

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Neighbourhoods and Community Services Scrutiny Panel

**DATE:** 28<sup>th</sup> October 2015

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**WARD(S):** All

### **PART I**

#### **FOR COMMENT & CONSIDERATION**

#### **ALLOTMENT SERVICES UPDATE**

##### **1. Purpose of Report**

The report is presented in response to a request by the Chair of the Panel for a report on the current allotment service. The report which follows provides a general overview of the service with details specific to a number of questions raised by the Chair in respect of the current letting of allotments, the current waiting list situation, locker provision, and how waste from allotments is managed. The report also sets out financial information for the current and previous years with commentary about other topical matters relating to the services provided.

Particular focus is placed on the following specific areas of interest raised in the Chairman's request for information:

- The number of allotments – and the number of these which are currently let / not let
- The number of lockers – and the number of these which are currently let and the number not let
- Any key historical developments which explain the context of policy or practice on the matter (including changes)
- Income and expenditure in the last two financial years (and 2015 – 16 to date, with any available projections for the rest of this financial year)
- The main section of the paper covers the reduction of waiting lists and any future proposals for allotment management.
- The report also recognises the potential for greater community involvement in the future management of allotments.

- Issues relating to waste heaps on allotments are also covered, with other known issues currently affecting the service.

## 2. **Recommendation**

The Committee is requested to note the report.

## 3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

### 3a. **Slough Joint Wellbeing Strategy Priorities**

Allotments provide opportunities for local residents to growing produce for their own use. Looking after an allotment requires significant physical effort and skill and so engages people in healthy physical activity in the open air.

A well planned and tended plot can reduce dependency on produce bought from shops and provide access to a year round supply of fresh food.

People take up allotment gardening for many reasons, some to produce food where they may not have access to a garden, some for the exercise and access to fresh air for recreation, some for the camaraderie gained working in a social environment based around allotment gardening; others for the solitude it provides.

Allotment gardening brings a number of benefits. In the context of the JSNA and well-being strategies the most notable concern health. The JSNA recognises the value parks (including allotments) bring to communities and advocates Green Flag standards are applied to all parks in the borough.

#### **Cross-Cutting themes:**

Allotment provision presents opportunities for communities to take more active roles in the management and supervision of allotment sites, and how allotment tenants might take more personal and collective responsibility for ensuring sites are well managed, that allotments are used productively and to assist the council in ensuring allotments are used only for the purposes for which they are provided.

Well managed allotments are characterful spaces providing space for communal activity based around the growing of produce. Whilst some enjoy the solitude of tending their own plot, many tenants work together, sharing knowledge and experience to help those less knowledgeable about gardening, or to help those less physically able to manage their land. The communal aspects of allotment gardening can help to create cohesive communities and present residents with opportunities to improve their lifestyles, their health and the quality of their local areas.

Allotments can contribute to cross cutting themes of the JSNA, especially in areas concerning healthy living through physical activity and healthy eating. They present people with opportunities to access low cost/affordable facilities which improve their quality of life. The benefits an allotment provides can be personal and specific to each individual, but whether intentionally chosen or co-incidental to activity taking on and maintaining an allotment can help to curb exclusion,

increase physical exercise, enable access to an affordable nutritious diet, maintain good mental health, teach new life skills, give self-esteem through personal achievement and reconnect people with the food they eat.

Allotments present opportunities for the council to respond to the JSNA and well-being outcomes through pro-active management and promotion to encourage uptake of active lifestyles which also bring individuals measurable benefits in terms of the produce they grow, but also other co-incidental benefits to their mental and physical health.

Those who take up allotments also gain social benefits from social interaction. This can help to build cohesive communities through social interaction, knowledge and effort sharing, and for many, participation in collective and collaborative site management which can enable them to use and learn new skills, feel part of a community and play an active role in the local community.

### 3b. **Five Year Plan Outcomes**

**Five Year Plan Outcome 6** – More people will take responsibility to manage their health, care and support needs.

**Specific action 1** – encourage all residents to manage and improve their health.

Active participation in the cultivation of and allotment garden will contribute to the delivery of Five Year Plan outcome targets for health, notably by providing people with affordable ways to be more physically active and by facilitating adoption of healthier lifestyles involving a more varied diet, enabled by their ability to grow/produce a variety of fresh food.

**Using resources wisely:** The council’s income and the value of its assets will be maximised, and subsidies removed where appropriate. Revenues will be maximised from fees and charges.

## 4. **Other Implications**

### (a) Financial

The report has no immediate financial implications. It draws attention to potential implications that could arise as a consequence of changes to the service and where there may be potential for efficiencies to be made by changing how the service might be delivered in the longer term.

