

**South Ayrshire Council**

**Report by Assistant Director - Place  
to Leadership Panel  
of 15 February 2022**

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**Subject: Proposed Lease for Changing Pavilion at Victory Park,  
Girvan**

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**1. Purpose**

- 1.1 The purpose of this report is to provide the Leadership Panel with an update on the results of the consultation undertaken in relation to the proposed lease and to seek approval of the next steps.

**2. Recommendation**

**2.1 It is recommended that the Panel:**

- 2.1.1 notes the representations which have been received to the Consultation which has been carried out in terms of section 104 of the Community Empowerment (Scotland) Act 2015 and section 27(2A) of the Town and County Planning (Scotland) Act 1959 for the new lease to Girvan Youth Football Club of the changing pavilion and adjacent land being part of the Common Good land at Victory Park, Girvan;**
- 2.1.2 considers and agrees the responses to the representations received, approves publication of the responses on the Council website and notification of those who made representations to the consultation;**
- 2.1.3 having regard to those representations, and subject to court authority for disposal being obtained under paragraph 2.1.4, agrees to proceed with the proposed new lease to Girvan Youth Football Club for the pavilion and adjacent land shown in Appendix 1 on the basis of the terms and conditions outlined below.; and**
- 2.1.4 authorises the Head of Legal, HR and Regulatory Services to petition the Sheriff Court under Section 75(2) of the Local Government (Scotland) Act 1973 for authority to dispose of the changing pavilion and adjacent land by way of a new lease to Girvan Football Club.**

**3. Background**

- 3.1 The changing pavilion in Victory Park, which is held in Girvan Common Good, is currently let by South Ayrshire Council to Girvan Youth Football Club on a 20 year lease which is due to expire on 31 October 2022 at a rental of £1 per annum. The club has requested a new 20 year lease for the pavilion and some additional land

to allow it to refurbish and extend the pavilion with the help of grant funding. The extent of the area, which extends to approximately 320 sq m, is shown in Appendix 1.

- 3.2 In terms of Section 104 of the Community Empowerment (Scotland) Act 2015 local authorities are required to consult with the local community when planning to 'dispose' of common good property or change its use. In addition, under Section 27 (2A) of the Town and County Planning (Scotland) Act 1959 local authorities are required to publish a notice of a proposed disposal of any land which consists, or forms part of a common or of an open space and consider any objections made to them. There is also a separate legal process in terms of Section 75(2) of the Local Government (Scotland) Act 1973 where a question arises as to the right of a local authority to alienate a Common Good property, for a petition by the local authority to the court for permission to change the use of or for disposal of a Common Good property, and the court if they think fit, may authorise the local authority to change the use or dispose of the property subject to such conditions as the court may impose. A lease can be considered a "disposal" for these purposes and is considered to be so in this case as the proposed lease would confer rights on others which are not enjoyed by the public - but for the avoidance of any doubt ownership of the pavilion will remain with the Council throughout the term of the lease and beyond and will continue to be held in the Common Good Account.
- 3.3 A Consultation to gather community views as to whether the Council should enter into a new lease was prepared (Appendix 2) and ran from 4 October to 3 December 2021. Adverts were placed in the local press and it was publicised through social media. The local Community Council was advised of the consultation and notices were placed on lampposts next to the pavilion.
- 3.4 The Council received a total of 30 representations by the closing date of 3 December. The population of Girvan is 6,455 which means that around 0.46% of the local population responded to the consultation. The summary breakdown of responses is as follows:

|                            |    |
|----------------------------|----|
| For the proposed lease     | 14 |
| Against the proposed lease | 15 |
| Unknown                    | 1  |

- 3.5 Nine of the representations against the proposed lease objected to the proposals on the basis of the mistaken belief that there was a proposal to remove the pavilion and land from the Common Good Account. This is likely due to the terminology used in the Act where a lease is considered to be a 'disposal'. Most people consider a disposal to be a permanent transfer of ownership to a third party but that was never part of this proposal and the pavilion and the land will continue to be owned by the Council and form part of the Common Good.
- 3.6 If we take those who said their objection to the proposed lease was only if the asset was transferred out of the Common Good Account as being supportive of the proposed lease, on the basis of the responses received opinion is 76.67% in favour with 20% against the proposal to enter into the lease and the view of 3.33% is unknown. The representations have been collated and are attached in Appendix 3.

## 4. Proposals

4.1 Given the level of support for the new lease it is proposed that, subject to the decision of the Sheriff referred to in paragraph 4.3 below, the Council enters into a lease agreement for the pavilion and land shown in Appendix 1 with Girvan Youth Football Club on the basis of the following terms and conditions:

1. Victory Park Pavilion and the adjacent ground would be leased to Girvan Youth Football Club for a period of 20 years.
2. The rental will be £100 per annum payable annually in advance with upwards only rent reviews in line with the market value at 5 yearly intervals.
3. The tenant will be responsible for ensuring that the premises are suitable for its intended use and accepts them in their present condition.
4. The tenant will be responsible for any costs associated with its occupation of the subjects including any non-domestic rates (Rates are not currently charged in relation to this property) and the cost of any utilities etc.
5. The tenant will be responsible for any maintenance and repairs (Full Repairing and Insuring terms) and will ensure that the premises are kept clean and tidy at all times to the reasonable satisfaction of South Ayrshire Council.
6. At the end of the lease the tenant may be obliged to remove any fittings and fixtures and if asked to do so return the premises to the condition noted at the start of the lease.
7. The tenant will not be permitted to sub-let or assign their interest in whole or in part to a third party. Permitting other clubs and organisations to use the facility will not be considered to be sub-letting.
8. At its' discretion, when the pavilion is not being used by the tenant, it will be made available for use by other local organisations, at a cost that is no more than the Council would charge for use of similar facilities and the tenant will make available to the Council details of any requests to use the facility and bookings by other organisations.
9. The pavilion will be used as a changing pavilion and toilets associated with the adjacent playing fields within the park and for no other purpose.
10. The tenant is obliged to obtain any consents, statutory or otherwise, that may be required in relation to its proposed use of these premises.
11. The tenant will agree to indemnify the Council from any claims arising from its' use of this building.
12. The tenant will be liable for the cost of putting in place building insurance for this part of the property. The insurance will be arranged for by the Council and recharged to the tenant. The tenant will be obliged to put in place its own building insurance for any extension to the pavilion. The tenant will obtain public and occupier's liability for all parts of the subjects let.

13. The tenant must obtain written consent from the landlord before making any structural alterations to the premises.
  14. All other terms and conditions will be the subject of negotiation between the respective parties' solicitors.
- 4.2 For the avoidance of any doubt the pavilion and land covered by the lease will remain in the ownership of the Council as part of the Common Good and be held in the Common Good Account both throughout the term and at the end of the lease.
- 4.3 The response to this Consultation is supportive of the proposal to enter into a new lease to Girvan Youth Football Club on the basis of the terms outlined above. Community empowerment legislation requires the Council to have regard to representations made in Common Good Consultations in deciding whether to proceed with the proposal. Advice has been obtained from Counsel that the Head of Legal, HR and Regulatory Services requires to petition the Sheriff court to allow for the pavilion and adjacent land at Victory Park to be leased on the proposed terms. Having considered the representations, and in light of the advice provided in paragraph 3.2 of this report, it is recommended that the Panel authorises the Head of Legal, HR and Regulatory Services to petition the Sheriff Court under Section 75(2) of the Local Government (Scotland) Act 1973 for authority to dispose of the changing pavilion and adjacent land by way of a new lease to Girvan Football Club and the Panel is invited to consider whether a petition should now be prepared in this regard.

