

**Cabinet**

**15 January 2020**



**Environment and Sustainable  
Communities Overview and Scrutiny  
committee's review of Durham County  
Council's proposed allotment policy**

**Ordinary decision**

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**Report of Corporate Management Team**

**John Hewitt, Corporate Director of Resources**

**Councillor Eddy Adam, Chair of the Environment and Sustainable  
Communities Overview and Scrutiny Committee**

**Electoral division(s) affected:**

Countywide

**Purpose of the Report**

- 1 The report presents the key findings and recommendations of the Environment and Sustainable Communities Overview and Scrutiny Committee's review focusing on Durham County Council's (DCC's) proposed allotment policy. A copy of the review report is attached as appendix 2.

**Executive summary**

- 2 The Environment and Sustainable Communities Overview and Scrutiny Committee (ESC OSC) agreed in July 2017 to undertake a scrutiny review looking at DCC's proposed future allotment policy. The following terms of reference were agreed by the committee on 6 October 2017:
  - (a) Examine and understand DCC's current allotment service and policy;
  - (b) Examine and comment on DCC's future allotment policy including the proposed countywide tenancy agreement and consider the possible implications of introduction;

- (c) Consider the proposed options for the further devolved management of DCC's allotment estate to Town and Parish Councils where applicable or self-managed allotment associations;
  - (d) Consider options for DCC's future management of non-allotment plots currently included in DCC's allotment portfolio;
  - (e) Consider and compare DCC's proposed allotment policy with allotment policies implemented by other local authorities.
  - (f) Comment on the proposed consultation arrangements for the policy.
- 3 The review group gathered evidence from DCC officers, the Northern Region Allotment Association and Town and Parish Council representatives. The group also had the opportunity to speak to allotment tenants and relevant DCC members when they visited allotment sites at Gilesgate, Sherburn, Bowburn, West Cornforth and Langley Moor.
- 4 The executive summary of the review can be found on pages 2 – 5 of the appended report (appendix 2) and contains the review reports conclusions that relate to:
- (a) Subject to further close work with tenants a transition period for the removal of large animals no longer permitted in the proposed policy and tenancy agreement from DCC allotment sites;
  - (b) Ensuring that animals housed on DCC allotment sites have the required welfare documentation including passports, licenses and microchipping;
  - (c) Ensuring that the future management of DCC's allotment portfolio sites is the responsibility of one service team;
  - (d) The future of allotment sites not used for purpose being determined by a review group of DCC officers with the future of each site determined on a site by site basis;
  - (e) The opportunity to establish area allotment associations;
  - (f) DCC entering into discussions with Town and Parish Councils to determine whether they are interested in managing DCC allotment sites in the future;

- (g) Recognising the contribution made by co-workers to the cultivation of a plot by acknowledging previous years of commitment while not registered;
- (h) Actively encouraging co-workers to register their interest in a particular allotment plot;
- (i) The feasibility of providing smaller sized allotment plots if there is demand;
- (j) The possibility of undertaking a rental review.

5 The review report contains eight recommendations that relate to the conclusions above. The service has provided a response to the review's conclusions and recommendations which is included in this report.

## **Recommendations**

6 Cabinet is recommended to:

- (a) note the recommendations contained in the review report:

### Recommendation 1

- (i) That in relation to the requirements of the proposed policy and tenancy agreement concerning the housing of large animals no longer permitted on allotment plots, the five year period identified in the proposed transition arrangements should apply. In addition, that DCC ensures animals currently housed on DCC allotment plots have the required welfare documentation.

### Recommendation 2

- (ii) That the Corporate Director of Regeneration and Local Services ensures that all DCC directly managed allotment sites in the county are managed by one DCC service team.

### Recommendation 3

- (iii) That the Corporate Director of Regeneration and Local Services establishes a review group to undertake a complete review of Allotment sites not used for purpose and that the review group:

- Considers each site on an individual basis;

- Undertakes site based consultation meetings;
- Considers whether tenancy agreements on retained sites are transferred to match the purpose for which the plot is used e.g. garage use;
- Ensures that the sale of sites is handled under the Land Disposal Policy subject to Ministry of Housing, Communities and Local Government approval where the site is a statutory allotment.

#### Recommendation 4

- (iv) That the Corporate Director of Regeneration and Local Services establishes area allotment associations where appropriate to take over day to day management and control.

#### Recommendation 5

- (v) That the Corporate Director of Regeneration and Local Services undertakes discussions with Town and Parish Councils that have expressed an interest in taking over the management of allotment sites. Should any Town and Parish Council wish to take over the management of any current DCC allotment site then advice and support should be provided by DCC for an agreed period.

#### Recommendation 6

- (vi) That DCC, subject to legal advice, reconsiders the process for the allocation of plots to co-workers within the proposed policy by acknowledging their previous contributions whilst not registered. In addition, DCC needs to actively publicise the need for co-workers to register.

#### Recommendation 7

- (vii) That DCC, should there be demand, considers the feasibility of providing smaller sized allotment plots where appropriate.