Potential financial implications of specific service change recommendations would be addressed in future reports to the appropriate committee(s) if and when proposals are brought forward.

### (b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
To note the report	<i>Member comments/ recommendations made in response to this report may give rise to implications affecting statutory obligations.</i>	<i>All actions arising from the report to be scrutinised by the Head of Legal Services and lead professional officers prior to service changes</i>

	<p><i>Opportunities may exist to change how allotment services are provided by the council; these may involve changes to operational matters and/or to council policy.</i></p>	<p><i>being implemented or recommended for later consideration by Members.</i></p> <p><i>Policy and operational changes would be subject to thorough assessment to ensure they would be fully compliant with current legislation and to measure the impact(s) they would have on the council and on tenants.</i></p>
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(c) Human Rights Act and Other Legal Implications

The report does not affect any person's or the community's Human Rights.

The Council has a statutory duty to provide allotments for people residing within the Borough boundary. The report assumes that provision will continue to be made and this duty will therefore continue to be met.

(d) Equalities Impact Assessment

Allotment plots are made available to all subject to availability and subject to tenants meeting the obligations imposed on them by their tenancy agreement with the council. When delivering the service every reasonable effort is made to take individual needs and abilities into account so as to enable all residents to take advantage of an allotment garden.

The Council operates a concessionary fee scheme to take into account people's differing financial circumstances, notably providing reduced tenancy fees for the elderly, people who are unemployed and people on income support etc.

5. **Supporting Information**

**Statutory Provision of Allotments and Legal Powers to Support Allotment Provision.**

- 5.1 Section 23 of the Small Holdings and Allotments Act 1908 places a duty on the council to provide allotments, except in areas where there is a parish council. The legal duty is limited to the provision only of land.
- 5.2 A number of statutes provide councils with discretionary powers to employ staff and to deliver services in support of allotment provision. There is no absolute requirement that any council must use these additional powers, but good practice for the provision and management of allotment services has led to authorities adopting various practices including the employment of allotment officers, provision of fencing, water supplies, toilets and other infrastructure/ancillary facilities. Allotment provision is a statutory function of the council.

## Current Council Allotment Provision in Slough

- 5.3 The council provides twelve allotment sites containing 944 individual plots. One of these twelve sites, Cowper Road, is managed by a local allotment association. There are currently 156 vacant plots. These are plots which have no tenant and are available for letting. A site by site breakdown is provided below.

ALLOTMENT SITE	TOTAL PLOTS SUMMER 2015	VACANT PLOTS SUMMER 2015
CHERRY ORCHARD	253	30
COLLEGE ROAD	55	6
GRANVILLE AVENUE	141	11
GREEN DRIVE	15	4
HORSEMOOR GREEN	92	5
KEEL DRIVE	89	12
THE MYRKE	143	19
RAGSTONE ROAD	77	42
SAMPSONS GREEN	6	0
SPENCER ROAD	11	11
WESTPOINT	62	16
<b>TOTAL</b>	<b>944</b>	<b>156</b>

### Lockers

- 5.4 198 lockers are provided across 5 sites. They provided basic space for tenants solely for the storage of tools and materials directly associated with the cultivation of their plot(s). Lockers are let subject to payment of a fee, which is in addition to the rent of an allotment and under a separate agreement. Of the 198 lockers available, 143 are currently let under an agreement with a tenant. 55 are vacant.
- 5.5 Whilst many tenants use their lockers responsibly, some are misused. Problems typically involve use for storage of goods not linked to allotments (use for storage of private domestic goods etc.) and rubbish. Some are let but are little used which tends to lead to accumulations of waste etc. and some it is alleged are allowed to be used by friends or family who are not allotment tenants.
- 5.6 It can be very time-consuming to establish where abuses are being made, who is responsible for them, and to then to take enforcement action. Locker management tends to be a lesser priority than dealing with other more pressing management issues associated with letting and the proper use of plots alongside the considerable demands placed on resources to deal with the day to day operational issues associated with allotment tenants, complying with statutory procedures attached to allotment management and the overall management and maintenance of the sites.
- 5.7 Where lockers are abandoned or misused, waste often also becomes a problem. Typically accumulations of waste in these lockers have to be left on site or disposed of to landfill at considerable cost to the council. Waste and its disposal

is a significant problem on most allotment sites. This is considered in more detail later in the report