## **5. Legal and Procurement Implications**

- 5.1 The recommendations in this report are consistent with legal requirements. Subject to the approval of the Panel, Legal Services will require to request permission from the Sheriff for the lease of the property. The Panel is being asked whether a petition to the sheriff should be progressed. It is necessary to demonstrate to the sheriff that the proposed lease would be for the benefit of the inhabitants of the former burgh of Girvan. A sheriff may well wish to see evidence of community support for the proposed lease. It is difficult to assess how a sheriff may judge the arguments for and against the proposed lease. However, the court, in balancing the arguments from both parties, are likely to consider the number of responses and the reasons for those objections against the evidence the Council presents of the support within the community for putting in place the new lease which will allow the tenant to extend and improve the changing facilities available for use by users of the pitches in Victory Park.
- 5.2 There are no procurement implications arising from this report.

## **6. Financial Implications**

- 6.1 The Council's Girvan Common Good Fund will benefit from a rental income of £100 per annum and the running costs associated with the property will remain the responsibility of the tenant for the duration of the lease thus saving Girvan Common Good the costs associated with having to maintain this building.
- 6.2 There will be cost implications in the lodging of a petition to the Sheriff, and these will depend on the complexity of the legal case, whether counsel is required to be instructed, and whether the petition is the subject of challenge. Experience from previous such applications is limited but the cost could range from £5,000 where

counsel is not involved to between £20,000 and £40,000 or higher, where there was a lengthy hearing with witnesses and counsel involved.

- 6.3 Any legal cost incurred would initially fall to be met by the Girvan Common Good Fund. As the Girvan Common Good Fund already has an agreed deficit funding arrangement in place with the Council, the cost would ultimately be met by the Council through this arrangement.

## **7. Human Resources Implications**

- 7.1 Not applicable.

## **8. Risk**

### **8.1 *Risk Implications of Adopting the Recommendations***

- 8.1.1 The Council will not have access to this building for the duration of the lease. There is a risk that the Sheriff will not grant a petition and authorise the lease of this Common Good property or that if consent is granted there may be additional conditions imposed by the Sheriff.

### **8.2 *Risk Implications of Rejecting the Recommendations***

- 8.2.1 Girvan Common Good will miss out on a small rental income but it will also become liable for the running costs associated with the pavilion. It is also unlikely that the extension and upgrading of the pavilion will go ahead in the foreseeable future.

## **9. Equalities**

- 9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 4.

## **10. Sustainable Development Implications**

- 10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

## **11. Options Appraisal**

- 11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

## 12. Link to Council Plan

- 12.1 The matters referred to in this report contribute to Commitment 5 of the Council Plan: Stand up for South Ayrshire/ Increase the profile and reputation of South Ayrshire and the Council.

## 13. Results of Consultation

- 13.1 There has been no public consultation on the contents of this report.
- 13.2 Consultation has taken place with Councillor Brian McGinley, Portfolio Holder for Resources and Performance, and Councillor Ian Cochrane, Portfolio Holder for Environment, and the contents of this report reflect any feedback provided.

## 14. Next Steps for Decision Tracking Purposes

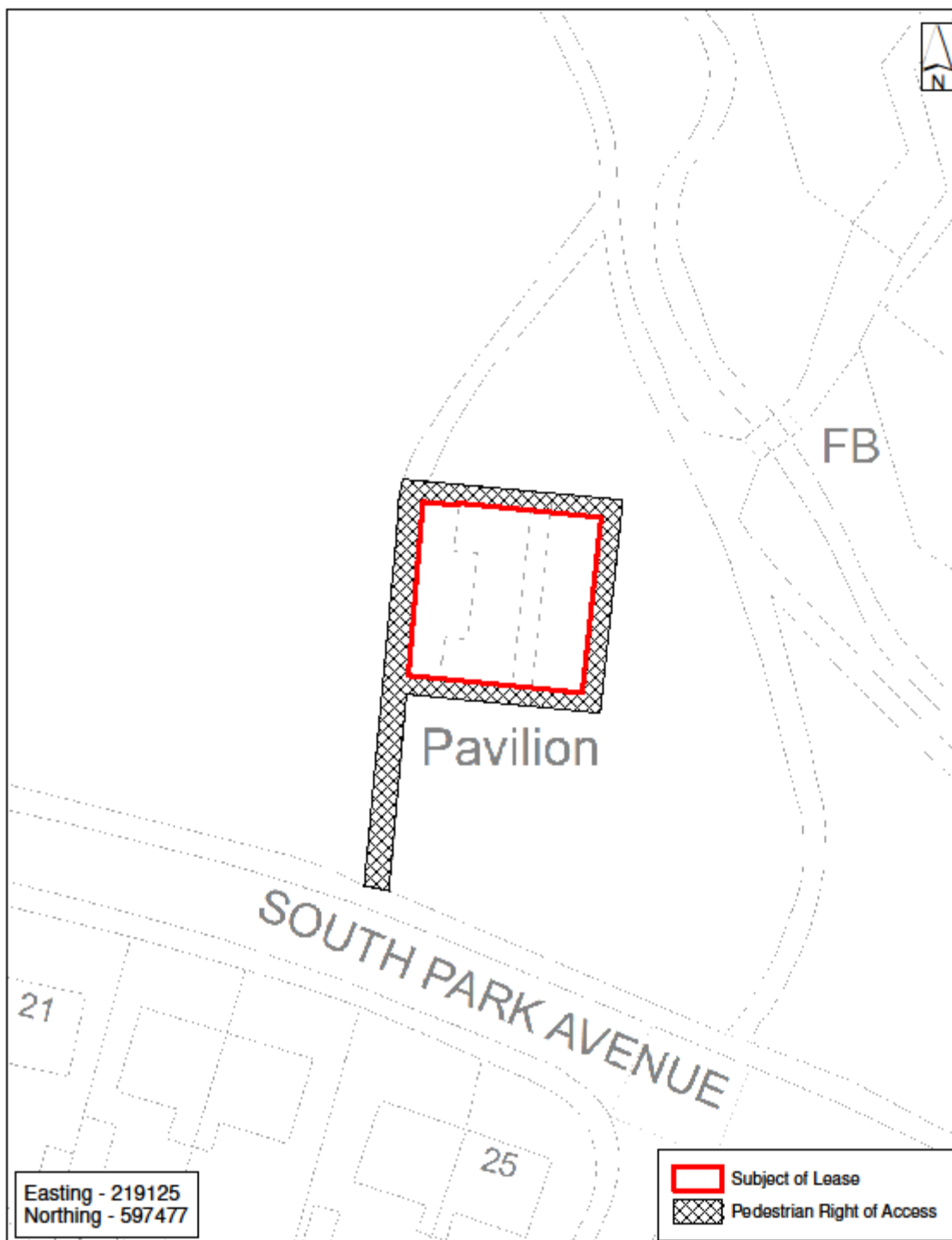
- 14.1 If the recommendations above are approved by Members, the Assistant Director – Place will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Leadership Panel in the ‘Council and Leadership Panel Decision Log’ at each of its meetings until such time as the decision is fully implemented:

| <i>Implementation</i>   | <i>Due date</i> | <i>Managed by</i>  |
|---|-----------------|--|
| Progress a petition if that is the decision of the Panel  | 31 August 2022  | Head of Legal, HR and Regulatory Services                    |
| Review the progress with the Sheriff’s petition and where appropriate confirm a date for concluding the lease | 31 October 2022 | Service Lead – Asset Management and Community Asset Transfer |

