

Subject:	Development of Allotment Sites in Rossendale	Status:	For Publication
Report to:	Corporate Scrutiny Committee Cabinet	Date:	10 th February 2014 19 th March 2014
Report of:	Director of Business	Portfolio Holder:	Leader of the Council and Communities and Partnerships
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	Yes	Attached: Yes
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	That the Corporate Scrutiny recommend to Cabinet that Free Lane Allotments be self-managed by Free Lane Community Allotment Society on a 25 year lease as at Appendix 1, at an annual rent of £250, reviewed after 5 years, inflation linked.
1.2	That the Corporate Scrutiny recommend to Cabinet the creation of two new allotment sites on Rossendale Borough Council land in Stacksteads and Loveclough and for these sites to be leased on a self-managed basis to the appropriate community association on a 25 year lease, initially at a peppercorn rent, to be reviewed after 5 years, inflation linked.
1.3	That the Corporate Scrutiny recommend to Cabinet that £5000 from the 2013/14 Communities Team budget be allocated between Free Lane, Stacksteads and Limy Valley allotment societies as a one off grant to work with a suitable organisation to develop plans and submit grant funding applications.
1.4	That the Corporate Scrutiny recommend to Cabinet that the new arrangements detailed in this report replace the current Allotments Policy approved by Cabinet in 2009.
1.5	That all future minor amendments to the Council's allotments policy be delegated to the Director of Business in consultation with the Portfolio Holder.

2. PURPOSE OF REPORT

- 2.1 To outline the proposals for the development of allotment sites in Rossendale and to confirm areas of responsibility in relation to the administration and management of allotments.
- 2.2 To request comments and feedback from the Overview and Scrutiny members, and for the proposals to be recommended for approval by Cabinet.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
 - **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
 - **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.

- **A Clean and Green Rossendale** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- 4.2 Not developing new allotment sites where there is demand would risk the Council failing in its responsibilities under the Allotment Acts.
- 4.3 Not allowing self-management of Free Lane Allotments would restrict the opportunities for the Allotment Association to develop facilities on the site and secure external grant funding.

5. BACKGROUND AND OPTIONS

- 5.1 Rossendale Borough Council has a statutory duty to provide allotments. There is a complex network of legislation relating to allotment administration, which is governed by statute and law. The legislation is known collectively as the Allotment Acts. The Allotment Acts of 1908, 1922, 1925 and 1950 require local authorities to provide allotments where there is a demand.
- 5.2 There are currently 3 non statutory Rossendale Council allotment sites in Rossendale, all in the Haslingden / Helmshore area:
Free Lane, Helmshore – 52 plots
Kirk Hill, Haslingden – 11 plots
Prinny Hill, Haslingden – 8 plots
- 5.3 The current number of allotments per head of population in Rossendale is below the recommended level, and below the national average.
- 5.4 The Council operates a waiting list for allotments; there are currently 104 people on the waiting list for Free Lane and 55 and 57 at Kirk Hill and Prinny Hill. However it is recognised that some individuals are on more than one list. Demand for allotments is growing - in 2009 the waiting list figures were 62, 36 and 36 respectively. Recent years have seen a revival in 'growing your own' in line with current thinking on healthy eating, organic food and exercise. The Department for Communities and Local Government is responsible for national policy on allotments and recognizes the unique role of allotments as places which bring all sections of the community together and provide opportunities for people to grow their own produce and promote health and wellbeing. Local authorities are encouraged to have a strategy for increasing allotment provision in their area.
- 5.5 The current Allotment Policy, approved by Cabinet in 2009, established the Council's commitment to the provision of land for the use of growing vegetables and the exploration of further possible sites to increase the number of allotments.
- 5.6 The responsibility for the allotment sites largely resides with the allotment tenants. All allotment tenants are required to sign a tenancy agreement which details the rules in relation to the maintenance of the allotment. The collection of rents and the responsibility for dealing with customers resides with an Administration Officer located within the Operations Team. Officers from the Communities Team have to date dealt with enquiries and complaints, breaches of tenancy, site inspections and liaison with and support to the allotment associations. Property Services are responsible for the maintenance of the overall sites.
- 5.7 Self - Management of Free Lane Allotments

Free Lane Allotments is the biggest Council owned allotment site in the borough (see map attached). It has a well established constituted allotment association, Free Lane Community Allotment Society (FLCAS), which already undertakes many of the day to day maintenance and management duties of the site in agreement with Council officers, and wishes to progress to become fully 'self -managed' in order to improve and develop the site. At a special general meeting in June 2013, the Allotment Society gave its committee a mandate to proceed with negotiations towards self - management. Council Officers have been working with the committee to agree the terms of a self - management arrangement which it is proposed takes effect from April 2014.

