



Report of the Cabinet Member for Future Generations

Cabinet – 15 February 2018

Transfer of Management of Allotments from City & County of Swansea to Management Associations

Purpose:	The purpose of the report is to approve the transfer of Management and Operational responsibilities for Allotments from the City & County of Swansea to Allotment Member Associations.
Policy Framework:	Asset Management Plan 2017/2021 Community Asset transfer Policy
Consultation:	Finance, Legal, Access to Services, Poverty & Prevention Service.
Recommendation:	It is recommended that Cabinet accepts option 2 and: <ol style="list-style-type: none">1) Authorise the transfer of existing Allotment sites to Member Associations with total Management responsibility.2) Where there is no interest from current Allotment Holders to form an Association, the Council should actively pursue an arrangement with other bodies to take on total management responsibility.
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1. Introduction

- 1.1 The Small Holdings and Allotment Act 1908 placed a statutory duty on Local Authorities to provide adequate allotments but placed no obligation on the Authorities to either subsidise, or to manage them on a day-to-day basis.

- 1.2 In May 2014, under the Income and Charging strand of Sustainable Swansea, the Commercial Pricing Team instructed that an Operational Review of the provision of the Council's Allotment Service be undertaken, on the basis that the allotments were being run at a loss.

2. Current Position

- 2.1 Currently the City & County of Swansea have 16 allotment sites providing 307 plots, located as follows:

Site	Location	Plots	Current Management Arrangements
Acre Field	Mumbles	22	Council
Castle Acre Field	Mumbles	14	Council
Grange	West Cross	13	Council
Lower Norton Field	Off Mumbles Road	9	Council
Seaview	Mount Pleasant	5	Council
Castle Road	Mumbles	19	Self-Managed (partial)
Gelli Aur	Treboeth	13	Self-Managed (partial)
Heol y Gors	Cockett	24	Self-Managed (partial)
Singleton	Ashleigh Road	35	Self-Managed (partial)
Upper Norton Field	Mumbles	21	Self-Managed (partial)
Eynon Street	Gorseinon	17.5	Interim Arrangement
Fairfield	Townhill	10	Interim Arrangement
Frederick Place	Llansamlet	31	Interim Arrangement
Grenfell Park Road	St Thomas	18.5	Interim Arrangement
Lon Mafon	Ty Coch	18	Interim Arrangement
Plunch Lane	Limeslade	37	Interim Arrangement

The Council is responsible for the payment of maintenance and water rates for all of these sites including those identified as Self- Managed.

N.B. The Vetch is not classified as an Allotment Site and was part of a Community Growing Scheme leased to an Association for 7 years in March 2013 for a Peppercorn Rent.

- 2.2 Sites are currently managed in a variety of ways - Council managed; Self-managed or by way of Interim arrangement.
- 2.2.1 Five sites are currently managed by the Council. On the Council managed sites the **Council** is responsible for:
- Issuing individual tenancy agreements and bills
 - Collection of rent
 - Management of waiting list
 - Insurance
 - Bi-annual site inspection

- Arranging and paying for maintenance work

2.2.2 Five sites took the option to continue to be self-managing. On these sites the **Allotment Associations** are responsible for:

- Plot letting
- Managing the waiting list
- Notifying the Council of the number of plots eligible for concession
- Annual collection and payment of rent
- Notifying the Council of any required maintenance work
- Organisation and payment of site insurance
- Holding an annual AGM

On Self-managed sites there is one Lease to the Association.

2.2.3 Six sites are currently managed by Allotment Associations that have interim arrangement. These sites were working towards self-management by the completion of a Lease but this was placed on hold pending a review of the service. On these sites the **Council** is responsible for:

- Insurance
- Annual billing of rent (exceptions being Frederick Place & Fairfield)
- Carrying out any agreed maintenance work
- Payment of any agreed maintenance

Currently, all Leases state that the City & County of Swansea retains the responsibility for the maintenance of trees, boundaries fixtures & fittings (and the payment of Water Rates on all sites.

