

**Environment and Sustainable
Communities Overview and
Scrutiny Committee**

10 May 2024



Update on the review of allotments

**Report of Alan Patrickson, Corporate Director of Neighbourhoods
and Climate Change**

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 The purpose of the report is to provide a further update to members of the Environment and Sustainable Communities Overview and Scrutiny Committee (ESCOSC) on progress with implementing the improvements to the Council's allotment portfolio.

Executive summary

- 2 ESCOSC undertook a full review of the Council's allotment provision and service across 2019 and 2020, which resulted in several recommendations. These were then reconfirmed and added to through the previous update, which was presented in November 2022. Cabinet approval of changes and initiatives to deliver those recommendations was received in January 2023.
- 3 The attached presentation provides an update on the work undertaken so far and the challenges that still lie ahead.

Recommendations

- 4 ESCOSC are recommended to receive and note the contents of the presentation and comment on it accordingly.

Background

- 5 Allotments are a valuable community asset that provide many benefits including: opportunities for residents to improve physical and mental health, access to fresh fruit and vegetables, a reduction in emissions from food miles, and an opportunity for communities of interest to be established.
- 6 The law requires local authorities to provide allotments where demand exists. Since 1972 that duty has rested with the lowest tier of authority in an area; however, the legal requirement to transfer existing sites to lower tier authorities only relates to bodies established on or after 1999. Although DCC inherited 159 sites at LGR, 37 of those sites were largely not used for true allotment purposes and a 37 lay in the Stanley Town Council area despite it being an authority that was established after the 1999 legislation.
- 7 Prior to the 2019/2020 review work had already been undertaken to:
 - a. increase investment through the procurement of specialist software, the recruitment of additional staff, and increased maintenance works;
 - b. increased efforts to engage with tenants;
 - c. increase enforcement action on tenancy breaches; and
 - d. resolve legal discrepancies and improve contact with Associations involved in the management of DCC sites.
- 8 To build on that progress, in January 2023 Cabinet gave approval to the following measures, which head resulted from the ESCOSC review of the service:
 - a. The implementation of an updated policy and tenancy agreement.
 - b. Safeguards to exclude sites requiring a more detailed review, provide Associations with local flexibility, and provide a transition period for tenants.
 - c. Authorise the service to engage with Stanley Town Council regarding the transfer of sites within their area.
 - d. Reconfirm the investment already agreed to help improvements to sites to be made and the creation of a small grant scheme for Associations.

Conclusion

- 9 As can be seen from the attached presentation, significant progress has been made across a number of the recommendations previously made

by ESOSC; however, there are a number of challenges that still exist both in the short to medium term and further into the future.

Background papers

None.

Authors

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Appendix 1: Implications

Legal Implications

The County Council inherited its allotments from the former District Councils at Local Government Reorganisation in 2009. Many of these sites, if originally developed for the long-term intention of allotments, are considered statutory and cannot be disposed of without approval from the Secretary of State. This report does not alter their status, although future reviews and disposals would be required to follow statutory procedures.

The Local Government Act 1972 identified that the lowest tier of government in an area is responsible for providing them, for County Durham this would mean Town and Parishes where they exist. To support this, Local Government (Parishes & Parish Councils) Regulations 1999 introduced a requirement that land held by higher tier authorities should transfer to lower tier authorities set up after that date. However, it did not extend that requirement to sites run by higher tier authorities in areas with a lower tier authority that was established before 1999. The proposals in this report include engagement with Stanley Town Council regarding the potential for transfer which would be consistent with these regulations.

Finance

Increased revenue and capital investment have already been approved to improve the management and maintenance of sites and to support Associations who have a role in managing DCC sites.

Consultation

Full Public Consultation was carried out as part of the ESCOSC review and further consultation has been or will be undertaken at a local level for the sites managed in partnership with Association and for sites that are not currently being used for allotment purposes.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

Growing food at a local level using the natural resources promotes reduced food miles and trips to the shops so positively contributing to reversing the impacts of climate change.

Human Rights

None.

Crime and Disorder

None

Staffing

Additional staff have been recruited through the recent investment in the service to allow the updated policy and tenancy agreement to be implemented and to support the work to improve sites.

Accommodation

None.

Risk

None.

Procurement

None.