

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM REPORT TO THE PUBLIC PROTECTION
COMMITTEE**

30TH JANUARY 2015

REPORT TITLE: The Staffordshire Act 1983: The Acre Allotments, Silverdale (former Silverdale Trust Land)

Submitted by: Head of Operations – Roger Tait

Portfolio: Environment and Recycling

Ward(s) affected: Directly – Knutton/Silverdale and Silverdale/Park Site

Purpose of the Briefing Paper

- (a) To inform the Public Protection Committee of the decisions of Cabinet in respect of the Acre Allotments (former Silverdale Trust Land) in the Parish of Silverdale.

Recommendations

- (a) That the Public Protection Committee note and endorse the decisions of Cabinet in respect of The Acre Allotments in the Parish of Silverdale.
(b) That the Public Protection Committee endorse the lease of part of The Acre and the termination of the allotment tenancy agreements as resolved by Cabinet.

Reasons

- (a) To regularise the legal position in respect of the provision of allotments in the Parish of Silverdale.

1. Background

1.1 The function of exercising the Council's powers under the Staffordshire Act 1983 in relation to the former Silverdale Trust Land, which is now known as The Acre Allotments, is delegated to the Public Protection Committee in the Council's Scheme of Delegation.

1.2 At the meeting of 11th December 2013, the Cabinet considered a report on allotment provision in the Parish of Silverdale regarding the urgent need to regularise the Council's position in respect of ceasing to provide allotments in a parished area, and resolved the following in relation to The Acre Allotments:

- (a) That Silverdale Parish Council is asked to confirm whether or not it wishes to lease The Acre site (either in whole or in part) for the purpose of meeting its statutory duty to provide allotment land within the parish.

- (b) Subject to a positive response to (d) that The Acre is leased (either in whole or in part) to Silverdale Parish Council (the precise area to be agreed by negotiation in conjunction with the relevant portfolio holder).
 - (c) That tenancy agreements, with current plot holders on the agreed section of the site, are transferred to Silverdale Parish Council and any outstanding rent due to the Borough Council is collected. Following this, new tenancy agreements are offered by Silverdale Parish Council and plot holders are relocated within the agreed section as part of a consolidation plan for the site.
 - (d) That alternative plots in the agreed section of the site are offered to plot holders affected by (e) for allotment gardening purposes only.
 - (e) That any remaining section of the site is retained by the Borough Council.
 - (f) That if a negative response to (d) is received, the Borough Council concludes all tenancy agreements with existing plot holders on The Acre with 12 months' notice and any outstanding rent is collected.
 - (g) That the Borough Council offers alternative plots to plot holders who are not residents of Silverdale Parish, at other allotment sites in the Borough where capacity exists to do so.
 - (h) That if insufficient capacity exists to accommodate plot holders from The Acre, a further report on the implications be brought to Members for consideration.
 - (i) That the decision to temporarily suspend the letting of vacant plots at both Park Road and The Acre, pending transfer of the responsibility of allotment provision in Silverdale to the Parish Council, is noted.
 - (j) That the tenancy agreements with any plot holders on The Acre who are currently not using the plots for allotment gardening purposes and may therefore be in breach of the tenancy agreements are concluded with immediate effect, if it is found that a breach has occurred.
- 1.3 Since this time, officers and the Portfolio Holder for Environment and Recycling have been progressing negotiations in relation to the proposed leasing of The Acre Allotments, either in whole or in part, to Silverdale Parish Council, to enable the legal position to be regularised as urgently as possible. The negotiations are progressing well and it is hoped that a lease for part of the site will be completed in spring 2015.

To assist in the urgent regularisation process, Notices to Quit have also been served on plot holders who are not using the plots for allotment gardening purposes, and these plots must be vacated by 31st March 2016.

2. Issues

- 2.1 Sections 43 and 44 of the Staffordshire Act 1983 provide for the vesting and regulation of the former Silverdale Trust Land in the Council. The Act specifically provides for the letting of part of the land (not immediately required for housing or other purposes) for use as allotment gardens.
- 2.2 As the function of exercising the Council's powers in this respect is delegated to the Public Protection Committee, it is considered appropriate to inform the Public Protection Committee of the decisions of Cabinet, and the subsequent actions taken.
- 2.3 This report therefore provides the Public Protection Committee with this information and seeks the endorsement of the Cabinet's decisions, including the proposed lease of part of the site to Silverdale Parish Council and also the termination of the appropriate tenancy agreements.
- 2.4 Full details and background to this matter can be found in the report to Cabinet of 11th December 2013, which is attached to this report at Appendix 1.

3. Options Considered

- 3.1 The options are as described in the report to Cabinet of 11th December 2013.

4. Proposal

- 4.1 It is proposed that the Public Protection Committee acknowledges and endorses the decisions of Cabinet in relation to The Acre Allotments in the Parish of Silverdale.

5. Reasons for Preferred Solution

- 5.1 To regularise the legal position in respect of the provision of allotments in the Parish of Silverdale.

6. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 6.1 Creating a cleaner, safer and sustainable Borough.
- 6.2 Creating a healthy and active community.
- 6.3 Becoming a co-operative Council.

7. Legal and Statutory Implications

- 7.1 The legal and statutory implications are detailed in the report to Cabinet of 11th December 2013.

8. Equality Impact Assessment

- 8.1 No issues.

9. Financial and Resource Implications

9.1 None arising directly from this report.

10. Major Risks

10.1 None arising directly from this report.

11. Key Decision Information

11.1 None.

12. List of Appendices

12.1 Appendix 1 – Cabinet report of 11th December 2013.

*RJT/JT/02.02.15
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