

Mill Lane Allotments - Clerk's Report

This report was requested at the April Meeting of Council.

Prior to the purchase of the Mill Lane land the Parish allotments were at The Butts (the area where the Archers developed their skills) off Church Lane towards St Nicholas Caravan Site. The owner required the land for other purposes and a new site was sought. The present allotment site was purchased from Brasenose College on 25 March 1952.

The land was freehold with vacant possession with no restriction as to future use that is at the discretion of the Parish Council restricted only by the law of the land. It is clear from the minutes at that time that the intention was to use the land for allotments.

Minute Book and a copy of the conveyance will be available for inspection before the meeting.

The law of the land relating to the site is found in:

The Small Holdings and Allotments Act 1908 that states "If the council of any parish are of opinion that there is a demand for allotments in the parish the council shall provide a sufficient number of allotments, and shall let such allotments to persons resident in the parish...., desiring to take the same"

Where a council are of the opinion that any land acquired by them for allotments... is not needed for ... allotments ... may sell ... superfluous or unsuitable land.

The Allotments Act 1922 covers determination of tenancies

The Allotments Act 1925 precludes the disposal of the land or any part of it without the consent of the Secretary of State

The Allotments Act-1950 deals with compensation for disturbance

Planning Consent is required for any change of use.

In 1996/7 it was decided to sell the site, an official approach to the Secretary of State resulted in the Council being permitted to sell the site and conditional planning consent was granted. There was difficulty in getting the City Solicitor to provide a correct version of the conditions; for example he continually referred to the bridge that did not exist. The matter dragged on and eventually the City Council withdrew its consent without objection from the Parish Council. It is known that a resident made an unofficial approach to the Secretary of State and had a different response.

The ^{letter} opinion obtained by Mr. Cann as to the position, circulated at the March meeting is advisory only having been issued by the National Society of Allotment and Leisure Gardeners Ltd

The position regarding decisions taken by the Council from time to time is that they are only effective until a later decision determines a different policy.

It is generally called the supremacy of Parliament. What one Parliament does the next Parliament can undo.

LM. Garner
Clerk

April 2006