**Background Papers**    None

**Person to Contact**    **Tom Burns Service Lead - Asset Management and Community Asset Transfer**  
County Buildings, Wellington Square, Ayr, KA7 1DR  
Phone 01292 612845  
E-mail [tom.burns@south-ayrshire.gov.uk](mailto:tom.burns@south-ayrshire.gov.uk)

**Date:** 8 February 2022



Victory Park Pavilion, South Park Avenue, Girvan.

Scale 1:500



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## South Ayrshire Council

### COMMON GOOD CONSULTATION

Notice of Consultation under Section 104 of the Community Empowerment (Scotland) Act 2015 and Section 27 (2A) of the Town and County Planning (Scotland) Act 1959.

**Reason for Site Notice Being Displayed:** Consultation on proposed lease of changing pavilion and adjacent land (Asset reference L405).

**Proposed Lease of Changing Pavilion and Adjacent Land at:** - Victory Park, Girvan, KA26 9DH

Notice is hereby given of a **PUBLIC CONSULTATION**

In terms of Section 104 of the Community Empowerment (Scotland) Act 2015 local authorities are required to consult with the local community when planning to dispose of common good property, or change its use. In terms of Section 27 (2A) of the Town and County Planning (Scotland) Act 1959 local authorities are required to publish a notice of a proposed disposal of any land which consists, or forms part, of a common or of an open space and consider any objections made to them.

South Ayrshire Council is proposing to enter into a new 20 year lease to Girvan Youth Football Club for the changing pavilion and adjacent land at Victory Park in Girvan to allow the club to refurbish and extend the pavilion for users of the playing fields in Victory Park.

The area that would be covered by the lease is shown outlined in red in the plan below. The hatched areas indicate a right of access. At the end of the lease the pavilion and land would revert to the Council.

The lease would include the following terms: -

- Victory Park Pavilion and the adjacent ground would be leased to Girvan Youth Football Club for a period of 20 years.
- The rental will be £100 per annum payable annually in advance with upwards only rent reviews in line with the market value at 5 yearly intervals.
- The tenant will be responsible for ensuring that the premises are suitable for its intended use and accepts them in their present condition.
- The tenant will be responsible for any costs associated with its occupation of the subjects including any non-domestic rates (Rates are not currently charged in relation to this property) and the cost of any utilities etc.
- The tenant will be responsible for any maintenance and repairs (Full Repairing and Insuring terms) and will ensure that the premises are kept clean and tidy at all times to the reasonable satisfaction of South Ayrshire Council.
- At the end of the lease the tenant may be obliged to remove any fittings and fixtures and if asked to do so return the premises to the condition noted at the start of the lease.



- The tenant will not be permitted to sub-let or assign their interest in whole or in part to a third party. Permitting other clubs and organisations to use the facility will not be considered to be sub-letting.
- At its' discretion, when the pavilion is not being used by the tenant, it will be made available for use by other local organisations, at a cost that is no more than the Council would charge for use of similar facilities and the tenant will make available to the Council details of any requests to use the facility and bookings by other organisations.
- The pavilion will be used as a changing pavilion and toilets associated with the adjacent playing fields within the park and for no other purpose.
- The tenant is obliged to obtain any consents, statutory or otherwise, that may be required in relation to its proposed use of these premises.
- The tenant will agree to indemnify the Council from any claims arising from its' use of this building.
- The tenant will be liable for the cost of putting in place building insurance for this part of the property. The insurance will be arranged for by the Council and recharged to the tenant. The tenant will be obliged to put in place its own building insurance for any extension to the pavilion. The tenant will obtain public and occupier's liability for all parts of the subjects let.
- The tenant must obtain written consent from the landlord before making any structural alterations to the premises.
- All other terms and conditions will be the subject of negotiation between the respective parties' solicitors.

#### **Description of Consultation process:**

The Council invites responses to this consultation to be made online or in writing or by email by **noon on Friday 3 December 2021**. Thereafter, the Council will consider the responses received, and publish on its website the Council's response within eight weeks. Please note that all responses to the consultation will be published alongside the decision. If the Council's decision is to proceed with the proposed lease, and the lease is deemed to be a disposal, a petition will be lodged in the Sheriff Court at Ayr, seeking the court's authority for the disposal. Notification of the lodging of any such petition would be published in local newspapers and intimated to community councils in North and South Carrick including the date when the case would call in court. Any groups or individuals who wish to oppose the petition can attend court on that date to have their opposition noted. A further date, for an evidential hearing, would be assigned by the court. If the petition is granted, or the lease is not deemed to be a disposal, the Council would then enter into the lease.

You can submit a comments response sheet online at [www.south-ayrshire.gov.uk/consultations](http://www.south-ayrshire.gov.uk/consultations) or by email to [estates@south-ayrshire.gov.uk](mailto:estates@south-ayrshire.gov.uk) or in writing to: -

South Ayrshire Council  
 County Buildings  
 Wellington Square  
 Ayr  
 KA7 1DR

By no later than **noon on Friday 3 December 2021**. Any correspondence should be clearly marked 'Victory Park lease consultation'.

