

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

**6 October 2017**



**Scoping report for the light touch review  
of DCC's Allotment Services**

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**Joint report of Lorraine O'Donnell, Director of Transformation and  
Partnerships and Ian Thompson, Corporate Director of  
Regeneration and Local Services**

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**Purpose of the Report**

- 1 The purpose of the report is to provide members of the Environment and Sustainable Communities Overview and Scrutiny Committee with background information together with the terms of reference and project plan for a 'light touch' scrutiny review of Durham County Council's (DCC's) future management of allotment services.

**Background**

- 2 The Cabinet Portfolio Holder, Neighbourhoods and Local Partnerships suggested that as part of the refresh of the work programme for 2017/18 members of the Environment and Sustainable Communities Overview and Scrutiny Committee may want to be involved in reviewing DCC's future management of allotment services.
- 3 The Environment and Sustainable Communities Overview and Scrutiny Committee on the 14 July 2017 agreed to undertake a 'light touch' review. The review will provide an opportunity for members of the committee to comment and input into DCC's future allotment policy including options for the further devolved management of allotment sites.

**Allotments**

- 4 An allotment is historically defined as a plot of land, rented by individuals so that they can grow fruit and vegetables for themselves and their families to eat with no set standard size.
- 5 The Allotment Act 1922 defines the term 'allotment garden' as 'an area which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by the plot holder or their family including the keeping of small livestock as agreed by the allotment authority'. This description remains important because it defines the permitted use of an allotment plot.

- 6 Generally it is recognised that allotment gardening is a pursuit that provides wide ranging benefits to local communities and can make a positive change to the quality of people's lives. In addition to the advantages of producing good quality, low cost food, gardeners gain the benefit of healthy exercise that is active, socially inclusive and reflects the ideals of sustainability and wellbeing.

### **Local context**

- 7 Historically, the provision of allotments within County Durham has been provided by a mixture of former County Council, and a number of District, Town and Parish Councils. The Local Government Act 1972 and The Local Government (Parish & Parish Councils) Regulations 1999 transfers the historic duty that all councils have to provide allotments to town and parish councils with these bodies becoming the designated 'allotment authority'.
- 8 In locations across County Durham where Town and Parish Councils exist, a number have taken on this responsibility. However, historically a number have been reluctant to take on this responsibility. In addition, in some areas allotments have been transferred to allotment associations who take on the responsibility for managing the allotment site by an elected committee.
- 9 Durham County Council at Local Government Review was responsible for managing 175 allotment sites containing 3630 individual allotment plots spread across the county.
- 10 Following the transfer of allotments from the former District Councils, DCC in 2012 introduced a countywide allotments lettings policy for DCC managed allotments which covered the following main points:
- (a) Residency of allotment plots – priority is given to residents of County Durham to become an allotment tenant. If a tenant moves out of the county boundary, they will be required to vacate the plot.
  - (b) Co-workers/Plot Partners – in order to resolve disputes when a Tenant dies, or becomes infirm and can no longer cultivate their plot, priority will be given to those that have registered as a co-worker with the Council.
  - (c) Levels of rent – It was proposed rents for allotments should be determined by the average size of the plots on a site, rents therefore ranged from £42 to £52 with a sliding scale of charges introduced relating to the size of a tenants plot.
  - (d) Use of land – confirms that the allotment can only be used for the cultivation of crops and associated recreational activities and cannot be used as a base to run any business activity.
  - (e) Cultivation – tenants must keep their plots cultivated to a

minimum of 75% of size of the plot and it must always be kept in a clean and tidy condition.

- (f) Erection of structures – the policy specifies the rules relating to the erection of sheds, greenhouses and other structures.
  - (g) Keeping of animals – the policy specifies that horses, ponies and donkeys can only be kept on allotments where permission has previously been granted and that animals must be kept in line with the Animal Welfare Act 2006 and the Horse Passport Regulations 2009.
- 11 The intention of DCC when formulating the new countywide allotment lettings policy was to encourage the further devolved management of allotment sites to Town and Parish Councils and self-managed allotment associations wherever possible in the county, so that few, if any, allotments were left to be directly managed by DCC.

