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PEEBLES COMMON GOOD FUND SUB-COMMITTEE THURSDAY, 31 MARCH, 2016

A MEETING of the PEEBLES COMMON GOOD FUND SUB-COMMITTEE will be held in COMMITTEE ROOM 3, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, MELROSE on THURSDAY, 31 MARCH, 2016 at 2.00 PM

J. J. WILKINSON,
Clerk to the Council,

25 March 2016

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest	
4.	Minute (Pages 1 - 4) Minute of Meeting of 2 March 2016 for noting. (Copy attached.)	2 mins
5.	Application for Financial Assistance (Pages 5 - 8) Re-consider application from the Lieutenancy of Tweeddale. (Copy attached.)	10 mins
6.	Catering Van Site in Kingsmeadows Car Park, Peebles. (Pages 9 - 12) Re-consider report by Service Director Commercial Services giving information on a request to site a catering van in the Kingsmeadows Car Park. (Copy attached.) Further information to be provided relating to the TRO.	10 mins
7.	Any Other Items Previously Circulated.	
8.	Any Other Items Which The Chairman Decides Are Urgent.	
9.	Private Business Before proceeding with the private business, the following motion should be approved:- “That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraph of Part 1 of Schedule 7A to the	

	aforementioned Act.”	
10.	Minute (Pages 13 - 14) Private Minute of Meeting of 2 March 2016 for noting. (Copy attached.)	2 mins

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Membership of Committee:- Councillors W. Archibald (Chairman), S. Bell, C. Bhatia, K. Cockburn, G. H. T. Garvie, G. Logan.

Please direct any enquiries to Kathleen Mason 01835 826772
Email:- kmason@scotborders.gov.uk

SCOTTISH BORDERS COUNCIL
PEEBLES COMMON GOOD FUND SUB-COMMITTEE

MINUTE of MEETING of the PEEBLES
COMMON GOOD FUND SUB-COMMITTEE
held in the Council Chamber, Council Offices,
Rosetta Road, Peebles 2 March 2016 at 5.00
p.m.

Present:- Councillors W. Archibald (Chairman), S. Bell, K. Cockburn, G. Garvie,
G. Logan. Community Councillor L Hayworth.
Apologies:- Councillor C. Bhatia.
In Attendance:- Capital and Investments Manager, Solicitor (G. Nelson), Estates Officer
(J. Morison), Democratic Services Officer (K. Mason).

Members of the Public:- 1.

1. MINUTE

The Minute of Meeting of Peebles Common Good Fund Sub-Committee of 2 December 2015 had been circulated.

**DECISION
NOTED.**

- 1.1 With reference to paragraph 2.1 of the Minute, Community Councillor Hayworth advised he had not received a copy of the briefing note, relating to the pavilion, Kerfield Park, Peebles prepared by Mr G Nelson, Solicitor, dated 1 September 2015 and the Democratic Services Officer undertook to forward this to Community Councillor Hayworth.

DECISION

AGREED that the Democratic Services Officer would forward the briefing note, prepared by Mr G. Nelson, Solicitor dated 1 September 2015 to Community Councillor Hayworth.

2. MONITORING REPORT FOR 9 MONTHS TO 31 DECEMBER 2015

There had been circulated copies of a report by the Chief Financial Officer providing details of the income and expenditure for the Peebles Common Good Fund for the 9 months to 30 December 2015 and full year projected out-turn for 2015/16 and projected balance sheet values to 31 March 2016. Appendix 1 to the report provided a projected Income and Expenditure position which showed a projected surplus of £8,365 for the year. Appendix 2 to the report provided a projected Balance Sheet to 31 March 2016 showing a projected decrease in the reserves of £42,328. Appendix 3 to the report provided a breakdown of the property portfolio showing actual Income and Expenditure to 31 December 2015. Appendix 4 to the report showed the value of the Newton Fund to 31 December 2015. The Capital and Investments Manager answered a question in relation to potential commitments and actual accruals when grants approved had not yet been paid. She advised that the year end outturn report would highlight grants approved but not been paid to assist with the budget setting for the future year. A request was made that in certain cases when grants were approved but funding could not be paid out immediately that the applicant should be given a time limit in which to draw down the grant, and this was accepted.

**DECISION
AGREED**

- (a) **the projected Income and Expenditure for 2015/16 detailed in Appendix 1 to the report as the revised budget for 2015/16;**

- (b) to note the projected Balance Sheet value to 31 March 2016 detailed in Appendix 2 to the report;
- (c) to note the summary of the property portfolio detailed in Appendix 3 to the report; and
- (d) to note the current position of the investment in the Newtown Fund detailed in Appendix 4 to the report.