5.8 Under self-management FLCAS would be responsible for site inspections and rent collection from individual allotment tenants, payment of all bills relating to the site, including water, and all maintenance of the site with the exception of mature trees and the boundary wall on Free Lane. The riverbank is the responsibility of the Environment Agency. FLCAS will also be required to have appropriate insurance in place.

5.9 A 25 year lease for the site will enable FLCAS to apply for grant funding to develop the site, e.g. to install toilets on the site, create additional plots etc. to make them more sustainable. As the Council would no longer be responsible for maintenance of the site, site inspections, rent collection etc. self management would contribute towards the savings currently being made within the parks department and other budget savings and will free up staff time.

5.10 See table below for current costings.

Free Lane Allotments	2010/11	2011/12	2012/13	2013/14
Income:				
Rents	£1909.04	£1922.79	£1968.82	£2031.87
Expenditure:				
Path repairs	0	0	£2000.00	£2000.00*
General repairs	£1069.99	0	£352.00	0
Water	£200.00*	£200.00*	£200.00*	£200.00*
Tree work	0	0	£372.00	£372.00
Grass cutting	£1232.00	£1232.00	£1232.00	£1232.00
Skip Hire	£100.00*	£100.00*	£100.00*	£100.00*
Total Expenditure	2601.99	£1532.00	£4256.00	£3904.00

*Approximate costs

5.11 It is proposed that FLCAS pay an annual rent of £250.00 to be reviewed after 5, 10 and 15 years with an upward only rent review linked to the Retail Price Index. This is in line with the Council's agricultural land rent (currently £100 per acre). This will cover the remaining liabilities of the Council – tree work and boundary wall, whilst enabling the allotment society to have sufficient income to cover its costs and maintain and develop the site.

5.12 The lease between the Council and the Allotment Society will specify the respective responsibilities and liabilities of both parties in relation to maintenance, payment of rent, notices required, activities on the site, management of waiting lists, erection of buildings and other structures, keeping livestock, health and safety, etc. (a draft lease is attached at appendix 1).

- 5.13 It is proposed that allotments adjacent to properties on Free Lane, currently leased to residents, will no longer be automatically offered for lease to a new owner of the property. If the allotment becomes vacant when the householder moves, it will be offered to the next person on the waiting list.
- 5.14 Prinny Hill and Kirk Hill allotment sites will remain under Council management for the present time as they are too small to have viable allotment associations. Discussions have taken place with FLCAS regarding the two smaller allotment sites becoming part of the allotment society and it is hoped that this will happen in the future. FLCAS however will manage the waiting list for all three sites as people on the waiting list for the smaller sites are usually also on the list at Free Lane.
- 5.15 New Allotment Sites
The Allotments and Garden Lets Policy states that 'Community groups may identify a potential piece of Council owned land which could be used for allotment or garden let.' Two community groups – Stacksteads Allotment Society and Limey Valley Residents Association have identified land they would like to become allotment sites in Stacksteads and Loveclough (see attached maps).
- 5.16 It is proposed that the Council leases the land to each community group on a self - managed basis whereby the community group leases the whole site from the Council, and then divides the site into plots which it leases to individuals. The sites would be leased to the community groups in their current state with the respective community group taking responsibility for dividing the site into individual allotments, fencing and other works to make the site fit for purpose. Council officers are currently working with both community groups to resolve issues such as access roads, planning permission and land ownership.
- 5.17 It is proposed that the land is leased to Stacksteads Allotment Society and Limey Valley Residents Association for a period of 25 years, initially at a peppercorn rent to reflect the work that the group will have to undertake to make the site fit for purpose. The rent will be reviewed after 5 years, at which time it is proposed that a rent equivalent to the Council's agricultural land rent be charged.
- 5.18 As with FLCAS, the lease between the Council and the Allotment Society will specify the respective responsibilities and liabilities of both parties. Development of allotments on both sites is subject to obtaining appropriate planning permission, which will be the responsibility of the community group.
- 5.19 Development of 2 new allotment sites will enable the Council to meet its responsibilities under the Allotments Acts and will improve the ratio of allotments per head of population. The two new sites are in different parts of the Borough to the existing sites, ensuring that allotments are accessible to different geographical communities.
- 5.20 Allotment Tenancy Agreements
All three allotment societies will be required to use a standard, Council approved tenancy agreement for each individual allotment holder to ensure that current terms and conditions for allotment holders are protected. All tenants are required to sign a tenancy agreement at the commencement of their tenancy. All existing tenants at Free Lane will be required to sign a tenancy agreement with FLCAS, once FLCAS has signed a lease for the whole site. Allotment holders will be required to be members of the appropriate allotment society managing their site.

