

Committee Name and Date of Committee Meeting

Improving Places Select Commission – 08 December 2020

Report Title

Allotments Self-Management Update

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

This report updates the Improving Places Select Commission on progress towards transfer of operational responsibility for the management of the Borough's allotments from the Council to a community benefit company, Rotherham Allotment Alliance, and supersedes a previous report made to the IPSC on the 24th October 2019.

Recommendations

Improving Places Select Commission are asked to note the progress of the transfer and comment on any arising issues.

List of Appendices Included

Appendix 1 Service Level Agreement

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Cabinet – 09 July 2018
Improving Places Select Commission – 24 October 2019

Council Approval Required

No

Exempt from the Press and Public

No

Allotments Self-Management Update

1. Background

- 1.1 At the Cabinet and Commissioners' Decision Making Meeting on the 9th July 2018, Members agreed to adopt a new vision and specification for allotments in which the Council approved the transfer of Council-owned allotments to a new borough wide self-management body and to establish a Community Benefit Society for this purpose.
- 1.2 Members last received an update on the transfer of the Allotments service at the Improving Places Select Commission meeting of 24th October 2019.
- 1.3 Officers were asked to provide a further update in December 2020 following the transfer of the allotment management responsibility to the Rotherham Allotments Alliance (Ltd) (RAA).

2. Key Issues

2.1 Progress to date

Since October 2019, significant progress has been made on the transfer process, with the key achievements as follows:

- The transfer of all existing tenant data and management information to the RAA.
- Transfer of allotment management software.
- The employment of an Allotment Administrator, seconded to the RAA from the Council.
- Access by the RAA to Capital funding provided by the Council.
- The development of a Service Level Agreement and head leases.

2.2 Governance and Decision-Making

- 2.2.1 The operational management of the Allotments transferred wholly to the RAA on the 1st January 2020 in line with previous reported expectations.
- 2.2.2 The Rotherham Allotment Alliance (Ltd) was registered with the Financial Conduct Authority on the 2nd April 2019. The Alliance became a legal entity in its own right at this point and a Board of Directors was appointed. Cllr Brian Steele was elected as Chair, Mr Jack Taylor as Secretary and Mr Al Dean as Treasurer. Although a small number of the initial RAA Directors resigned for personal reasons within the first operating year, the core of the company's

officers (Chair, Secretary and Treasurer) has remained constant and this has had a stabilising effect allowing the RAA to develop in the first year of operation.

2.3 Financial Arrangements

2.3.1 A pro-rata share of the 2019/20 income already collected by the Council was transferred from the Council's revenue account to cover the period from 1st January 2020 to 31st March 2020. The RAA has invoiced its tenants directly from 1st April 2020.

2.3.2 An approved capital budget of £100,000 has also been made available to the RAA by the Council from 2019/20 for the benefit of improving allotments. This is on a drawdown basis, and the funding is monitored by Green Spaces and Financial Services to ensure it is being used for the agreed purposes and the spending conforms to financial regulations and capital accounting rules. To date £23,955.83 has been requested and approved from the initial £100,000 allocation. Capital works have included the removal of an asbestos building, bringing unused areas under cultivation providing a number of new plots and new security fencing to allotment site boundaries. Some initial set up costs have also been covered, including production of a new web site.

2.4 Legal Considerations

2.4.1 The head lease from the Council has not yet completed and is currently in the hands of the RAA's solicitors for checking and advice to the RAA. Legal completion is expected within 2020. This will complete the legal transfer of all 27 allotment sites from the Council to the RAA allowing new sub-leases to the existing and any future allotment societies to be entered into by the Alliance.

2.4.2 A Service Level Agreement (SLA) has also been developed to sit alongside the lease which identifies the scope of service the RAA will provide, the support the Council will give, management arrangements, the requirement for two councillors to sit on the board of directors (as agreed in the original decision making meeting of the 9th July 2018), performance information and dispute resolution procedures. A copy of the draft SLA has been appended to this report (see appendix A).

