

SUBJECT: ELLIE’S MEMORIAL GARDEN

DIRECTORATE: HOUSING & INVESTMENT

**REPORT AUTHOR: PAULA BURTON, HOUSING STRATEGY & INVESTMENT
MANAGER**

1. Purpose of Report

- 1.1 To provide an update to Housing Scrutiny Sub Committee on the intention to progress this report to Executive on 21st August 2023 for authorisation to proceed to lease the land to the side of Tower Flats to Green Synergy. This will enable the continuation of managing and maintaining of this area by Green Synergy as a community garden in memory of Ellie Bradford who was a former member of staff in Directorate of Housing & Investment.

2. Background

- 2.1 The land to the side of Tower Flats on Tower Crescent in Lincoln is land owned by the Housing Revenue Account. The piece of land is indicated in yellow on the attached Appendix A and is 242m².
- 2.2 Due to historical anti-social behaviour this land (and other land in the vicinity) was fenced off to prevent fly tipping, vandalism and people gathering and causing a nuisance to the neighbours and residents in the community.
- 2.3 In 2013 Green Synergy approached the City of Lincoln Council along with Tower Action Group and requested use of the land to create a community garden for public use in the City. Green Synergy have continued to maintain the land since 2013 under an informal agreement made with Tenancy Services.

3. Green Synergy

- 3.1 Green Synergy is a gardening and horticulture charity situated in Lincoln that supports people of all ages to socialise, learn and thrive. The charity enables people to learn skills for life, for work and encourages people to care for themselves, each other and the environment. These services are delivered using community gardening, therapeutic horticulture, city farming, and broader environmental initiatives to enable and enhance sustainable socio-economic and environmental well-being and development whilst also improving people’s mental and physical wellbeing and supporting people that are living in under-served communities in Lincolnshire.
- 3.2 Green Synergy currently hold community engagement events and activities in two community gardens in the heart of Lincoln and these areas include socially isolated and under-served communities. One of these gardens is Ellie’s Memorial Garden.

4. Ellie's Memorial Garden Project

- 4.1 The Council and Green Synergy entered into an informal agreement in 2013 when Green Synergy expressed an interest in creating a community garden with the Tower Action Group on the Tower Estate.
- 4.2 The informal agreement was made for the use of the land to the right of Tower Flats on Tower Crescent. Green Synergy have been maintaining the land for ten years with no funding being provided by the Council for this service. A number of Green Synergy volunteers and Lincolnshire Probation Service's Community Payback Team have continued to maintain the land on the Council's behalf and have been harvesting fruit from the garden and giving it back to the local residents on the estate and in neighbouring areas for free.
- 4.3 The garden is no longer open to the public and is awaiting a formal lease agreement to be in place before the public will be able to access it.
- 4.4 Green Synergy's vision for the garden is to secure a formal lease for the land to enable them to bid for available funding to encourage community participation in looking after the garden, develop the planting and increase the biodiversity in the garden. Green Synergy would also like to use the garden for pop up events for the local community including young children's activities, teddy bear picnics, family picnics, birdbox making workshops, arts and craft activity sessions, coffee and chat sessions, planting sessions, harvesting sessions and give the fruit from the garden.
- 4.5 The charity also seek to support sustainability by developing compost bays on the garden and maintaining a beautiful community green space which it is hoped will contribute to the Lincoln Climate Commission challenges by increasing the native species on the garden to increase the biodiversity in the garden.
- 4.6 The garden has been named in memoriam of Ellie Bradford who was a member of council staff in the Housing department and died whilst still in service. Ellie was a Housing Officer and Area Housing Manager.

5. Strategic Priorities

5.1 Let's drive inclusive economic growth

The establishment of a new community garden that is open to the public and maintained by members of the community and voluntary agencies will support jobs and training opportunities in the local voluntary sector.

5.2 Let's reduce inequality

The provision of the community garden promotes equality of opportunity and seeks to tackle deprivation by providing access to outdoor spaces to the local residents. Ellie's Memorial Garden will also provide much needed opportunities for the public to be able to enjoy the space, participating in gardening and provide opportunities to support and promote mental health.

