



# Committee Report

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**PURPOSE:** Final Decision Report

**KEY OR NON-KEY DECISION:** Key decision affects 2 or more wards

**COMMITTEE:** Public Health and Communities Committee

**DATE:** 23 August 2024

**TITLE:** Allotment rents and tenancy agreement

**Ward(s):** Citywide

**Officer presenting the report:** Jonathan James. **Job title:** Head of Natural and Marine Environment

**Committee Chair:** Councillor Stephen Williams

**Executive Director lead:** John Smith: Executive Director for Growth & Regeneration

**Proposal origin:** BCC Staff

## **Purpose of Report:**

1. To seek approval for new allotment rents and water service charges to be implemented from September 2025 and to approve that a stakeholder engagement process is progressed to review the way in which allotments rents and charges are structured, review and where necessary update the allotment tenancy agreement and tenancy rules to reflect current Allotment legislation and practice.

## **Evidence Base / Options to consider:**

1. The Council adopted a new [Food Growing and Allotment Strategy](#) in March 2024. The Strategy sets out three commitments: to reduce the number of people waiting to access Council-owned food growing spaces, to deliver new spaces for food growing, and to ensure people from communities across Bristol can access suitable food growing opportunities. To deliver on these commitments the Strategy identifies that we invest in allotments and allotments services and ensure that the service is sustainably funded. Demand for food growing on the city's allotments has grown significantly in the last 5-6 years with over 7,200 people waiting for an allotment and 4,200 existing tenants.
2. The Council's fees and rents for allotments have not been revised since 2018 and a saving commitment of £55K was applied to allotment income in February 2022. The current income generated does not meet the costs of service delivery (as identified in [Appendix E – Executive /](#)

[Officer response to the Call-In](#)) and will not support the resource uplift needed to implement the adopted Strategy. If not addressed there will be a continued and increasing financial impact on wider Parks services delivered for all citizens. The benefits sought to be delivered through the Food Growing Strategy will be limited, delayed or prevented. The Allotment Service to tenants will continue to be insufficient and its asset base continue to decline, leading to higher long-term costs for the Council.

3. To address these challenges the service reviewed its current costs of service delivery and the additional resources needed to improve services to tenants and deliver on Strategic objectives. The cost estimated for a service with the required staff resources and operating budget that supports comprehensive estate management and upkeep is £690K (current budgeted expenditure is £274K). Total forecasted income from all sources to the Allotment Service in 2024-25 is £263K.
4. However, although the council is not required to subsidise its statutory allotment services, if considering an increase in rents, local authorities need to demonstrate that the increase is reasonable. Comparing allotment rental rates with other, similar authorities is one way of demonstrating this and work carried out last year (2023) in this regard is included in Appendix A – rent proposals, discounts, cost comparison and benchmarking.
5. This work generated the following rent proposal which is calculated to increase Allotment Service income by £206K. Under the Allotments Act tenants are entitled to 12 months’ notice of any rent change, so the proposal would be enacted in September 2025 with notice given to tenants in September 2024 (also refer to Appendix A – rent proposals, discounts, cost comparison and benchmarking):

<b>New allotment rents and water service charges to be applied from September 2025</b>									
Plot size	Accessible 0-8m2	0 to 74m2	75 to 149m2	150 to 224m2	225 to 349 m2	350 to 449m2	450 to 559 m2	550 to 699m2	700 to 999m2
Annual rent without water	£25	£64	£79	£141	£158	£224	£281	£354	£488
Annual rent with water	£30	£72	£89	£156	£178	£249	£311	£389	£528
Weekly rent with water	£0.58	£1.38	£1.71	£3.00	£3.42	£4.79	£5.98	£7.48	£10.15
Total number of tenants (using Jan 24 figs)	0	312	2272	905	691	26	3	0	7
Number of tenants receiving a discount (Jan 24)	0	3	343	222	201	7	1	0	2
Number of collective / community enterprises (Jan 24)	0	0	15	16	17	5	0	0	4

