

# Cheltenham Borough Council

Council – 25 June 2012

## A petition regarding the proposal for allotments on Weavers Field

<b>Accountable member</b>	<b>Cabinet Member Sustainability, Councillor Roger Whyborn</b>
<b>Accountable officer</b>	Executive Director, Grahame Lewis
<b>Accountable scrutiny committee</b>	Overview and Scrutiny Committee
<b>Ward(s) affected</b>	Warden Hill
<b>Significant Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>A petition was received by Council on 26 March 2012 requesting the following:</p> <p>“We the undersigned are very much against the current preliminary proposal which would see up to 88 allotments on part of Weavers Field. The Council say that only 3.1 acres of the 8.1 acre field would be turned into allotments – however this does not take into account the creation of a large car park area in order to cope with a significant number of vehicles. This area is the only open green space in this locality and the preliminary proposal is not acceptable”.</p> <p>As the petition had in excess of 750 signatures it is entitled to a debate at Council.</p>
<b>Recommendations</b>	<b>To consider the petition and agree an appropriate course of action</b>

<b>Financial implications</b>	The 2012/13 budgets, approved by Council in February 2012 include additional income of £2,000 in 2012/13 and £5,000 in 2013/14 from the creation of 100 new allotment plots. If these plots are not made available there may be a potential shortfall in income.
<b>Legal implications</b>	<p>The petition must be considered in accordance with the Council's Petition Scheme made pursuant to the Local Democracy, Economic Development and Construction Act 2009. The petition will be considered in accordance with the Council Procedure Rules varied in so far as necessary to comply with the attached Process.</p> <p><b>Contact officer: Donna Ruck, Solicitor</b>  <b>donna.ruck@tewkesbury.gov.uk, 01684 272696</b></p>
<b>HR implications (including learning and organisational development)</b>	None arising from this report.
<b>Key risks</b>	None arising from this report.
<b>Corporate and community plan Implications</b>	None arising from this report.

<b>Environmental and climate change implications</b>	None arising from this report.
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## 1. Background to the Petition Scheme

- 1.1** The petition provisions in the Local Democracy, Economic Development and Construction Act 2009 aim to address the perception nationally, as revealed in the results of the Place survey, that the community is unable to influence local decisions.
- 1.2** The Council's Petition Scheme (based on the national model scheme) is designed to ensure that the public has easy access to information about how to petition their local authority and they will know what to expect from their local authority in response. Included within the Scheme is the requirement to have a full Council debate should a certain number of signatures be achieved. Cheltenham Borough Council has set that threshold lower than that recommended by the legislation at 750 signatures.
- 1.3** The legislation also recommends a 15 minute maximum period for the debate and recognises that the issue may be referred to another committee where the matter is not one reserved for full Council. The purpose of the requirement for Council debate therefore, is not to ensure that the final decision relating to the petition issue is made at that Council meeting but to increase the transparency of the decision making process, ensuring that debates on significant petitions are publicised with sufficient notice to enable the petition organiser and public to attend. It also ensures that local people know that their views have been listened to and they have the opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject matter of the petition.

## 2. The petition

- 2.1** Councillor Anne Regan submitted a petition to the Mayor at the 26 March Council meeting on behalf of the Weavers Field dog walkers and other interested parties. It had 1020 signatures which was in excess of the 750 signatures required to trigger a debate at Council. The wording of the petition is set out the Executive Summary of this report.
- 2.2** Mr A Rastelli was nominated as the petition organiser.
- 2.3** The Council is therefore required to debate the petition for a maximum of 15 minutes in accordance with the Petitions Scheme approved by Council on the 13 May 2010. A process for dealing with a petition was produced by officers and is attached as Appendix 1 as a process to be followed for the debate at this meeting. The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows
- taking the action requested in the petition (provided the matter is reserved to full Council for decision)
  - referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration
  - holding an inquiry into the matter
  - undertaking research into the matter
  - holding a public meeting
  - holding a consultation
  - holding a meeting with petitioners
  - calling a referendum
  - writing to the petition organiser setting out our views about the request in the petition
  - taking no further action on the matter

