

Bath & North East Somerset Council

MEETING:	Alice Park Trust Sub-Committee
MEETING DATE:	24th November 2023
TITLE:	Community Garden Lease
WARD:	Lambridge
AN OPEN PUBLIC ITEM	
List of attachments to this report:	

1 THE ISSUE

- 1.1 To review the lease arrangements for the Alice Park Community Garden and the proposed options for charges.

2 RECOMMENDATION

Alice Park Sub-Committee is asked to;

- 2.1 Note the benefits provided by the Alice Park Community Garden to Alice Park
- 2.2 Consider the report and confirm the charges expected for the lease
- 2.3 Delegate to the Chair of the Alice Park Trust subcommittee the authority to agree and sign the lease on behalf of the subcommittee.

3 AGREE THE REPORT

- 3.1 The Alice Park Community Garden have been within Alice Park since 2012.
- 3.2 Currently, the Community Garden Growers have no lease on the ground within the Park. The previous Chair of the subcommittee had requested that a lease be drafted at a fair value for the land to generate income, estimated to be c£100 per annum (exact fee to be confirmed).
- 3.3 The Community Garden Growers have clearly indicated that they don't have the funds to pay for a lease, that the community garden is a benefit to the Park and it doesn't seem right to them that they should now have to pay when they have

built up the garden over 10 years with their own funding and haven't had to pay any rent to date.

- 3.4 The subcommittee should consider the benefits in having this community garden which has no financial benefit to anyone involved.
- 3.5 The following options to regularise the occupation of the AP by the Community Garden are now available to the subcommittee to consider:
 - (1) That the lease is drafted with the commercial rental value and payment is expected from the Alice Park Community Growers
 - (2) That a 7 year lease with a peppercorn value is drafted and the subcommittee foregoes the income due to the benefit of the Community Garden to the wider community
 - (3) That as the Cafe use the Oak Cabin within the Community Garden, erected by the Community Garden Growers that the Café should fund the additional lease costs
- 3.6 If the subcommittee consider it to be justified in waiving the payment of a rent then the Chair should be delegated the authority to grant the lease at a peppercorn, having first checked with the garden growers that they are still happy to sign the lease.
- 3.7 It should be noted that the Alice Park Community Garden Growers have stated to Officers that they will simply abandon the project and give up the garden if the lease is enforced, with a commercial rate payable

4 STATUTORY CONSIDERATIONS

- 4.1 The Sub-Committee must operate within the parameters of its Terms of Reference, Charity legislation and Charity Commission Guidance.
- 4.2 In discharging the Council's function as sole corporate trustee for the Alice Park Trust the Sub-Committee must operate within the scope of local government law. Elected Members of the Sub-Committee must act in accordance with the Localism Act 2011 and the Councillor Code of Conduct.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 All decisions on the points raised in this report should consider the net cost to APT and how this would impact its expected annual operating deficit/surplus, particularly as this is currently subsidised by the Council

6 RISK MANAGEMENT

6 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

6.1 EQUALITIES

6.2 No specific considerations

7 CLIMATE CHANGE

7.1 A well-run park supports local biodiversity and can help cities be more resilient to climate change by improving air quality and absorbing carbon from the atmosphere.

8 OTHER OPTIONS CONSIDERED

8.1 None. All options are set out within the Report.

9 CONSULTATION

9.1 This report was drafted in consultation with the Section 151 Officer and Monitoring Officer.

Contact person	Chris Major
Background papers	<i>Nil</i>
Please contact the report author if you need to access this report in an alternative format	