

PERTH AND KINROSS COUNCIL

Housing and Health Committee – 6 June 2012

**DISPOSAL OF LAND TO ENABLE THE DEVELOPMENT OF COMMUNITY
GARDENS AND ALLOTMENTS ON SITES IDENTIFIED IN KINGSWELL
TERRACE, LETHAM AND THE SITE OF THE FORMER TULLOCH BOWLING
GREEN**

**Joint Report by Executive Director (Housing and Community Care)
and Executive Director (Environment)**

ABSTRACT

The purpose of this report is to seek approval for the disposal of surplus land by lease to local community groups, to enable the development of community gardens and allotments at sites identified in Kingswell Terrace, Letham and Tulloch Bowling Green.

1. RECOMMENDATIONS

It is recommended that the Housing and Health Committee:

- 1.1 Agree to the disposal of surplus land at Kingswell Terrace, Letham, by lease to Letham Climate Challenge, subject to Ministerial consent being obtained.
- 1.2 Agree to the disposal of surplus land at Tulloch Bowling Green by lease to the North Perth Allotment Association, subject to Ministerial consent being obtained.
- 1.3 Note the benefits to the local community of the development of community gardens and allotments and the contribution this makes to encouraging local leadership to take responsibility for the local environment.
- 1.4 Note that, subject to Ministerial consent being obtained, the disposals by lease will be dealt with by the Executive Director (Environment) under delegated authority.

2. BACKGROUND

- 2.1 As a result of ongoing work in communities to develop and increase community capacity, a number of community-based organisations have been established which are now in a position to take leadership roles in their communities. This work supports changes driven by the Public Sector Reform agenda.
- 2.2 Both Letham Climate Challenge and the North Perth Allotment Association have been supported by a range of Council Services and have engaged with their local community to identify areas for environmental improvement. They are now seeking to accept responsibility for areas of unused derelict and surplus land to develop them for the benefit of local tenants and residents and the wider community.

- 2.3 The two sites identified are an open space at Kingswell Terrace and the unused bowling green and tennis courts in Tulloch, which has lain vacant for many years (see maps contained in Appendix 1). The site in Kingswell Terrace is not suitable for any housing development, which has been established by the Affordable Housing Working Group; while the site in Tulloch was covenanted to the National Playing Field Association/Fields in Trust, which means that the land can only be used for recreational and leisure activities. The Association have confirmed that community gardens and allotments meet this requirement.
- 2.4 Both groups have the appropriate governance arrangements in place to allow them to enter into lease agreements. They have also identified funding to support the future developments of the sites. Letham Climate Challenge has secured funding of £104,000 the Scottish Government's Climate Challenge Fund, managed by Keep Scotland Beautiful. The funding is payable on confirmation of a concluded lease agreement of not less than 15 years. The North Perth Allotment Association have been accepted as a potential benefactor of the same funding body on the same conditions and will apply when they have secured a lease agreement.
- 2.5 Letham Climate Challenge and the North Perth Allotment Association are seeking to enter into lease agreements each lasting 15 years. Plot numbers and sizes are still to be confirmed on both sites but it may be that a variety of sizes can be offered to allow as many people as possible to become involved. Smaller plots may also be better for people starting out on this sort of project. Letham Climate Challenge Kingswell Terrace allotment sites will be managed by individuals and community organisations and they plan to identify other surplus derelict and unused land in Letham for further community gardens and allotments. The Tulloch Bowling Green site will enable the North Perth Allotment Association to develop allotment sites and a communal community garden area.
- 2.6 Ministerial consent from the Scottish Government is required for applications to make disposals of any asset held within the Housing Revenue Account (HRA). A disposal is a sale or a lease of land or property. The two sites identified in this report will be leased out to the North Perth Allotment Association and Letham Climate Challenge respectively, but the assets will remain on the HRA. The benefits of the proposal to local tenants and residents are set out below.
- 2.7 It should be noted that legislation relating to allotments is likely to apply to these leases, although the Council is not directly providing the allotments at Tulloch and Kingswell Terrace, and that this could have implications should the Council wish to take the land back. The Heads of Terms will include the statutory notice period required to terminate leases of allotments but members should be aware that alternative sites might have to be provided or the tenants compensated should these sites be required again for Council purposes.

