

WELWYN HATFIELD BOROUGH COUNCIL
BOROUGH-TOWN-PARISH COUNCIL MEETING – 12 APRIL 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

TRANSFER OF ALLOTMENTS TO TOWN/PARISH COUNCILS WITHIN THE BOROUGH

1 Executive Summary

- 1.1 The Council has allotment sites across the borough, with one site in Welwyn Parish and 16 sites within Hatfield Town Council's area. Both councils have expressed a desire to take these sites and manage them, incorporating them into their allotment portfolio. The Council doesn't have any sites in the remaining four parishes within the borough, nor the two parish meetings in the Ayots.
- 1.2 Paragraph 9 (1) of Schedule 29 to the Local Government Act 1972 states that borough/district councils should be precluded from providing allotments where there are parish and town councils within their boundaries.
- 1.3 We acknowledge this legislation and are happy to offer the allotment sites we own and administer to the other councils involved.

2 Recommendation

- 2.1 That the topic be discussed at the annual meeting of the Borough and Town and Parish Councils on 12 April 2016.

3 Explanation

- 3.1 The Council has been managing allotments for many years, promoting and letting plots, invoicing for annual rental payments, inspecting sites to check that tenants adhere to the management clauses in the tenancy agreement and setting aside a revenue budget annually to maintain fences, gates, water supply and to pay the annual water bills.
- 3.3 Our annual rent is very similar to those charged in both Welwyn Parish Council and Hatfield Town Council. Both councils have a charge to join their respective allotment associations, which are included in these average annual charges, which are £44 in Welwyn and £28 in Hatfield. For a similar plot, this Council's charges are £33 a year.
- 3.4 A number of the sites we manage for allotments are on housing land and all of them have been examined over recent years for their potential for development. It is fair to say that those remaining as allotments today are small, in awkward positions and with such poor access that their potential for development is exceptionally low.

- 3.5 Any transference of land from this Council, be it a housing related asset or not, would be restricted, by clauses in the lease, to the exclusive provision of allotments for public use only.
- 3.6 The terms of the lease, which have yet to be explored in detail, would devolve to the leasee all responsibility for the tasks in 3.1 of this report. In addition, the lease would be able to set the level of rent, offer or amend any concessions and keep the income to offset any expenses. It is not envisaged that a commuted sum would be transferred with the land, however the payment of annual special expenses payable to the borough council for the provision of allotments would cease on transfer.
- 3.7 As far as the public are concerned, those wanting an allotment in either Welwyn Parish Council or Hatfield Town Council area will be offered a simpler service as there would only be one provider in the area. Currently, anyone wanting a plot in Hatfield could find themselves having to register on the waiting list with both the borough and the town council for a plot.
- 3.8 There is no appreciable variation in the standard of provision or service between the authorities, however the management of such things as the agreement and collection of tenancies or keys, will be more convenient as the administration will operate locally.

4 Link to Corporate Priorities

- 4.1 This report is linked to the Council's Business Plan 2015-2018 which has a priority to maintain a safe and healthy community through the provision of a wide variety of leisure, covering arts, culture, fitness and sport.

5 Legal Implications

- 5.1 Paragraph 9 (1) of Schedule 29 of the Local Government Act 1972 sets out which tier of local government should provide services such as allotments in any given area.
- 5.3 The Council has a policy on Community Asset Transfer following the Localism Act, to enable the transfer of assets, including land, to communities via town/parish councils.

6 Financial Implications

- 6.1 This would depend on the terms of the transfer as to whether a commuted sum was requested and granted. Fees will be payable for the transaction itself, but beyond that, the main implication will be the loss of a percentage of rental income.
- 6.2 The annual calculation of special expenses would be affected by the transfer of allotments.

7 Risk Management Implications

- 7.1 Arrangements would need to be in place to achieve a smooth transfer of allotment ownership/management from the borough to town/parish councils.

7.2 There are no obvious implications for security and terrorism or such that could result in Council appearing to support any groups involved in terrorism.

8 Procurement Implications

8.1 There are no procurement implications.

9 Climate Change Implications

9.1 There are no direct climate change implications.

10 Policy Implication

10.1 There are no policy implications at present, other than to note that allotments transferred to a town/parish council would be administered under their policies.

11 Equalities and Diversity

11.1 An Equality Impact Assessment (EIA) has not been carried out in connection with the recommendations in this report. Once an option has been chosen then an EIA will be carried out as part of the considerations.

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Background Papers:

Paragraph 9(1) of Schedule 29 of the Local Government Act 1972

“As respects a parish in England those functions under the Allotments Acts 1908 to 1950 which, apart from this paragraph, would be exercisable both by the district council and the parish council or parish meeting shall not be exercisable by the district council.”

Council’s Policy on Community Asset Transfer