

OVERVIEW AND SCRUTINY BOARD

1 APRIL 2014

**FINAL REPORT OF THE ENVIRONMENT
SCRUTINY PANEL -
ALLOTMENTS**

PURPOSE OF THE REPORT

1. To present the Environment Scrutiny Panel's findings, conclusions and recommendations following its investigation of the topic of allotments in Middlesbrough.
2. The scrutiny panel sought to examine the updated position following a previous scrutiny investigation into allotments that was undertaken in 2004/05 and an update that was submitted to the panel in 2010.

FURTHER INFORMATION

3. This topic was investigated as a short topic over the course of two scrutiny panel meeting held on 13 January and 3 February 2014. A further panel meeting was held on 24 February 2014 to consider a draft final report. A Scrutiny Support Officer from Legal and Democratic Services co-ordinated and arranged the submission of written and oral evidence and arranged witnesses for the investigation. Meetings administration, including preparation of agenda and minutes, was undertaken by a Governance Officer from Legal and Democratic Services.
4. A record of discussions at panel meetings, including agenda, minutes and reports, is available from the Council's Agenda committee management system, which can be accessed via the Council's website at www.middlesbrough.gov.uk.
5. This report has been compiled on the basis of information submitted to the scrutiny panel by officers from the Council's Neighbourhoods and Communities Department.
6. The membership of the scrutiny panel was as follows:

Councillors Kerr (Chair), Clark (Vice-Chair), Brady, Cole, Davison, C Hobson, Rehman, Saunders and P Sharrocks.

THE SCRUTINY PANEL'S FINDINGS

7. The scrutiny panel's findings are set out below and relate to:

- Background information.
- The updated position in respect of allotments.
- Current resources and future management arrangements.

Background Information

8. The subject of allotments was first examined by the Environment Scrutiny Panel in 2004/05. Following a detailed investigation, the panel made a number of recommendations in its final report. These primarily focussed on the need to produce an Allotments Strategy, improve management arrangements and review the funding of the service.

9. Following approval of the scrutiny panel's recommendations by The Executive an Allotments Strategy was subsequently produced. An update on the strategy was considered by the Environment Scrutiny Panel on 17 September 2010. As a result, the panel made four additional recommendations for inclusion in the Allotments Strategy. These related to ensuring that the time for clearing and re-allocating empty plots is kept to a minimum; taking action against allotment holders who mismanage plots; supporting moves towards self-management of allotments; and introducing smaller plots to encourage take-up.

10. During its most recent investigation, the scrutiny panel heard that all of the panel's previous recommendations have been implemented. This has resulted in an increase in women and families using the Council's allotments, with the smaller-sized plots proving to be particularly popular. The panel was informed that the local Sure Start Children's Centre has plots at Hemlington. Surestart funding has been used to support around 10 families.

Updated Position

11. The scrutiny panel was informed that various changes have been made since the last update that was submitted in 2010. Most recently, two new allotment sites have been created at Hemlington (26 plots) and Coulby Newham (29 plots). These sites were created utilising Healthy Towns Funding. In addition, 10 plots have been created at Beechwood from four larger plots. The smaller plots have been found to be easier to let than those of a larger size.

12. Statistical information was submitted to the panel showing:

- Total number of plots.
- Number of people on waiting lists.
- Numbers of lettable plots, unlettable plots and empty plots for each allotment site.

13. The Council has 944 plots in total, across nine sites. Of these, 47 plots (under 5%) are currently in an unlettable condition. Sites vary in size from 288 plots (Town Farm) to six plots (Low Lane), with overall occupancy levels for all lettable plots of around 93%.

