

**PAPER NO. 6**

**REPORT TO THE EXECUTIVE MEETING OF 9 February 2015**

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**Meeting:** Executive  
**Date:** 9 February 2015  
**Subject:** De Verdon Road Allotments, Lutterworth  
**Report of:** Mark Perris  
**Portfolio Holder:** Councillor Phillip King  
**Status:** For Decision  
**Relevant Ward(s):** Lutterworth Orchard Ward

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1 Purpose of the Report

- 1.1 To consider the future of the DeVerdon Road Allotments, Lutterworth, and to consider options on the expiry of the current lease to Lutterworth Town Council (LTC) on 29 September 2015.

2 Recommendations:

- 2.1 **In order to provide an opportunity for a further report to be prepared to consider future options of the site, members approves the grant of a new 12 month lease, subject to;**
- **no new allotment holder agreements being permitted;**
  - **agreement on Rent (subject to valuation) and other terms; and**
  - **Lutterworth Town Council agreeing to reimburse Harborough District Council, the fees incurred with the new lease including, but not limited to, legal and valuation fees.**
- 2.2 **To delegate authority to the Corporate Director – Resources in consultation with the Head of Democratic & Legal Services to negotiate and enter in to a new lease and take whatever steps are necessary to implement the decision outlined in 2.1 above.**

3 Summary of Reasons for the Recommendations

- 3.1 To satisfy the draft Corporate Delivery Plan 2013/14 Objective CA9 “Ensure financial and other assets are maximised and managed efficiently” and to further good asset/property management of the Councils assets.
- 3.2 To provide an opportunity to consider how best to realise the maximum benefits from the asset, by keeping future options open.

## 4 Key Facts

4.1 The current lease was signed on 3rd September 2010 between Harborough District Council (HDC) and LTC. This lease covers a period of six years to expire on 29th September 2015.

4.2 Following discussions in September 2012 about the future of the allotments beyond the lease expiry date of 29 September 2015, LTC produced a document which highlighted the history of the allotments, the benefits of the allotments and stated that LTC's position (attached as Appendix C) was;

- That the allotments should remain at the DeVerdon Road site.
- LTC intends to register the DeVerdon Road Allotments with HDC under the Right to Bid section of the Localism Bill.

4.3 HDC published its Corporate Property Strategy and Asset Register in July 2013. The strategy included the vision:

“To enhance Harborough's public service through effective property management”

This long-term vision for the property estate is to provide land and property to enable the Council to deliver its priorities. Within the strategy the following objectives are defined:

- The Council will make effective and efficient use of property holdings in line with the Council's key objectives and targets.
- Construction and maintenance expenditure will be optimised having regard to whole life costing's, which may justify additional capital spending to secure sustainable features and lower running costs.
- Property running costs are to be minimised and subject to regular benchmarking reviews.
- The business case for the retention of non-operational assets will be kept under review.
- The Council will work with public and private partners to secure optimum property use and is committed to maximising opportunities for the shared use of property assets to secure excellent space utilisation and to reduce running costs.

The DeVerdon Road allotment site is a significant asset for the District Council and as such it needs to be considered within the framework of the Corporate Property Strategy.

4.4 At the Lutterworth Ward Walkabout meeting on 30 July 2013, it was suggested that a draft terms of reference document would be presented to the next joint meeting which would enable a joint working party to be set up to assess an option of a new lease after the existing lease expires on 29 September 2015. The Terms of Reference are attached as Appendix B.

4.5 The Joint Working group has met on a number of occasions and the resultant Joint Report is attached as Appendix A.

4.6 The main issues discussed were;

- Future Options including re-location possibilities in respect of DeVerdon Road Allotments
- Existing shortfall in provision notwithstanding DeVerdon Road discussions

## 5 Legal Issues

5.1 The existing lease does not fall within the meaning of a business tenancy and therefore, there is no right of renewal at the end of the lease.

5.2 The legal issues associated with each option are included within the Options Assessment at Appendix D.

5.3 The DeVerdon Road Allotments have been registered as an Asset of Community Value on 27 November 2014. A copy of the listing is attached as Appendix E. This allows Lutterworth Town Council, who applied for the listing of the site, the opportunity to bid, if the site is offered for sale. If the Town Council exercise its right the Town Council have a six month period within which to formulate and submit an offer for the site. As sale cannot proceed within this six month period.

5.4 The District Council will ensure they act in accordance with the Council's Statutory and Fiduciary duty to obtain best consideration pursuant to s.123 of the Local Government Act 1972.

5.5 LTC is the council with the statutory duty to provide allotments, as such, it should be noted that this is not a HDC obligation.

## 6 Resource Issues

6.1 A future rental income receipt will support the revenue budget.

## 7 Equality Analysis Implications/Outcomes

7.1 None in respect of this report.

## 8. Risk Management Implications

8.1 The Risks associated with each option are included within the Options Assessment at Appendix D.

9 Consultation

9.1 A Joint Working party between LTC and HDC has met on a number of occasions as part of the production of the Joint Report attached as Appendix A.

9.2 Councillor Robinson, as Ward Councillor, commented as follows;

“I would like to say that the search for land for allotments is not as it has been in previous years. There are more opportunities to find replacement allotment land now due to the potential developments within the town.

We really must request a four year lease. Two years to find and fund an appropriate site and two years to give the allotment holders the time required to harvest the produce they have already planted and to prepare the ground of a new site”.

10. Options

10.1 The overview of the various options are outlined in the Joint Working Report at points 2.1.1 to 2.1.6.

10.2 An assessment of each option is attached as Appendix B.

11 Background Papers

11.1 None

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**Previous report(s):** None

**Information Issued Under Sensitive Issue Procedure:** Yes, part (Appendices A to D)

**Ward Members Notified:** Y

**Appendices:**

<b>A. DeVerdon Road Allotments Joint Working Group Report</b>	<b>Exempt</b>
<b>A1 Post Joint Report Re-Location option</b>	<b>Exempt</b>
<b>B. Terms of Reference of Joint Working Group</b>	<b>Exempt</b>
<b>C. Lutterworth Town Council Position Statement</b>	<b>Exempt</b>

**12 February 2013**

**D. Option Assessment**

**Exempt**

**E. Asset of Community Value Listing**