**ASSET MANAGEMENT**

**Proposed Lease of Changing Pavilion & Adjacent Land at Victory Park, Girvan**

**FEEDBACK FROM PUBLIC CONSULTATION  
Friday 3rd December 2021**

| Name | Interest in Project | For/Against<br>(Yes/No) | Comments                      |
|------|---------------------|-------------------------|-------------------------------|
|      | Girvan Resident     | Yes                     | <a href="#">Comments1!A1</a>  |
|      | Girvan Resident     | No                      | <a href="#">Comments2!A1</a>  |
|      | Girvan Resident     | Yes                     | <a href="#">Comments3!A1</a>  |
|      | Girvan Resident     | Yes                     | <a href="#">Comments4!A1</a>  |
|      | Girvan Resident     | Yes                     | <a href="#">Comments5!A1</a>  |
|      | -                   |                         | <a href="#">Comments6!A1</a>  |
|      | Girvan Resident     | Yes                     | <a href="#">Comments7!A1</a>  |
|      | Ballantrae Resident | Yes                     | <a href="#">Comments 8!A1</a> |
|      | Troon Resident      | Yes                     | <a href="#">Comments9!A1</a>  |
|      | Unknown             | Yes                     | <a href="#">Comments10!A1</a> |
|      | Girvan Resident     | Yes                     | <a href="#">Comments11!A1</a> |
|      | Unknown             | Yes                     | <a href="#">Comments12!A1</a> |
|      | Girvan Resident     | Yes                     | <a href="#">Comments13!A1</a> |
|      | Girvan Resident     | Yes                     | <a href="#">Comments14!A1</a> |
|      | Unknown             | Yes                     | <a href="#">Comments15!A1</a> |
|      | Unknown             | Yes                     | <a href="#">Comments16!A1</a> |
|      | Girvan Resident     | No                      | <a href="#">Comments17!A1</a> |
|      | Girvan Resident     | No                      | <a href="#">Comments18!A1</a> |
|      | Girvan Resident     | No                      | <a href="#">Comments19!A1</a> |
|      | Girvan Resident     | No                      | <a href="#">Comments20!A1</a> |
|      | Girvan Resident     | No                      | <a href="#">Comments21!A1</a> |
|      | Girvan Resident     | No                      | <a href="#">Comments22!A1</a> |
|      | Girvan Resident     | No                      | <a href="#">Comments23!A1</a> |
|      | Girvan Resident     | No                      | <a href="#">Comments24!A1</a> |
|      | Girvan Resident     | No                      | <a href="#">Comments25!A1</a> |
|      | Girvan Resident     | No                      | <a href="#">Comments26!A1</a> |
|      | Ayr Resident        | No                      | <a href="#">Comments27!A1</a> |
|      | Girvan Resident     | No                      | <a href="#">Comments28!A1</a> |
|      | Girvan Resident     | No                      | <a href="#">Comments29!A1</a> |
|      | Girvan Resident     | No                      | <a href="#">Comments30!A1</a> |

**Proposed Lease of Changing Pavilion and adjacent  
land at Victory Park, Girvan, KA26 9DH**

|  |
|--|
| <b>Consultation on proposed lease of changing pavilion and adjacent land</b> |
| Your Postcode: ██████████  |
| Comments:<br>I support this proposal. Will be great for the community.       |

Thank you for taking the time to provide comments. These will inform the Council's consideration of the proposed lease of common good land to Girvan Youth Football Club of the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to [estates@south-ayrshire.gov.uk](mailto:estates@south-ayrshire.gov.uk). Any correspondence should be clearly marked 'Victory Park lease consultation'.

All comments should be received by noon on Friday 3 December 2021.

Comments made here are not formal representations to the Planning Authority. There will be opportunity to make comments directly to South Ayrshire Council if an application is made in due course for Planning permission.

**Proposed Lease of Changing Pavilion and adjacent  
land at Victory Park, Girvan, KA26 9DH**

|   |
|---|
| <b>Consultation on proposed lease of changing pavilion and adjacent land</b>  |
| Your Postcode:<br>[REDACTED]  |
| Comments:<br><br>While I am totally in favour of the proposals to upgrade the pavilion at the top of Victory Park Girvan two points concern me.<br><br>Victory Park is designated Common Good Land so I do not understand that any part of it is SA Council's right to lease land, or property.<br><br>I do see that a precedent will be created. Surely a free system exists for playing on the grass area, no one leases it. As for the Pavilion why does it have to be leased and not just given free on agreed terms and after 20 years the interested parties in 2040.s. will see to its upkeep. |

Girvan Football Pavilion

[Redacted]

[Reply](#) [Reply All](#) [Forward](#) [...](#)  
Wed 24/11/2021 18:21

To: Estates

I feel very strongly that this proposal should be given the green light as soon as possible. This is a small extension to an existing facility which I am sure a majority of respondents to this survey will view favourably. This people's mandate will hopefully end the disgraceful and infuriating opposition to any change to Common Good Land. This land is for the common good of the people in this community, this and 3G pitch, mostly for the benefit of the areas youths must not be delayed any longer.

Yours sincerely

[Redacted Signature]

Sent from my iPad

**Proposed Lease of Changing Pavilion and adjacent  
land at Victory Park, Girvan, KA26 9DH**

|  |
|--|
| <b>Consultation on proposed lease of changing pavilion and adjacent land</b> |
| Your Postcode: [REDACTED]  |
| Comments:<br><br>I support the lease for girvan youth football club.         |

Thank you for taking the time to provide comments. These will inform the Council's consideration of the proposed lease of common good land to Girvan Youth Football Club of the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to [estates@south-ayrshire.gov.uk](mailto:estates@south-ayrshire.gov.uk). Any correspondence should be clearly marked 'Victory Park lease consultation'.

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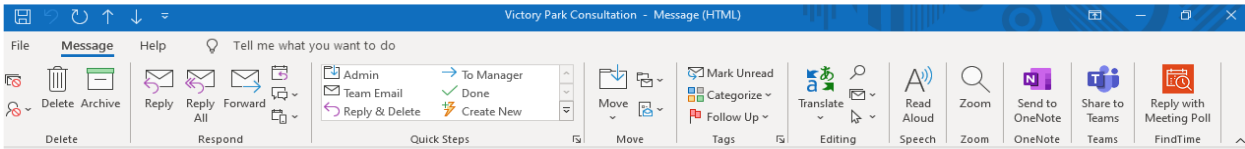
**Proposed Lease of Changing Pavilion and adjacent  
land at Victory Park, Girvan, KA26 9DH**

|   |
|---|
| <b>Consultation on proposed lease of changing pavilion and adjacent land</b>  |
| Your Postcode: [REDACTED]   |
| Comments:<br><br>I am full supportive of the lease to girvan youth fc for 20yrs, having this long term lease will allow the club to move forward for the benefit of the many many kids that are part of the club, also allowing the upgrading of the facilities and building to bring them in line with the current needs of the kids, club and community. The sooner this happens the better |

Thank you for taking the time to provide comments. These will inform the Council's consideration of the proposed lease of common good land to Girvan Youth Football Club of the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to [estates@south-ayrshire.gov.uk](mailto:estates@south-ayrshire.gov.uk). Any correspondence should be clearly marked 'Victory Park lease consultation'.

Original email submission was blank. An email was sent asking to confirm response but no further response received.



## Victory Park Consultation

[Redacted]  
To [Redacted]

Reply Reply All Forward ...

Thu 07/10/2021 09:01

Good morning [Redacted]

We have received an email from you for the public consultation in relation to the proposed lease for the pavilion at Victory Park but unfortunately the email was blank. I would be grateful if you could re-send your response to me.

Thanks

[Redacted]

[Redacted] | Asset Management | Place Directorate | [Redacted]@south-ayrshire.gov.uk | Direct Line: [Redacted] | South Ayrshire Council | County Buildings | Wellington Square | Ayr | KA7 1DR | [www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)



**Proposed Lease of Changing Pavilion and adjacent  
land at Victory Park, Girvan, KA26 9DH**

|  |
|--|
| <b>Consultation on proposed lease of changing pavilion and adjacent land</b>   |
| Your Postcode: ██████████  |
| Comments:<br>This will allow Girvan Football to provide a purpose built facility for the benefit of the community . It will use a small amount of common good but will far exceed the benefit to the community<br><br>I fully support the renewal of the lease |

Thank you for taking the time to provide comments. These will inform the Council's consideration of the proposed lease of common good land to Girvan Youth Football Club of the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to [estates@south-ayrshire.gov.uk](mailto:estates@south-ayrshire.gov.uk). Any correspondence should be clearly marked 'Victory Park lease consultation'.