14. Town Farm was highlighted as being the most difficult site to let plots. At this location, around 20% of lettable plots (ie 53 from a total of 270) are currently vacant. This is due to it being such a large site, having a historical high turnover of tenants and because the site has suffered from problems of crime. Work has been undertaken to improve security, including the installation of electric gates and CCTV, to attempt to address this situation.
15. Applicants are required to make a choice of preferred site on the application form and are placed on the appropriate waiting list.
16. The panel questioned what measures are in place to address the issue of unlettable plots. It was explained that, given the Council's current financial position, there are currently no plans to make such plots lettable. Work on these plots would only be undertaken in future if there was to be sufficient demand. However, given the work/resources to make good unlettable plots, it is unlikely that this will happen.
17. In terms of letting plots to new tenants, it was explained that a prospective tenant is shown a vacant plot in the state that it had been left by the previous occupant. If a plot is in a particularly poor condition, a new tenant can be offered a 'rental holiday' in return for returning the plot to a reasonable condition. Although additional Council resources are occasionally required to bring empty plots up to standard, the vast majority require no additional work from the Council prior to a new letting.
18. In pursuing the issue of unlettable plots further, reference was made to the earlier scrutiny panel recommendation concerning action against tenants who mismanage their plots. All new tenants are required to sign a tenancy agreement in relation to their plot. The panel was also informed that an Allotment Rules and Regulations of Tenancy document had been introduced in 2013 and is provided to all tenants. Copies of the documents were circulated for information. It was highlighted that the eviction process, which is used in cases of mismanagement of plots and breaches of tenancy rules, has been amended and updated. Eviction used to take three months or more but now has now been reduced to a seventy day termination process.
19. Members also referred to the issue of tenants who take on plots but rarely tend them, resulting in untidy and overgrown plots. The panel was advised that this can be an issue. Every effort is made to ensure that regular inspections are undertaken to address this problem. It was confirmed that eviction proceedings can be initiated in respect of the worst cases.
20. Over the past eighteen months, allotment caretakers have been recruited as volunteers from existing allotment tenants. This system has worked well to date and has helped to address a number of problems at allotment sites. A list of roles and responsibilities has been produced for the caretakers. This includes acting as a point of contact/liaison between allotment holders and the Council; acting as a key holder for the site; reporting any problems, such as fly tipping, or breaches of tenancy agreement; and attending/reporting back on Allotment Forum meetings.

Current resources and future management arrangements

21. The scrutiny panel was informed that, in light of budget reductions across the authority, the Council no longer has a dedicated Allotments Officer. The function is now carried out as part of an officer's other Area Care duties. The allotments service, like all other Council services, is facing ongoing budget pressures. It was highlighted that funding levels across the authority have been severely reduced since the Panel first investigated allotment provision in 2004/05. Via the Allotments Forum, allotment holders have been made aware of, and have generally acknowledged, the Council's current difficult financial situation. A breakdown of the authority's current (2013-14) revenue budget for allotments was submitted to the scrutiny panel.

22. The submitted budget information highlighted that income for the year is estimated at approximately £55,000, with total expenditure of approximately £90,000, as follows:

Fly tipping/rubbish removal	£18,582
Water	£19,074
Repairs/equipment/maintenance	£21,869
Management and admin.	£30,325

23. This means that a subsidy of around £35,000 will be needed for 2013/14. However, the panel also notes that budgeted income is shown as *optimum income*. This means that, if income levels are not realised, the actual subsidy required at the year-end could be greater than the estimated amount above.

24. The panel was informed that self-management of allotments has been discussed with allotment holders as a possible way forward. Self-management involves devolving all or a share of the responsibility for managing allotment sites to local allotment societies/allotment holders. As long ago as 1998 a Parliamentary Report ('The Report of the Inquiry into The Future For Allotments') concluded that "*There is little doubt that, when successfully implemented, self-management schemes ensure greater control of a site by allotment holders and tend to work to the benefit of the site*".

25. It was highlighted that a considerable amount of work has been undertaken with Saltersgill allotment holders, who have agreed to undertake self-management of the site. It is hoped that the Saltersgill site will move to self management with effect from 1 April 2014.

26. A comparable self-managed site in Stockton was visited by officers to obtain further information. The visit highlighted that allotment holders treat self-managed sites differently, for example by not dumping rubbish or wasting water. However, the principal advantage of self-managed sites for local authorities is in reduced costs, with authorities no longer being responsible for allotment management costs. In addition, self-managed sites can benefit from being able to apply for external funding and could therefore be in a better position to deal with unlettable plots and generate further income. A number of grants are available to self-managed groups, for example Northumbrian Water currently offers a grant in relation to water saving measures.

