

Decision Maker: Environment Portfolio Holder

**For Pre-decision scrutiny by the Environment PDS
Committee on**

Date: 17 April 2012

Decision Type: Non-Urgent Executive Non-Key

Title: ALLOTMENTS - STATUS CHANGE OF TEMPORARY SITES

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Chief Officer: Nigel Davies

Ward: Copers Cope, Kelsey and Eden Park, Bromley Town,
Chislehurst, Bromley Common and Keston. Bickley,
Chelsfield and Pratts Bottom, Farnborough and Crofton,
Plaistow and Sundridge

1. Reason for report

The Leisure Gardens and Allotments Panel have formally requested the status of a number of existing 'Temporary' sites be confirmed as 'Statutory', given their significant permanency and longstanding.

2. **RECOMMENDATION(S)**

The Environment Portfolio Holder is requested to approve the status of the following nine sites from 'temporary' to 'statutory':

Adams Road; Beckenham Lane; Chelsfield; Halls Farm; Hillcrest; Kingshall Road (Alders); Harvington; Tugmutton and Wickham Road

Corporate Policy

1. Policy Status: New policy.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Parks Delegated Management
 4. Total current budget for this head: £160,210
 5. Source of funding: Existing revenue budget 2012/13
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Staff

1. Number of staff (current and additional): less than 0.1fte
 2. If from existing staff resources, number of staff hours: less than 72 hours pa
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Legal

1. Legal Requirement: Non-statutory - Government guidance.
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 3000 Plot holders Borough Wide
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 At the last two meetings of the Leisure Gardens and Allotments Consultative Panel in October 2011 and February 2012, the Bromley Allotments and Leisure Gardens Federation (BALGF) raised the matter of those sites which, according to the Council's last survey undertaken in 2005, are still listed as "Temporary". The BALGF have sought comment from the respective Associations about their history (outlined in Appendix A), and as a result, have established that all of them have been in active use for considerably more than 25 years. This figure is quoted as, when the question of the application of "statutory" status was given detailed consideration by a Parliamentary Committee into 'The Future of Allotments' in 2001 by the former Department of Environment, Transport and the Regions; they concluded that, after a period of 25 years, allotment sites in continuous use, should be designated as "statutory".
- 3.2 Attached in Appendix A is a summary of those sites which are listed as "temporary" together with the statements about each one as provided by the site representatives. The four rented sites at Bull Lane, Holy Trinity, Hook Farm and Pine Walk are not included at this stage as they are on land not owned by the Authority. Jubilee Allotments are restricted in their availability and are also excluded. Of nine remaining, all have been in continuous use for well over 25 years – two in excess of 100 years!
- 3.3 From the research that has been carried out it would appear most likely that the designations go back to the creation of the London Borough in 1965, when, for reasons which are unknown, all other sites were given statutory status, but these were not. The research included some conversations with the Borough Archivist which has helped create the most accurate data possible, given the largely historic situation.
- 3.4 For the sake of consistency the BALGF accordingly asks that the Council now formally record that the status of those sites which are regarded as eligible be changed from "temporary" to "statutory".
- 3.5 In considering this request, it should be made clear that in addition to giving those sites greater protection, it also enables them to make more extensive use of leveraging in external funding through grants and sponsorship. This is currently frustrated by their 'temporary' status.

4. POLICY IMPLICATIONS

- 4.1 The Leisure Gardens and Allotments Consultative Panel, currently Chaired by Councillor Ellie Harmer, provides dialogue between Elected Members, Officers and the Bromley Allotments and Leisure Gardens Federation (BALGF) - and identifies policy and strategy objectives for the furtherance of the Boroughs 52 allotment sites.

5. LEGAL IMPLICATIONS

- 5.1 The Departmental Committee of Inquiry into Allotments' (*otherwise known as the Thorp Report*) Cmnd. 4166 dated October 1969 made the following observation with regard to the status of allotment sites:-

"It has therefore been necessary for many years to find a way of distinguishing the various types of allotment land provided by allotments authorities, and at the same time distinguish between land provided by allotments authorities and that derived from other sources. The following definitions of allotment land – although not included in the legislation – became widely accepted:-

- i) *Land of which the freehold was vested in the allotments authority, and which had either been originally purchased for allotments or had subsequently been appropriated to allotment use, became known as STATUTORY allotment land.*
- ii) *Land which was either rented by the allotments authority on lease or tenancy, or, being owned by the authority, was destined ultimately for some other use, became known as TEMPORARY allotment land.*
- iii) *Land which was neither owned nor administered by the allotments authority in whose are it was situated, became known as PRIVATE allotment land.*

In Chapters 4 and 5 we will refer to the confusion which these definitions have caused. We will only comment at this point that since almost all the land provided by allotments authorities is in discharge of their statutory obligations, the choice of the word ‘statutory’ to describe one type of such land seems to us to be unfortunate. Since, however, the word (if not the definition) is now generally known, we propose to adopt this terminology in our report.”

