



**EXECUTIVE MEETING -  
13 November 2019**

**Agenda Item No.**

**15**

<b>Title</b>	Beehive Hill Allotment Site, Kenilworth
<b>For further information about this report please contact</b>	Chris Makasis, Estates Management Surveyor :- 01926 456040 or email chris.makasis@warwickdc.gov.uk
<b>Wards of the District directly affected</b>	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>	No, but a linked confidential report appears elsewhere on the agenda
<b>Date and meeting when issue was last considered and relevant minute number</b>	None
<b>Background Papers</b>	None

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes ref 1072
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	N/A

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive	23/9/2019	Chris Elliott
Head of Service	23/9/2019	Steven Partner
CMT	23/9/2019	Chris Elliott, Andy Jones, Bill Hunt
Section 151 Officer	23/9/2019	Mike Snow
Monitoring officer	23/9/2019	Andy Jones
Finance	23/9/2019	Mike Snow
Portfolio Holder(s)	23/9/2019	David Norris
<b>Consultation Undertaken</b>		
Not relevant.		
<b>Final Decision?</b>		Yes
<b>Suggested next steps (if not final decision please set out below)</b>		

1. **SUMMARY**

1.1 To consider a proposal concerning the Beehive Hill Allotment Site

2. **RECOMMENDATION**

2.1 That Executive approve the transfer of the Beehive Hill Allotment Site, hatched on Plan 1 attached, to Kenilworth Town Council, subject to Head Terms noted in a confidential report that appears elsewhere on the agenda

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 This report arises from the request received from Kenilworth Town Council (KTC) for the Beehive Hill Allotment Site be transferred to KTC, with each side meeting its own legal fees.
- 3.2 The Beehive Hill Allotment Site was created by KTC back in 2008, following an agreement between Warwick District Council (WDC) and KTC for the land to be leased to KTC exclusively for allotment purposes.
- 3.3 The land had previously been part of the large Beehive Hill Recreation Ground, which was never fully utilised so it was believed that the use of this part of the Recreation Ground, as an allotment site, would be a more appropriate use.
- 3.4 The lease commenced on 1<sup>st</sup> January 2008 for a 5-year term and this continued on a 5 yearly basis until 1<sup>st</sup> January 2018 when KTC approached WDC with this request for the land to be transferred over to KTC, exclusively as allotment land and subject to the same head terms that had been agreed with the local, neighbouring, Town/Parish Councils when WDC had agreed to transfer all of its other allotment sites over to them in the Executive meeting of 18<sup>th</sup> March 2009.

4. **POLICY FRAMEWORK**

4.1 **Fit for the Future (FFF)**

4.2 The Council’s FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report shows the way forward for implementing a significant part of one of the Council’s Key projects.

4.3 The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.

<b>FFF Strands</b>		
<b>People</b>	<b>Services</b>	<b>Money</b>
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> *Improved health for all *Housing needs for all met	<u>Intended outcomes:</u> *Area has well looked after public spaces	<u>Intended outcomes:</u> *Dynamic and diverse local economy *Vibrant town centres

*Impressive cultural and sports activities *Cohesive and active communities	*All communities have access to decent open space *Improved air quality *Low levels of crime and ASB	*Improved performance/productivity of local economy *Increased employment and income levels
<b>Impacts of Proposal</b>		
<u>Intended outcomes:</u> *Impressive cultural and sports activities *Cohesive and active communities	<u>Intended outcomes:</u> *Area has well looked after public spaces *All communities have access to decent open space *Improved air quality *Low levels of crime and ASB	<u>Intended outcomes:</u> *Dynamic and diverse local economy  *Improved performance/productivity of local economy
<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> *All staff are properly trained *All staff have the appropriate tools *All staff are engaged, empowered and supported *The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> *Focusing on our customers' needs *Continuously improve our processes *Increase the digital provision of services	<u>Intended outcomes:</u> *Better return/use of our assets *Full Cost accounting *Continued cost management *Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
<u>Intended outcomes:</u> *Impressive cultural and sports activities *Cohesive and active communities	<u>Intended outcomes:</u> *Area has well looked after public spaces *All communities have access to decent open space *Improved air quality *Low levels of crime and ASB	<u>Intended outcomes:</u> *Dynamic and diverse local economy  *Improved performance/productivity of local economy

## 5. BUDGETARY FRAMEWORK

- 5.1 The annual rent that WDC receive from KTC for the site amounts to £295 (in recognition of the costs that KTC had spent transferring the site from a recreation ground into an Allotment Site) which goes into the '1289' Open Spaces account.
- 5.2 The proposal shall provide this Council with a small saving on administration/management costs over rental incomes. Additionally, a restrictive covenant shall ensure that WDC shall receive further income from Kenilworth Town Council if the site was ever to be used for alternative uses (other than allotment land) by KTC in future years.

## **6. RISKS**

- 6.1 There is a possibility that KTC may hand the site back to WDC if the transfer is not approved which would create administration, management and maintenance costs of the site to this Council, be that an Allotment Site and/or a Recreation Ground.
- 6.2 KTC have created an Allotment Site that is now well used & established and removes from WDC its administration, management and maintenance costs of a site that had never previously been fully utilised by WDC.

## **7. ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 The Executive could decide to refuse the transfer which may result in KTC terminating the agreement for the land and handing it back to WDC to re-use, once more, as part of Beehive Hill Recreation Ground, which would increase WDC's Grounds Maintenance costs

## **8. BACKGROUND**

- 8.1 The duty to provide allotments in the parish areas of the District falls on the Parish and Town Councils ("the allotment authorities") by virtue of the Smallholdings and Allotments Act 1908.
- 8.2 Consequently, WDC approved the transfer of the allotment land that it had within its ownership (following the 1974 Local Government Re-organisation) to Kenilworth Town Council, Lapworth Parish Council, Warwick Town Council and Whitnash Town Council in 2009.
- 8.3 The Beehive Hill Allotment Site, however, was created after the 1974 Local Government Re-organisation so had not been included in those transfers. The proposal above, however, now aims to rectify that and will transfer the last piece of Allotment Land currently owned by WDC into the ownership of the relevant Town Council, upon the same Head Terms as had been agreed in the previous transfers.
- 8.4 It should be noted that all of WDC's previous allotment sites that were transferred over to the local Town/Parish Councils had been taken on by WDC when it was created on 1<sup>st</sup> April 1974, under the Local Government Re-organisation, after which it had been questioned whether those allotments should have automatically been transferred over to the Town/Parish Councils on that date (following the correct automatic transfer of WDC's allotment sites in Leamington Spa to the newly formed Royal Leamington Spa Town Council back in 2002).
- 8.5 Records confirmed, however, that WDC had retained those allotments for an appropriate reason but, following consultation between the Town/Parish Council's and WDC, it recognised the local Town/Parish Council's duty to provide community allotment sites to the local areas and agreed for those allotment sites to be transferred over to those Council's in the March 2009 Executive.
- 8.6 The Head Terms that WDC have agreed with KTC for the transfer of this Beehive Hill Allotment Site shall be the same as WDC had agreed for the

previous transfers, and these are listed as an Appendix in the exempt items of this Executive report, as these Head Terms are private & confidential.