3. Proposals

An option needs to be considered that removes any subsidy of the service and also, in line with Sustainable Swansea Fit for the future- ensures greater ownership and control of the allotment sites for the plot holders via associations. Therefore, in order to protect the provision of the Allotments within the County, the following options must be considered:

3.1 Option 1

The council continues to be responsible for all aspects of administering those sites where it is currently has a management role along with continued maintenance liability and payment of water rates and any other relevant charges. **Any element of subsidy is removed and full cost recovery is undertaken by way of increased charges to users.**

In addition to the maintenance costs there will be a need to charge for the administration of the service. This will lead to significant increases in the fees payable by allotment members.

3.2 Option 2

Community Asset Transfer of sites to Membership (Allotment) Associations with total management responsibility.

This would be the most favourable option for the Council as there would be no ongoing costs to the Council. Management of all allotments would be consistent across the Authority.

The benefit for the members would be that the individual Associations would be able to apply for various grants that are not available to the Local Authority. The Allotment Association would be granted a long lease (of up to 25 Years) of a site at a nominal peppercorn rent and would become responsible for all aspects of the day to day running of the site. Each Association would then be able to collect their own annual rent and spend that income in a manner that addresses their individual site priorities. They would also be able to develop their own site rules addressing any particular concerns they have on their site. This could allow for rental periods to be brought in to line with the growing season.

Where there is no interest in establishing an Association on an existing site other Associations would be offered the opportunity to merge or take on additional sites.

Many Local Authorities have adopted this approach including Newport and Bridgend. Newport have individual allotment associations whilst Bridgend County Council have one Allotment Association that manages ten allotment sites. In Neath & Port Talbot responsibility of the management of allotments is the responsibility of the Community Councils.

Officers have met with representatives from all the Allotment Sites and generally there is a broad acceptance and enthusiasm in respect of this proposal, accepting that the service can be managed better by the people with the knowledge, the members themselves.

Presently there are meetings being held by the members on their individual sites with a view to considering whether to form individual Associations or whether to combine sites and create an over-arching Association covering a few sites. It is likely that we will have a combination of both. Council Officers will be in attendance at these meetings and have applied for membership of the National Allotment Association behalf of the Council, to continue to support the Allotment Members.

Site Surveys of all sites has been requested to highlight areas of concern on each site i.e. Tree maintenance, boundary issues etc. so that these can be considered / addressed prior to the transfer of total management responsibility to the Allotment Associations.

4. Recommendations

Option 2 is recommended that the total management responsibility of the Allotments be transferred to Member Associations so that the sites can be managed and maintained more economically and efficiently by the tenants themselves, in line with the Sustainable Swansea Fit for the Future policy.

5. Equality and Engagement Implications

- 5.1 An EIA screening form (**Appendix A**) has been completed and reviewed. The agreed outcome was that a full EIA report was not required as it is the management of the service and not the service itself that the proposed change relates to. New lease agreements would be compliant with the Equality Act 2010 and the Welsh Language (Wales) Measure 2011 where applicable.

6. Financial Implications

- 6.1 This recommendation would ensure that all financial costs for the maintenance and water rates of all the allotment sites will be passed on to the individual Allotment Associations in future. Also it will allow the freeing of resources in the form of two posts within Poverty & Prevention that were responsible for the monitoring and management of this Service.

7. Legal Implications

- 7.1 New lease agreements would have to be issued. We are recommending a 25 year lease at a peppercorn rent (£1.00 if demanded by the Council) and that each Association is affiliated to a recognised National Body eg: National Allotments Association.
- 7.2 Plot holders require a six month period of notice of any termination of tenure before the 6th day of April or after 29th September. (Allotment Act 1950)
- 7.3 **Small Holdings and Allotments Act 1908, Section 23** provides that if allotment authorities 'are of the opinion that there is a demand for allotments in the borough, district or parish the council shall provide a sufficient number of allotments to persons...resident in the borough district or parish and desiring the same'. In determining demand an authority must take into consideration 'a representation in writing by any six registered parliamentary electors or rate payers'.
- 7.4 **Allotments Act 1925, Section 8** specifies that land purchased or appropriated by local authorities for use as allotments must not be disposed of without Ministerial consent. The Secretary of State must be satisfied that 'adequate provision will be made for allotment holders displaced by the action of the local authority, or that such provision is unnecessary or not reasonably practicable'.

Background Papers: None

Appendices:

Appendix A - EIA Screening Form