### **3. Background information to the subject of the petition**

#### **Statutory Obligations for Allotment Provision**

- 3.1** By Section 23 of The Small Holdings and Allotments Act 1908, authorities have an express duty to provide allotments where they are of the opinion that there is a demand for them. There is a statutory duty to provide a sufficient number of allotment plots and to let them to persons resident in the area.
- 3.2** Since there are no formal national standards for provision, the level and standard of local provision is based on local demand. This is re-iterated in National Planning Policy Framework, which requires local authorities to undertake robust assessments of the need for open spaces of different kinds and prepare strategies that prioritize adjustments as required
- 3.3** There is no timeframe specified in law within which an authority must provide an allotment, but the authority has a legal duty to 'take proceedings' (make plans for) for the provision of allotments where demand is recognized.
- 3.4** In terms of funding allotment provision, Allotment Law stipulates that proceeds from the sale of statutory allotment land be used to acquire, adapt or improve land for allotments. Any surplus, after this obligation has been met, can be used for other purposes.
- 3.5** With the sale of statutory allotment land in the Midwinter area, there is therefore a potential source of capital to fund identified additional requirement.
- 3.6** In acknowledging *its* statutory duty to provide a sufficient number of allotments Cheltenham Borough Council has undertaken analysis to identify the number of allotments that would satisfy current and perceived future demand in a sustainable way. This analysis, and a methodology for identifying new allotment land was considered and approved by cabinet at its meeting of 26<sup>th</sup> October 2010 as part of a review of the Council's 10 Year Allotment Strategy.
- 3.7** Developing an allotment for every person currently on the waiting list for whom the Borough has responsibility (over 500) would result in a surplus of allotments and therefore would not be a cost-effective approach. Current and anticipated rates of application and turnover suggest a need for 290 additional half-sized plots, mainly in the South of Cheltenham, to satisfy the demand that falls within the remit of the Borough Council.
- 3.8** The methodology for identifying new allotments is based on the following criteria:
- Land that lies within or close to an area of high demand
  - Developing land the Council already owns
  - Developing land suitable for allotments or at low cost to develop – green field sites.
  - Using land adjacent to existing allotment sites
  - Land suitable in size for allotments – not less than 1 hectare, reflecting the fact that it is more cost effective to set up and run fewer larger sites, than numerous smaller sites.
- 3.9** Weavers Field was considered to be the only site in the South of the town that was viable and met most of these criteria whilst leaving a substantial portion of the total area available for public amenity.
- 3.10** If land is not found using the criteria listed here, other options would include
- leasing or purchasing land, either from other authorities or from private land-owners,
  - land swap with other authorities,
  - using non-green field land, or the creation of smaller sites
  - using land located outside the Borough boundary,
  - compulsory purchase of land within the Borough boundary.

These would be higher cost options, and apart from compulsory purchase rely on the co-

operation of private land owners, who may not come forward in a reasonable time scale. In investigations so far very few opportunities are considered to exist in the south of Cheltenham, and those that there are likely to be associated with significant difficulty, and therefore expense, for the Council.

### 3.11 Current situation

The Council has recently advertised its intention to appropriate the land at Weavers Field for the purposes of allotments and has received objections which are due to be considered by cabinet at its July meeting. An open day was also held at Brizen Young Peoples Centre to allow people to view plans in more details and talk to officers and members. Objections include closeness of allotments to neighbouring properties and that insufficient amenity remains for e.g. walkers. Prior to this the plan was modified from an earlier version following concerns that the car park shown was too big and also to show the retention of an important oak tree on the periphery of the site. If approved by cabinet the proposal would require working up in more detail and a planning application would be required for change of use. Early discussions have taken place with regard to highway access, land drainage, planning and ecology, that do not suggest at this stage that the scheme is not viable.

## 4. Reasons for recommendations

4.1 To decide a course of action as required by the Petition Scheme.

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<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Process for dealing with a petition at council</li> </ol>
<b>Background information</b>	<ol style="list-style-type: none"> <li>1. Council's petition scheme – report to Council 13 May 2010</li> <li>2. Cabinet 26<sup>th</sup> October 2010 - review of the Council's 10 Year Allotment Strategy</li> </ol>