2.4.3 Green Spaces retains a legacy role as the Statutory Allotments Authority function under the Allotments Act. This function cannot be transferred to the RAA and must remain with the Local Authority.

2.5 Performance Management

The service level agreement includes the provision of performance management data as well as audited accounts to the Council, which the RAA is also expected to publish on its website:

- Number of plots available, by site
- Number of plots rented out, by site
- Number of people on waiting lists, by site
- Principle challenges and achievements over reporting period
- Total number of complaints received over reporting period

3. Options considered and recommended proposal

3.1 Not applicable.

4. Consultation on proposal

4.1 This report is for information only. The original proposal to transfer the allotment service was consulted upon as set out in the report to Cabinet on 9th July 2018 and this report sets out progress on the implementation of that decision.

5. Timetable and Accountability for Implementing this Decision

5.1 Officers in Green Spaces will continue to work alongside the RAA to complete a small number of outstanding operational tasks (e.g. long standing encroachment issues and the transfer of utility billing).

5.2 The legal transfer of the physical asset is still to complete, but this is expected to take place imminently. Completion of the head lease from the Council to the RAA is expected to be achieved by 31st December 2020.

5.3 The SLA will come into effect once signed by both parties, which is expected to be at the same time as the completion of the head leases.

5.4 Officers have an ongoing commitment to help the Rotherham Allotment Alliance establish and future formalised monitoring will take place as detailed in the SLA and agreed by both parties. The next monitoring meeting will take place in early January 2021 and thereafter on a quarterly basis in line with the RAA's reporting cycle and key points in the growing season.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

- 6.1 Section 2.3 sets out the financial implications arising from this report. To date £23,955.83 has been requested and approved from the initial £100,000 approved capital budget allocation. Revenue expenditure amounting to £4,518 has been incurred in 2020/21. This is in respect of legal fees associated with the transfer and potential rent write offs. It is not anticipated that there will be any impact on the Council's revenue budget in future years.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

- 7.1 Legal implications are set out in the body of the report.

8. Human Resources Advice and Implications

- 8.1 The RAA employ a part time Allotment Administrator on a secondment basis from the Council. The secondment route was agreed with the Council's HR service to ensure that the employee was subject to the Council's terms and conditions and to allow the Council to provide HR and Payroll support to the RAA in the early stages of its operation. However, the Allotment Administrator is managed by the Chair of the Allotment Alliance on a day to day basis.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 None

10. Equalities and Human Rights Advice and Implications

- 10.1 The Rotherham Allotment Alliance is committed within its own company rules to the following statement: "The Rotherham Allotments Alliance will provide, promote and develop allotments in Rotherham so that they offer people of all backgrounds and abilities opportunities to enjoy gardening in safe, secure, accessible and environmentally sustainable surroundings. In doing so, it will make efficient use of available resources to ensure that the service is financially self-sufficient whilst remaining affordable to those who want to use it."

This same statement also features as an agreed objective within the draft Service Level Agreement with the Council.

- 10.2 The Service Level Agreement requires the Rotherham Allotment Alliance to produce an Equalities Impact Assessment which we expect be in place by the end of the first operational year 31st December 2020 and form part of their first annual report.

11. Implications for Partners

11.1 None

12. Risks and Mitigation

12.1 As new communities are developed across the Borough, the requirements for allotments to serve these new and existing communities will also change and develop.

12.2 An ongoing dialogue between the Council as Statutory Allotment Authority and the RAA will need to be retained with a mind to adding or removing sites from the RAA portfolio to ensure there is an appropriate level of allotment provision to meet demand.

13. Accountable Officer(s)

Andy Lee, Green Spaces Manager

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive		Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	Click here to enter a date.
Assistant Director of Legal Services (Monitoring Officer)	Stuart Fletcher	17/11/20
Assistant Director of Human Resources (if appropriate)		
Head of Human Resources (if appropriate)	John Crutchley	13/11/20

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