G Cashback grant scheme has been submitted by the Bill McLaren Foundation for a £300,000 grant to develop the 3G pitch.
- 3.7 In order to secure Lottery and other grant funding a lease, or other form of security of tenure, is required from the Hawick Common Good fund as owners of the land. Initially a letter of comfort is required from the landlord to confirm that a lease is available and the lease can be progressed once funding and planning permission are in place.
- 3.8 For a lease to be granted, it would mean terminating the current lease to the Volunteer Park Sports Committee. However because the lease does not have an early termination provision (except for non-payment of rent or other serious breach), any termination would have to be mutually agreed between the landlord and tenant. It is understood that the Bill McLaren Foundation has consulted with the Volunteer Park Sports Committee and that the latter is supportive of the former's proposals. It is therefore believed that if the Bill McLaren Foundation is successful in raising the funding required for its development and is in a position to proceed, that it would be possible to agree a termination of the lease to the Volunteer Park Sports Committee.
- 3.9 It is therefore proposed that:-
 - (a) A letter of comfort is provided from the landowner to support the Bill McLaren Foundation in its application(s) for grant funding and that if sufficient funding for their proposed development is secured and they obtain the necessary planning consent to;
 - (b) Negotiate a termination of the lease of the Volunteer Park and Stand to

the Volunteer Park Sports Committee subject to the latter's agreement and immediately thereafter to;

(c) Enter into a 25 year lease for an area of 2.37 hectares (approx) comprising the Volunteer Park and Stand at a rent of £1,700 per annum to Bill McLaren Park Ltd.

4 IMPLICATIONS

4.1 Financial

- a The current rent paid by the Volunteer Park Sports Committee for the stand and pitch at the Volunteer Park is £1,700 per annum and it is proposed that this rent will continue with Bill McLaren Park Ltd.
- b The cost of developing the 3G pitch is estimated at £850,000 and extensive funding will be required from Scottish Borders Council or other sources. The tenants will be responsible for securing this funding.

4.2 Risk and Mitigations

There is a risk that the funding for the proposed redevelopment will not be achievable and the proposal will not progress.

4.3 Equalities

It is anticipated there will be no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals contained in this report.

4.4 Acting Sustainably

There are no significant effects on the economy, community or environment.

4.5 Carbon Management

There are no significant effects on carbon emissions.

4.6 Rural Proofing

Not applicable because no new Council policy or strategy is being requested.

4.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made.

5 CONSULTATION

- 5.1 The Chief Financial Officer, Head of Property and Facilities Management and Clerk to the Council have been consulted and their comments have been incorporated into the report.

Approved by

Head of Corporate Governance

Signature

Author

Name	Designation and Contact Number
James Morison	Estates Surveyor, Property & Facilities 01835 824000

Background Papers: None

Previous Minute Reference: None

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. James Morison can also give information on other language translations as well as providing additional copies.

Contact us at Estate Management, Scottish Borders Council, Newtown St Boswells. 01835 824000 Ext 5295