5.3 Let's deliver quality housing

The land being proposed for lease is not of a sufficient size for development of additional homes but will provide public outdoor space that the local residents will be able to access and use.

5.4 Let's enhance our remarkable place

The development and the greenspace enhances the community, creating a sense of belonging and pride in the local area.

5.5 Let's address the challenge of climate change

The proposal of Green Synergy looking to introduce new habitats and wildlife provision in the local area along with introducing and maintaining plants will contribute to biodiversity and the public's awareness of how the community can work together to achieve a reduced amount of carbon emissions.

6. Organisational Impacts

6.1 Finance

- 6.1.1 There are no foreseen financial expenditure costs connected to the granting of a lease for the garden as Green Synergy will continue to be responsible for the maintenance costs for the garden. No commercial potential for income has been identified for the piece of land.

Failure to grant permission for the lease will result in the Council having to fund ongoing costs to maintain the land as and when required.

6.2 Legal Implications including Procurement Rules

Legal implications have been explored and it is recommended that a formal lease be granted to Green Synergy for clarity of responsibilities for the maintenance and upkeep of the land.

6.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

The proposal to grant a lease to Green Synergy for the land requested for Ellie's Memorial Garden advances equality of opportunity by enabling members of the public to gain experience of volunteering roles and gives them work experience and also confidence to work with others. Good relations between people and communities will also be encouraged and fostered as part of the ethos for the Green Synergy work.

6.4 Human Resources

This project will be managed by existing staff within the Corporate Property Team and Tenancy Services Team.

6.5 Land, Property and Accommodation

This programme will improve the use of formerly unused land owned by the Housing Revenue Account and will encourage community engagement and accountability for local community land.

A transfer of land, including a lease for more than seven years, is a disposal for the purposes of S123 LGA 1972. For such disposal, local authorities are generally required to obtain best consideration meaning, in the case of a lease, best rental consideration.

However, the Local Government Act: General Disposal Consent (England) 2003 gives consent for disposals at an undervalue where the local authority considers that the purpose for which the property is to be disposed is likely to contribute to the achievement of any one or more of the promotion or improvement of economic, social or environmental well-being in its area.

In determining such disposal, it is expected that authorities will have regard to their community strategies whilst also being concerned to fulfil their general fiduciary duty in a way that is accountable to local people.

Rental value of the land has not been market-tested in this case but the subject land is not considered to have any commercial rental value compatible with its setting in a residential area. More compatible uses, say for local off-street parking or as garden land, would be expected to attract little interest and, in any case, would be at a low rental value and anticipated to be in region of less than £250 per annum. The proposed lease at a rental undervalue can be considered in this context.

This report proposes the grant of a lease at a nominal rent for purposes that are considered would contribute to the social or environmental well-being of the area for reasons set out in the report.

6.6 Significant Community Impact

Long term, the community impact will be positive with the improvement in the biodiversity in the area.

6.7 Corporate Health and Safety implications

It is not envisaged that there are any Health and Safety implications should the lease be granted.

7. Risk Implications

7.1 i) Options Explored:

Granting of the lease – The benefits of this are detailed within this report.

Decision to not grant the lease – This will trigger a piece of work to bring maintenance of the land back within the Housing Revenue Account responsibilities. This will incur a cost to the HRA and inclusion within the current DCE contract will be required.

7.2 ii) Key Risks Associated with the Preferred Approach:

Management of the lease:

Risk: Green Synergy do not maintain and use the land for the reason the lease is granted.

Mitigation: Action can be taken to end the lease using the conditions contained within the lease.

8. Recommendation

8.1 For the Housing Scrutiny Sub Committee to consider the contents of this report and approve its progression to Executive for:

- The granting of a lease for the land near Tower Flats to Green Synergy at nil cost or at a peppercorn rent level for a period of 25 years with a break clause included at 5 yearly intervals.

Is this a key decision?

Yes

Do the exempt information categories apply?

No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?

No

How many appendices does the report contain?

One

List of Background Papers:

None

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