

### Appendix 3

<b>Meeting:</b>	Cabinet/Commissioner Decision Making Meeting
<b>Date:</b>	9 <sup>th</sup> July 2018
<b>Report Title:</b>	<b>Allotments Self-management</b>
<b>Ward</b>	All

### PREFERRED ALLOTMENTS SELF-MANAGEMENT MODEL

#### 1. Recommended Structure

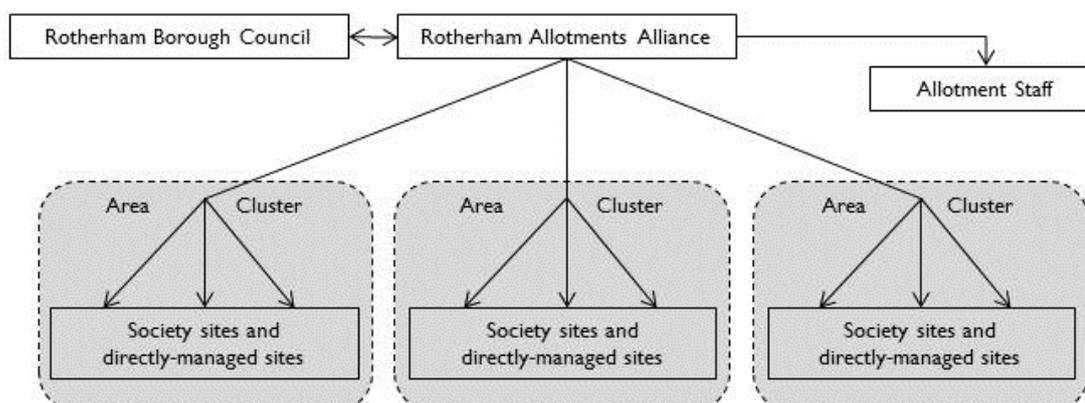
The Review has considered how control of allotments might be transferred to self-management bodies. Rotherham and District Allotments Association (RaDAA) has proposed a model with the following characteristics:-

- A number of new Area Self-Management Societies for different parts of the borough,
- Satellite Societies managing individual sites, and supported by the Area Self-Management Society as required,
- A paid Allotment Officer and Assistant to provide support to the Area Self-Management Societies as required.

The proposal, which also includes details of what Societies should be expected to do, reflects some key principles identified by the Project Group as a preferred way forward. These include expansion of self-management arrangements building on, rather than replacing, existing allotment Societies. It has been used as a starting point for further development and refinement to provide a possible comprehensive service model that addresses all agreed Review objectives and identified risks.

Consequently, a provisional self-management model has been developed, and is described below.

**Figure 1 - Provisional Self-Management Model**



- The principal feature of this approach would be the creation of a borough-wide allotments self-management body. This has been given the working title 'Rotherham Allotments Alliance'.
- The model also includes Area Clusters that would be constituent parts of the Alliance and governed by the same rules. Their role would be to encourage co-operation and co-ordination between sites in each locality.
- It is proposed that all allotment gardeners would be members of the Alliance with voting rights at AGMs.
- The Alliance would be led by a committee comprising allotment gardener representatives, Cabinet Member with responsibility for allotments, and one other Council Member. Other individuals representing interests such as health and wellbeing, the environment, children and young people, community development, learning etc. may be invited to support the work of the committee.
- The entire portfolio of Council allotment sites would be leased to the Rotherham Allotments Alliance who would then sub-let individual sites where there are Allotment Societies.
- The main benefits of a borough-wide self-management body are:-
  - It could employ and control staff on behalf of all Societies and sites,
  - Efficient and joined-up working relationship between partners, including the Council
  - Allows borough-wide service standards to be agreed and monitored
  - A stronger, more unified voice for allotments in Rotherham
  - Scope to share expertise and resources amongst all Societies and volunteers
  - Able to provide/obtain support for individual Societies (e.g. specialist advice), and thereby minimise risk of failure
  - Economies of scale and minimisation of duplication, so that available resources go further.
  - Able to co-ordinate action across the whole allotments sector, including promotional campaigns, events planning etc.
- Allocation of roles and responsibilities within such a model will require further detailed consideration and agreement. However, **Figure 2** illustrates a possible approach to help guide further consideration of these matters.