<b>Current allotment rents including water service charges when they apply</b>							
Plot size	Accessible 0-8m2	0 to 74m2	75 to 149m2	150 to 224m2	225 to 349 m2	350 to 449m2	450m2 +
Annual plot rent	NA	£30	£50	£70	£85	£150	£165
Weekly plot rent	NA	£0.58	£0.96	£1.35	£1.63	£2.88	£3.17

- The proposal expands the eligibility of a 50% discount to those who receive any aspect of

Universal Credit and Pension Credit. Currently this is offered only to those receiving Housing Benefit or a Council Tax reduction.

- To encourage collective (community) food growing groups we offer a 50% discount on rent providing they are making a positive social value contribution to disadvantaged groups through food growing activities.
- We provide discount for long serving tenants - 50% for 25 years and 100% for 50 years (not available for new applicants since 2018).
- We will adopt a practice of allotment tenants being able to pay rents by Direct Debit, monthly, quarterly or annually.
- We offer 100% discount (or pro-rata) for voluntary Site Representatives.
- Only one discount can be claimed at any one time.
- Water charges will be expressed as an additional cost rather than a discount on the rent. The costs above are the full combined rent and water charge.

6. Identifying rent uplifts by allotment size commenced using comparator rates from other leading authorities, this being one of the key tests for setting rents stated within the Allotments Act. A rental income target based on the banding of allotments was considered to be the best way forward, until a comprehensive review of the way in which allotment rents and charges structure can take place.
7. It is accepted the current pricing structuring using the banding system is irregular and therefore the service will commit to commence stakeholder engagement on the review of the current fees and charges structure, within the next 12 months, which will include an approach which is derived from using a square meterage rate. The review of the way in which the rents are structured will consider options which are fair and proportionate for individual allotment holders and collective food growing groups. The review will take into account the legal notice required for introducing rental increases as defined within the Allotment Act.
8. The income will allow for an additional officer resource that can be used to improve services to tenants and support to volunteer Site Representatives and to more quickly progress the commitments made in the Food Growing and Allotment Strategy, which received widespread support through consultation. Budgets to repair allotment assets will be enhanced and it will allow the Service to meet its £55K saving obligation. However, there will remain insufficient funding to support a comprehensive maintenance and replacement regime and spending will be restricted. Wider Parks Service budgets, if available, may be called upon to deal with high-cost repair/ replacement items.
9. The Council undertook a public consultation on the proposed changes to allotment rents from 11th December 2023 to 31st January 2024 with allotment tenants and those on the waiting list actively encouraged to respond. A total of 3,016 responses were made to the consultation and the full consultation report is attached at Appendix F which includes a breakdown of the views by deprivation, age, Disabled status, ethnicity, sex, pregnancy/maternity status, and carer status. Individual meetings were held with Allotment Site Representatives and the Allotment Forum. The consultation was extended by 10 days in response to the volume and nature of the responses being received.
10. The majority of respondents – 78% – disagreed with the rent increase proposal made, with 58% believing the increase should be lower and 41% feeling there should be no increase. The difference in response from all respondents when compared with those with protected characteristics is

relatively small – between 1% and 3% for most groups. Other key comments made:

- Because of the length of time since the last price increase, the scale of the increase should be staggered.
- As an allotment tenant the service needs to improve if the rents increase – value for money.
- Supportive of rental increase - if [for example] this helps the service improve and motivates people to look after their plots.
- The rent uplift will impact on people with low income who are not eligible for a discount.
- There are alternatives to increasing rent – [for example] bringing more overgrown plots in to use.
- Any income generated should only go to the allotments service and not support other council services.
- There should not be a separate water charge.