3. EXTENSION OF PAVILION AT HAYLODGE PARK, PEEBLES

There had been circulated copies of a report by the Service Director Commercial Services giving an update on the proposed works by Peebles Rugby Club to extend their pavilion and seeking approval for a Deed of Dedication to be granted to Peebles Rugby Club in order for them to secure grant funding and give them security of the pavilion site. The report explained that Peebles Rugby Club had had a pavilion at Haylodge Park for many years and that an unenforceable lease agreement rather than a deed of dedication for the site had inadvertently been entered into in 2004. Peebles Rugby Club had plans to renovate and extend the pavilion and as such required a new agreement for the site in order to secure funding. As Haylodge Park is an inalienable Common Good asset, a Deed of Dedication for the pavilion site was required in favour of Peebles Rugby Club. The term of the Deed of Dedication would depend on the requirements of the funders. The annual rent would increase from £150 to £250. The Estates Officer answered questions relating to title deeds and inalienable property.

DECISION

AGREED to grant a Deed of Dedication to Peebles Rugby Club for the pavilion site at Haylodge Park, Peebles in order for the pavilion to be renovated and extended as outlined in the report.

4. CATERING VAN SITE IN KINGSMEADOWS CAR PARK, PEEBLES

There had been circulated copies of a report by the Service Director Commercial Services advising of a request to site a catering van in the Kingsmeadows Car Park, Peebles and recommending that the request be refused due to the Traffic Regulation Order in place which prohibited trading in the car park. The report advised that the solum of the Kingsmeadows Car Park was a Common Good asset and rental income from the car park went to the Common Good fund. The car park was subject to a Traffic Regulation Order (TRO) which prohibited trading in or near the parking spaces. A catering van trader had requested to use the car park for the sale of food and drink which would be contrary to the TRO. Mrs Mary Williams who had requested use of the site was present at the meeting. She explained her business plans and advised that everything was in place for her catering van business with the exception of approval for use of the site. The Estates Officer advised that the TRO related to two car parks in Peebles. The Solicitor explained that although it was legally possible for the Council to rescind TROs in full or in part, such a decision could not be made unilaterally by the Peebles Common Good Fund Sub-Committee. The Solicitor further explained that it was likely a report would need to be considered by Council on the reasons why such a request was being made. Members agreed that the application be continued to allow for information on the reasons for the TRO being in place to be provided.

DECISION

AGREED to continue consideration of the application to a special meeting of the Peebles Common Good Fund-Sub Committee at the conclusion of Council on 31 March 2016 to allow for the provision of clarification of the reasons for the TRO being in place.

5. APPLICATIONS FOR FINANCIAL ASSISTANCE

(a) Peebles High School Ocean Youth Trust Trip

There had been circulated copies of an application for financial assistance from Peebles High School Ocean Youth Trust Trip in the sum of £1,000 towards the costs of a 5 day adventurous residential voyage aboard a large ocean going training vessel with an aim to build confidence, resilience and inspiration to 10 young people between the ages of 16 to 25 who were at risk of poor outcomes. The applicant was present at the meeting.

DECISION

AGREED to grant Peebles High School Ocean Youth Trust Trip the sum of £1,000 towards to costs of a 5 day adventurous residential voyage abroad.

(b) The Lieutenancy of Tweeddale

There had been circulated copies of an application for financial assistance from the Lieutenancy of Tweeddale in the sum of £1,300 towards providing every child in primary education in the 3 Peebles Primary Schools with a specially designed £1 coin to mark The Queen's 90th Birthday.

DECISION

AGREED to continue consideration of the application to a special meeting of the Peebles Common Good Fund-Sub Committee at the conclusion of Council on 31 March 2016 to give the Lord-Lieutenant of Tweeddale the opportunity to attend to answer Members' questions.

(c) Tweeddale Youth Action

There had been circulated copies of an application for financial assistance from Peebles Youth Trust in the sum of £2,000 towards updating their fire detection system at the Old Corn Exchange, Peebles.

DECISION

AGREED to grant Tweeddale Youth Action the sum of £2,000 towards updating their fire detection system at the Old Corn Exchange, Peebles.

6. URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

PRIVATE BUSINESS

7. DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

8. PROPOSED MULTI USE- PATHWAY FROM PEEBLES TO EDDLESTON

The Sub-Committee agreed to continue a request to secure access for the proposed multi-use pathway from Eddleston to Peebles to a future meeting.

The meeting concluded at 6.25 p.m.

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**PEEBLES COMMON GOOD FUND
APPLICATION FOR FINANCIAL ASSISTANCE**

<p><u>Applicant Details</u> Name and Address of Applicant/Organisation:</p> <p>Telephone No:</p>	<p>PROFESSOR SIR HEW STRACHAN LORD–LIEUTENANT OF TWEEDDALE GLENHIGHTON BROUGHTON PEEBLESSHIRE ML12 6JF</p>
<p>Address to which payment should be made:</p>	<p>As above.</p>
<p><u>Activities</u> Please supply a brief description of the activities of your organisation and the benefits it brings to the local community:</p>	<p>The Tweeddale Lieutenancy plan to give every child in primary education in Tweeddale a specially designed £1 coin to mark The Queen’s 90th Birthday.</p>
<p><u>Assistance Requested</u> Please indicate the sum requested and the purpose for which it will be used:</p>	<p>Approximately £1,350 For the purchase of 896 commemorative £1 coins, plus appropriate presentation box/pouch, for the pupils in the three Peebles Primary Schools. Sponsorship for funding for the purchase of coins for the children in the remaining Primary Schools in Tweeddale will be sought.</p>
<p>When will the donation be required:</p>	<p>May 2016</p>
<p>If this is a one-off project then please give the following details –</p> <p>Date (s):</p> <p>Estimated total cost:</p> <p>Funds already raised by applicant’s own efforts:</p> <p>Funds raised or expected to be raised from other sources (please state</p>	<p>May 2016</p> <p>£2,472</p> <p>None</p> <p>Sponsorship</p>