## **2. Proposed Legal Form for New Self-Management Body**

### **2.1 Options**

A wide range of different legal forms is available for organisations involved in the running of allotments. Consideration needs to be given to the intended characteristics of the proposed body when evaluating the various possible legal

forms. Discussion within the Review Team has identified the following as being desirable in any new self-management body:-

- Clearly defined aims and purposes;
- All gardeners are able to vote on key issues;
- Day-to-day control of the body's affairs by a board/committee whose members can be elected by the general membership
- Board/committee members have limited/no personal liability arising from the activities of the body
- Well-suited to fund-raising and applying for grants
- Able to employ staff, contractors etc
- Able to lease land from the Council, and sub-let it to individual Societies
- Scope to include new sites in future (desirable)
- Reasonably simple registration and regulatory requirements
- Minimise requirement to pay tax and business rates.

Taking these requirements into account, two options appear to be particularly suitable.

#### **A. Community Benefit Society**

Community Benefit Societies are set up with social objectives to conduct a business. They are run and managed by their members, who can elect a committee to carry out day-to-day operational management on their behalf. They can raise funds by issuing shares to the public, and must submit annual accounts.

To be recognised as a charitable community benefit society they must have exclusively charitable objects that are for the public benefit, allowing them to raise capital through public grants and charitable trusts. If approved, they're known as exempt charities - reporting to the Financial Conduct Authority (FCA), not the Charity Commission. A small fee is payable to register such a body, and annual fees also need to be paid to maintain registration.

As they are incorporated bodies they are legal entities in their own right, and therefore able to enter into contracts, hold land and employ staff. This also limits the liability of its members.

#### **B. Charitable Incorporated Organisation**

A CIO is governed by a board of trustees whose role is to ensure the charity is carrying out its purposes for the public benefit, and to plan and review the charity's work on a regular basis.

There are two different types of CIO available. Foundation CIOs, where the voting members and charity trustees are one and the same (known as 'closed' membership), and Association CIOs have a wider membership than the Foundation CIO, including members who are not trustees (known as 'open' membership). There are no initial or recurring fees for registration.

Like Community Benefit Societies, CIOs are incorporated bodies, and therefore share the same advantages listed above.

## **2.2 Recommended Option**

Whilst both the options described may be used for the type of self-management body envisaged, a Community Benefit Society is believed to be better suited in this case. This is because it appears to be more extensively tried and tested, is a widely recognised mutual form, and benefit from legislative provisions which mean that re-organisations, particularly mergers between societies, are relatively easy to do.

Therefore it is recommended that a new Community Benefit Society be established to deliver a new borough-wide allotments self-management model.