11. The allotment rent proposals were originally put forward for a [Cabinet decision on 5<sup>th</sup> March 2024](#). Taking into account the consultation responses, Cabinet initially approved the proposals made, phased over a two-year period in 2025/26 and 2026/27. The Cabinet decision was Called-in with a [Call-In Sub-Committee \(of the Overview and Scrutiny Management Board\)](#) meeting on 27<sup>th</sup> March 2024. The Call-in Sub Committee resolved:

“That.....no further action should be taken in relation to the issues identified in the Call-In, on the understanding that the Cabinet Member for Public Health and Communities and the Director: Management of Place undertake not to act on the Cabinet decision that had been called-in, and that the decision will be referred to the future Public Health and Communities policy committee, who will consider whether any further information is required and take into account the issues raised in the call-in and in the public forum questions and statements submitted to this meeting. The Call-In Sub-Committee recommends that the Public Health and Communities policy committee makes a decision first in relation to allotment rents and water charges and then subsequently considers the allotment regulations.”

12. In addition to the matter of allotment rents and charges, the allotment tenancy agreement and rules have similarly not been updated for several years and will need to be reviewed to ensure that they are up to date and reflect current Allotment legislation and practice and provide clarity on what is permitted, to improve efficiency of service delivery and to support our Volunteer Site Representatives. The Council must provide 12 months' notice to tenants of any changes to the allotment tenancy agreements or the amount of rent to be collected. An initial proposal was subject to consultation alongside allotment rents, however tenants' concerns about the content and clarity of the proposals has identified that these need to be reviewed – working alongside stakeholders including tenant representatives and volunteer Site Representatives.

### **Officer Recommendations:**

That the Committee for Public Health and Communities:

1. Notes the outcome of the call-in committee decision on 27<sup>th</sup> March 2024 including the issues raised and the public forum questions and statements.

2. Notes the consultation outcome as set out in this report and in Appendix F.
3. Approves the revised allotment rent and charges set out in the report and Appendix A and the expansion of the discount scheme to enable more people on low incomes to benefit from a 50% reduced rent as outlined in this report.
4. Notes the introduction of direct debit payments to allow for monthly or quarterly payments.
5. Authorises the Executive Director Growth and Regeneration in consultation with the Chair of the Public Health and Communities Committee to take all steps required to implement the revised allotments rent and charges and undertake the stakeholder engagement as set out in paragraph 7 of this report.
6. Approves a stakeholder engagement is progressed to review and update the allotment tenancy agreement and tenancy rules.

### **Corporate Strategy alignment:**

1. Theme: Development and Delivery – The recommended option will enable us to better support those volunteers who give their time to manage allotment sites, support tenants and deliver the health benefits derived from food growing. We will better support those who approach us to run collective growing opportunities – providing accessible, supportive and educational environments for people to grow food together.
2. Theme: Equality and Inclusion – The recommended option will help us extend the reach of a 50% discount for an allotment plot to include those that are in receipt of Universal or Pension Credit. Our Food Growing and Allotments Strategy sets out that we will increase the provision of accessible plots and we will have a separate application process so those seeking an accessible plot are not on the general waiting list. The proposals will help us resource this work.

### **City Benefits:**

1. The rent proposal will help ensure the service is run on a firmer financial foundation and begin to tackle the aspirations of Community Food Growing and Allotment Strategy whilst planning how repairs and maintenance of essential allotment infrastructure can be maintained over the long-term. The proposals do not introduce enough funding for us progress all that we might wish to, or that tenants might wish us to, but we can make meaningful progress.

### **Consultation Details:**

Refer to Appendix F.

1. Public consultation with notices provided to allotment tenants, tenants of other food growing land and those on the waiting list for an allotment – 11 December 2023 to 31 January 2024.
2. Two meetings held with Volunteer Site Representatives (17 January 2024 10am and 7pm).
3. Meeting held with Allotment Forum (24 January 2024 and 24 July 2024).
4. Meeting held with representatives of the Allotment Forum (29 July 2024).

