



**INDIVIDUAL CABINET MEMBER AND OFFICER DELEGATED DECISIONS**

**THURSDAY, 22 APRIL 2010**

Please find an enclosed Decision Notice in connection with the following:

1. Proposed Allotment Site (Pages 1 - 4)

Please note that this is subject to call-in.

**Queries regarding these documents**

Please contact David Watson - Democratic Services, Telephone 01524 582096 or e-mail [dwatson@lancaster.gov.uk](mailto:dwatson@lancaster.gov.uk).

Gillian Noall,  
Head of Democratic Services,  
Town Hall,  
Dalton Square,  
Lancaster LA1 1PJ

Published on Thursday, 22 April 2010

# LANCASTER CITY COUNCIL

*Promoting City, Coast & Countryside*

## EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER NOTICE OF DECISION

*THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER*

<b>TITLE OF DECISION: PROPOSED ALLOTMENT SITE</b>			
<b>NAME OF DECISION TAKER:</b>	COUNCILLOR JON BARRY		
<b>POSITION AND RESPONSIBILITY HELD:</b>	CABINET MEMBER WITH RESPONSIBILITY FOR PROPERTY SERVICES		
<b>CONTACT OFFICER:</b>	ANN WOOD		
<b>TELEPHONE:</b>	582506		
<b>E-MAIL:</b>	awood@lancaster.gov.uk		
<b>Details of Decision:</b>			
That the Head of Property Services be authorised to grant a lease to Caton Parish Council for land to the rear of 29 Fell View, Caton to develop a new allotment site on terms set out in the report.			
<b>Reasons for the decision (continue on separate sheet or append relevant papers as necessary):</b>			
The decision will allow the City Council to facilitate the provision of useful community resources which promotes health and well being and helps to meet the demand for the provision of allotments in the District.			
<b>Is the decision URGENT Yes/NO Please delete as appropriate and give reasons for urgency below:</b>			
No			
<b>I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES)</b>			
<b>SIGNATURE OF THE OVERVIEW AND SCRUTINY COMMITTEE CHAIRMAN:</b>		N/A	
<b>I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.</b>			
<b>SIGNATURE OF DECISION TAKER:</b>	Jon Barry		
<b>DATE:</b>	20 April 2010		
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			<b>REF NO.</b>
			PD264
<b>DATE DECISION TAKEN:</b>	20 Apr 2010	<b>DATE RECEIVED BY DEMOCRATIC SERVICES:</b>	20 Apr 2010
<b>DATE DECISION PUBLISHED:</b>	22 Apr 2010	<b>IMPLEMENTATION DATE (publication day + 5 working days):</b>	30 Apr 2010

*A copy of the report considered by the decision taker should be appended to this form and forwarded immediately to Democratic Services on completion.*

**CABINET**

**Proposed Allotment Site  
Individual Cabinet Member Decision  
(Councillor Jon Barry)**

**Report of Head of Property Services**

<b>PURPOSE OF REPORT</b>				
To report and obtain approval for the granting of a lease of land to the rear of 29 Fell View Road, Caton to develop a new parish allotment site.				
<b>Key Decision</b>	<input type="checkbox"/>	<b>Non-Key Decision</b>	<b>X</b>	<b>Referral from Cabinet Member</b>
This report is public				

**1.0 RECOMMENDATIONS OF HEAD OF PROPERTY SERVICES**

**That the Head of Property Services be authorised to grant a lease to Caton Parish Council for land to the rear of 29 Fell View, Caton to develop a new allotment site on terms set out in the report.**

**2.0 Introduction**

2.1 The City Council has been approached by Caton Parish Council to develop a new community allotment site in Caton to meet the demand of local residents for allotment plots. A site has been identified to the rear of 29 Fell View, Caton on land which extends to approximately 835 m<sup>2</sup> (999 sq yds), as outlined on the attached plan. The land is owned by the City Council and has been used as a garden extension by the previous owner of the adjacent property, but has now become vacant and overgrown. The land is managed by Council Housing Services as part of the Caton Housing Estate. Planning permission for change of use will be required for the land.

2.2 Under the Council's Constitution the Head of Property Services has no delegated powers to grant a lease for land and property under the control of another Service Head.