**Figure 2**  
**Possible Roles and Responsibilities in Remodelled Allotments Service**

	<b>Governance</b>	<b>Finance, insurance and staffing</b>	<b>Provision of allotment land</b>	<b>Site improvement and maintenance</b>	<b>Tenancy Management</b>	<b>Service development and promotion</b>
<b>Rotherham MBC</b>	<ul style="list-style-type: none"> <li>• Ultimate responsibility for service standards and legal compliance</li> <li>• Ultimate step-in/rescue powers if self-management body failing</li> <li>• Drafting and supply of model constitution for Societies</li> <li>• Nomination of Council reps to Allotments Alliance</li> </ul>	<ul style="list-style-type: none"> <li>• Manage capital reserves from sale of allotment land</li> <li>• Allocate capital funding to support site improvement projects</li> <li>• Receive reports from Alliance on use of capital funding, inc. achievement of agreed outcomes, leverage of match funding etc.</li> <li>• Advise on level of insurance required by self-management bodies, and check to ensure this is in place</li> <li>• Confirm whether TUPE regulations apply to any new posts created by the Alliance.</li> </ul>	<ul style="list-style-type: none"> <li>• Consider requests to provide new land, or to take back surplus land from Alliance.</li> <li>• Manage any surplus land surrendered by Alliance, noting that grazing income may need to be passed back to Alliance to support their activities.</li> <li>• Acquire or appropriate land for new allotments as required</li> <li>• Lease all Council allotment land to Allotments Alliance.</li> <li>• Apply to Secretary of State for permission to dispose of surplus allotment land</li> </ul>	<ul style="list-style-type: none"> <li>• Process applications from Alliance for capital funding to support site improvement projects</li> <li>• Receive reports from Alliance on use of capital funding, inc. achievement of agreed outcomes, leverage of match funding etc.</li> <li>• Provide technical advice on tree safety, invasive species, flooding and hazardous waste, as requested by Allotments Alliance</li> </ul>	<ul style="list-style-type: none"> <li>• Supply initial model tenancy agreement</li> <li>• Lease all Council allotment land to Allotments Alliance</li> </ul>	<ul style="list-style-type: none"> <li>• Advise Alliance of Council initiatives and policy changes relevant to allotments</li> </ul>
<b>Allotments Alliance</b>	<ul style="list-style-type: none"> <li>• Development, review and approval of terms of reference of Allotments Alliance.</li> <li>• Develop and implement service monitoring systems, incl. KPIs</li> <li>• Appointment of new Alliance members</li> <li>• First line step-in/rescue option in case of failing Society</li> <li>• Secretarial support and record-keeping for Alliance business</li> </ul>	<ul style="list-style-type: none"> <li>• Employ allotment staff</li> <li>• Set annual budget for Alliance business (incl staff costs)</li> <li>• Calculate and collect rent payments from tenants on directly-managed sites and Societies,</li> <li>• Monitor own budget and report to members regularly</li> <li>• Take out insurance cover as necessary for Alliance business</li> <li>• Decide whether Societies must join NAGS to benefit from insurance cover</li> </ul>	<ul style="list-style-type: none"> <li>• Sub-let allotment sites to Allotment Societies</li> <li>• Monitor demand for allotments across borough, using data supplied by Societies/clusters</li> <li>• Make recommendations to RMBC for acquisition/disposal of allotment land</li> <li>• Consider requests from Societies to surrender all or part of their leased land back to Allotments Alliance, and support them in finding alternative uses (e.g. grazing)</li> <li>• Help RMBC in applying for permission to dispose of surplus allotment land, including statutory consultation</li> </ul>	<ul style="list-style-type: none"> <li>• Deploy allotment staff to help Societies with maintenance and improvement projects, and to arrange the following:- <ul style="list-style-type: none"> <li>○ Regular safety inspections of trees across all sites, and arrange works as needed</li> <li>○ Deal with invasive species , flooding and hazardous waste reported by Societies</li> <li>○ Support procurement by Societies of skips, pest control etc</li> </ul> </li> <li>• Consider Society site improvement proposals, and decide whether to support</li> <li>• If supporting, apply to RMBC for capital on behalf of Society</li> <li>• Otherwise, work with Society to address weaknesses in bid</li> <li>• Identify and share information about other external grant funding opportunities</li> </ul>	<ul style="list-style-type: none"> <li>• Sub-let allotment sites to Allotment Societies</li> <li>• On directly-managed sites, same tenancy management responsibilities as those on Society-managed sites (see below).</li> </ul>	<ul style="list-style-type: none"> <li>• Champion all allotments, and provide a unified voice on matters of general interest</li> <li>• Develop and implement borough-wide communications to promote the benefits of allotment gardening, including Rotherham allotments website</li> <li>• Help Societies by encouraging new volunteers to strengthen sustainability and representativeness of committees.</li> <li>• Work with partners to reach under-represented and disadvantaged groups</li> <li>• Share/promote good practice guidelines from national bodies (e.g. NAGS) and between Societies/clusters</li> <li>• Arrange and promote skills development opportunities for volunteers in all Societies (e.g. training, mentoring)</li> </ul>
<b>Area Cluster</b>	<ul style="list-style-type: none"> <li>• Collation of monitoring information from individual Societies and reporting to Alliance</li> </ul>	<ul style="list-style-type: none"> <li>• Ad hoc agreement to pool resources from individual Societies to fund joint initiatives</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor demand for allotments across cluster area, using data supplied by Societies</li> <li>• Make recommendations to</li> </ul>	<ul style="list-style-type: none"> <li>• Agree and deliver mutual support and sharing of resources between individual Societies within cluster, to</li> </ul>	<ul style="list-style-type: none"> <li>• Share information about proposed rents, allotment rules, difficult tenants etc</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitate collaboration between individual Societies on <ul style="list-style-type: none"> <li>○ Local promotion activity</li> </ul> </li> </ul>

