

DECISION TAKER: Cabinet Member for Housing – Councillor Chris Westwood

REPORT TITLE: PETITION REGARDING PROPOSED COMMUNITY GARDEN IN WINNALL AND BIN STORAGE ARRANGEMENTS FOR 69-163 FIRMSTONE ROAD

11 DECEMBER 2024

Contact Officer: Fiona Churcher Tel No: 01962 848 324 Email: [fchurcher@winchester.gov.uk](mailto:fchurcher@winchester.gov.uk)

WARD(S): ST BARTHOLOMEW

### PURPOSE

Consider and respond to the points raised in a petition submitted on 20th August 2024, as per the council's petition policy (background document and petition as Appendix 1).

Discuss the proposed creation of a community garden in Winnall.

It is imperative that the council is clear on its robust management of Housing land in its response to the petitioner who is seeking to create a community garden on Housing land in Firmstone Road, Winnall, Winchester.

The development and establishment of a community group, with a constituted agreement, is necessary in the management of Housing assets.

### RECOMMENDATIONS:

That the Cabinet Member for Housing be asked:

1. To agree in principle to the proposal to create a community garden in Winnall, subject to a legal agreement and the required permissions.
2. To agree the establishment of a constituted community group (subject to point 1), via the Housing and Communities teams, to manage the land as a growing space and as a space for residents to socialise in.
3. To agree that the council enters into the appropriate legal arrangements with the community group to permit them to manage the land, subject to points 1 and 2 being agreed, as set out above.

## IMPLICATIONS

### 1 COUNCIL PLAN OUTCOME

1.1 This proposal supports the Council Plan as follows:

- a) Climate Emergency – by bringing unused land back into use.
- b) Living Well – as a community garden it supports residents to get outside and benefit from being able to grow plants and socialise.
- c) Your Services, Your View – the community via a community group will be directly involved in managing the garden.

### 2 FINANCIAL IMPLICATIONS

2.1 The proposed outcome, if agreed, would be for the community to take on responsibility for management of the land. The community group would be required to submit a proposal for the garden for the Housing team's approval, that aligns with the terms of the legal agreement with the community group.

2.2 The council may consider contributing to some set-up costs. In addition, the council would incur costs associated with the legal processes as per point 3.2. This would come from the HRA's estate management budget.

2.3 Ongoing costs to maintain the land would lie with the community group, whose status would allow them to apply for grant funding or similar. It is expected that any set-up costs for the council would be below the threshold required for a procurement process.

2.4 Any set-up costs incurred by the council will not be recovered from leaseholders; likewise, tenants and leaseholders will not be charged a grounds maintenance service charge as this land would not be included in the council's grounds maintenance contract with IDVerde.

2.5 As the intention is for the community group to be responsible for ongoing maintenance of the garden, without supervision from the council, they would be required to obtain their own Public Liability Insurance.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

3.1 If it is decided that a constituted community group be established, a legal agreement between the community group and the council will need to be drawn up and entered into by both parties, in order to ensure that the land is managed by the community group as a social area and growing space.

3.2 Depending on the nature of the eventual arrangement between the council and the community group, this might be considered as a disposal of open space land, which will need to be advertised in accordance with section 123 of the Local Government Act 1972. If so, advertising costs (for two consecutive weeks in a local newspaper) would be around £500.

#### 4 CONSULTATION AND COMMUNICATION

4.1 Consultation with the residents of Winnall, ward councillors and any other interested parties in relation to the proposal has yet to be undertaken. Local members have received the petition and proposal from the petitioner.

#### 5 ENVIRONMENTAL CONSIDERATIONS

5.1 This project, if delivered, would improve the biodiversity and ecology in the proposed community garden and enhance the land, that is currently an area of grassed open space.

5.2 A local food growing charity is also aware of this proposal and supports its development.

#### 6 PUBLIC SECTOR EQUALITY DUTY

6.1 Under s149 of the Equality Act, the council must have due regard in the exercise of its functions of the need to:

- a) Eliminate discrimination, harassment, victimisation and any conduct prohibited by the Act.
- b) Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share them.
- c) Foster good relations between persons who share relevant protected characteristics and persons who do not share them.

6.2 The council's petition policy has been applied in accordance with our responsibilities under the Public Sector Equality Duty.

6.3 If the project is approved, a full Equality Impact Assessment will be undertaken to ensure both the resulting community group and community garden are consistent with the principles in the Equality Act.