#### Recommendation 8

- (viii) That DCC considers undertaking a rental review of all DCC allotment sites, however, as part of this review recognition is given to the health and wellbeing benefits associated with the cultivation of allotment plots. Should the rental review determine an increase in rent per allotment plot and that increase is significant, then DCC should introduce this increase via annual incremental increases.
- (b) agree that the review report attached at appendix 2 is shared with the County Durham Environment Partnership;
- (c) That a review of the progress made against the recommendations contained in this report will be undertaken six months after the report is considered by Cabinet.

## Background

- 7 The Environment and Sustainable Communities Overview and Scrutiny Committee agreed at its meeting in July 2017 to undertake a scrutiny review focusing on DCC's proposed allotment policy. A scoping report which included the terms of reference for the review was agreed by the committee at its meeting on the 6 October 2017.
- 8 Allotment provision in the county is the responsibility of DCC and various Town and Parish Councils with DCC currently responsible for 167 allotment sites in the county. During the last five years the service has undertaken steps to improve the management of allotment sites including increased engagement, improved enforcement, the introduction of handover inspections and investment taking place on sites.
- 9 Although DCC has undertaken steps to improve the management of allotment sites it is recognised that there is still work to be done particularly in relation to a consistent management approach across all DCC allotment sites.
- 10 The development of a countywide lettings policy and tenancy agreement supported by transition arrangements would provide this consistent approach to the management of DCC allotment sites in the future.
- 11 The proposed policy reflects the need for sites to be used for genuine allotment use, ensures compliance with planning and animal welfare regulations and continues to provide opportunities for communities to continue to access the wider benefits that come from allotment use.
- 12 The ESC OSC was invited by the Cabinet Portfolio Holder to consider DCC's proposed new countywide allotment policy which had been developed by the Regeneration and Local Services (ReaL) Service Grouping working with the Northern Region Allotment Association.
- 13 The project plan for the review identified nine meetings for the review group where they would receive evidence from relevant DCC officers, the Northern Region Allotment Association, Town and Parish Council representatives and allotment holders via feedback from the consultation.
- 14 In addition, the group visited several DCC allotment sites in the county allowing members to see various categories of allotment sites under either direct management by DCC or via allotment associations.

## Conclusions of review

- 15 In 2009 following Local Government reorganisation, DCC became responsible for directly managing 167 allotment sites in the county. Whilst DCC has improved the management of its allotment sites during the last five years there are still inconsistencies in site management. It is recognised that the introduction of a countywide lettings policy and tenancy agreement would improve consistency in site management across DCC's allotment portfolio significantly. The review group looked in detail at the proposed new countywide policy and transition arrangements, the current overall management of the service and the proposed approach to individual tenancies and make recommendations in all three areas.
- 16 When considering the proposed new policy and transition arrangements the review group were supportive of the proposals but were concerned about the length of the proposed transition period for large animals no longer permitted on allotment sites. However, further review work highlighted that steps are already being taken with new tenants and that this approach will gradually over a period of time return plots to proper allotment use. Whilst, the review group supports this approach in order to have a consistent management approach across the allotment portfolio the group recommends that the proposed transition arrangements subject to further close working with tenants include a five year transition period for the removal of large animals from DCC allotment sites.
- 17 Members also found that some animals currently housed on allotment sites require specific welfare documentation such as horses and ponies which require licenses, passports and microchipping. In addition, animals categorised as farm animals require specific documentation under the Department for Environment, Food and Rural Affairs (DEFRA) regulations. It is recommended that the appropriate processes are put in place to ensure that animals housed on DCC allotment sites have the required welfare documentation.
- 18 Concerning the overall management of the service, the review group carried out visits to five allotment sites in the county to see first hand the management challenges faced by the Allotment Team and allotment associations. During the visits, Members found that currently two DCC service teams directly manage DCC's allotment portfolio, the Allotment Team and the Asset Services Team. This split in management between the two service teams has further added to inconsistencies in management approach with allotment sites being managed differently in relation to engagement, enforcement, investment in sites, frequency of inspection and rents charged. In order to ensure a consistent management approach the review group recommends that DCC's

allotment portfolio becomes the management responsibility of one service team.

- 19 Turning to the management of DCC's allotment sites, the review of the allotment portfolio in 2018 placed the 167 directly managed allotment sites into the following:
- Allotment sites used for purpose are sites where the majority of plots are currently used for the proper purposes – 107 DCC sites.
  - Allotment sites mainly used for purpose are sites where the majority of plots are not currently used for the proper purposes of an allotment but could be converted back to allotment use relatively easily – 23 DCC sites.
  - Allotment sites not used for purpose are sites where the majority of plots are not currently used for the proper purposes of an allotment and conversion back to allotment use would be difficult, costly or not sustainable in the long run – 37 DCC sites.

During visits to allotment sites not used for purpose Members found that these sites were being used as garages, work yards and storage areas, gardens and to provide grazing for large animals. The review group recommends that DCC undertakes a complete review of allotment sites not used for purpose on a site by site basis to consider options for the future use of these sites and as part of the review process consultation is undertaken with local councillors, tenants, waiting list applicants and residents.