### **Background Documents:**

[Consultation 2024-2039 Parks and Green Spaces and Food Growing and Allotment Strategy](#)

[Cabinet decision pathway report - Allotment rent and water charges](#)

[Call In Sub-Committee \(of the Overview and Scrutiny Management Board\): Call-in of 5 March Cabinet decision on Allotment rents and water charges](#)

[Appendix E – Executive / Officer response to the Call-In](#)

<b>Revenue Cost</b>	£0	<b>Source of Revenue Funding</b>	NA
<b>Capital Cost</b>	£0	<b>Source of Capital Funding</b>	NA
<b>One off cost</b> <input type="checkbox"/>	<b>Ongoing cost</b> <input type="checkbox"/>	<b>Saving Proposal</b> <input checked="" type="checkbox"/>	<b>If yes - existing or new saving?</b> Existing <input type="checkbox"/> <b>OR Income generation proposal</b> <input checked="" type="checkbox"/>

**Professional comments section:**

**1. Finance Advice:** The report is seeking approval to change allotment rents and service fees from September 2025, and subsequently refresh the allotment tenancy rules following a stakeholder engagement process.

Allotment rents have not increased since 2018, but changes in the financial climate, sharp rises in inflation, savings targets and increases in repair and maintenance have increased the Council's costs. Increasing income will ensure the service can continue to be delivered, help the service become more sustainable and support the new Food Growing and Allotment Strategy aims. The service has recognised a series of discount schemes and has expanded these so more people on lower incomes can benefit.

The additional annual income proposed from the revised fees is £0.206m (*budgeted income going from £0.263m to £0.469m*). This remains £0.221m lower than the full cost estimate for operating the allotment service of £0.690m. Expenditure will be restricted, and any unforeseen costs must be contained within the Parks approved budget envelope.

The fee uplift will deliver the saving commitment of £0.055m previously set in February 2022 by Full Council, but the allotment rents and service fees should be regularly reviewed, working towards being part of the Council's annual fees and charges review, with the goal of becoming a breakeven service. The upcoming review of rents and charges will be an integral element of this work.

**Finance Business Partner:** Ben Hegarty, Finance Business Partner Growth and Regeneration, 28 June 2024.

**2. Legal Advice:**

Section 10 of the Allotments Act 1950 provides the power for the Council to charge such rent as a tenant may reasonably be expected to pay for the land if let for such use on the terms on which it is in fact let.

The consultation responses must be conscientiously taken into account in finalising the decision. The leading cases on consultation provide that consultation should occur when proposals are at a formative stage, should give sufficient reasons for any proposal to permit intelligent consideration and should allow adequate time for consideration and response. There must be clear evidence that the decision maker has considered the consultation responses, or a summary of them, before taking its decision.

**Legal Team Leader:** Husinara Jones, Team Manager/Solicitor 2 August 2024

### 3. Implications on IT:

I can see no implications on IT regarding this activity.

**IT Team Leader:** Alex Simpson – Lead Enterprise Architect, 27 June 2024

### 4. HR Advice:

The report indicates (sections 3 & 6) that additional officer resource will be required to support the changes, improve services to tenants and support to volunteer Site Representatives. The additional resource will also help progress the commitments made in the Food Growing and Allotment Strategy. Recruitment to additional roles should be in line with Bristol City Council's Recruitment and Selection Policy.

**HR Partner:** Celia Williams, HR Business Partner 28 May 2024, and 27 June 24.

## APPENDICES

<b>Appendix A – Further essential background / detail on the proposal</b>	YES
Appendix A – rent proposals, discounts, cost comparison and benchmarking.	
<b>Appendix B – Equality Impact Assessment (EqIA)</b>	YES
<b>Appendix C – Environmental Impact Assessment</b>	YES
<b>Appendix D – Decision Risk Assessment</b>	YES
<b>Appendix E – Exempt Information</b>	NO
<b>Appendix F – Details of consultation carried out - internal and external</b>	YES
<b>Appendix G – Options appraisal matrix</b>	NO
<b>Appendix H – Business case / financial analysis</b>	NO