

**Cheltenham Borough Council**  
**Cabinet – 26 October 2010**  
**5 Year Review of Allotment Strategy**

<b>Accountable member</b>	<b>Councillor Roger Whyborn, Cabinet Member Sustainability</b>
<b>Accountable officer</b>	<b>Rob Bell, Assistant Director Operations</b>
<b>Accountable scrutiny committee</b>	<b>Environment Overview and Scrutiny Committee</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key Decision</b>	
<b>Executive summary</b>	The current allotment strategy “Food For Thought ” 2005 – 2015 was approved by cabinet in 2005. This report and the accompanying appendices set out the progress made over the last five years and set new actions for the remaining five years. An analysis of supply and demand has been undertaken in order to assist the council in identifying a reasonable level of provision to meet future need.
<b>Recommendations</b>	<p><b>I recommend that Cabinet</b></p> <p><b>a) notes the progress made against the action plan (contained in Appendix 4 to this report) during the first five years and commits to the revised action plan for the next five years</b></p> <p><b>b) approves the analysis and methodology contained in Appendix 3 to this report for the provision of new allotments to meet current and future demand</b></p> <p><b>c) approves the principle of a revised charging structure for allotments (as set out in Appendix 2 to this report) and authorises the Assistant Director Operations (in consultation with the Cabinet Member Sustainability) to finalise the details of the new charging structure, in time to enable implementation for 1<sup>st</sup> January 2012.</b></p>

<p><b>Financial implications</b></p>	<p>Financial implications arising from this report relate to investment of a proportion of the resources arising from the agreed disposal of redundant allotment land. The costs are identified in Appendix 3.</p> <p>Part of the action plan will look at opportunities for local management of sites and a review of fees and charges. Any changes to Fees and Charges would need to be approved by Cabinet by 31 December 2010 for implementation on 1 January 2012 as there is a requirement to give Allotment holders 12 months notice of any such amendments to their fees and charges.</p> <p><b>Contact officer: Paul Jones, Head of Financial Services</b>  <b>paul.jones@cheltenham.gov.uk</b>  <b>01242 775154</b></p>
<p><b>Legal implications</b></p>	<p>The disposal of public space requires an agreed process for advertising the disposal and achieving best consideration for the land.</p> <p>Under s23 of the Small Holdings and Allotments Act 1908 ('the 1908 Act') if a local authority is of the opinion that there is a demand for allotments in its area then the local authority is responsible for providing sufficient numbers of allotments to persons residing in its area to meet that demand. The Local Government Act 1972 clarified that, where functions under the 1908 Act would be exercisable by both a district council and a parish council then the district council shall not exercise those functions.</p> <p>Therefore, all Parish Councils within the Borough of Cheltenham are responsible for statutory allotments within their boundaries and for providing sufficient allotments to meet identified demand from their residents.</p> <p>Under s32(2) of the 1908 Act any capital receipt obtained from the sale or exchange of statutory (as opposed to temporary) allotment land must be spent on the debts and liabilities of the council in respect of the land acquired by the council for allotments, or in acquiring, adapting, and improving other land for allotments. Any surplus remaining may be applied for any purpose for which capital money may be applied.</p> <p>Therefore, the Borough Council may not use proceeds of sale of statutory allotment land in non-Parish Council areas to provide or improve land for statutory allotments in Parish Council areas. If the Borough Council were to support Parish Councils in meeting their demand for allotments, it would need to be achieved through land transfer, entering into management arrangements or providing temporary allotments ( but in this case the primary purpose of the land would have to be for a reason other than allotments) to avoid contravening the legislation.</p> <p><b>Contact officer: Donna McFarlane, Solicitor,</b>  <b>donna.mcfarlane@tewkesbury.gov.uk,</b>  <b>01242 775116</b></p>

<b>HR implications (including learning and organisational development)</b>	None <b>Contact officer:</b> , <b>@cheltenham.gov.uk, 01242</b>
<b>Other</b>	Input from Strategic Land Use Team in preparation of a local standard or special planning document for allotments. <b>Contact officer: Tracey Crews, Spatial Planning Manager</b> <b>tracey.crews@cheltenham.gov.uk</b> <b>01242 264382</b> Development of new sites will require collaboration with Property Services and Asset Management Division and One Legal. <b>Contact officer: David Roberts, Head of Property Services</b> <b>david.roberts@cheltenham.gov.uk</b> <b>01242 774151</b>
<b>Key risks</b>	The risk assessment is included as appendix 1.
<b>Corporate and community plan Implications</b>	The provision of thriving allotment sites assists the council in enhancing and protecting the environment by raising awareness of local food production, contributing to local biodiversity, and forming part of an important network of green space throughout the town.  Thriving allotment sites are a reflection of strong communities and bring together people of differing cultural and social backgrounds. Allotment gardening is an opportunity for people to exercise and lead a healthy lifestyle through growing and then consuming their produce, and helps reduce household expenditure during hard times or when food prices are on the increase. People with varying degrees of physical ability are known to benefit from allotment gardening.