### **Historical context of policy and practice**

- 5.8 Core allotment practices and procedures are built around the legal duties imposed on the council and tenants under the various Acts of Parliament governing allotment provision, especially with regard to the annual allotment tenancy lettings, how fees are set, how changes to fees are dealt with, and the terms and conditions that govern what tenants may and may not do on an allotment garden.
- 5.9 All tenants sign a legal tenancy agreement each year with the council, which is the landlord. The tenancy agreement sets out the principle rules, and important obligations on the tenants and the council as to what tenants are entitled to do while enjoying their tenancy, termination rules, and matters relating to compensation etc.
- 5.10 The management practices in place for allotments in Slough are to a degree built on a legacy from when allotments and allotment sites had spiralled into decline a decade or so ago. Sites then were largely unused and sites were dilapidated. The council made a big effort to turn this problem around, and in doing so, re-established allotments as a popular and effective local provision for residents.
- 5.11 This is particularly the case where waste is concerned. In an effort to encourage residents to take up allotment plots, the council assisted with site clearance by disposing of the waste from the clearance of plots by new tenants. This practice has continued since and tenants have come to expect the council to dispose of their waste, whether green compostable waste or household waste, as a free service.
- 5.12 It was at that time that an allotment officer post was created (part time) to meet the demands for effective day to day management of tenant issues, lettings, enforcement actions and the maintenance/management of the eleven sites. The allotment officer role was made redundant with effect from June 1<sup>st</sup> 2015.
- 5.13 It should all noted that disposal of all waste arising from allotment plots is the sole responsibility of the tenant. This is a condition of each tenant's tenancy agreement.

### **Income and expenditure**

- 5.14 The gross budget for allotment provision in the current 2015/16 financial year is £58,730 Staff costs are an additional £23,330. Income earned from allotment lettings is expected to reach the target £16,000. The net budget for this year is £66,060, including staff costs and operational costs offset by income. The council subsidises the service. The amount of subsidy has varied year on year notably because costs of waste disposal have varied considerably year to year.

5.15 The table below sets out the annual revenue budget for allotments for the last three years, with the projected outturn budget for the current year.

	2013/14		2014/15		2015/16	
	Budget	Outturn	Budget	Outturn	Budget	To Date
Gross Budget	57,030	28,718	58,430	152,898	58,730	11,955
Income	-16,000	-15,220	-16,000	-18,586	-16,000	-14,612
Net Spend		13,499		134,312		-2,656
Staff Cost	23,000		23,250		23,330	
<b>Net Total</b>		<b>36,499</b>		<b>157,562</b>	<b>66,060</b>	

### Allotment Waiting Lists.

5.16 The council maintains a waiting list for each of the allotment sites. There are currently 616 people on this list.

### Allotment Federations/Associations/Committees

5.17 The statutory duty to provide allotments for its residents falls to the Borough or District Council, except where there is a parish council, in which case the duty falls solely to the parish.

5.18 Allotment management can be devolved to varying degrees to allotment associations. These organisations can play useful roles in the effective delivery of allotment services locally. However, the statutory duty to provide falls to the council and no statutory function can be devolved to another organisation without Ministerial consent.

5.19 Outside organisations can help with the delivery of non-statutory aspects of allotment management, for example by helping with tenant liaison, reporting site management issues, and site inspection. Unless statutory functions are devolved care has to be taken to ensure that responsibilities are clear, that arrangements, responsibilities, roles and accountabilities of all parties are clearly defined.

5.20 Except where complete devolution is achieved with Ministerial consent, the council will always remain in an individual landlord / tenant relationship with each plot holder and the will remain fully accountable for the function. Devolution of roles, whether partial or complete, must be considered with care and with the benefit of robust legal scrutiny.

5.21 One council site, Cowper Road, is run by a site association. This is a small site and has run this way for many years. Officers have been unable to find any formal agreement or evidence how the association was set up. The constitution of the association is not known. It appears to have evolved rather than through formal arrangement with the council. This arrangement is to be formalised under the direction of the Head of Legal Services.

5.22 Slough has an active allotment federation (Slough Allotment Federation). Officers are currently working with the Federation to establish how collaboration might assist the delivery of the council's allotments in the future. This joint working has been on-going for a number of years and has been a vital element of allotment management in the past, providing essential support to the former allotment

officer, especially in the letting of plots to new tenants and reporting non cultivation of plots. Recently, the federation has been especially helpful addressing the current problem with waste on allotment sites, which is covered later in this report.

- 5.23 The type of allotment association determines the extent of the role they are able to have and to what extent they have authority over site / tenant management. Federations are one of a number of ways this might be achieved and officers will be investigating what options might be open to the council going forward.