## Victory park Girvan consultation



[Reply](#) [Reply All](#) [Forward](#) •  
Tue 05/10/2021 20

To who it concerns

I'd like to offer comment in support of the pavillion and land lease for Girvan youth FC.

It is an amazing well run club than benefits so many kids in Girvan and from the surrounding areas. My son has developed so much - his confidence, attitude and friends he has made and skills learnt and developed. The people who run the club make places like Girvan better and every resource and help should go their way for the kids they bring on in life.

The renovation of the pavillion and the land beside it will enhance so many lives and not affect the large part of the park on any level and be in line with facilities at many other places in south, north and east ayrshire.

Many thanks



**Proposed Lease of Changing Pavilion and adjacent land at Victory Park, Girvan, KA26 9DH**



|   |
|---|
| <b>Consultation on proposed lease of changing pavilion and adjacent land</b>  |
| Your Postcode: [REDACTED]   |
| Comments: I think the plans are a very positive development and I hope they go ahead.<br><br>I grew up in Girvan in the 80s and 90s and the sports facilities were poor – I was in the school hockey team and we could never have a home game because the facilities and pitch just weren't up to standard.<br><br>I now live in Troon and access to sports facilities is much better here, and I feel sorry for the kids growing up in Girvan who don't have the same opportunities.<br><br>Organisations who want to improve things for the young people of Girvan should have the opportunity to do so. I hope this proposal goes ahead and changes things for the better. |

## Victory park lease consultation - Girvan



To Estates

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Sat 16/10/2021 21:20

To whom it may concern

I am writing to convey my support in renewing the lease of victory park pavilion to Girvan Youth Football Club. This pavilion is crucial for all the teams who use it within this group. The club itself is an asset to the town and helps many youngsters both mentally and physically. They will also rejuvenate the pavilion which is currently needed.

Yours sincerely

[Redacted signature]

**Proposed Lease of Changing Pavilion and adjacent  
land at Victory Park, Girvan, KA26 9DH**

|  |
|--|
| <b>Consultation on proposed lease of changing pavilion and adjacent land</b>   |
| Your Postcode: ██████████  |
| Comments: Great to see someone looking after the pavilion so well. This was not looked after for years and the Girvan youth football club have done a great job of transforming it.<br>Can't wait to see the finished result |

Thank you for taking the time to provide comments. These will inform the Council's consideration of the proposed lease of common good land to Girvan Youth Football Club of the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to [estates@south-ayrshire.gov.uk](mailto:estates@south-ayrshire.gov.uk). Any correspondence should be clearly marked 'Victory Park lease consultation'.

All comments should be received by noon on Friday 3 December 2021.

## Victory park lease consultation



to Estates

[Reply](#) [Reply All](#) [Forward](#) [More](#)

Fri 15/10/2021 21:

To whom it may concern,

I support the Girvan Youth Football Clubs lease of the pavilion at Victory Park and welcome the refurbishment they are seeking. It would be an asset to the town to see this facility upgraded for the towns young people.

Regards,

[Redacted signature]

Sent from my iPhone

**Proposed Lease of Changing Pavilion and adjacent land at Victory Park, Girvan, KA26 9DH**



|  |
|--|
| <b>Consultation on proposed lease of changing pavilion and adjacent land</b>   |
| Your Postcode: [REDACTED]  |
| Comments: As a life long resident of Girvan I fully support the proposal to extend the lease of the football pavilion to Girvan Youth FC and for the club to be allowed to carry out their planned improvements to the facility. |

Thank you for taking the time to provide comments. These will inform the Council's consideration of the proposed lease of common good land to Girvan Youth Football Club of the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to [estates@south-ayrshire.gov.uk](mailto:estates@south-ayrshire.gov.uk). Any correspondence should be clearly marked 'Victory Park lease consultation'.

All comments should be received by noon on Friday 3 December 2021.

**Proposed Lease of Changing Pavilion and adjacent  
land at Victory Park, Girvan, KA26 9DH**

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| <b>Consultation on proposed lease of changing pavilion and adjacent land</b> |
| Your Postcode:<br>[REDACTED]   |
| Comments:<br><br>I think this is a great proposal and it should go ahead.    |

Thank you for taking the time to provide comments. These will inform the Council's consideration of the proposed lease of common good land to Girvan Youth Football Club of the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to [estates@south-ayrshire.gov.uk](mailto:estates@south-ayrshire.gov.uk). Any correspondence should be clearly marked 'Victory Park lease consultation'.


All comments should be received by noon on Friday 3 December 2021.

Comments made here are not formal representations to the Planning Authority. There will be opportunity to make comments directly to South Ayrshire Council if an application is made in due course for Planning permission.




Victory Park Pavilion - Girvan

  
To:  Estates

[Reply](#) [Reply All](#) [Forward](#) 

Fri 15/10/2021 22:

Fully support this move to extend the lease for the kids football club - just saddened they have to find all their own cash when SAC are shelling out money for KGS

Thanks  


Sent from Samsung Mobile on O2

## Victory Park



To: Estates

[Reply](#) [Reply All](#) [Forward](#)

Wed 24/11/2021

These people on the picture that say hands of SAC the peoples common good land, I have lived in Girvan a long time and don't recognise any of them, so why complain and not give the young kids and the youth club a chance to support the kids of Girvan.

Victory Park lease consultation.



To Estates

Reply Reply All Forward ...

Thu 02/12/2021 15:54

I have no problem with the lease to Girvan Youth football club in principle. However it is unclear whether this proposal will affect the status of the park under the Common Good covenants. If these are in any way affected by the proposal, particularly if the legal status and ownership of the park is likely to be changed by this proposal then I object strongly. The park is a local amenity green space used by many and should remain under the covenants of Common Good land.



"Victory Park lease consultation"

[Redacted]

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Thu 25/11/2021 13:09

**Proposed Lease of Changing Pavilion and adjacent land at Victory Park, Girvan, KA26 9DH**

Consultation on proposed lease of changing pavilion and adjacent land

[Redacted]

Comments:

The council's use of a proposed 20-year lease as a means to remove the land from the common good has meant that I am objecting to this proposal. Common good land has been enjoyed by generations and should be safe guarded for future generations. Should the council change the conditions of the lease and ensure the land is returned to the common good then I would not be objecting. I also object to the council's decision to approve planning for the proposal before having this consultation.

Common good land is part of Girvan's history and should stay this way .

[Redacted]

Sent from my iPad

"Victory Park lease consultation",



To Estates

[Reply](#) [Reply All](#) [Forward](#) [More](#)

Mon 29/11/2021 12:...

