

Cheltenham Borough Council
Cabinet
12 March 2013
Scrutiny Task Group – Allotments
Report of the Overview and Scrutiny Committee

Accountable member	Chair of the Allotments Scrutiny Task Group, Councillor Anne Regan
Accountable officer	Grahame Lewis – Executive Director
Ward(s) affected	All
Key Decision	Yes
Executive summary	<p>A review of allotments was initiated by the Overview and Scrutiny Committee in July 2012 and a task group was set up with defined terms of reference.</p> <p>Following a number of meetings and site visits, the scrutiny task group has come up with 11 recommendations which, if adopted by Cabinet, would enhance allotment provision in the town.</p> <p>The report of the scrutiny task group was considered by the Overview and Scrutiny Committee (O & S) on 10 January 2013. Whilst welcoming the report, the committee was of the view that the authority should encourage more people to “grow their own” both for the health benefits and in the context of global food shortages over the medium to long term. In addition O & S felt that the use of smaller parcels of land for the provision of both statutory and non-statutory allotments should be examined by officers. A full excerpt of the minutes of the O&S meeting is attached as an appendix.</p> <p>Council considered the task group report on 22 February at which it approved the set aside of up to £600 000 of capital receipts from the sale of land at Midwinter to fund provision of potential new allotments in Cheltenham. A full excerpt of the draft minutes of Council is attached as an appendix.</p> <p>As part of the review of allotments by the scrutiny task group it was felt that the process of enforcement of allotments needed to be revised to ensure that uncultivated plots were being managed. In order to update all of the allotment tenancies, the current tenancies are being brought to an end having given all of the tenants 12 months previous notice. Approval is sought to review and revise the current tenancy agreement to enter into with all tenants from 1 January 2014.</p>
Recommendations	<p>The Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1. Consider and approve the recommendations of the Scrutiny Task Group Report as laid down in paragraph 7.1 of the report, 2. Delegate authority to the Executive Director in consultation with

the Cabinet Member for Sustainability and the Borough Solicitor to review and revise the terms of the Authority's current allotment tenancy agreement and enter into the new tenancy agreements with plot holders to enable the new terms to be effective from 1 January 2014 (as outlined in the Allotment Management implications of this report).

3. To note that O&S have scheduled a follow up to the implementation of the recommendations in 12 months time.

<p>Financial implications</p>	<p>There is a legal requirement for proceeds of the sale of statutory allotment land to be used to discharge debts and liabilities associated with the acquisition of allotment land or in acquiring, adapting or improving new land for allotment purposes. The proceeds of the sale of the surplus land in the midwinter area could therefore be used, in part, to fund additional provision of allotments across the unparished areas of Cheltenham.</p> <p>Section 5 of the report details the estimated cost of providing a potential 290 new allotments (the current estimated shortfall in statutory provision) at £507,000, a more up to date estimate of which is nearer to £600,000.</p> <p>As such, a provisional sum of £600,000 is recommended to be formally set aside from the sale of the land at Midwinter to fund the potential cost of providing all 290 plots.</p> <p>Contact officer: Sarah Didcote, sarah.didcote@cheltenham.gov.uk, 01242 264125</p>
<p>Legal implications</p>	<p>The Overview and Scrutiny study received advice on the legal position of Allotments and the legislation upon which it is based. This is summarised in the Report itself at paragraph 4.1. In particular the relationship between Parished and non Parished areas of the Council are important as to which Council can use the Allotment Acts powers.</p> <p>Recommendation 9 would require the Council's planning policies to be enhanced to assist with a shortfall within the Borough area. This can be in both Parished and non Parished areas although the ownership and management of them will depend on whether a Parish Council exists or not. Consideration should be given about containing such requirements in appropriate development briefs of proposals but they would need to be connected to the development and comply with planning law.</p> <p>The terms and conditions of the new tenancy agreements will need to be in accordance with the Allotments Acts 1908-1950.</p> <p>Contact officer: Gary Spencer, One Legal gary.spencer@tewkesbury.gov.uk, 01684 272699</p>
<p>HR implications (including learning and organisational development)</p>	<p>There are no Health & Safety implications at this stage</p> <p>Contact officer: Beverly Kershaw-Cole bev.kershaw-cole@cheltenham.gov.uk, 01242 77 4921</p>

Allotment Management Implications

The Allotment Tenancy Agreement

As part of the review of allotments by the Scrutiny Task Group it was felt that the process of enforcement of allotments needed to be revised to ensure that uncultivated plots were being managed and made available to people on the waiting lists at a more efficient rate, and that the current tenancy agreement should be revised to enable this.

Also, the allotment officers considered that the tenancies are out of date. Therefore in order to update all of the allotment tenancies it was necessary to bring the current tenancies to an end by giving all of the tenants 12 months previous notice and on 12th December 2012 the Cabinet Member Sustainability approved the Director of Wellbeing and Culture writing to all allotment holders to advise them that their current allotment agreements will come to an end and that new agreements would be put in place on 1 January 2014. The allotment holders were written to accordingly and a new draft tenancy agreement will be issued for consultation with the Council's allotment wardens and the Cheltenham and District Allotment Association with a view to putting new ones in place on, or shortly after, the 1st January 2014.

The allotment agreement contains a number of conditions which tenants must abide by in renting an allotment from the council and includes the following:

- the conditions and standard that the allotment plot should be maintained to.
- permitted uses of the allotment
- the process for erecting and maintaining structures i.e. sheds.
- payment of rent.
- conditions relating to the keeping of livestock.
- materials that can and can't be brought onto an allotment site.
- general conduct of allotment holders on the allotment site.
- How the tenancy may be determined.

It is envisaged that the new agreements will contain broadly the same headings, but with more up to date and relevant clauses to reflect changes that have taken place in the last twenty five years or so since the agreements were last updated.

For example, the current agreement requires an allotment to be 'cultivated' but does not define this and dictionary definitions vary considerably and do not necessarily require vegetables to be growing. Also, the clauses on anti-social behaviour and having bonfires could be more specific to enable officers to take action when people behave inappropriately. Officers want to include a clause requiring plot-holders to number their plots to assist in inspections and plot viewings. A new '3 strikes and you're out' rule could prevent plot-holders from continually taking action on the plot when they receive an enforcement letter but at no other time, meaning that some stay for years on a little used allotment. Also, the by-laws about dogs on site have changed since the 1980s.

Key risks	None identified
Corporate and community plan Implications	<ul style="list-style-type: none"> • Cheltenham’s natural and built environment is enhanced and protected • People are able to lead healthy lifestyles
Report author	<p>Contact officer: Beverly Thomas -beverly.thomas@cheltenham.gov.uk</p> <p>Adam Reynolds- adam.reynolds@cheltenham.gov.uk</p>
Appendices	<ol style="list-style-type: none"> 1. Allotments review scrutiny task group report 2. Excerpt of Overview & Scrutiny minutes 10 January 2013 3. Excerpt of Council minutes 22 February 2013