

Public Report
Improving Places Select Commission

Committee Name and Date of Committee Meeting

Improving Places Select Commission – 14 December 2021

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)

Andy Lee, Green Spaces Manager
01709 822457 or andy.lee@rotherham.gov.uk

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 8th December 2020.

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

Improving Places Select Commission – 8th December 2020

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 8th December 2020.
- 1.3 Officers were asked to provide a further update in December 2021 following the transfer of the allotment management responsibility to the Rotherham Allotments Alliance (Ltd) (RAA) from January 1st 2020.

2. Key Issues

2.1 Progress to date

Since October 2019, significant progress was 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. This was initially for a 15 month period but was extended in April 2021 and continues until December 2022, when this arrangement will be subject to further review.
- Access by the RAA to a £100,000 Capital funding provided by the Council to be drawn down in grants for agreed works
- The development of a Service Level Agreement and head leases.
- The RAA provided its first annual report to the Council in line with its company and service level agreement requirements. The 2020 annual report is attached at appendix 1.
- Issues raised in the RAA's 2020 annual report have been subject to further work between officers and the RAA during 2021, to find suitable solutions or compromise, this has included:
 - The RAA and their tenants were initially critical of the grounds maintenance service they continued to receive directly from the

Council. This criticism was due to misunderstandings regarding scope of works and schedules which transferred over to the RAA from the Council's own operation of allotments, compounded by lack of staff during covid lockdown. Officers with direct responsibility for providing this service have met with the representatives of the RAA and agreed new schedules which better meet the needs of the RAA and their tenants.

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. Former 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.

2.2.3 The Board of Directors as of 14th December 2021 is as follows:

Chair – Mr B. Steele
Secretary – Mr J. Taylor
Treasurer - Ms A. Howard
Vice Chair – Mr J. Palmer
Member - Mr M Hirst
Member – Mr M. Suleman
Member – Ms A Parry
Councillor Representative – Cllr. D. Sheppard
Councillor Representative - Vacant

The appointment to the vacant Councillor representative position on the board of Directors has been discussed with the Cabinet Member for Social Inclusion, who is in the process of seeking a further Councillor to join the board. The Councillor positions on the board are important and are enshrined in the RAA's company rules to ensure probity and that the Council's core values are upheld.

2.3 Financial Arrangements

2.3.1 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 £97,663.50 has been requested and approved from the initial £100,000 allocation. Approximately £74,000 of spend was agreed in 2021 compared to the £23,600 allocated in 2020 and identified in the RAA's 2020 report (appendix 1). 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 and internal pathways. 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 in early 2022. 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 The lack of progress in finalising the head lease by solicitors working for the Council and the RAA remains the biggest concern. Lack of progress stems from changes in staff within the RAA's legal team leading to agreements made by previous solicitors being overturned by incoming staff and a request for the form of lease to be reconsidered. This is not the view of the Council's own legal representation. As the Council is responsible for the legal costs of both parties a financial cap has been agreed for RAA's legal fees with their solicitor at £7,500.
- 2.4.3 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.
- 2.4.4 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 in non-parished areas.

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 continue to maintain a good working relationship with the Directors of the RAA.
- 5.2 Completion of the head lease from the Council to the RAA is expected to be achieved by 31st March 2022.
- 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. Monitoring meetings were suspended during lockdown and need to be re-established by January 2022 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 £97,663.50 has been requested and approved from the initial £100,000 approved capital budget allocation. Revenue expenditure continues to be expended on legal fees on behalf of the Council and the RAA.

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.

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	Click here to enter a date.
Assistant Director of Human		

Resources (if appropriate)		
Head of Human Resources (if appropriate)	John Crutchley	Click here to enter a date.

Report Author: *Andy Lee, Green Spaces Manager*
01709 822457 or andy.lee@rotherham.gov.uk
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