

REPORT TO CUSTOMER FOCUS SCRUTINY COMMITTEE

Date of Meeting: 01/02/24

Report Author: Cat Chambers, Public and Green Spaces Service Manager

Title: Allotment Service Review

Is this a Key Decision?

Scrutiny is a non decision making committee

Is this an Executive or Council Function?

Executive

1. What is the report about?

The report is to update on the 'business as usual' management of the allotments service.

2. Recommendations:

That the Scrutiny Committee note the content of this report.

3. Reasons for the recommendation:

The purpose of this report is to update Members on the 'business as usual' management of the allotments service.

4. What are the resource implications including non-financial resources

4.1 2023-24 financial year saw forecasted budget costs of:

Budget Area	Budget	Budget detail
Pay	£42,328	1.5 full time equivalents
Supplies and Services	£26,649	Waste management, utilities, water, pest control, and others.
Rental Income	(£53,559)	Total income forecasted

4.2 Allotment subsidy for 2023-24 currently stands at £15,418. As a result of universal cost increases subsidy levels are anticipated to increase above £25,000 in 2024-25 financial year. An investigation to identify opportunities to reduce the cost of the service or increase income to manage subsidy levels remains ongoing.

5. What are the legal aspects?

This report concerns operational matters and, as such, does not raise any legal issues.

6. Report details:

6.1 ECC has 24 allotment sites. Across these sites ECC manages all operational works including waste disposal, plot clearances, legionella inspections, and waiting lists. ECC are also responsible for managing disputes and tenancy breaches. However, all sites

are supported by volunteers that run 'let and check' operations, carry out plot inspections for leasing and compliance, and meet with prospective tenants to confirm leases.

6.2 There are four allotment associations that coordinate volunteers for 'let and check' activities across their 14 associated sites. Volunteers across the remaining 10 non-association sites, are coordinated by the ECC allotments team. All volunteers or associations receive £11.35 one off admin fees for leasing and inspection duties. This is paid at the commencement of a new tenancy.

6.3 Currently there are 1533 occupants holding allotment leases.

6.4 Waiting lists have just been reviewed, with potential applicants asked to confirm their continued interest in leasing. Post review, the allotment waiting list currently has been confirmed as 686 individuals.

6.5 There have been 219 tenancies surrendered over 2023. 150 of these were surrendered, and 69 were evictions as a result of allotment rule violations and the application of eviction procedures. To ensure robust and evidenced decision making, evictions are only undertaken after the application of a 4-stage procedure. This protracts the eviction process. Whilst rigid enforcement of the rules and a reduced eviction procedure would reduce waiting lists, without a justifiable and evidenced process for eviction, decisions remain open to challenge.

6.6 The eviction procedure is currently:

Stage 1: The allotment associations/ volunteers, carry out provisional onsite inspections as per their 'let and check' duties, identifying significant rule breaches. As part of these inspections' volunteers evidence assessments with extensive photographs. These are sent to allotment management team for review.

Stage 2: Triggered by association/ volunteer assessments, ECC's allotment manager makes an initial decision as to whether rules are being breached. If so, they issue a non-cultivation improvement notice, giving allotment holders 28 days to rectify the issue prior to further inspections being carried out.

Stage 3: After 28 days the site is then re-inspected by the ECC allotment manager (or delegated officer). At this inspection the allotment manager may also include their line manager depending on the complexity of the site.

Stage 4: Having conducted onsite visual inspections, the allotment manager makes a final decision confirming whether there are sufficient grounds to issue a notice of intended re-entry terminating the allotment lease.

There remains ongoing dialogue between lease holder and allotment teams throughout the process, and site visits with tenants are carried out on request.

6.7 To support the allotment management team, and in consultation with current allotment holders, the allotment rules are being amended with a view to addressing the ambiguity present in the cultivation regulations. Currently cultivation rules require managers to interpret compliance in view of tenants planting practices. This makes

enforcement complex, resource and time heavy, and less transparent for tenants. Redefining the regulations to reduce the need for interpretation will improve transparency for tenants and improve enforcement procedures.

- 6.8 There are currently 64 plots vacant. These are pending growth clearance to enable re-letting or are pending the commencement of volunteer 'let and check' procedures. With 219 tenancies surrendered and 157 new leases signed, the current service turnover rate is 72%. To expedite the turnover process the service currently instructs tenants to clear their allotment during their period of notice. Where tenants fail to comply, operational teams are required to clear growth prior to re-letting. Operational teams have limited capacity available to carry out this work and this impacts turnover times. To address this the service is investigating cost-effective measures to improve turnover rates, including site compliance inspections during the notice period, and /or charging when tenants don't comply. Where the turnover rate can be improved waiting list numbers will reduce.
- 6.9 In recognition of the need for additional allotment provision to reduce waiting lists, a review of the housing and economic development land (HELAA) was carried out. The review identified no ECC land suitable to support an increase in the number of allotments. To extend provision ECC would need to purchase land at market rates. Current borrowing rates and land costs are not offset by allotment income potential, meaning there is no business case to support land purchase at this time.
- 6.10 To provide routes to increased provision through future developments, the need for additional allotments has been added to the Liveable Exeter emerging infrastructure development plan, and is rationalised in the local plan consultation under Health and Wellbeing Policy 13.9. "*Development should encourage healthy neighbourhoods by: Providing allotments where demand exists*".
- 6.11 The service recently reviewed fees and charges across the country. The Association for Public Sector Excellence (APSE) assessed fees across 300 authorities. In 2023, 45.65% of authorities charge over £70 a year for a 10-rod allotment. The market report did not specify the top end figures for an exact comparison; however, further research indicated that fees nationally vary from as low as £17 per annum up to £382 per annum for 10 rods dependent on the context and service offer of the authority in question.
- 6.12 A direct cost comparison across Devon was also carried out to provide local context to fees and charges. This found that no district authorities offered statutory allotments, with local provision falling to parish councils to offer and manage. East Devon are the only district to provide access to allotments but as a non-statutory offer. Parish/ Town Councils are not directly comparable to district services because they are administered by volunteer elected officials often with a single paid clerk in the case of Town Councils. Unlike ECC they operate with no overhead costs and with precept budget arrangements. This ensure they are able to operate sites at a lower fee than ECC can sustain.
- 6.13 The charging review also found that charging structures varied considerably between authorities, with some charging a fixed charge per lease regardless of allotment size, and others charging per rod, or per full or half allotment. This variation makes a direct