### **Current position**

- 12 Currently DCC is responsible for 157 allotment sites. The Allotment Team Currently directly manages 102 of the sites whilst the remaining 55 sites are managed by an association with support from the Allotments Team.
- 13 The introduction of the countywide lettings policy was intended to be the basis of tenancy agreements going forward however following feedback from tenants and associations, DCC decided to review both the lettings policy and the draft countywide tenancy agreement.
- 15 There has been a focus on developing a community led approach with the increase in the number of associations that have been formed and the support for those existing allotment associations to help how they are run.
- 16 The improved site standards have been focused on those sites that are operated as allotment sites and included several elements including:
- (a) Enforcement of the rules has focused on key simple elements such as the non-payment of rents, where cultivation is less than 50% or antisocial behaviour/nuisance is proven.
  - (b) There has also been a focus on improving allotment sites with an additional £100,000 being invested over the past 2 years on infrastructure elements (roads/fences).
  - (c) Staff elsewhere in the team have been trained to undertake basic maintenance tasks.
- 17 Allotments have also been promoted utilising a mix of social media and local noticeboards/newsagents in local communities to increase the utilisation of vacant plots.

- 18 DCC has continued to consider options for greater devolution of allotment sites to provide greater local control including the option of the council retaining ownership of the transferred asset. In order to progress with devolved management to a local level, the Allotments Team has carried out a further comprehensive audit of all allotment sites to assess their condition and use which is an essential pre-requisite prior to any transfer.
- 19 The audit of allotment sites has shown that across DCC's allotment portfolio there are a number of plots that are not being used as genuine allotments for the production of food with plots being used for garaging, off-street parking, stable yards, animal compounds, work yards, storage sites and private gardens. The audit shows that on some allotment sites these plots make up the majority of the entire site whilst other sites consist mainly of plots being used as genuine allotments.
- 20 The non-allotment plots create a number of challenges including:
- (a) The land used for the purposes identified above should not legally be provided VAT free.
  - (b) The use of plots for such purposes cannot be effectively managed under an allotment tenancy agreement.
  - (c) The use of plots for such purposes creates the potential for future costs to the Council in terms of the need to demolish buildings and dig up hard standings that fall into disrepair or are no longer wanted.
- 21 The Allotments Team has undertaken a review of all its sites and has classified them into three categories:
- (a) Category 1 – Sites where the majority of plots are currently used as genuine allotments already (77%).
  - (b) Category 2 – Sites where the majority of plots are not currently used as genuine allotments but where non-allotment plots could be converted back to allotments with relative ease (5%).
  - (c) Category 3 – Sites where the majority of plots are not currently used as genuine allotments and where the ability to convert them back to allotments is extremely limited (18%).
- 22 Subsequently, a working group was established consisting of staff from the Allotment Service, representatives from the National Allotment Service (NAS), representatives from Allotment Associations and tenants with the remit of the group to:
- (a) Update the current countywide allotment lettings policy and tenancy agreement with a view to increasing devolved management of allotment sites in the county to Town and Parish Councils and

allotment associations;

- (b) Develop options for the future management of non-allotment plots currently in the allotment portfolio; and
- (c) Develop consultation arrangements for DCC's future allotment policy.

23 The working group has now produced a future DCC allotment policy which includes a revised countywide allotment lettings policy, a draft tenancy agreement and future management options including further devolved management to Town and Parish Councils and allotment associations, various management options for non-allotment sites within DCC's allotment portfolio and the continued management of the current allotment portfolio by DCC with detail of possible implications.

## **Terms of Reference**

### **Background**

24 In 2012, Durham County Council following a period of consultation with stakeholders and residents introduced a countywide allotment lettings policy. The introduction of the lettings policy resulted in some unforeseen problems and the Allotment Team undertaking limited enforcement. The countywide lettings policy has now been reviewed and a revised lettings policy developed for consultation.

25 In addition to reviewing the lettings policy DCC is considering options for the further devolved management of allotment sites to Town and Parish Councils and self-managed allotment associations and the future management arrangements of non-allotment plots currently within DCC's allotment portfolio.

26 It was suggested by the Cabinet Portfolio Holder, Neighbourhoods and Local Partnerships that the Environment and Sustainable Communities Overview and Scrutiny Committee examines and comments on DCC's future allotment policy. It was agreed by the committee at its meeting on the 14 July 2017 to establish a working group to undertake a review.

### **Scope**

27 The focus of the review is to understand DCC's current allotment policy, to examine the future allotment policy and to consider and comment on the proposed consultation arrangements.

### **Objectives**

28 The objectives of the review are to:

- (a) Examine and understand DCC's current allotment service and policy including implementation challenges experienced with the current countywide lettings policy.
- (b) Examine and comment on DCC's future allotment policy including:
  - The revised countywide lettings policy and countywide tenancy agreement and consider the possible implications of introduction.
  - The proposed options for further devolved management of DCC's allotment estate to Town and Parish Councils where applicable or self-managed allotment associations including consideration of any advantages and challenges.
  - The options for DCC's future management of non-allotment plots currently included in the allotment portfolio.
- (c) Ensure engagement with existing allotment tenants in the review process by using social media to capture views/comments on DCC's future allotment policy.
- (d) Consider and compare DCC's future allotment policy with allotment policies implemented by other local authorities.
- (e) Comment on the proposed consultation arrangements for DCC's future allotment policy.

