

CABINET

Allotments - Future Leasing Arrangements

06 October 2009

Report of Head of Corporate Strategy

PURPOSE OF REPORT			
To seek Cabinet support to the recommendations of the Allotments Task Group regarding future allotment management arrangements.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input type="checkbox"/>
		Referral from Overview & Scrutiny	<input checked="" type="checkbox"/>
Date Included in Forward Plan			
This report is public			

RECOMMENDATIONS

- (1) That Cabinet gives further consideration to the Overview and Scrutiny Committee's Allotments Task Group recommendations:
 - (a) That a standard lease be developed that reflects the Council's position to view allotments as essential community resources, not simply as property assets, and accordingly allotment sites be provided at peppercorn rent to allotment associations as set out in Option 3A of their report)
 - (b) That provision be made for capital funding estimated at £80,000 over the next 5 years to improve basic infrastructure at allotment sites.
- (2) That should Cabinet support the above, this be subject to the outcome of the Budget for 2010/11 and in line with this, the associated capital and revenue growth bids be taken forward for consideration as part of Cabinet's budget proposals.
- (3) That it be noted that the Allotments Task Group have discussed a draft Allotments Strategy and further consideration of the adoption of this Strategy be given on receipt of the Task Group's final report.

1 Introduction

- 1.1 On the 18 January 2005 Cabinet considered a report from the Overview and Scrutiny Committee's Allotments Task Group which set out a series of recommendations based on the group's investigation into the provision and management of allotments in the district.
- 1.2 Cabinet adopted the recommendations set out in the report and they were brought forward as part of the budget and policy framework proposals for 2005/06. (Min. No. 125 refers)
- 1.3 Recommendation 3 of the Task group was that "The Council views allotments as essential community resources, not simply as property assets".
- 1.4 Recommendation 4 of the Task Group committed the Council to instigate a review of allotment leases prior to their expiry in April 2009. It further recommended that a full consultation with all stakeholders including Allotment Associations and tenants on any emerging proposals should be part of that process.
- 1.5 In July 2007, an independent study commissioned by the Association of Lancaster and Morecambe Allotments (ALMA) was published. The intention of the study "Allotment Management in the Lancaster District" was to inform the Council's intended review of allotment leases.
- 1.6 The study provided a comprehensive analysis of the needs of each of the Council's allotments in respect of the current management arrangements and possible alternative arrangements. It examined best practice across the country and it provided a series of options for consideration regarding the future management of allotments.
- 1.7 On the 9 July 2008 the Overview and Scrutiny Committee resolved that its Allotments Task Group be re-established to consider the ALMA study and consider its findings prior to the scheduled lease renewals in April 2009. (Min. No. 16 refers). These renewals have now been put on hold pending future decisions on this matter by Cabinet and Council. The existing lease arrangements have been extended for a further year.
- 1.8 The Task Group met on the 10 September 2008 and considered a range of options for the future management of allotments. The options that were considered are set out in Appendix 1.
- 1.9 The Task Group recommended to Cabinet that Option 3A be adopted by the Cabinet as the Council's future approach to the management of allotments. (Min No. 5 refers).
- 1.10 In doing so it recognised that the provision and use of allotments by local people supports many of the Council's Corporate Plan objectives and that the proposed change in these arrangements would support the Councils position to view allotments as essential community resources, not simply as property assets. In

addition, it recognised that the Council policy on lettings at less than market value would require amendment.

- 1.11 Cabinet considered the Task Group's report at its meeting on the 11 November 2008. Its decision was:

"That Cabinet recognises that the proposals set out in this report have manpower and financial implications and that these are brought forward in terms of the budget and policy framework proposals for 2010/11. (Min No 82 refers)

- 1.12 Parish Councils also have statutory responsibilities with regard to the provision of allotment sites and the implications of these responsibilities are being considered as part of the Parish Funding Review currently being undertaken.

2 **Proposal Details**

- 2.1 Following on from that meeting Property Services have contacted each of the Allotment Associations advising them of Cabinet's decision and the decision to extend the existing lease arrangements for a further year pending further consideration of these issues by Council.

- 2.2 As a result of that advice a number of associations wrote to the Council advising that they were unwilling to continue with the existing arrangements and were prepared to give up their lease and hand management responsibility back to the Council.

- 2.3 There are potential financial implications to the Council if at some point in the future it is required to assume direct management responsibilities for allotments. There are many and differing arrangements for managing the provision of allotments and these vary widely across the country. But by way of an illustration:

The City Council has 542 full size plots on 12 sites (although this may change slightly, linked to parish responsibilities).

Preston City Council has eight allotment sites and around 550 full sized plots. Annual income is around £2,000. The annual expenditure by the Council is estimated to be in the region of £40,000-

Water-	£10,000
Officer time-	£25,000
Repairs/maintenance	£5,000

- 2.4 The Allotments Task Group has responded to the correspondence from the associations and have met with ALMA and the individual associations. As a result of those meetings a number of specific actions were identified.

- That an Allotments Strategy for the district be agreed.
- That a standard lease be developed that reflected the recommendations of the Task group in respect of option 3A.

