

Cheltenham Borough Council
Cabinet – 11th February 2020

Reallocation of Funds to Support High Street Improvement Phase2

Accountable members	Councillor Rowena Hay, Cabinet Member Finance
Accountable officers	Tracey Crews – Director of Planning
Ward(s) affected	All
Key Decision	Yes
Executive summary	<p>In the budget outturn report that was considered by Council on 22nd July 2019, the Council made an “in principle” decision that £400,000 be reallocated to the High Street fund to support delivery of phase 2 of the Cheltenham High Street improvement plans, subject to the production of this report.</p> <p>This report outlines the current situation with regard to a portion of the Midwinter capital receipt retained by the Council in 2012 to make provision for additional allotments, and allotment improvements following the sale of former allotment land at Midwinter. It summarises the current situation with regard to allotment demand, and outlines what improvements need to be made to existing sites in line with the Small Holdings and Allotment Act 1908 in order to reallocate the remaining funds.</p>
Recommendations	<p>1. To approve the spending of £161,402 on the allotment improvement works identified in this report. To reallocate the remaining £400,000 towards the Cheltenham High Street phase 2 improvements.</p>

Financial implications	The report sets out the change in capital funding that is now set out in the budget for 2020/21. The council need to be aware that should the demand for allotments increase in the future then we will be required to provide adequate provision. This should be covered by the monies set aside for allotment improvements within section 4.1 on this report. Contact officer: Andrew Knott Andrew.knott@publicagroup.uk , Tel: 01242 264121
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Legal implications	<p>The duties of the Authority regarding the use of expenditure of a capital receipt from the sale of statutory allotment land and the duty to provide sufficient allotments is contained in S32(7) and S23(1) of the Small Holdings and Allotments Act 1908, a summary of which is set out in section 2 of this report. Provided that the Authority is satisfied that it has discharged its duties, the Authority may use the remaining capital receipt for matters on which capital money may be spent.</p> <p>Should the demand for allotments increase, the Council will be required to provide adequate provision.</p> <p>Contact officer: Donna Ruck donna.ruck@tewkesbury.gov.uk 01684 272696</p>
HR implications (including learning and organisational development)	<p>None</p> <p>Contact officer: julie.mccarthy@publicagroup.uk 01242 264355</p>
Key risks	<p>See appendix 1 of this report.</p>
Corporate and community plan Implications	<p>Reallocation of funds will directly contribute towards the Council's Key Priority: "Continuing the revitalisation and improvement of our vibrant town centre and public spaces."</p>
Environmental and climate change implications	<p>Regeneration of the town centre will contribute towards the Council's travel Plan, and "Habitat Cheltenham" objectives by enhancing biodiversity and creating wildlife corridors.</p>
Property/Asset Implications	<p>Allotment site improvement works identified in this report would be scheduled to take place in financial year 2020/2021</p> <p>Contact officer: dominic.stead@cheltenham.gov.uk 01242 264151</p>

1. Background

- 1.1** In 2012 the Council ring-fenced £600,000 from the proceeds of the Midwinter sale for the provision of new allotments to meet potential future demand. Elmfield Playing Field, situated next to Midwinter Allotment site, was identified as the location where new allotments would be created if demand led to the need for additional allotment provision within the Borough.
- 1.2** The use of allotments is monitored; allotment demand has been met comfortably by proactive management by the Green Spaces Team together with upgrading parts of the existing Midwinter site and bringing them back into active cultivation. Monitoring demonstrates that since the decision in 2012, the demand for allotments has not led to the need for new allotments to be provided
- 1.3** In 2014 Cabinet agreed to the spending of up to £50,000 of the ring-fenced money on improvements to the Midwinter allotment site which included the installation of compost toilets and other site improvements. The total now stands at £561,402.
- 1.4** In the intervening years Elmfield Playing Field has increased in prominence as a local community green space seeing investment through the “Big Local” to create a valuable play space, with further projects planned in partnership with the local community. Given these circumstances it is unlikely that either the Council or the wider community would wish to develop all or part of the playing field as allotments in the foreseeable future. Continued monitoring will take place and a review of alternative sites, should a demand for allotments arise is underway.