- 20 In relation to where overall management responsibility lies, there are many examples of successful management by local associations and Town and Parish Councils. It is recognised that management by a local association can work well as it gives more local community control. The Real Service Grouping had considered several options for the future management of DCC allotment sites retained for allotment use. The options include direct let by DCC, self-management by associations, lease to associations, transfer to a trust and transfer to Town and Parish Councils. The review group found that some allotment sites in the county have a small number of plots and therefore do not have sufficient allotment tenants to form a self-managed association. The review group recommends that in those areas of the county where the number of members on an allotment site is too few to establish an allotment association, then allotment sites in close proximity to each other be given the opportunity to form an area allotment association
- 21 Turning to the Town and Parish Council role in the management of allotment sites, it was confirmed that those Councils established post 1999 are the primary authority to manage allotment sites in their area. It is recommended by the review group that DCC enters into discussion

with the various Town and Parish Councils in the county to ascertain as to whether they are in a position to take over the management of allotment sites. Should any Town and Parish Council wish to take over the management of allotment sites then DCC will provide appropriate advice and support for an agreed period.

- 22 The final area considered in the review was individual tenancy arrangements. A public consultation on the proposed new policy, tenancy agreement and transition arrangements was undertaken from the 4 February 2019 to 31 March 2019 to seek the views of allotment holders, interested parties and the general public. A question was asked in the consultation as to whether allotment tenants should be able to pass their plot onto a family member or friend (co-worker). The response to this question was particularly high with over 80% responding yes. DCC's current and future policy requires that co-workers are registered but it was confirmed by the Allotment Team that most co-workers are not registered. For a co-worker to inherit the plot, DCC's proposed policy states that they must have been registered for three years and that no applicant on the waiting list has been on the waiting list longer than the co-worker has been registered. This process gives priority to those applicants at the top of the waiting list. The review group recommends that a co-worker's previous contribution to the cultivation of a plot should be recognised in the proposed policy, subject to legal advice, by acknowledging their previous years of commitment. In addition, DCC needs to consider how it can actively encourage co-workers to register their interest in a particular allotment plot.
- 23 Responses received from the consultation process also suggest that DCC should consider the feasibility of providing smaller sized plots on some allotment sites. Smaller sized plots would be more manageable for tenants who find large plots difficult to cultivate and do not need or want to grow as much fruit and vegetables. The review group recommends that the service look at the feasibility of providing smaller sized plots if there is demand on DCC allotment sites.
- 24 DCC currently charges £45-£55 rent per allotment plot per year with rents increased on an annual basis by £1 per allotment plot. This results in DCC providing a high level of subsidy each year for those allotment plots directly let by DCC. In addition, when comparing rents regionally with seven local authorities, DCC charges the second lowest annual rent per allotment plot. Whilst recognising the health and wellbeing benefits associated with the cultivation of allotment plots, the review group recommends that DCC considers undertaking a rental review. Should it be determined following the rental review that rents will be increased and the increase in the annual rent per allotment plot

is significant, then this increase should be introduced via annual incremental increases.

### **Service response**

- 25 The service has responded to say that it welcomes the scrutiny review report 'Durham County Council's proposed allotment policy', with the key findings of the review used to further develop the proposed allotment policy, tenancy agreement and transition arrangements.
- 26 Many of the recommendations are accepted in full. It is felt however that in light of consultation feedback, the recommendation regarding ceasing the keeping of large animals needs careful consideration, with further assessments required, including dialogue with tenants, which may result in exemption sites or longer periods of notice. It is also proposed by the service that they prepare a countywide needs assessment report on allotments, which will guide further decisions on disposal of the sites currently not utilised for allotments. A more detailed report responding to the recommendations will be prepared for members consideration in the New Year.

### **Conclusion**

- 27 Whilst DCC has taken steps to improve the management of its allotment sites it is recognised that there is a need for more work to be done to ensure a consistent management approach is introduced across all our allotment portfolio.
- 28 The introduction of the proposed policy and tenancy agreement supported by transition arrangements will provide that consistent approach to management which can be applied across the allotment portfolio.
- 29 The review group support the introduction of the policy, tenancy agreement and transition arrangements and have made recommendations which will further assist in the development of a consistent management approach.

## **Background papers**

- The Scrutiny review report – Review of DCC’s proposed allotment policy

## **Other useful documents**

- None

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## **Appendix 1: Implications**

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### **Legal Implications**

The report of the Environment and Sustainable Communities Overview and scrutiny committee is presented to Cabinet in accordance with paragraph 12 of the Council's Overview and Scrutiny procedural rules.

### **Finance**

Not applicable

### **Consultation**

Not applicable

### **Equality and Diversity / Public Sector Equality Duty**

An Equality Impact Assessment initial screening has been carried out on the review report and is attached at appendix 3. A full EIA will be undertaken by the relevant Service Grouping following the agreement by Cabinet of any of the recommendations contained in the review report.

### **Human Rights**

Not applicable

### **Climate Change**

It is recognised that the proper use of allotment sites contributes to the natural habitat of local wildlife.

### **Crime and Disorder**

Not applicable

### **Staffing**

Not applicable

### **Accommodation**

Not applicable

### **Risk**

Not applicable

### **Procurement**

Not applicable