3. BENEFITS OF THIS PROPOSAL

- 3.1 By supporting these initiatives there are a number of mutual benefit impacts to be gained for the local community and community planning partners. Some of these include:
- Greater opportunities for people to participate in their local community
 - Increased community capacity
 - The improvement of undeveloped and unused areas by transfer of responsibility to the local community
 - Learning and educational opportunities in communities
 - Prevention of anti-social behaviour
 - Increased sense of community ownership and sense of achievement
 - Additional investment in improving local communities
 - Reduction in the demand for services to maintain derelict sites
 - Encouragement and fostering of community leadership to inspire others
 - Health improvement through opportunities for physical activities and healthy eating.
- 3.2 These initiatives offer Perth and Kinross Council an opportunity to engage with our communities to meet the Public Sector Reform agenda, especially in relation to place, prevention and people.
- 3.3 Place – we need to build our services around people and communities, their needs, aspirations, capacities and skills, and we need to work with them to build up their autonomy and resilience.
- 3.4 Prevention – there needs to be a decisive shift towards prevention, rather than using resources to respond to a situation after it has arisen, including the deterioration of local community spaces and assets. Community ownership of responsibilities will help prevent this happening. These initiatives also give people in communities alternative recreational and leisure activities in the heart of their communities, increasing levels of local social networks that can be supportive and create community well being and resilience, preventing social isolation across all ages.
- 3.5 People are the key to delivering reform. This includes staff across agencies and organisations, as well as individuals who use services and citizens. People must be given the time, resources and support to deliver reform, supported by strong leadership and direction. Supporting these small transactions with the local communities sends a strong message about Perth and Kinross Council enabling people to take control of their environment and lives.
- 3.6 These initiatives support ongoing strategic work across Perth and Kinross Council and Community Planning Partners to empower local communities to take control and responsibility for their own neighbourhoods and local environment. They will also support Perth and Kinross Council to be in strong

position to implement the proposed Community Empowerment and Renewal Bill, giving powers to communities to take over under-used public assets for their benefit.

- 3.7 The proposals also meet Section 1 of the Local Government in Scotland Act 2003 which imposes a duty on local authorities to secure best value in the performance of their functions. Aspects of the duty to secure best value which are relevant to this disposal of land include

- making the best use of land and property
- being open and transparent in transactions
- insuring sound financial controls are in place to minimize the risk of fraud and error
- assessing the full financial consequences of decisions at an appropriate level before major financial decisions are taken or commitments entered into demonstrating responsiveness to the needs of communities, citizens, customers and other stakeholders where relevant

4. CONSULTATION

The Head of Legal Services, the Head of Planning and Regeneration and the Head of Housing and Strategic Commissioning have been consulted in the preparation of this report. The Perth and Kinross Tenants' and Residents' Federation have also been consulted on the contents of this report.

There will also be further full consultation with local tenants and residents about the potential development of these sites into community gardens and allotments.

5. RESOURCE IMPLICATIONS

There are no cost implications raised by the contents of this report that cannot be met from existing budgets. The estimated value of the land at Kingswell Terrace is £2,100 and £8,700 at the Tulloch Site and neither site can be used for building houses. Currently the sites are unused and derelict, incurring maintenance costs for the Council. Letham Climate Challenge has secured £104,000 of external funding to invest and improve their community and the North Perth Allotment Association intends to make a similar bid for funding. This proposal offers the Council and local communities opportunities to gain best value in relation to both these sites in maximising existing resources.

6. COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012

- 8.1 The Council's Corporate Plan 2009-2012 lays out five objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. The following are relevant to this report:-

- (i) A Safe, Secure and Welcoming Environment
- (ii) Healthy, Caring Communities

- (iii) A Prosperous, Sustainable and Inclusive Economy
- (iv) Educated, Responsible and Informed Citizens
- (v) Confident, Active and Inclusive Communities

7. EQUALITIES IMPACT ASSESSMENT (EqIA)

- 7.1 The Council's Corporate Equalities Assessment Framework requires an equality impact assessment of functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.
- 7.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

Assessed as relevant and the following positive outcomes expected following implementation:

- Promotion of equality of opportunities for minority groups.
- Meeting the needs of our service users who may be members of a minority group.

8. STRATEGIC ENVIRONMENTAL ASSESSMENT

Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all plans, programmes and strategies, including policies (PPS). The plan, programme or strategy presented in this report was considered under the Environmental Assessment (Scotland) Act 2005 and the determination was made that the items summarised in this report are unlikely to have any significant effect on any of the areas defined in the SEA guidance.

9. CONCLUSION

This report seeks approval for the disposal of surplus land through a lease to local community groups, to enable the development of community gardens and allotments at sites identified in Kingswell Terrace, Letham and Tulloch Bowling Green. It also highlights a number of mutually beneficial impacts to be gained for the local community and community planning partners by supporting the initiatives and opportunities to engage with our communities to meet the public sector reform agenda

DAVID BURKE
Executive Director
(Housing and Community Care)

J VALENTINE
Executive Director
(Environment)

Note: Declaration regarding background papers

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any

containing confidential or exempt information) were relied on to any material extent in preparing the above report.