**Proposed Lease of Changing Pavilion and adjacent land at Victory Park, Girvan, KA26 9DQ**  
Consultation on proposed lease of changing pavilion and adjacent land

Comments:

The council's use of a proposed 20-year lease as a means to remove the land from the common good has meant that I am objecting to this proposal. Common good land has been enjoyed by generations and should be safe guarded for future generations. Should the council change the conditions of the lease and ensure the land is returned to the common good then I would not be objecting. I also object to the council's decision to approve planning for the proposal before having this consultation.

Surely it's unlawful for the Council to use this common good land for a 20-year lease

Sent from my iPad

**Proposed Lease of Changing Pavilion and adjacent land at Victory Park, Girvan, KA26 9DH**



| Consultation on proposed lease of changing pavilion and adjacent land  |
|--|
| Your Postcode: [REDACTED]  |
| Comments:<br><p>We are concerned that the council is using a proposed 20-year lease as a means of removing the land on Victory Park from the <b>common good</b> and this is why we are objecting to this proposal.</p> <p>Common good land has been enjoyed by generations and should be safe guarded for future generations.</p> <p>Should the council change the conditions of the lease and <b>guarantee</b> that the land will be retained as common good land at the end of the lease then we would not be objecting.</p> <p>On the consultation page, there is no mention of the pavilion area going back into the Common Good account after the lease expires. The obvious conclusion of this is that the Council are holding this consultation with a view to a disposal of Common Good land, to allow them to do whatever they want with this land in the future, regardless of the historic donation of this land for the good of all <b>Girvan residents</b>.</p> <p>We also object to the council's decision to approve planning for the proposal before having this consultation.</p> <p>We would also like to strongly emphasize that we are totally in favour of the Pavilion being leased for the use of youth groups and we just feel that it's a shame that they have been used as a pawn in this game of the council to secure the "Common Good Land " for their own future use.</p> <p>Common Good Land should be respected and cherished for ever, as a wonderful gift from those who donated it so generously and in good faith for the benefit of the whole town ( and not for the benefit of South Ayrshire Council ).</p> |

**Proposed Lease of Changing Pavilion and adjacent land at Victory Park, Girvan, KA26 9DH**



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|--|
| <b>Consultation on proposed lease of changing pavilion and adjacent land</b>   |
| Your Postcode:<br>[REDACTED]   |
| Comments:<br><br>I object to this proposal as I do not agree with the Council's intention to remove the Common Good status from this part of Victory Park which is adjacent to the pavilion. I believe that Common Good Land should be protected.<br>I do not object in principle to the local football clubs having use of the part and pavilion, but I do feel strongly that the Council should not be removing the all-important Common Good status.<br>This process has been carried out in an unsatisfactory manner as the consultation period should have taken place first - well before any plans were drawn up. |

Thank you for taking the time to provide comments. These will inform the Council's consideration of the proposed lease of common good land to Girvan Youth Football Club of the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to

As this consultation is via the 'Have your say' page' having been silenced in the past I fully intend to have my say.

#### The good

The pavilion would get a badly needed makeover to make it a much better place for GYFC and any other clubs that use it.

#### The bad

The consultation as required by the Community Empowerment (Scotland) Act 2015 was only started once the planning had been approved and a deal had been put to GYFC which included the loss of Common Good Land.

SAC is trying to assure us that they will not remove common good land but surely the extension of the pavilion takes up more of the Common Good.

#### The bizarre

A pavilion done up while a 3g pitch is destined to be sited some distance away from it.

A 3g pitch for Girvan Academy on the other side of the park.

Is it not time for a compromise? With a suitable compromise I could be persuaded that an extension of the pavilion is worthwhile the loss of a small section of Common Good this is my personal view.

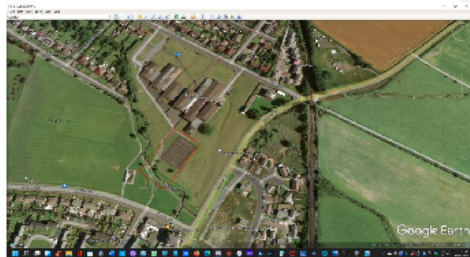
Not siting the pitch at the top of the park was not a compromise putting it there in the first place was a goof up by SAC when this is the Venue for the lowland gathering which next year (2022) is due to celebrate its Golden Jubilee if Covid allows.

After talking to someone who is extremely knowledgeable about 3g pitches having worked for the Scottish Football Association (SFA) and initiated and advocated for a project that later developed the extraordinarily successful Torryglen Football Centre, he was in no doubt that the proposed 3g pitch was in totally the wrong place. He discussed the possibility of using part of the Academy grounds and culverting the burn so it could be extended out over the burn. One of the pitches at Torryglen has been built over a culvert. It wouldn't be quite as big as the proposed pitch but what is the point of favouring size over accessibility. Please see the google earth image.

He also advocates free to access sport facilities for those who couldn't afford to pay to hire a 3g pitch. There seems to be a total lack of understanding that to a small group who would like to use this facility the cost is prohibitive. It is on Common Good Land after all.

Another concern is that this pitch is supposed to be for Girvan Academy, and I really think they have become an afterthought with this pitch.

Commented [SR1]:



#### Reasons why this compromise makes sense

1. Girvan Academy pupils would not need to walk nearly half a km along paths (to avoid cross contamination) to get to the pitch.
2. It's right on the doorstep of the pavilion. (However extending in the way currently suggested would affect how long it could be)
3. **Best Value**; comment by Audit Scotland regarding SAC on best value;

"Disappointingly, however, the momentum that the Commission reported in previous Best Value work in South Ayrshire Council from 2014 to 2016 has slowed in key areas. We therefore expect an increase in the pace and depth of change.

Siting the pitch as above seems a much better value option as what will happen due to the inaccessibility of the 3g pitch to Girvan Academy they will end up spending more money to provide a surface that Girvan Academy can access.

Audit Scotland say for SAC;

"The current estimated funding gap for the eight-year period 2022/23 to 2029/30 is between £36 million and £69 million".

SAC should be looking to spend money wisely so that more money isn't needed to make up for mistakes due to bad decisions i.e. placing a 3g pitch in a place inaccessible to the children it was designed for. It's like SAC providing its workers with a desk situated on one side of a road but the chair situated on the other side.



3. SAC is among the first in Scotland to approve a specific carbon budget to support its climate change commitments but by insisting the pitch goes on virgin green open space which is a natural carbon sink they are doing the opposite. Building the pitch near the pavilion and academy uses far less virgin green land and is more in keeping with their policy.

6. The part of the park SAC have chosen for the 3g pitch totally contravenes the deeds showing a total lack of respect for a gift that was handed over to the people of Girvan.

*"But without prejudice always to the right of my said disponees to use or let or grant the use of the piece of ground hereby disponed or any part thereof temporarily for the holding of musical entertainments or of football or other matches or games and for such other purposes of a temporary kind"*

The deeds allow it to be used for the playing of football matches on a temporary basis, this means that the land is not permanently altered and can be used by others for other recreational purposes. Constructing a substantial fixed artificial pitch with a fence around it, would not allow the land on which it is sited to be utilised for any other purpose, other than playing football/rugby.

