

**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

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Background Papers: None
Previous Minute Reference: None

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