Contact Officer: Lorna Cameron, Head of Housing and Strategic Commissioning, 01738 476705, lecameron@pkc.gov.uk

Address of Service: Housing & Community Care, 5 Whitefriars Crescent, Perth, PH2 0AP

Date: 7 May 2012

If you or someone you know would like a copy of this document in another language or format, (on occasion only, a summary of the document will be provided in translation), this can be arranged by contacting *Lorna Cameron 01738 476705*



Council Text Phone Number 01738 442573

Appendix 1: Maps showing location of proposed community gardens and allotments in Kingswell Terrace and at Tulloch Bowling Green



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The Environment
Service

Site
Kingswell Terrace
Perth

Proposed Allotments

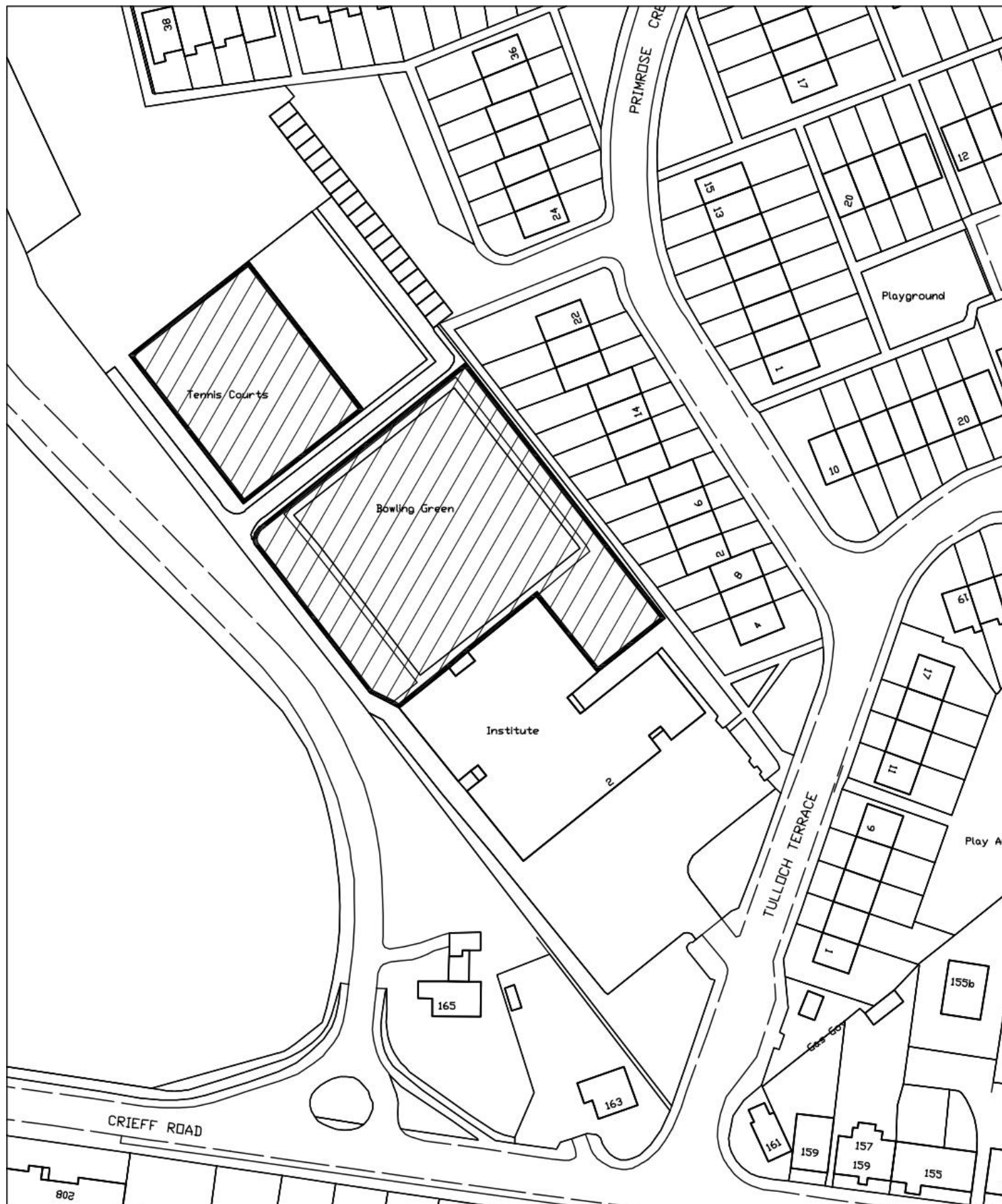
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COMMITTEE REPORT PLAN



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Officer: Lorna Cameron
Ref: T00235.1
Date: 21/05/2012
Dwg No: CRP 0223



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Sites Tulloch Terrace Perth

Proposed Allotments

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COMMITTEE REPORT PLAN



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