- That site specific service level agreements be developed that met the needs of the both the Council and individual associations.
- 2.5 A draft Allotments Strategy has been developed. Service level agreements in support of the lease also will be developed in conjunction with ALMA and the individual allotment associations subject to Cabinet's decision.

3 Details of Consultation

- 3.1 ALMA and the Allotment associations have been consulted throughout the whole process and their views taken into account during the preparation of reports to Cabinet.
- 3.2 The reconvened Allotments Task Group has met on 3 occasions since Cabinet last considered this issue and their views are incorporated into this report. A draft Allotments Strategy has been developed which will be recommended for adoption as part of the Task Group Final Report. The Task Group has also confirmed their support for Option 3A as previously recommended.

4 Options and Options Analysis (including risk assessment)

- 4.1 To accept the recommendations of Overview and Scrutiny (Option 3A as set out on the Appendix)
- 4.2 To not accept the recommendations of Overview and Scrutiny.
- 4.3 To make alternative proposals to those recommended by Overview and Scrutiny.

The key risk to consider is associated with the allotment associations' stated positions in giving up their leases if changes are not made. This should be considered and balanced against future demand for allotments, and any prospects for potential alternative lessees.

5 Preferred Option (and comments)

- 5.1 To accept the recommendations of Overview and Scrutiny – i.e. the adoption of Option 3A as the Council's future approach to the management of allotments. The principal elements of this option are the future provision of allotments at a peppercorn rent and the provision of an estimated £80,000 of capital investment over a 5 year period in improving the basic infrastructure of allotment sites. In recognition of these points, the Council's financial position and competing needs and priorities, the preferred option is that such growth be considered as part of Cabinet's budget proposals. Whilst this would mean that a final decision is not taken until Budget Council in March, it is felt that this would be manageable.
- 5.2 This option would involve the development of new lease arrangements that reflect the Council's position to view allotments as essential community resources, not simply as property assets.
- 5.4 There is existing staffing capacity to both manage the proposed capital programme, negotiate new lease arrangements and maintain ongoing liaison

with both ALMA and the allotment associations. The new lease arrangements will develop the capacity of the allotment associations to manage and maintain their allotment sites thus releasing the Council to redirect resources elsewhere to deliver its priorities.

6 Conclusion

It is the Council's duty to provide allotments, and by definition to ensure they are properly managed. Under current arrangements allotment associations are effectively managing the vast majority of allotment management functions to the benefit of the Council.

Under current arrangements the value (and efficiencies generated) that allotment associations add to the Council is not recognised in a way that benefits the allotment associations.

The extension of the current lease arrangements for a further year from April 2009 provides the Council with an opportunity to consider future management of allotments in line with Council policy which views allotments as essential community resources and not simply as property assets. This would have revenue consequences for the Council, however.

A point has been reached where for allotment associations to continue to effectively self manage there is a need to invest in the infrastructure of a number of allotment sites. The estimated capital investment required is estimated £80,000. This would fund priority works which and could reasonably be spread out over a planned programme spanning several years, but this needs to be considered against competing demands.

RELATIONSHIP TO POLICY FRAMEWORK

Supports Councils Corporate Plan objectives in respect of each of its four corporate priorities
Supports Sustainable Community Strategy objectives
(see Pages 7- 10 of the Allotment Strategy)

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The growing of local food and the promotion of allotments as community resources impacts upon, sustainability, health and community cohesion.

FINANCIAL IMPLICATIONS

The preferred recommendation, if adopted, would potentially add an additional £80,000 over 5 years to the Council's capital programme and a bid would need to be submitted as part of the process for the 2010/11 Capital Programme – though there is expected to be around £10,000 in the Allotments Reserve at the end of this year, and this could go towards such

improvements. The success or otherwise of any capital bid would be dependent upon the Council's funding position and other investment needs, and this is reflected in the recommendations.

There is currently a forecasted amount of £10,600 for rental income for Allotments in 2010/11 onwards, although £3,200 of this is then contributed to the Reserve. If the recommendations are approved and only a peppercorn rent charged in the future, the net reduction in income (of around £7,400 pa) would also need to be considered as part of the 2010/11 budget, and this is also reflected in the recommendations.

The report identifies that Parish Councils also have statutory responsibilities with regard to the provision of allotment sites and the implications of these responsibilities is being considered as part of the Parish Funding Review currently being undertaken. This could affect the financial implications, but this is not expected to be significant. It would be worthwhile, however, to understand the charging policies for allotments across the district, irrespective of ownership of the sites.

SECTION 151 OFFICER'S COMMENTS

Any potential growth should be considered in context of the Council's financial prospects, Cabinet's proposed priorities/non-priorities and alongside other competing demands, as part of the 2010/11 budget. This is catered for within the recommendations as set out.

LEGAL IMPLICATIONS

Legal and Property Services have jointly developed a new draft lease and would be required to implement these arrangements should the recommendations be adopted.

