

Cabinet

Amendment to the Scheme of Delegation - Potential Allotment Sites

Individual Cabinet Member Decision June 2010

Report of the Corporate Director (Regeneration)

PURPOSE OF REPORT				
To give delegated authority to the Head of Property Services to grant leases of land on sites to be developed as new allotment sites.				
Key Decision		Non-Key Decision	X	Referral from Cabinet Member
This report is public				

1.0 RECOMMENDATIONS

- (1) That the Scheme of Delegation be amended to authorise the Head of Property to grant leases of land for potential new allotment sites in the control of other services (provided that such land would not be capable of achieving a market rent exceeding £6000 p.a. for alternative use), subject to the approval of the managing service as set out in this report.
- (2) That the amendment to the Scheme of Delegation be reported to Council in accordance with Rule 1.4 of the Cabinet Procedure Rules

2.0 Introduction

- 2.1 An increasing number of Parish Councils and similar organisations have been approaching the City Council to develop new community allotment sites in their area to meet the demand of local residents for allotment plots. Most recently this has been seen at Caton where approval was obtained to grant the Parish Council a lease of land to the rear of 29 Fell View, Caton to develop a new allotment site. The land in this instance as in many other cases is managed by Council Housing Services as part of the Housing Estate.

- 2.2 Under the current Scheme of Delegation, the Head of Property Services has delegated authority to manage and maintain, inclusive of lettings, the assignment and surrender of leases and grant of easements, all property and land not under the control of any other 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. It is anticipated that more Parish Councils will be approaching the City Council to help them provide the land to fulfil their statutory duty.
- 3.2 Approaches may also come from Allotment Associations who may wish to extend the area of their existing sites in non parished areas.
- 3.3 The proposed sites may have some potential for small housing development and some reference will be required to the Strategic Housing Land Availability Assessment (SHLAA) process which informs the Land Use Allocations process under the Council's Local Development Framework to determine the potential alternative uses of the land. If an alternative use for the land is identified, then the decision will have to be referred to Cabinet.
- 3.4 The terms and conditions which would be granted to the Parish Councils and similar organisations would be based on the Council's new standard allotment leases, granted to Allotment Associations, which view allotments as an essential community resource with peppercorn rents payable. The capital and revenue costs associated with the new leasing arrangements were approved as part of budget proposals by Council at its meeting of 3rd March, 2010. The purpose of the proposed delegation is to enable the Head of Property Services to grant such leases, (provided that such land would not be capable of achieving a market rent exceeding £6000 p.a. for alternative use), subject to consultation with the relevant Head of the Service under which the land is held.

4.0 Details of Consultation

- 4.1 Consultation will take place with the service who manage the land under consideration, as well as Community Engagement Service who may be able to advise on the sustainability issues surrounding the proposal. Ward Councillors will be consulted regarding any proposals in their Wards. If there is a lack of agreement to the proposal by the Ward Councillors, then the decision will be referred to Cabinet.

5.0 Options and Options Analysis (including risk assessment)

- 5.1 Option 1 - To approve delegated authority to the Head of Property Services to grant leases to develop and run allotment sites, (provided that such land would not be capable of achieving a market rent exceeding £6000 p.a. for alternative use), in accordance with the new standard allotment leases, subject to the approval of the managing service of the land in question. Parish Councils and similar organisations are identifying sites within their parish and this may be an ideal opportunity to use under utilised pieces of land to provide allotments where there is a particular demand.

5.2 Option 2 - Not to grant delegated authority to the Head of Property to grant leases as stated above. This could delay the process of obtaining approval and create a more piecemeal approach to the various requests we are receiving. The delegation of this issue will provide a coordinated approach and achieve the 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 (a) is preferred, to obtain approval to delegated authority to the Head of Property Services to grant a lease to a Parish Council to develop and run an allotment site for the reasons outlined above.

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

Council on 3rd 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 such land if it is still in use as allotments after the initial 15 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.

As stated in the Fell View, Caton report (April 2010) 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

Whilst this proposal is in accordance with the budget as approved by Council in March, it is highlighted to Members that generally the Council may need to review/revisit budget decision taken in previous years, in responding to the greater financial challenges now expected in future. Should Cabinet agree to the proposals for delegation, it would be sensible to have arrangements in place for monitoring the total value of leases granted / rental income foregone; this would be incorporated into existing arrangements.

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

Allotments

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