### **Expected outcomes**

29 It is expected that the following outcomes will be achieved:

- (a) Awareness of DCC's current allotment service and policy including challenges experienced with the introduction of the countywide lettings policy.
- (b) Opportunity for members to further develop and inform DCC's future allotment policy.
- (c) Opportunity for County Durham allotment tenants to influence DCC's future allotment policy.
- (d) Awareness of allotment policies implemented by other local authorities and the possible implications of introducing DCC's future allotment policy.
- (e) Opportunity to influence the proposed consultation arrangements for DCC's future allotment policy
- (f) DCC's future allotment policy and proposed consultation arrangements will have been further developed and informed

by Overview and Scrutiny members.

### **Engagement**

- 30 At the start of the review process, social media will be used to ask allotment tenants for their views on DCC's future allotment policy with the resulting comments summarised and considered by the review group during the review process. The review group will also receive evidence from the Allotment Policy Working Group responsible for developing DCC's future allotment policy and DCC's allotment team. In addition, visits will be undertaken to view DCC allotment sites providing an opportunity for members to see examples of proper and improper use of sites and to engage with existing allotment tenants.

### **Approach**

- 31 The review will receive evidence by reports, presentations from DCC officers and partners and from discussion with relevant stakeholders. The review group will also visit a number of allotment sites in the county to see 'first hand' how DCC allotment sites are currently managed and used by allotment tenants.

### **Membership**

- 32 The membership of the review group will consist of members of the Environment and Sustainable Communities Overview and Scrutiny Committee and will be no more than 10 including the Chair and Vice-chair of the Environment and Sustainable Communities Overview and Scrutiny Committee. The Chair and Vice-chair of the Corporate Overview and Scrutiny Management Board will be ex-officio members of the group.

### **Reporting**

- 33 On completion of the evidence gathering and formulation of the recommendations a report will be drafted for submission to Cabinet.

### **Timescales**

- 34 The review will commence in October 2017 with a final report scheduled for consideration by Cabinet in conjunction with DCC's future allotment policy.

### **Recommendation**

- 36 Members of the Environment and Sustainable Communities Overview and Scrutiny Committee are recommended to:
- (a) Agree the terms of reference as set out in paragraphs 24-34.
  - (b) Agree the project plan attached as appendix 2.

**Background papers**

Cabinet Report – 13 April 2011 – Introduction of a Countywide Allotment Lettings policy.

Durham County Council Allotment Gardens Lettings Policy 2012

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<b>Contact:</b>	<b>Tom Gorman</b>	<b>Tel:</b>	<b>03000 268027</b>
<b>Author:</b>	<b>Diane Close</b>	<b>Tel:</b>	<b>03000 268141</b>
<b>Author:</b>	<b>Ian Houlton</b>	<b>Tel:</b>	<b>03000 265571</b>

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## **Appendix 1: Implications**