MONITORING OFFICER'S COMMENTS

Section 10 of the Allotments Act 1950 provides that land let by a Council for use as an allotment shall be let at such rent as a tenant may reasonably be expected to pay for the land if let for such use on the terms (other than terms as to rent) on which it is in fact let. The section further provides that land may be let by a Council to a person at a less rent if the Council is satisfied that there exist special circumstances affecting that person which render it proper for it to let the land to him at a less rate. This suggests that a judgement should be made in respect of each tenant, and it is arguable that a blanket policy for the Council to let all allotments at a peppercorn rent, even to allotment associations, would not be lawful. However, the Act does not appear to recognise the possibility of a Council letting to an association rather than direct to an allotment plot holder, and this may account for the wording of the legislation.

The Monitoring Officer would reiterate that any proposals must be consistent with the Council's Budget and Policy Framework for 2010/11.

BACKGROUND PAPERS

ALMA report – Allotment Management in Lancaster District
Allotments Act 1950

Contact Officer: Richard Tulej

Telephone: 01524 582079

E-mail: rtulej@lancaster.gov.uk

APPENDIX 1

1. Option 1- Status quo

	Pro	Con
Allotment associations	<ul style="list-style-type: none">No change from current arrangements	<ul style="list-style-type: none">Unsustainable (see study)
Council	<ul style="list-style-type: none">No change from current arrangements	<ul style="list-style-type: none">Unsustainable (see study)

2. Option 2- Responsibility for management of allotments returns to the Council

	Pro	Con
Allotment associations	<ul style="list-style-type: none">Relieves allotment associations of a long list of duties	<ul style="list-style-type: none">Allotment associations have been used to self managementCould result in increased costs for plots
Council		<ul style="list-style-type: none">Using example of Preston would require additional revenue of around £30,000 to fund an allotments officer postBest practice is to devolve management of allotments

Option 3a - Partnership with Council (Peppercorn rent)

Partnership

Council

- Capital to improve basic infrastructure at allotment sites (initially 5 year programme is recommended).
- Strategic oversight of allotments
- Agreement with allotment associations as to priorities for officer time allocated to allotments
- Allotment sites provided at peppercorn rent to allotment associations
- Provides support in practical ways (e.g., insurance, access to compost, grass cutting, waste management etc)
- Review infrastructure needs on an annual basis and feed into capital programme

Allotment associations

- Self manage allotment sites on a day to day basis
- Seek external funding opportunities for their allotment sites
- Continue to contribute to Council priorities

ALMA

- Represent allotment associations when dealing with Council
- Seek external funding for allotment development

	Pro	Con
Allotment associations	<ul style="list-style-type: none"> • Continue to self manage allotments • Will continue to charge same level of rent to plot holders but will have a far greater amount to spend on day to day management and admin of the allotment site • Site infrastructure will be improved at the sites that need it which will encourage demand • Increased investment will raise morale of allotment association volunteers • Officer time utilised in way that meets agreed needs 	<ul style="list-style-type: none"> • No guarantee that this model would encourage the participation of plot holders in wider site management issues

	<ul style="list-style-type: none"> • Capital investment by Council may help attract some external funding 	
Council	<ul style="list-style-type: none"> • Management and administration of allotments is devolved to associations • Officer time utilised in way that meets agreed needs • Increased capital and revenue requirement is still an invest to save option when compared with costs of directly managing allotments • Capital funding by Council may help attract external capital funding 	<ul style="list-style-type: none"> • Need for capital investment in region of £80,000 over next 5 years • Reduction in revenue income

3. Option 3b - Partnership with Council (market rent)

Partnership

Council

- Capital to improve basic infrastructure at allotment sites (initially a 5 year programme is recommended).
- Agreement with allotment associations as to priorities for officer time allocated to allotments
- Strategic oversight of allotments
- Allotment sites provided at market rent to allotment associations
- Provides support in practical ways (e.g., insurance, access to compost, grass cutting, waste management etc)
- Review infrastructure needs on an annual basis and feed into capital programme

Allotment associations

- Self manage allotment sites on a day to day basis
- Seek external funding opportunities for their allotment sites
- Continue to contribute to Council priorities

ALMA

- Represent allotment associations when dealing with Council
- Gain registration as an environmental body
- Seek external funding for allotment development

	Pro	Con
Allotment associations	<ul style="list-style-type: none"> • Continue to self manage allotments • Site infrastructure will be improved at the sites that need it which will encourage demand • Increased investment will raise morale of allotment association volunteers • Officer time utilised in way that meets agreed needs • Capital investment by Council may help attract some external funding 	<ul style="list-style-type: none"> • No guarantee that this model would encourage the participation of plot holders in wider site management issues. • Will still only have same amount to spend on day to day maintenance and admin.
Council	<ul style="list-style-type: none"> • Management and administration of allotments is devolved to associations • Officer time utilised in way that meets agreed needs • Increased capital and revenue requirement still represent an invest to save option when compared with costs of directly managing allotments • No loss of income from allotments • Capital funding by Council may help attract external capital funding 	<ul style="list-style-type: none"> • Need for capital investment in region of £80,000 over next 5 years • Revenue investment insufficient to meet need • Some allotment associations are struggling with resources for day to day maintenance and this proposal will not encourage self management.