2. Legal Duties

- 2.1** The Authority is under a duty to spend the capital receipt in accordance with Section 32(7) of the Small Holdings and Allotments Act 1908 as follows:
 - either by way of a sinking fund or otherwise, the debts and liabilities of the Authority in respect of the land acquired by the Authority for allotments, or
 - in acquiring, adapting, and improving other land for allotments and
 - any surplus remaining may be applied for any purpose for which capital money may be applied,
 - the interest thereon (if any) and any money received from the letting of the land may be applied in acquiring other land for allotments, or shall be applied in like manner as receipts from allotments under this Act are applicable.
- 2.2** The Authority is under a duty under Section 23(1) of the Small Holdings and Allotments Act 1908 in non-parished areas to provide a sufficient number of allotments for residents of their area. It also lays down the rule that if six parliamentary electors resident in the borough or parish consider there is an ill met demand for allotments, they can require the Authority to consider the matter formally.

3. A Summary of Allotment Demand in Cheltenham

- 3.1** Allotment demand follows longer-term trends and is also subject to more immediate short-term stimuli.
- 3.2** In 2005, there were 85 applications for a Cheltenham Borough Council allotment, after which demand steadily increased, reaching a peak in 2008 with 312 applications. Demand remained high for several years and waiting lists grew.
- 3.3** Over the last 10 years, the number of applications has ranged from 147 to 210, with 193 applications received in both 2017 and 2018. With these rates of application, given plot turnover and take-up rates, the waiting lists have been slowly shrinking and by the end of 2018, there was

the prospect of several sites not having a waiting list at all. (This is a problem because the vacant plots become overgrown with weeds and problematic for other tenants.)

- 3.4** In 2019, there were 252 applications. It remains to be seen if this increased application rate was a response to a particular set of circumstances (concerns about Brexit and food supplies) or if it is the start of a more sustained period of increased demand.
- 3.5** The Midwinter site is the largest of the Cheltenham Borough Council allotment sites, with over 200 plots, of which about 40 change hands each year. The waiting list is quite short (generally a wait for a plot of 6 months or less) and stable, indicating that the number of plots available is broadly appropriate to meet current demand in the area.

4. Proposals

- 4.1** Given the legal duties and demand for allotments outlined in this report, the following is proposed:
 - That the sum of £161,402 is allocated to undertake improvements to existing sites; namely path improvements at Midwinter, and modifications to water supplies at all Borough Council sites to ensure compliance with the Water Regulations Act.
 - That £400,000 is reallocated to the Cheltenham High Street fund to support delivery of phase 2 improvement works.

5. Alternative options considered

- 5.1** None.

6. Consultation and feedback

- 6.1** In the budget outturn report that went to full Council on 22nd July 2019, the authority made an “in principle” decision that £400,000 be reallocated to the High Street fund to support delivery of phase 2, subject to the production of this report.
- 6.2** Full regard has been had to the council’s monitoring data on allotments; this has formed the basis of engagement with lead Cabinet portfolio holders.

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Appendices	1. Risk register
Background information	None

Risk Assessment

Appendix 1

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likeli-hood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the Council does not improve allotment land with the proceeds of the sale of Midwinter then it could be demonstrated that it has not performed its duty under the small holdings and allotment act 1908	Director of Planning	06/01/2020	3	1	3	Reduce	Cabinet approves allocating portion of Midwinter capital receipt to undertake site improvements detailed in this report.	11/2/20	Head of Property and Asset Management Green Space Development Manager	
	If the Council does not allocate alternative land for allotments for future demand then it may be unable to exercise its duties for the provision of allotments	Director of Planning	06/01/2020	2	3	6	Reduce	Monitoring and review of alternative sites	11/2/20	Head of Planning Green Space Development Manager	
	If the Council does not reallocate part of the Midwinter capital receipt to an alternative scheme then the Council may not be able to achieve the desired outcome of phase 2 of the High Street	Director of Planning	06/01/2020	4	4	16	Reduce	Cabinet approves reallocation of funding as outlined in this report.	11/2/20	Townscape Manager	
	If the Council does not undertake	Director of Planning	06/01/2020	4	1	4	Reduce	Cabinet approves spending of funds	11/2/20	Head of Property and	

	modifications to its allotment water supplies then it may not be complying with the Water Regulations Act 1999							on allotment site improvements as outlined in this report.		Asset Management Green Space Development Manager	
	If the demand for allotments increases once the remainder of the Midwinter capital receipt is spent, the Council will have to allocate the funding from other resources.	Chief Accountant	27/01/2020	2	3	6	Reduce	Ongoing monitoring and active management of allotment sites	ongoing	Managing Director – Place and Growth	