comparison across allotment providers extremely difficult. In light of the charging review, whilst the service will continue to monitor fees across Devon authorities, ECC allotment charges cannot be directly comparable or competitive with other allotment providers.

6.14 Direct cost comparison across Devon:

District & Parish/Town Council Comparison	Lease Fee (per rod)	Lowest Lease (per annum)	Highest Lease (per annum)	Additional Comments
Exeter City Council	£8.35	£41.47	£83.50 (10 rods)	10 rod lease fees, no longer actively offered
East Devon	£9.25 - £9.53	N/A	N/A	Additional Variable charge for water between £6.30 and £22 per annum (service is non-statutory)
Teignbridge District	No allotments – Parish or Town Council operated			
Mid-Devon District				
North Devon District				
West Devon District				
South Hams District				
Torridge District				
Dawlish Town	N/A	£27.50	£55	No dedicated staff, only 38 plots total.
Newton Abbot Town	N/A	£36	Above half plot size pro rata	No dedicated staff
Tiverton Town	Varies	£8.50	£32	Increases by 50p per year, only 6 plots total (No dedicated staff)
Cullompton Town	N/A	£17.50	£36	Under Review may increase. ECC plots are bigger (No dedicated staff)
Newton St Cyres Parish	N/A	£20	£55 (with £35 additional Fees)	The Council reserves the right to charge an additional £35.00 per year maintenance fee if expenditure is not covered by rental income (No dedicated staff).
Willand Parish	N/A	£29.50	Full plot £40	(No dedicated staff)
Crediton	£0.27 per sq. meter rent, and £0.029 for association membership			

7. How does the decision contribute to the Council's Corporate Plan?

7.1 Healthy and inclusive – its well understood that allotments can contribute to healthier lifestyles through high-value low-impact physical activity, stress-relief, social and community engagement, and through positive interactions with nature. It can also provide access to low-cost, and healthy, produce directly contributing to the physical health and well-being of tenants.

7.2 Liveable and connected – allotments provide tenants with the opportunity for self-development and provide a sense of personal achievement through success, this

means they directly contribute to tenants leading fulfilled lives. They also provide access to high-value natural space in urban settings, enhancing the city land scape.

- 7.3 A leading sustainable city – allotments provide carbon sequestration through planting and canopy provision, habitat for wildlife, they support improved flood attenuation, and they provide local sustainable food production. They are a valuable urban asset contributing to the city's climate control aspirations.

8. What risks are there and how can they be reduced?

- 8.1 The risk remains that without additional allotment space waiting lists will continue to grow. To reduce this risk the opportunity to increase provision must be identified through future development. By adding allotments to the Liveable Exeter infrastructure development plan, and by ensuring a place in planning policy, future provision can be rationalised and prioritised where appropriate.

9. Equality Act 2010 (The Act)

- 9.1 Currently the council provides access to allotments for disabled tenants across three sites. The council has fully paved access at Ashwood Road site and raised beds at Marypole and Butts Park.
- 9.2 Enhancing sites to improve accessibility will not reduce non-disabled provision but will increase accessible options. As a result, it is a cost-effective option with or without evidenced demand.
- 9.3 Ongoing budget constraints prevent internal investment to enhance sites, requiring external funding to be sourced and secured to extend existing provision.
- 9.4 To increase accessible provision, as disabled tenants take up tenancies, the service will look to support them in accessing community and disability specific grants to enhance the accessibility of their allotment plot where practicable. There will remain some sites at which wheelchair specific provision is not achievable, because of the onsite constraints presented by the main infrastructure. However, where practicable, as wheelchair applicants get to the top of the waiting list they will be guided into tenancies on sites with suitable infrastructure.

10. Carbon Footprint (Environmental) Implications:

- 10.1 Allotments are considered academically as biodiversity hotspots for native species within urban green infrastructure. They provide ecosystem services within an urban area, and so allotments, by their very nature support habitat provision and nutrient cycling, and regulate ecosystem services (climate and water regulation).
- 10.2 Allotments offer tenants the opportunity to practice to sustainable permaculture design principles. Permaculture promotes the use of cover crops for soil health and carbon sequestration and encourages land use using marginal and vertical space to grow food. It promotes maximum land productivity by cultivating as much space as possible.
- 10.3 The current rules allow tenants to practice carbon sequestration, habitat creation, and sustainable water practices, all through allotment design, allotment management, and appropriate plant choices.

11. Are there any other options?

Director David Bartram

Report Author: Cat Chambers

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquiries:
Democratic Services (Committees)
Room 4.36
01392 265 486