# Draft

	Governance	Finance, insurance and staffing	Provision of allotment land	Site improvement and maintenance	Tenancy Management	Service development and promotion
	<ul style="list-style-type: none"> <li>Request Alliance step-in/rescue in case of failing Society</li> </ul>		<p>Alliance for acquisition/disposal of allotment land</p>	<p>undertake maintenance and deliver small-scale improvement projects.</p> <ul style="list-style-type: none"> <li>Provide targeted support for small sites (could set up multi-site Society)</li> </ul>		<ul style="list-style-type: none"> <li>Events</li> <li>Developing local partnerships (e.g. schools, community groups)</li> <li>Resource sharing to achieve economies of scale</li> </ul>
<b>Individual Society</b>	<ul style="list-style-type: none"> <li>Nomination of Society reps to Allotments Alliance</li> <li>Adjustment of model constitution, as required, and adoption of it</li> <li>Management of the Society in accordance with the constitution and the law</li> <li>Collection and reporting of monitoring information, including KPIs.</li> <li>Provide and promote opportunities for individual tenants to have their views heard, and to influence decisions taken by the Society committee.</li> </ul>	<ul style="list-style-type: none"> <li>Set annual budget for Society business (incl. annual payment to Alliance)</li> <li>Monitor own budget and report to members</li> <li>Set annual rent payable by plot-holders</li> <li>Manage and report any reserves</li> <li>Take out insurance cover to levels specified by RMBC</li> </ul>	<ul style="list-style-type: none"> <li>Maintain and report data about demand vs supply (e.g. waiting lists, number of vacant plots)</li> <li>Submit requests to Alliance to take back surplus/unused leased land..</li> </ul>	<ul style="list-style-type: none"> <li>Day to day maintenance of vegetation, vacant plots, tracks, buildings, fences, water supplies, drainage and other infrastructure</li> <li>Report invasive species (e.g. Japanese Knotweed), flooding and hazardous waste to allotment staff</li> <li>Deliver small-scale improvement projects</li> <li>Propose large-scale improvement projects needing extra capital investment to Alliance.</li> </ul>	<ul style="list-style-type: none"> <li>Provide information about how to rent a plot &amp; plot availability</li> <li>Manage waiting lists</li> <li>Prepare vacant plots for letting</li> <li>Issue tenancy agreements</li> <li>Collect rents and other payments (e.g. water)</li> <li>Take action to address under-payment, including possible termination of tenancy</li> <li>Agree and issue site rules</li> <li>Take action to address non-compliance, including enforcement and possible termination of tenancy</li> <li>Respond to general enquiries from tenants</li> <li>Take action to try to resolve disputes between tenants</li> <li>Respond to complaints from tenants and others</li> </ul>	<ul style="list-style-type: none"> <li>Develop volunteering amongst general members</li> <li>Facilitate <i>Continued overleaf</i> dialogue with Society members to identify service improvement</li> <li>Lead regular communications to keep members informed and involved, including meetings, site notices, social media etc.</li> </ul>