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**Finance – NA**

**Staffing – NA**

**Risk – NA**

**Equality and Diversity / Public Sector Equality Duty – NA**

**Accommodation – NA**

**Crime and Disorder – NA**

**Human Rights – NA**

**Consultation – NA**

**Procurement – NA**

**Disability Issues – NA**

**Legal Implications – NA**

## Future DCC Allotment Policy – Scrutiny Review – PROJECT PLAN

## Appendix 2

WHEN Times/Dates/ Locations	DESIGNATED LEAD Member/ Officer	WHO Key Witness	Engagement External witnesses/ Stakeholders/ Members of the Public	WHAT Evidence/Information	HOW Meeting/Visit/ Corresponden ce/ Briefing Paper/ Research	OUTCOMES	WHY
11 October 2017  9.15am	Cllr Adam/Cllr Milburn/ Diane Close/Ann Whitton	Ian Hoult/ Mark Farren)  (ReaL)		Members will visit several DCC allotment sites in the county including non-allotment sites currently included in DCC's allotment portfolio.	Visit	Members will visit several allotment sites to see examples of proper and improper use of allotment sites and consider various allotment management issues currently experienced.	Members will have seen 'first hand' how allotment sites are currently used by allotment holders and various management issues currently experienced on some DCC allotment sites.
27 November 2017  9.30am  Committee Room 1 (A)	Cllr Adam/Cllr Milburn/Diane Close/Ann Whitton	Ian Hoult/Mark Farren  (ReaL)		Detail of DCC's current allotment service and allotment policy together with examples of allotment policies implemented by other local authorities.	Meeting (presentation)	<i>Members will receive information on DCC's current allotment service including cost of the service and income generated. The group will also consider DCC's current allotment policy and receive detail of the various implementation challenges experienced together with examples of allotment policies implemented by other local authorities.</i>	Members will be aware of the current cost of the allotment service, income generated from allotment sites, DCC's current allotment policy together with examples of allotment policies introduced by other local authorities, prior to consideration of DCC's future allotment policy.
7 December 2017  10.00am  Farnham Room – 1 <sup>st</sup> Floor (Room 52-54)	Cllr Adam/Cllr Milburn/Diane Close/Ann Whitton	Ian Hoult/Mark Farren  (ReaL) Allotment Policy Working Group (including representatives from the National Allotment Service, Allotment Assoc's , DCC officers and allotment tenants)	Representatives from the National Allotment Service, Allotment Assoc's  Allotment tenants	Detail of DCC's future allotment service and policy including the future role of the allotment service, the proposed countywide allotment lettings policy and countywide tenancy agreement.	Meeting (Presentation and discussion)	<i>Members will receive detail of DCC's future allotment policy including the proposed countywide allotment lettings policy and tenancy agreement developed by the Allotment Policy Working Group.</i>	Members will have considered and provided comments on DCC's future allotment policy developed by the Allotment Policy Working Group.

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				Detail of comments from allotment tenants captured by social media.	Social media	<i>Members will consider a summary of comments received from allotment tenants.</i>	Members will be aware of the comments/issues raised via social media in relation to DCC's current allotment policy.  The comments provided by members and allotment tenants (via social media) at the meeting will be used to further develop DCCs future allotment policy for consideration by Cabinet and for consultation with relevant stakeholders and bodies.
5 January 2018	Cllr Adam/Cllr Milburn//Diane Close/ Ann Whitton	Ian Hoult/Mark Farren  (ReaL)		Members will visit further DCC allotment sites in the county including non-allotment sites currently included in DCC's allotment portfolio.	Visit	<i>Members will visit several allotment sites to see examples of proper and improper use of allotment sites and consider various allotment management issues currently experienced on allotment sites.</i>	Members will have seen 'first hand' how allotment sites are currently used by allotment holders and the various management issues currently experienced on allotment sites.
1 February 2018  9.30am  Committee Room 2	Cllr Adam/Cllr Milburn//Diane Close/ Ann Whitton	Ian Hoult/Mark Farren  (ReaL)  Allotment Policy Working Group (including representatives from the National Allotment Service, Allotment	Representatives from the National Allotment Service, Allotment Assoc's, DCC officers and allotment tenants	Detail of options for the further devolved management of DCC's allotment estate, the management of non-allotment plots currently included in the allotment portfolio and the proposed consultation arrangements for DCC's future allotment policy.	Meeting (Presentation and discussion)	<i>Members will receive detail of options available for the further devolved management of DCC's allotment estates and the proposed arrangements for the future management of non-allotment plots currently in DCC's allotment portfolio. The review group will also receive detail of the proposed consultation arrangements for DCC's future allotment policy.</i>	Members will have considered options for the further devolved management of DCC's allotment estate, the management of non-allotment plots in DCC's allotment portfolio and the proposed consultation arrangements for DCC's future allotment policy.

**Future DCC Allotment Policy – Scrutiny Review – PROJECT PLAN**

**Appendix 2**

<b>WHEN</b> Times/Dates/ Locations	<b>DESIGNATED LEAD</b> Member/ Officer	<b>WHO</b> Key Witness	<b>Engagement</b> External witnesses/ Stakeholders/ Members of the Public	<b>WHAT</b> Evidence/Information	<b>HOW</b> Meeting/Visit/ Correspondence/ Briefing Paper/ Research	<b>OUTCOMES</b>	<b>WHY</b>
		Assoc's, DCC and officers allotment tenants)  Allotment tenants		Detail of comments from allotment tenants captured by social media.	Social media	<i>Members will consider a summary of comments made in relation to the management of allotment sites received from allotment tenants.</i>	Members will be aware of the comments/issues raised via social media in relation to DCC's management of allotment sites.  The comments made by members and allotment tenants will be used to inform DCC's future management of allotment sites and the consultation arrangements for DCC's future allotment policy.
	Cllr Adam/Cllr Milburn//Diane Close	Diane Close/Ann Whitton/Tom Gorman		Key findings and recommendations	Meeting (presentation)	<i>Formulation of key findings and recommendations of the review group.</i>	Members of the review group will have formulated the key findings and recommendation for consideration of Cabinet.