- 5.21 Waiting Lists
Each Allotment Society will maintain a register of tenants holding allotments on its site and a waiting list of Rossendale residents who have expressed a wish to be allocated a plot on the allotment site. Waiting lists will be maintained on a first come first allocated basis for each site. Stacksteads Allotment Society and Limey Valley Residents Association will be required to show that they have taken account of people currently on the waiting list for allotments when they allocate plots on their site.
- 5.22 Rents and funding
Rents are currently set at 0.28p per m² with individual rents varying between £21.84 and £84.84 plus a one off charge of £20 for new tenants. Rents increase each year in line with inflation. Guidance from the National Allotment Society advises that “rent can be anything from a peppercorn amount through to £100 a year per plot holder, but most are in the region of £25 – £125 each”. Once self-management is in place, rents will be set by the allotment societies, in agreement with their members, but it is envisaged that rents will remain broadly at current levels.
- 5.23 The allotment societies will use the rental income from allotment holders to maintain and develop the site and pay bills. They may also charge an additional membership fee. They will also be able to apply for external funding to develop facilities on the site. There is £5000 included in the 2013/14 Communities Team budget for working with consultants for the development of open spaces sites. It is proposed that this amount be split equally between the 3 main allotment sites as a one off grant for them to work with a suitable organisation to develop plans and submit grant funding applications.
- 5.24 Administration and Management
It is proposed that once Free Lane becomes self-managed and Stacksteads and Loveclough sites are leased on a self-managed basis, responsibility for site related issues and management of the lease is undertaken by the Property Services team. Property Services Team is also responsible for site related issues including maintenance at the Kirkhill and Prinny Hill sites.
All rents will continue to be collected by Operations Administrative Officer.
Community groups wishing to create a new allotment site on Council land should contact the Property Services Team in the first instance.
- 5.25 Planning Guidance
Each of the 3 sites is a Greenfield site and the Planning Manager has advised that they would not be appropriate for housing development which would be contrary to Planning Policy.
- 5.26 Statutory allotment status
Currently none of the sites is a statutory allotment site. It is proposed that all three main allotment sites (Free Lane, Stacksteads and Loveclough) become statutory sites, once leasing arrangements for each site have been concluded and all sites are up and running. At this stage a Rossendale Federation of Allotments will be set up, by the allotment associations, with support from the National Allotment Society.
- 5.27 Communication
If the proposals are approved, information will be provided to all current allotment holders explaining the changes. Information on the Council website will be updated to direct enquiries to the appropriate allotment society.
- 5.28 Garden Lets

Garden Lets are administered by the Property Services Team and current arrangements for garden lets will continue.

- 5.29 An initial equality impact assessment is attached to this report in Appendix 3. An overview is noted in section 8 of this report.
- 5.30 The recommendations are set out in section 1 of this report.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

- 6.1 Financial matters are noted in the report.

7. MONITORING OFFICER

- 7.1 All relevant comments are contained in the body of the report.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

- 8.1 Rossendale Borough Council has a statutory duty to provide allotments and recognises them as an important asset.
- 8.2 If the proposals are approved, the new arrangements detailed in this report will replace the current Allotments Policy approved by Cabinet in 2009.
- 8.3 Council officers have been working closely with Free Lane Community Allotment Society, Stacksteads Allotment Society, Limey Valley Residents Association and the National Allotment Society to develop the plans for each allotment site. Members of FLCAS have voted in favour of self-management of the site at an extraordinary general meeting of the Society also attended by a Council officer and representatives of the National Society.
- 8.4 Local residents in Stacksteads and Limey Valley have been kept informed of plans to develop the allotment sites, as have Rawtenstall and Bacup Neighbourhood Forums. Meetings of Stacksteads Allotment Society and Limey Valley Residents Association are open to all members of the local community.
- 8.5 Development of new allotment sites is a priority in the Neighbourhood Plans, which were developed following extensive consultation.
- 8.6 An Initial Equality Impact Assessment has been undertaken and is attached at Appendix 3. This has identified that there are no negative equality impacts on any protected equality groups from the development of further allotment sites in the Borough which will benefit all adult equality groups by increasing the availability of allotments in response to demand.

9. CONCLUSION

- 9.1 Members are asked to provide their comments and feedback on the recommendations for the development of allotment sites in Rossendale and to recommend approval by Cabinet.

Background Papers

Document	Place of Inspection
Appendix 1 Draft Lease	Attached
Appendix 2 Site Maps of allotment sites	Attached
Appendix 3 Equality Impact Assessment	Attached