

HALLS AND GREEN SPACES COMMITTEE

Date: Monday 13th January 2020
Title: Allotments
Contact Officer: Operations and Estates Officer – John Hickman

BACKGROUND

The purpose of this report is to update Councillors on the current position regarding allotment composting, Lakeside allotment fencing works, Lakeside sheds & the provision of new allotments at the West Witney – Windrush development.

COMPOSTING

The Operations and Estates officer and Councillor Gwatkin met with the Witney Allotment Association [WAA] represented by Geoff Branner Lakeside, Brian Bloomfield Hailey Road and Barrie Fenton Newland on 28th October 2019.

Following the Council decision of discontinuing the provision of skips to allotment sites, the WAA stated that licences were required for tenants to be able to carry out composting as an allotment association group and requested that WTC dealt with this issue.

The Operations and Estates Officer has researched this and discovered that it is not the case. In fact, all that is required is for WAA to apply for a T23 Waste Exemption allowing them to treat up to 60 Tonnes of waste at any time if waste was brought from the other allotments to one site or 80 Tonnes at each allotment site if treated on site.

This should easily suffice the requirements of the WAA regarding composting requirements.

The Operations and Estates Officer has passed this information onto Geoff Branner on 2/12/19 and was informed that the allotment association would follow it up from there.

FENCING WORKS

At the time of writing this report the fencing replacement works agreed by Council earlier in 2019 is in the process of being carried out. These works should be complete before this meeting.

ALLOTMENT SHEDS

Following the Operations and Estates Officer discovering that when Sheds at Lakeside had fell into disrepair they were removed rather than maintained and that those sheds that were still standing were given to respective plot holders along with a small reduction in rent.

Council made the decision on 11/03/19 that the lease to the Allotment Association States that Contrary to the lease which stated (2.14 At the determination of the Tenancy hereby created to deliver up the allotments & all buildings and additions thereto in such repair order, state and condition in all respects as shall be similar in condition to that which they were at the granting of this lease as evidenced by the photographic schedules of condition attached hereto.)

Mr Geoff Branner stated at the meeting with the Operations and Estates Officer on 28/10/19 that he had evidence that the allotment association did not agree to the sheds and in fact later provided a letter from Colin Rodden that stated

“similar in condition to that which they were at the granting of this lease as evidenced by the photographic schedules of condition attached hereto.”

Mr Branner claimed that this was what was agreed not in fact what the lease itself said at the time of signing.

The Operations and Estates Officer has researched this further and discovered that a second Draft Lease was drawn up later than this correspondence from Colin Roddan dated 9th January 2012 Comments on the second draft of the Lease from Witney Town Council Witney Allotment Association. In the comments regarding **page 5** Point 2.4 it States We are happy with this change and will deposit photographs with the Town Council for the photographic schedules of condition.

The relevant Point 2.14 in the second draft documents reads as follows.~~2.14~~ At the determination of the tenancy hereby created to deliver up the allotments and all buildings and additions thereto in such repair order state and condition in all respects as shall be ~~consistent with the due performance of the covenants hereinbefore contained~~ similar in condition to that which they were at the granting of this Lease as in evidenced by the photographic schedules of condition attached hereto.

Also Point 2.~~1009~~ States. Not without previous consent in writing of the Town Council to assign underlet or part with possession of the allotments or any part thereof save as hereinbefore provided.

This agreement clearly supersedes the letter offered by Mr Branner as evidence that the sheds were to be hand to the allotment holders and clearly shows the allotment association agreed the terms of the lease including maintaining and keeping the sheds.

Mr Branner response to this is clear in his email "But whilst this is a point for discussion, it does not address the key point which is, if the clause about sheds remains in the lease then Witney Allotment Association will be surrendering it to the Town Council from 1st April, so it is now even more important that WTC begin to arrange for the collection of rents next year."

Mr Branner is clearly demanding that the clause must be removed from the Lease or the allotment association will hand back the allotments on April 1st 2020 and that council should prepare to take on the responsibilities. Mr Branner cannot terminate the tenancy in this manner the Lease states as follows. "Any notice required to be given by the Trustees to the Town council shall be sufficiently given if signed by all of them and sent by Registered Post or the Recorded Delivery Service to the Town Clerk for the time being at the Town Hall Market Square Witney aforesaid." It is not clear if this matter has been discussed by the Trustees it appears to be just Mr Branner making comment currently.

Sheds were replaced over several years prior to the handing over of the allotments to ensure all sheds were in good condition. including 12 sheds in 2011 at a cost of £233.00 incl. VAT. The Council's Asset Register includes these sheds with a total value of £12,141 - a substantial asset to WTC. There was a minimum of 75 sheds at the site when handed to the allotment association under the lease. The total cost to replace 75 sheds at the current value in 2011 would be £17,475.

Costs currently for similar 5' x 3' replacement sheds are approx. the same cost currently £240 Plus VAT.

WEST WITNEY ALLOTMENTS

The Operations and Estates Officer is currently dealing with Mark Davies WYG services group who are managing the West Witney allotment project on behalf of Persimmons Homes.

The Operations and Estates Officer has been discussing Allotment sizes, disabled allotment provision, footpaths, fencing, gates, main paths, parking area, provision for an area for a community hub, waste recycling, manure compost delivery etc. water main provision for water troughs, possible connection to foul drains and electric provision.

It has now been noticed that soil samples requested in the original specification have not been carried out by the builders and this is now being followed up by the Operations and Estates Officer to ensure that the soil is not contaminated in any way and if it should be it is dealt with as per the specification.

Costs so far for associated works that would need to be paid for by WTC are as follows fencing of Allotments £32,676.10, 16 car parking spaces within the allotments £30,256.80.

Given the location of the new allotment site – within a housing estate – whilst ideally tenants will be very local to the site it is inevitable that most wont and will need to travel to the site by a vehicle. Already the Council has received concerns from residents about the parking and therefore it is important to ensure there is sufficient parking spaces to the number of plots – hence the cost for laying these out.

Other costs will include water dip tanks £350 each x 10 + associated pipe work and connections.

Unfortunately, the S106 agreement negotiated by the District Council only allowed for the land and basic layout of the site, however the Council does hold a substantial reserve which was set aside sometime ago for the provision of new allotments and the laying out of the site and does need to be expended on this project.

ENVIRONMENTAL IMPACT

Having declared a Climate Change Emergency at its Council meeting on 26 June 2019 – with this in mind Councillors should have due regard to the environmental impact of any decisions they make with regard to its facilities and services it operates.

RISK

In decision making Councillors should give consideration to any risks to the Council and any action it can take to limit or negate its liability.

FINANCIAL IMPLICATIONS

As mentioned in the report above the Council has the allotment sheds listed in its asset register as costing £12,141.

The additional costs for works at West Witney Allotments will be met from the earmarked reserve set aside for the setting up of new allotments. This currently stands at £334,470.

RECOMMENDATIONS

Member are invited to note the report and consider the following:

1. The breach of the terms of the Lease regarding the sheds, and what the Council should do, if anything;
2. The threat by Mr Branner that if the clause relating to the sheds is not removed from the lease the allotment association will hand the allotments back to WTC even

though the trustees clearly accepted this clause when signing the lease. It should be noted that this threat has been made by Mr Branner makes no mention as to the other trustees or if they have been consulted.

3. The loss of Assets to Witney Town Council totalling an asset value of £12,141.
4. The associated works and cost regarding the new West Witney allotments – but noting that the costs can be met from the Allotment EMR.