#### 7 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
Financial Exposure – If the community group doesn't maintain the land in accordance with the legal agreement, then responsibility would revert to the council. This will come at a cost and, if the land had been allowed to fall into poor or	Housing team to reserve the right in the legal agreement to access the land at any time to check compliance with the terms of the agreement.	

dangerous condition there may be rectification costs.  Risk of harm to the volunteers when undertaking work in the garden.	Requirement in the formal agreement with the community group to obtain Public Liability Insurance.	
Exposure to challenge	N/A	N/A
Innovation	N/A	N/A
Reputation	Decision making structure in place in the form of a constituted community group, made up of local residents.	Inclusivity; Listening Better
Achievement of outcome	Encourage community 'ownership' (subject to achieving a legal agreement).	Social Value; land managed on behalf of the council; Pride in Place
Property	N/A	N/A
Community Support	Consultation with local residents to encourage engagement with the project.	Listening Better; Pride in Place
Timescales	Achieving a decision and formal structure to enable project to progress.	Supports community engagement and promotes Pride in Place
Project capacity	Council manages the land under its ground maintenance contract	
Other – Invasive plant species	Council to manage treatment of invasive plant species in line with current practice on Housing land. Cost borne by grounds maintenance budget.	

## 8 OTHER KEY ISSUES

8.1 None.

## 9 SUPPORTING INFORMATION

9.1 The petitioner is seeking to create a community garden on Housing land in Firmstone Road, Winnall, Winchester, for the wider Winnall community to be able to grow food and for the space to act as a meeting place for residents to

socialise. The land is located between two garage sites and is currently open space and not used for any particular purpose.

- 9.2 The petitioner submitted an Estate Improvement Proposal in December 2023, to create a community garden on this space, funded via the HRA budget. However, as this is a community project, with the intention of the community taking responsibility for the site, it does not meet the requirements to be considered as an estate improvement. The petitioner's Estate Improvement Proposal is included in Appendix 2.
- 9.3 The council is keen to work with the community to create a community garden and has previously advised the petitioner that a formal group needs to be established and constituted to enable it to make decisions on how the land is used and to raise funds through grant applications. As a result, the council's Communities team has been liaising with the petition organiser and other local residents to try and achieve this outcome.
- 9.4 This model of creating a constituted community group already exists in Winchester, with the Stanmore Gardening Group.
- 9.5 To be fair and equitable with all interested parties, the council will endeavour to support all those expressing an interest in the development of the proposed community garden.
- 9.6 In order to facilitate a community garden for the residents of Winnall, the Communities team, in conjunction with the Housing team, proposes to identify local residents with an interest in the project and support them in establishing a community group.
- 9.7 The community group will subsequently develop and enter into a formal agreement determining how the group functions, including decision-making. The constitution will be aligned with the legal agreement to ensure the Housing land asset is protected.
- 9.8 This community group would be enabled to make decisions on how the land is managed, within the parameters of their constitution and the legal agreement, and to apply for grant and other funding sources to support their aims.
- 9.9 This proposal is for all interested residents of the Winnall estate, not just council tenants, and the intention is for the community to manage it.
- 10 **BIN STORAGE ARRANGEMENTS FOR 69-163 FIRMSTONE ROAD**
- 10.1 The petitioner also refers to "alternative storage arrangements for bins for the 8 blocks of flats at 69-163 Firmstone Road". In February 2024, individual 240 litre wheeled bins, which were stored at the rear of each block of 6 flats, were permanently removed and replaced with 1100 litre communal bins in two garage areas, following a health and safety review with Biffa. This was an interim measure until a permanent solution for bin storage could be found.
- 10.2 The Housing team had set aside a section of the proposed community garden as a possible option for a permanent bin storage area. It was subsequently

agreed that this is not a feasible solution and therefore none of this land is required. The petitioner has been informed of this decision.

- 10.3 The Housing team is currently consulting with residents at 69-163 Firmstone Road on the long-term solution for storage of communal waste bins. The proposed solution is to formalise the current (interim) bin storage arrangements. Due to the complexity of the site and waste collection arrangements, implementation of alternative solutions is not viable.

## 11 OTHER OPTIONS CONSIDERED AND REJECTED

- 11.1 None.

### BACKGROUND DOCUMENTS

#### Previous Cabinet/Committee Reports or Cabinet Member Decisions:-

None.

#### Other Background Documents

Council's Petition Guidance – [Petitions - Winchester City Council](#)

### APPENDICES

Appendix 1: Petition – 20 August 2024

Appendix 2: Firmstone Road Project Proposal of 08 December 2023