### **Waste on allotments**

- 5.24 The terms of the tenancy agreement makes the management / disposal of waste from allotments the individual tenant's responsibility. As part of an effort to encourage uptake of allotments in the early 2000s, when allotments were in a poor state and uptake was low, the council provided assistance to tenants by taking waste off sites. This was done to help new tenants clear plots for cultivation and thereby encourage uptake.
- 5.25 This informal arrangement has continued since, at times through provision of skips and in more recent years through collection of waste from heaps at collection points at each site. This service has been free to tenants.
- 5.26 Waste takes two forms, green waste able to be disposed of as green compostable waste (£40.046 per tonne) and 'household waste' disposed of to landfill (£139.34 per tonne).
- 5.27 In 2014 the council elected to undertake a project to half the size of vacant allotment plots. This was done in an effort to increase the number of plots available and reduce the size of the waiting list. The halving required plots to be cleared. This generated a high volume of green and 'household' waste. Disposal of initial waste resulted in an unforeseen cost of £99,000 in 2014/15. This cost cleared about half the waste generated. Disposal was stopped to halt the overspend as soon as it came to light.
- 5.28 A similar volume of waste remains on sites and is yet to be dealt with. Responsibility for this waste rests with the council. The cost overrun has brought all waste clearance from allotments to a halt due to the lack of budget available to meet disposal costs.
- 5.29 Officers have considered how both the accumulated tenants' waste and the plot halving waste might be dealt with most cost effectively to minimise the cost to the council. This is now resolved. Green compostable waste will be transferred to a single site where it will be prepared for re-use as a green material (compost / path surfacing) in due course. This can be done within waste disposal regulations only if waste volumes managed in this way are kept below a statutory limit of 60 tonnes per annum.
- 5.30 Waste piles at all sites is mixed waste, currently only able to be disposed of as landfill at the higher (£139.34) rate per tonne. Compostable and non-compostable materials must first be separated on site if the disposal problem is to be resolved. Officers are currently working with allotment site representatives and the allotment federation to arrange for separation to be done by allotment tenants. Once this joint work is complete it will be possible to address current

accumulations of waste within the existing allotment management budget. If waste can be separated in this way, disposal will start immediately on a site by site basis.

- 5.31 It will not be possible for the council to continue to manage all allotment waste year on year within the statutory limit, or within existing budgets. Consequently a review of the waste disposal is essential. To prevent uncontrollable escalations in the cost to the council as part of this it will be essential to rigorously enforce tenants' obligations to manage their own waste, including its disposal, and to manage more closely what materials can be brought on to allotments that ends up as household waste.

## **6. Future management of allotments:**

- 6.1 The Council is undertaking a review of its options relating to the future management of Allotments. The Association of Public Sector Excellence (APSE) has been appointed to complete an assessment of current allotment management arrangements in the Council. APSE will present a report to help the council to take a structured approach to its management of allotments, looking at immediate issues and to provide a forward looking plan for the next two years.
- 6.2 APSE will present officers with its first draft report to officers at the beginning of November 2015 for officers' initial consideration with a view to finalising the report and recommendations later in November this year. Amongst other things, the report will look at options that might be available to the council to deliver its allotment duties and site management through new arrangements, drawing on proven best practice and initiatives in place in other allotment authorities.
- 6.3 Officers will report the findings of that report to Members in due course, with recommendations for the on-going delivery of allotments in Slough.

## **7 Comments of Other Committees**

There are no comments from other committees.

## **8. Conclusion**

- 8.1 Four issues give immediate cause for concern if the allotment service is to be successfully delivered:
- Capacity within the council to continue to deliver the service effectively in-house at a level that meets customer and Member aspirations,
  - Taking action against tenants who misuse or are failing to cultivate their plots, and in so doing are in breach of their tenancy.
  - Dealing with vacant plots and allocating them to residents on the current waiting list.
  - Addressing the currently unsustainable waste management issues.

These are currently being actively addressed.

- 8.2 Looking forward, a number of key issues emerge which need on-going review and potential change:

- The current tenancy agreement terms are in need of review, notably to control what materials may be imported onto allotment plots to better manage generation of waste, and the costs risk to the council in respect of its subsequent disposal, and to provide greater clarity about the landlords requirements in respect of how allotments may be used.
- Whether alternative management arrangements might be available to the council.
- A thorough review of the charges made for allotments and how they are funded aimed at reducing dependency on council subsidy whilst acting in the spirit of historic allotment provision/legislation etc, trying to ensure that allotments remain affordable for the local community.

These latter matters will be informed by work already commissioned from APSE and referred to in the report. Further information will be brought forward by officers in due course.

9. **Appendices Attached**

- 'A' - Allotment tenancy agreement
- 'B' - Schedule of allotment fees and charges (2015/16 and 2016/17)

10. **Background Papers**

- '1' - Annual budget reports
- '2' - Allotment tenancy and allotment records