## **1. Background**

- 1.1** The allotment strategy was approved in November 2005. One of the drivers behind its production was the need to identify improvements to existing sites in relation to the sale of statutory allotment land at Howell Road in Hesters Way. At the time allotment demand was largely being met in Cheltenham through existing provision and the view was taken, in association with the Allotment Forum, that the council should discharge its obligations under the allotment act by improving existing sites rather than by providing new. On this basis a condition survey was undertaken along with a consultation process to determine the scale and type of improvements required. Since this time the action plan has largely been fulfilled by undertaking these works which are expanded on in greater detail in appendix 4.
- 1.2** The review of this strategy comes at a time when the council is proceeding with the sale of statutory allotment land at Midwinter, and when demand for council allotments exceeds existing provision. On this basis, and in discussion with the Allotments Forum, the view is that the focus for the use of proceeds from the sale of Midwinter should be put toward the provision of new allotments to meet this demand.
- 1.3** The strategy is attached as appendix 2. It comprises a document which is organised into 4 main sections:
- Section 1:** Summarises the current situation of allotments in Cheltenham, with an updated position on demand for plots.
- Section 2:** describes the five key issues pertinent to allotments and suggests aims and objectives to address each issue. Includes an updated position on each since the original strategy document was written
- Section 3:** Proposes a vision policy and principles for allotments.
- Section 4** Presents a new action plan for 2010-2015. The previous action plan and report on progress is contained in appendix 4.

## **2. Reasons for recommendations.**

- 2.1** The purpose of this report is to outline progress made on the allotment strategy over the last five years and present the action plan the next five years.
- 2.2** An additional piece of work attached as appendix 3 contains supplementary information in four areas: statutory duties, demand analysis, financial implications / considerations, methodology for assessing suitable land. This document constitutes an analysis of supply and demand of council allotments in areas of the town where the council is responsible for provision.
- 2.3** The document also includes a methodology to inform the council in deciding what it believes is a reasonable level of provision to meet future needs, and subsequently how much money should be put aside for this purpose in the event of capital receipts it may receive in selling statutory allotment land (i.e. Midwinter). Detailed information of this can be found in appendices 2, 3 and 4 of the cabinet report entitled "Midwinter Area Improvement" of the 27th July 2010.
- 2.4** Further the cabinet is concerned to reduce net costs of allotment provision, with the aim that allotment management costs would become cost-neutral by the end of the strategy period in 2015.

## **3. Alternative options considered**

- 3.1** None

#### **4. Consultation and feedback**

**4.1** Extensive consultation took place prior to the strategy being produced and the Allotment Forum was closely involved in the development of the strategy. More recently, an Environment Overview and Scrutiny Committee was convened and met in August to discuss the strategy from which the following issues were raised:

- Establishing the statutory duties of the borough and parish councils in relation to allotment provision.
- Identify statutory duties in relation to proceeds of sale of statutory allotment land in meeting demand for allotments in Cheltenham.
- The extent of demand for allotments in the borough and parish areas.
- Availability of land within the borough, suitable for additional allotment provision.
- Cost of provision of additional allotment sites.
- Extent to which the council would look to assist parish councils in meeting their demand for allotments.
- Undertaking a review of the current structure of fees and charges made for allotments.
- Review the format of the Allotment Forum to maintain its relevance to widening range of groups involved in allotments.

**4.2** Since this time it has been established that the borough council is not responsible for provision of statutory allotments in Parish Council areas. Consultation has recently commenced through the C5 group of Parish councils and is ongoing

**4.3** The preferred way in which the borough council could assist parishes in making future provision for allotments, or generally in the town where future demand is created, is to require allotment provision as part of S106 agreements for new housing development This could be through developing Supplementary Planning Documents (SPD). The strategic land use team will be undertaking a review of SPD later this year at which time this will be considered.

#### **5. Performance management –monitoring and review**

**5.1** The strategy forms part of the divisions service plan and is fed through into the appraisal process.

<b>Report author</b>	<b>Contact officer: Adam Reynolds,</b> <b>Green Space Development Manager.</b> <b>adam.reynolds@cheltenham.gov.uk, 01242 774669</b>
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. A Strategy for Allotments in Cheltenham and for Allotment Sites Managed by Cheltenham Borough Council.</li><li>3. Background Information and Analysis to inform the Action Plan 2010</li><li>4. A Review of the allotments Action Plan 2005 – 2010</li></ol>
<b>Background information</b>	Cabinet – 27th July 2010 Midwinter Area Improvement - Proposed Sale of Statutory Allotment Land