**3.0 Proposal Details**

3.1 Under section 23 of the Small Holdings and Allotments Act 1908, there is a statutory duty on parish councils to provide suitable allotment sites if they are of the opinion that there is a demand for such. In considering demand, a council must take into account representations from six or more people. The Parish Council have approached the City Council to help them provide the land to fulfil their statutory duty.

- 3.2 The proposed site may have some potential for a small housing development although the site was not included in the Strategic Housing Land Availability Assessment (SHLAA) process which informs the Land Use Allocations process under the Council's Local Development Framework. The access into the site would be difficult and would potentially require the creation of a bridge over the mill race to enter the site from Broadacre.
- 3.3 Proposed terms and conditions have been sent to the Parish Council, they include a licence to develop the land for an allotment site and thereafter terms and conditions for a 10 year lease of the land based on the existing allotment leases.
- 3.4 Cabinet, however, have recently considered the leasing arrangements for allotments through the allotments task group and agreed that the standard lease be developed to view allotments as an essential community resource with peppercorn rents payable. The capital and revenue costs associated with this decision were approved as part of budget proposals by Council at its meeting of 3rd March, 2010. The proposal is that any leasing arrangements with the Parish Council should be subject to the same terms and conditions as the other allotment organisations, i.e. at a peppercorn rent.

#### **4.0 Details of Consultation**

- 4.1 Council Housing Services who manage the land in this instance have no objection to the proposal and have been consulted throughout the process.

#### **5.0 Options and Options Analysis (including risk assessment)**

- 5.1 Option 1 - To grant Caton Parish Council a licence to develop the land as an allotment site and then subsequently grant them a 10 year lease for the land to run a new allotment site at Fell View, Caton, in accordance with new terms agreed between the two parties. Caton Parish Council has been trying to identify an allotment site within their parish for a number of years and this is an ideal opportunity to use an under utilised piece of land to provide allotments where there is a particular demand.
- 5.2 Option 2 - Not to grant Caton Parish Council a licence and lease for the area stated above. This could adversely affect the achievement of priorities laid out in the Lancaster District Local Strategic Partnership's Sustainable Community Strategy which the Council are committed to through the Corporate Plan.

#### **6. Officer Preferred Option and Comments**

- 6.1 Option 1 is preferred, to obtain approval to grant a lease to Caton Parish Council to develop and run an allotment site for the reasons outlined above. Discussions have been ongoing between the parties and terms for a lease have been mutually agreed.

**RELATIONSHIP TO POLICY FRAMEWORK**

There is a relationship to the Local Strategic Partnership Sustainable Community Strategy, a new allotment site will provide a sustainable environmental resource for the community by promoting health and well being, developing food growing skills and promoting outdoor activities.

**CONCLUSION OF IMPACT ASSESSMENT  
(including Diversity, Human Rights, Community Safety, Sustainability etc)**

This report is linked to the Local Strategic Partnership Sustainable Community Strategy. The promotion of allotments as a community resource impacts upon sustainability, health and community cohesion.

**FINANCIAL IMPLICATIONS**

A proposed lease of the land has been agreed in principle with the Parish Council. Council on 3<sup>rd</sup> March, 2010 approved budget changes associated with recommendations made by the allotments task group thus a peppercorn rent will be charged and the revenue income will be only £1, if demanded.

Given the special provisions for granting of allotments it may be difficult to redeem the land if it is still in use as allotments after the initial 10 year lease period. This could mean that this is treated as a finance lease with the value of the land removed from the Council's balance sheet. This in turn would mean any income from the lease would be classified as a capital receipt, however, as this income is not material the lease classification will have no wider impact in terms of either capital or revenue budgets.

Once the full terms and conditions have been agreed, Property Services need to liaise with Financial services so that a definitive lease classification can be agreed.

**SECTION 151 OFFICER'S COMMENTS**

The Deputy Section 151 Officer has been consulted and has no further comments

**LEGAL IMPLICATIONS**

Legal Services have been consulted and will prepare the appropriate documentation to proceed with the preferred option, if approved.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments

**BACKGROUND PAPERS**

Exempt

**Contact Officer:** Ann Wood  
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