sources):	
<u>Other information</u> If you have other information which you feel is relevant to this application please provide details including details of any previous assistance given:	At a meeting of the Peebles Common Good Fund held on 10 March 2011 it was agreed to grant Captain David Younger the sum of £250 towards publicity in relation to an Emergency Services Day being held in Hay Lodge Park on 21 May 2011. An event contingency fund up to £500 was also approved but this was not needed.
<u>Declaration</u> I hereby make application for assistance as set out above and certify that the information I have provided is accurate Signed: Position Held: Lord–Lieutenant of Tweeddale Date: 18 March 2016	
Note: All applications from organisations MUST be accompanied by a copy of the latest audited accounts Tweeddale Lieutenancy have no funds, therefore no accounts.	
This completed form, accounts and any supporting details should be submitted to Kathleen Mason Democratic Services Officer, Scottish Borders Council, Council Headquarters, Newtown St Boswells, TD6 0SA for all funds. Telephone 01835 826772	

Tweeddale Primary School Roll as at 11 February 2016

School	Roll
Broughton	95
Eddleston	47
Halyrude	81
Kingsland	406
Newlands	83
Priorsford	410
St Ronan's	278
Walkerburn	27
West Linton	221
TOTAL PEEBLES	897
TOTAL OUTWITH PEEBLES	751
OVERALL TOTAL	1648

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CATERING VAN SITE IN KINGSMEADOWS CAR PARK, PEEBLES

Report by Service Director Commercial Services

PEEBLES COMMON GOOD SUB-COMMITTEE

2 March 2016

1 PURPOSE AND SUMMARY

- 1.1 This report seeks to inform the Peebles Common Good Sub-Committee of the request to site a catering van in the Kingsmeadows Car Park and recommends that the request is refused.**
- 1.2 The solum of the Kingsmeadows Car Park is a Common Good asset and rental income from the car park goes to the Common Good fund.
- 1.3 The car park is subject to a Traffic Regulation Order which prohibits trading in or near the parking spaces.
- 1.4 A catering van trader has requested to use the car park for the sale of food and drink which would be contrary to the Traffic Regulation Order.

2 RECOMMENDATIONS

- 2.1 I recommend that the Peebles Common Good Sub Committee refuses to authorise the granting of a ground lease for a catering van in the Kingsmeadows Car Park, Peebles due to the Traffic Regulation Order that prohibits trading in the car park.**

3 BACKGROUND

- 3.1 The Kingsmeadows Car Park is an adopted car park and is therefore managed and maintained by Scottish Borders Council.
- 3.2 The solum of the car park is held on the Peebles Common Good account because the land is part of the Peebles Charter and therefore income from the car park goes to the Common Good fund rather than the Council.
- 3.3 The Council has received a request to site a catering van within the car park. This follows the voluntary removal of a previous catering van which had been trading in the car park since 2011 without landowner's consent and without paying a rent.
- 3.4 The Kingmeadows Car Park is subject to a 1976 Traffic Regulation Order (TRO) by Borders Regional Council. Clause 8 of the TRO prohibits the sale of goods in or near the parking places.
- 3.5 The applicant has applied for a Street Traders Licence which is pending a decision but she has not applied for planning permission.
- 3.6 In April 2015 another person applied for planning permission for a catering van in the car park. This was granted because the TRO is separate legislation and should not influence whether the proposal is acceptable under Planning legislation. However this applicant didn't ask for the Council's or the Common Good's permission as landowner to site a catering van in the car park.

4 PROPOSAL

- 4.1 It is proposed that the request to site a catering van in Kingsmeadows Car Park is refused on the basis of the TRO prohibiting trading from the car park.

5 IMPLICATIONS

5.1 Financial

If a lease was granted for a site for a catering van, the Peebles Common Good fund could anticipate a provisional annual rental income of £1,000 however this would require a change to the TRO.

5.2 Risks and Mitigations

The report fully describes all the elements of risk that have been identified and how they will be managed in relation to this matter, and no specific additional aspects need to be highlighted.

5.3 Equalities

There are no adverse equality implications.

5.4 Acting Sustainably

There are no effects on the economic, social or environmental aspects contained in this report.

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 Regulatory Services, Chief Officer Audit and Risk, Chief Officer Human Resources 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

Author(s)

Name	Designation and Contact Number
James Morison	Estates Surveyor tel 01835 824000 Ext. 5295

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 Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, Scottish Borders, TD6 0SA tel 01835 824000 fax 01835 793110 e-mail jmorison@scotborders.gov.uk

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