Non-Applicable Sections:	Finance and Personnel
Background Documents: (Access via Contact Officer)	Minutes of the Leisure Gardens and Allotments Consultative Panel, October 2011 and February 2012

APPENDIX A

Those allotment sites shown in the 2005 Survey as carrying Temporary Status

- 1 ADAMS ROAD – Kelsey and Eden Park
- 2 KINGSHALL ROAD (ALDERS) – Copers Cope
- 3 HARVINGTON – Kelsey and Eden Park
- 4 WICKHAM ROAD – Kelsey and Eden Park
- 5 BECKENHAM LANE – Bromley Town
- 6 PINE WALK – Plaisow and Sundridge
- 7 BULL LANE - Chislehurst
- 8 HOOK FARM – Bromley Common and Keston
- 9 HOLY TRINITY – Bromley Common and Keston
- 10 JUBILEE ALLOTMENTS - Bickley
- 11 CHELSFIELD – Chelsfield and Pratts Bottom
- 12 TUGMUTTON – Farnborough and Crofton
- 13 HALLS FARM – Plaistow and Sundridge
- 14 HILLCREST – Plaistow and Sundridge

Notes:-

Sites 1, 2, 3 and 4 - Each of these four sites come within the ambit of the Beckenham and District Allotment Society. Records show that Adams Road, Harvington and Wickham Road are all listed in a schedule seen from the minutes of an AGM of the Amalgamated Allotments Associations which suggests that their existence dates back to at least 1930. The BDAS was incorporated in 1921 upon the acquisition of land for the Forster Road site. Whatever the precise details may be, it is evident that each of these sites has been in operation for over 80 years.

Sites 6, 7, 8 and 9 - are privately owned sites leased to the Council and as such, as far as we are aware, not able to be classified as “statutory”. While they may not therefore have the protection afforded to “statutory” sites, they have nonetheless been allotment sites for periods in excess of 25 years and were any attempt made to change the use of the land they occupy, the Federation would strongly oppose any application and pursue our opposition to the highest level.

Site 10 - is unique in that it is locked behind houses in Blackbrook Lane and tenancies are therefore restricted to householders whose gardens back onto the relatively small site. The status of the site is accordingly governed by this restriction.

Site 5 - is closely aligned to the Valley Primary School and therefore the question is raised as to which has primacy in terms of security of tenure. Again, there have been allotments on this site for well over 25 years and the Federation would argue strongly that it should have the status of a “statutory” site at least in terms of its protection.

Site 14 - Our knowledge of the history of this site is somewhat limited. What is known, however, is that it is adjacent to land owned by Thames Water. Local opinion is that the site has been in active use for over 25 years and as it is not rented from Thames Water the presumption is that the Council are able to afford it “statutory” status.

Site 11 - This site has been established since 1905 and local opinion is that it may well have been earlier than that. The land was gifted to the village of Chelsfield for allotments (or, for the use of villagers) by the Waring family, who lived in the big house which is now Chelsfield Park

Hospital. The Association hold a copy of a membership card from 1905. The term “temporary” does not, therefore, seem appropriate to a site with the continuous length of time it has been in use. Furthermore, as the land was gifted, it seems highly likely that there would be a covenant governing the use of the site.

The Association have informed the Federation that some 20 years ago, the council split off an area at the top end of the site due, it is believed, to lack of interest which was something that was being experienced across many sites at that time. The situation is now dramatically different in that the Association have a waiting list (7 at the latest count) and therefore it would seem that serious consideration should be given to reclaiming all or part of this piece of land.

Site 12 - As this site celebrated its centenary in 2009 it is very difficult to attach the status of “temporary” to it. It is unfortunate that due to the actions of a former office holder of the Association, many records have been misappropriated. However, it is known that at one time the site was occupied by Gypsy Lee although whether she had an allotment is not clear!

Site 13 - The Association chairman has had meetings with the Borough Archivist and whilst appearing to establish that the site was given delegated powers in 1981, the council minutes confirming this are “not available”. Local knowledge, however, is that the site was being used as allotments during the war and they are marked on a map produced at the time. There were also allotments adjacent to the farm house in Milk Street but these are no longer in being. It is, nonetheless, reasonable to assume that the Halls Farm site has been in continuous use since that time, if not for an indeterminate time pre-war.

As these sites have all been in existence for over 25 years they cannot be considered temporary. BALGF requested that the Panel recognises these sites as statutory. The Panel unanimously agreed that these temporary sites are transferred to statutory status and the necessary arrangements organised by Parks & Greenspace.