27. It is acknowledged that it could be difficult to move to self-management with some of the smaller sites in terms of income levels. However, some of these sites might wish to consider amalgamating in terms of self-management. The Council would work with any sites wishing to self-manage to facilitate this where possible and to ensure a smooth transition. Consideration would also need to be given to what services would be provided to self-managed allotments - for example rubbish collections, which are currently undertaken monthly - and whether these would be chargeable. In terms of the service provided to allotment holders, the scrutiny panel notes that the Council is not obliged to provide water, refuse collection, pest control etc but does so as an enhanced service to tenants.
28. In response to a query regarding fly tipping, the panel was advised that good evidence is needed before enforcement action can be taken against individuals. This can prove to be difficult to progress effectively. An additional, or alternative, measure that could be taken in addition to self-management, would be to significantly increase allotment rents. A year's rent for a Council allotment is currently £30.75 for a half-size and £61.00 for a full-size plot.
29. The scrutiny panel queried whether any alternatives have been, or could be, examined in relation to the Council managing allotments or transferring some sites to self management. For example, it was suggested that one possibility could be to gauge whether any external organisations or bodies would be prepared to operate the service in return for receipt of the rental income. In this regard it is noted that in law, local authorities have a duty to provide allotments if the authority believes there is a demand for such (Section 23, Small Holdings and Allotments Act 1908).
30. In addition to the above, in 2007, in response to an e-petition on allotments, the Government advised that: *Planning Policy Guidance 17 (PPG17) requires that local authorities make provision for all types of open space that may be of public value. It also requires local authorities to undertake robust assessments of local needs for, and audits of, existing open space, sports and recreational facilities and to establish standards for new provision. It is expected that by implementing the guidance in PPG17, local authorities should make adequate provision for allotments.*
31. The legal points outlined above were not explored in detail by the scrutiny panel but may need clarification depending on the Council's future course of action in respect of allotment provision.

CONCLUSIONS

32. Having considered the submitted information, the Environment Scrutiny Panel reached the following conclusions:
1. Allotment provision in Middlesbrough is heavily subsidised by the Council. Given its current financial position, the authority needs to determine how the existing level of allotment provision can continue to be achieved at minimum cost to the Council and Council tax payer.

2. There are a number of ways in which the above could be achieved, such as by moving towards self management of allotments. As well as giving local allotment holders direct responsibility for, and control over, the management of their sites, self-management can foster and engender a genuine sense of community on allotments. Saltersgill Allotments' move to self management in April 2014 is welcomed by the scrutiny panel. While self management will divest the Council of its financial responsibility for sites, capacity of the allotment holders, as well as a scheme of accountability, is imperative for such sites to succeed.
3. In the longer term, if sites do not want to become self managed, or where the Council retains responsibility for sites, consideration will need to be given as to what services will continue to be provided to allotment holders.
4. Subject to the Council's legal responsibilities in terms of allotments being clarified, there may be an opportunity to determine whether any external organisations or bodies would be prepared to operate some or all of the authority's allotments service in return for receipt of the rental income.
5. Rents for allotments, which start at £31.75 for a half-size plot, are currently fairly modest. If the Council retains responsibility for allotments, an increase in rents would assist with alleviating budget pressures.
6. Consideration needs to be given to how some or all of the 47 plots that are currently unlettable can be dealt with.

RECOMMENDATIONS

33. Following the submitted evidence, and based on the conclusions above, the Environment Scrutiny Panel's recommendations for consideration by the Overview and Scrutiny board and the Executive are as follows:

1. That subject to the Council's legal responsibilities in terms of allotments provision being clarified, the possibility of determining whether any external organisations or bodies would be prepared to operate some or all of the authority's allotments service in return for the receipt of rental income is explored.
2. That, depending on the outcome of Recommendation 1 above, allotment holders are encouraged/supported in moving towards self management of sites. Where sites do become self managed, systems should be put in place to provide the required support to enable the transition to take place and to ensure probity and accountability.
3. That if/where the authority retains responsibility for some allotment sites:
 - a. Consideration is given to increasing rents to increase income.
 - b. A decision is taken as to what services continue to be provided to tenants (eg water, pest-control, refuse removal) and whether such services should be chargeable in future.
 - c. Consideration is given to the future use of unlettable plots and how these can be best managed. This could include examining alternative land use/disposal or continuing to promote rent-free periods for tenants wishing to take on such plots.

ACKNOWLEDGEMENTS

34. The Panel is grateful to the following officers, who presented evidence during the course of this investigation:

- S Blenkinsop - Neighbourhood and Communities - Environment
- G Field - Neighbourhood and Communities - Environment
- Councillor N Walker - Executive Member - Environment

BACKGROUND AND REFERENCE MATERIAL

35. The following sources were consulted or referred to in preparing this report:

- Report to and minutes of the Environment Scrutiny Panel meetings held on 13 January and 3 February 2014.

COUNCILLOR BOB KERR

CHAIR OF ENVIRONMENT SCRUTINY PANEL

28 February 2014

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