7. SAC prides itself on its biodiversity projects but by removing vast quantities of soil and grass it removes the feeding ground of the migratory swallows which return to that area of the park every spring and the bats that can be seen swooping about at night. I did think that bats were a protected species.

I would be very happy to compromise on the loss of a small piece of common good land if SAC are also prepared to compromise and put the needs of the Academy children 1<sup>st</sup> by positioning it where they can access it as shown and also keeping the Pavilion and the land on which it is built in the Common Good Account.

**Proposed Lease of Changing Pavilion and adjacent  
land at Victory Park, Girvan, KA26 9DH**

| Consultation on proposed lease of changing pavilion and adjacent land   |
|---|
| Your Postcode:<br>[REDACTED]  |
| Comments:<br>I disagree with the planned proposal as when they are training or having matches at victory park at the moment they are parking on the road next to the park opposite the victory public house causing major traffic problems and if the suggested proposals goes ahead the traffic will just be worse and someone WILL get seriously injured due to this. They have spend a lot of money upgrading Girvan football club grounds and there is ample safe parking at their grounds so why can they not move up there instead of causing even more traffic problems and potentially causing more damage to the road and pathways by walking over them with their football boots on.<br><br>The planned proposal will also see the removal of the rugby posts from the site and would cause problems when the lowland gathering as part of the ground which they are looking at using is used for the lowland gathering.<br><br>When there is public events at Girvan academy and stalls are needed out side this will also be stopped as the ground used would not be available for to this proposal.<br><br>There are a lot of kids and teenagers who use that ground for recreation proposes who would not be able to due to the fear of been charged for any damage caused if the proposal went ahead! Where would they go then? Onto street corners causing trouble.<br><br>There are a lot of dog walkers who use victory park to exercise their dogs and this will cause problems for those people or if they are not watching or cleaning up after their dogs you will then be adding the chances of a young child either stepping or sitting or lying or putting their hands in dog mess or cat mess which will then increase the chance of serious infection to the young children or their families. |

**Proposed Lease of Changing Pavilion and adjacent  
land at Victory Park, Girvan, KA26 9DH**

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| <b>Consultation on proposed lease of changing pavilion and adjacent land</b>   |
| Your Postcode: [REDACTED]  |
| Comments:<br><br>The council's use of a proposed 20-year lease as a means to remove the land from the common good has meant that I am objecting to this and also to the councils decision to approve planning before consultation.<br><br>Should the council change the conditions of the lease and ensure the land is returned to the common good then I would not be objecting.<br><br>I |

Thank you for taking the time to provide comments. These will inform the Council's consideration of the proposed lease of common good land to Girvan Youth Football Club of the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to [estates@south-ayrshire.gov.uk](mailto:estates@south-ayrshire.gov.uk). Any correspondence should be clearly marked 'Victory Park lease consultation'.

Proposed Lease of changing pavilion and adjacent land at Victory Park...

  
To Estates

[Reply](#) [Reply All](#) [Forward](#) [More](#)  
Thu 02/12/2021 10:...

## Proposed Lease of changing pavilion and adjacent land at Victory Park Girvan KA269DH

### Consultation on proposed lease of changing pavilion and adjacent land

My postcode 

Comments:

I am objecting to the council's proposal to the council's use of proposed 20 year lease as a means to remove the land from common good land

Common good land is for the use of all and has been enjoyed by many generations and should be available for future generations.

If the Council changes the conditions of the future lease and ensures that the land is returned to common good land then I would have no objections

**Proposed Lease of Changing Pavilion and adjacent land at Victory Park, Girvan, KA26 9DH**

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|--|
| <b>Consultation on proposed lease of changing pavilion and adjacent land</b>   |
| Your Postcode:<br>[REDACTED]   |
| Comments:<br><p>I wish to object to the proposal by raising a concern regarding the legality of Council's decision to approve the planning application for the siting of the pavilion extension and lease. As this was done prior to holding a Common Good consultation, I believe this contravenes the Community Empowerment (Scotland) Act 2015, specifically under subsections 2 and 6 of section 104. Where subsections 2 and 6 state that:</p> <p>"(2) Before taking any decision to dispose of, or change the use of, such property the local authority must publish details about the proposed disposal or, as the case may be, the use to which the authority proposes to put the property.</p> <p>(6) In deciding whether or not to dispose of any property held by a local authority as part of the common good, or to change the use to which any such property is put, the authority must have regard to—</p> <p>(a) any representations made under subsection (4)(b) by a body mentioned in subsection (5), and</p> <p>(b) any representations made by other persons in respect of its proposals published under subsection (2)."</p> <p><a href="https://www.legislation.gov.uk/asp/2015/6/section/104">https://www.legislation.gov.uk/asp/2015/6/section/104</a></p> <p>The possibility that the lease could be a disposal (via a lease) is recognised by the Council on the consultation information page and no formal determination has been made to rule out this possibility. Therefore, these facts qualify as the Council taking a decision to dispose of Common Good land before publishing details about the proposed disposal.</p> <p>It would also be impossible for the Council to have regard to representations on the basis that, as no consultation was held prior to the approval of the</p> |

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| <p>planning application, it was impossible for representations to be made to a consultation which at that time did not exist and therefore the possibility exists that representations would have been made to the consultation, where regard could have been made.</p> <p>You cannot have an unbiased consultation when a decision on the planning application has already been made. Because if this planning application had been declined, people would reasonably wonder what the point would be to responding to a consultation, when the outcome is already known.</p> <p>Therefore, I am of the view that both the planning application and this Common Good consultation are invalid, and so they should therefore be scrapped and redone under the correct procedure.</p> |
|---|

Construction of the proposed lease of common good land to Girvan Youth Football Club on the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to [estates@south-ayrshire.gov.uk](mailto:estates@south-ayrshire.gov.uk). Any correspondence should be clearly marked 'Victory Park lease consultation'.

All comments should be received by noon on Friday 3 December 2021.

Comments made here are not formal representations to the Planning Authority. There will be opportunity to make comments directly to South Ayrshire Council if an application is made in due course for Planning permission.

Your Postcode: [REDACTED]

Comments: The Council statement that at the end of the lease the pavilion and land would revert to the Council. Really means, the administration of the pavilion and land would revert to the Council on behalf of the Common Good account. In fact even whilst under the terms of the lease the Pavilion will still be part of the Common Good which is Victory Park including the Pavilion. As the Council says the lease is only a mechanism to administer payment of funds which in turn would be paid into the Common Good Fund. Any building ie the pavilion and that would include the 3g pitch if ever it is built will be part of the Common Good ownership and both would pay a lease via the Council into the Common Good fund. The case law for ownership has been established in the link below.

[Power to the people: recent guidance on section 104 of the Community Empowerment \(Scotland\) Act 2015 \(cms-lawnow.com\)](#)

It could be said and it's a conflicting issue and a special case involving the CEL 2015 section 104 where in my opinion the later should be foremost. I would argue the Council via the planning department should have held off the permitted status of that application and given it in principle until such times as the consultation was completed. This is to comply with CEL 2015 **before any decision is taken, a consultation should be held** so as not to prejudice the Consultation. Many in this case could say for example, no point objecting to the proposal in the consultation; they've already given it planning approval although permitted approval doesn't mean a green light but is often perceived as such.

# Victory Park Lease Consultation

To Estates

and adjacent land at Victory Park,  
Girvan, KA26 9DH

Consultation on proposed lease of changing pavilion and adjacent land

Your Postcode: [REDACTED]

Comments:

I DO NOT AGREE WITH THE COUNCIL INTENTION TO REMOVE COMMON GOOD STATUS FROM THE PART OF THE PARK UPON WHICH THE EXTENSION WILL BE BUILT. COMMON GOOD LAND SHOULD BE PRESERVED AND PROTECTED. I HAVE NO OBJECTIONS TO A LEASE BEING GIVEN TO FOOTBALL CLUBS BUT I OBJECT STRONGLY TO THE REMOVAL OF COMMON GOOD STATUS. IN ADDITION TO THIS, PROPER PROCEDURES HAVE NOT BEEN CARRIED OUT AS THIS CONSULTATION

Thank you for taking the time to provide comments. These will inform the Council's consideration of the proposed lease of common good land to Girvan Youth Football Club of the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to [estates@south-ayrshire.gov.uk](mailto:estates@south-ayrshire.gov.uk). Any correspondence should be clearly marked 'Victory Park lease consultation'.

All comments should be received by noon on Friday 3 December 2021.

PROCESS SHOULD HAVE BEEN THE FIRST STEP.



**Proposed Lease of Changing Pavilion and adjacent land at Victory Park, Girvan, KA26 9DH**



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|---|
| <b>Consultation on proposed lease of changing pavilion and adjacent land</b>  |
| Your Postcode <b>KA26 9DH</b>   |
| Comments:<br>Although I am not against the building of the extended Pavilion for the use of Girvan Boys Football Club, I am against the reverting to South Ayrshire Council after the 20 year lease is up. After twenty years is up the ground should revert to Common Good Land in perpetuity. I fear that the council could be using a long term strategy to sequester Common Good Land for its own purposes. |

Thank you for taking the time to provide comments. These will inform the Council's consideration of the proposed lease of common good land to Girvan Youth Football Club of the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to

**Proposed Lease of Changing Pavilion and adjacent land at Victory Park, Girvan, KA26 9DH**



|  |
|--|
| <b>Consultation on proposed lease of changing pavilion and adjacent land</b>   |
| Your Postcode:<br>[REDACTED]   |
| Comments:<br><p>I wish to object to the clearly unfair clause in the proposed disposal of Common Good land at Victory Park, Girvan. South Ayrshire Council (SAC) in my opinion are performing nothing more than a land grab at the end of the proposed 20-year extension for the pavilion. After 2 extensions to the lease in previous years, why do SAC now propose to take ownership of the land and in effect, disposing of it to themselves? Surely SAC should be paying money into the Common Good fund if they are proposing to take assets from it.</p> <p><i>For clarity, I object to the inclusion of the clause allowing SAC to take the land out of the Common Good and take it for themselves and no other aspect of the proposal</i></p> <p>If this clause were removed, I would have no problem at all as I feel that the pavilion needs renovation as it is in a poor state of repair, this would allow it to continue to provide a use to the football club that currently lease it and to benefit the wider community should they wish to use the facility.</p> <p>The Common Good land of Victory Park was given as a gift to the townspeople of Girvan by the Dalrymple-Hamilton family in recognition of the sacrifices made during World War 1. The deeds of the land stipulate that Victory Park is to be used by the ALL of the residents of Girvan at no cost, and for all time coming. Taking the land and disposing of it to SAC removes the free access to the land, which is contrary to the spirit of the gift in the first place.</p> <p>Part 8 of the Community Empowerment (Scotland) Act 2015 aims to "increase transparency about Common Good assets and community involvement in decisions taken about their identification, use and disposal".</p> |

|  |
|--|
| <p>The Act places new duties on the council in relation to common good property: -</p> <ul style="list-style-type: none"><li>• Section 102 of the Act places a duty on the council to establish and maintain, after consultation, a register of property which is held by it as part of the common good.</li><li>• Section 104 imposes the requirement for public consultation before the disposal or change of use of a common good property.</li></ul> <p>Despite assurances provided in 2019, SAC have to date (6 years since the law was passed), not published a freely accessible Common Good Asset register of all assets held in the Common Good account or consulted on same <i>despite this being a legal requirement.</i></p> <p>Glasgow City Council, Highland Council, Edinburgh Council, South Lanarkshire Council, Fife Council, Renfrewshire Council, Argyll &amp; Bute Council, Stirling Council, Wick, North Lanarkshire Council, Borders Council, Dumfries &amp; Galloway Council and Aberdeenshire Councils have all managed fulfil their legal obligations, see links below, <i>why can't SAC do the same???</i></p> <p><a href="https://glasgow.gov.uk/24074">https://glasgow.gov.uk/24074</a></p> <p><a href="https://www.highland.gov.uk/info/20010/community_planning/840/common_good_asset_register">https://www.highland.gov.uk/info/20010/community_planning/840/common_good_asset_register</a></p> <p><a href="https://www.edinburgh.gov.uk/commercial-property-sale-let/common-good-register/1">https://www.edinburgh.gov.uk/commercial-property-sale-let/common-good-register/1</a></p> <p><a href="https://www.southlanarkshire.gov.uk/info/200168/getting_involved_in_your_community/1780/the_common_good_register">https://www.southlanarkshire.gov.uk/info/200168/getting_involved_in_your_community/1780/the_common_good_register</a></p> <p><a href="https://www.fife.gov.uk/kb/docs/articles/council-and-democracy/land-and-property/common-good">https://www.fife.gov.uk/kb/docs/articles/council-and-democracy/land-and-property/common-good</a></p> |
|--|

<https://www.renfrewshire.gov.uk/article/10167/Common-Good-Property>

<https://www.argyll-bute.gov.uk/common-good-property-register-review>

<https://www.stirling.gov.uk/news/2021/september-2021/common-good-register-goes-out-for-consultation/>

<https://www.johnogroat-journal.co.uk/news/council-to-consult-on-common-good-property-list-for-wick-218655/>

<https://www.northlanarkshire.gov.uk/business/commercial-land-and-property/register-common-good-properties>

[https://www.scotborders.gov.uk/info/20076/community\\_grants\\_and\\_funding/904/common\\_good\\_property](https://www.scotborders.gov.uk/info/20076/community_grants_and_funding/904/common_good_property)

<https://www.dumgal.gov.uk/article/15778/Common-Good-Register>

<https://www.aberdeenshire.gov.uk/council-and-democracy/community-empowerment/common-good-properties/>

Thank you for taking the time to provide comments. These will inform the Council's consideration of the proposed lease of common good land to Girvan Youth Football Club of the changing pavilion and adjacent land in Victory Park, Girvan.

If you are not completing this on-line then please send it to South Ayrshire Council, County Buildings, Wellington Square, Ayr, KA7 1DR or alternatively you can email it to [estates@south-ayrshire.gov.uk](mailto:estates@south-ayrshire.gov.uk). Any correspondence should be clearly marked 'Victory Park lease consultation'.

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