

Public Health and Communities Policy Committee 23 August 2024



Public Forum Questions

Public forum questions have been received as listed below (full details are set out on the subsequent pages):

1. Bob Radford: Allotment rents and tenancy agreement
2. Ruth Hecht: Allotment rents and tenancy agreement
3. Richard Curtis: Allotment rents and tenancy agreement
4. Tim Beasley: Allotment rents and tenancy agreement
5. Sarah Freeman: Allotment rents and tenancy agreement
6. Catherine Potter: Allotment rents and tenancy agreement
7. Roger Mellors: Allotment rents and tenancy agreement
8. Joanna Mellors: Allotment rents and tenancy agreement
9. Lorna Lindfield: Allotment rents and tenancy agreement
10. Dave Adlam: Allotment rents and tenancy agreement
11. Debbie Wyatt: Allotment rents and tenancy agreement
12. James Jones: Healthy weight and diet
13. John Daw, Woodcroft community orchard: Allotment rents and tenancy agreement
14. Vanessa Harvey-Samuel: Allotment rents and tenancy agreement
15. Tess Price: Allotment rents and tenancy agreement
16. Hugh Holden: Allotment rents and tenancy agreement
17. Nathalie Griffin: Allotment rents and tenancy agreement
18. Cllr Lorraine Francis: Allotment rents and tenancy agreement



PUBLIC FORUM QUESTIONS

1. QUESTION FROM BOB RADFORD

Question for Item 8 on the agenda. Approval of raising allotment rents.

Are you, as the appointed decision maker for "The Authority ", satisfied that you have or will have complied with the Gunning Principles in the previously flawed consultation process, the evidence base for which is the basis for the proposed rent rises before you today and also that you have complied with the statutory requirements of Section 10 of the Allotment Act 1950, which requires you to fully consider all aspects and not just financial accounts before any decision is actually made?

Reply:

The consultation on Proposed changes to Bristol Allotment Rent and Tenancy Agreement, which was open between 11 December 2023 and 31 January 2024, complies with council's duty to consult fairly and lawfully with communities who may be affected by the proposals. The consultation is consistent with the Gunning Principles, as follows:

- The consultation was undertaken when the proposals were at a formative stage. This is evidenced by changes to the proposals made following consideration of the consultation responses.
- Sufficient information was provided about the proposals to allow for intelligent consideration and response. The proposed fees and charges and tenancy rules were set out in the consultation.
- The duration of the consultation (seven weeks) and the range of methods used to publicise the consultation were sufficient to allow intelligent consideration of the proposals from people who may be affected. This is evident from the response numbers (3,016 survey responses and 112 email responses) and the large amounts of detailed free text comments about the proposals. The period of the consultation was extended by one week following feedback from respondents.
- The information provided to the council's Cabinet to enable it conscientiously to take the consultation responses into account before a decision is made. This comprised a 57-page consultation report with a breakdown of the views by deprivation, age, Disabled status, ethnicity, sex, pregnancy/maternity status, and carer status.

Consultation results must be conscientiously taken into account when finalising proposals and by the decision take when the decision is taken. This is demonstrated by the additional mitigation measures to support those on low incomes set out in the Committee report and the specific recommendation in the report for the Committee to note the consultation outcome in Appendix F.

Section 10 of the Allotment Act 1950 sets out that land let by a council under the Allotments Acts, 1908 to 1931, for use as an allotment shall be let at such rent as a tenant may reasonably be expected to pay for the land if let for such use on the terms (other than terms as to rent) on which it is in fact let. The Council has complied by reviewing current allotment rents with those of other comparable authorities and comparing rents with the cost of other recreational facilities the Council provides. It further fully assessed the service' costs against income generated, developed proposals and consulted on them.

2. QUESTIONS FROM RUTH HECHT

1. Legal Advice about rent rises: Please can you tell me the exact legal and / or constitutional reasons why a decision taken in March 2022 to raise allotment rents by 25% which was never implemented can't now be put in place, or why a new proposal for a percentage increase in rents can't now be put to committee, given there is no legal obligation for the Council to consult tenants on rent rises, as long as tenants are given a year's notice?

Reply:

Full Council adopted a budget at its March 22 meeting approving a saving of £55K to the Allotment Service. This equated to approx. 25% of the Service' income budget.

The budget report in March 22 stated in reference to this saving and others listed - "Many of these will need more work to shape the proposals and confirm if they can go ahead. At this early stage we think it is likely that they will require further public consultation and assessment before final decisions can be made. This may change however as proposals are developed in more detail and we will keep this under review".

At this time, the Council was developing its Food Growing and Allotment Strategy and drafting a revision of its tenancy agreement and rules. After consideration of the Service budget position a decision was made to propose an allotment rent that aligned with these wider workstreams and made the service more financially independent, and then to consult on these elements simultaneously.

2. Current rent rise proposals for one year only: At a meeting with 3 members of this committee and representatives from the BAR campaign on 8th August we were told that you hoped the rent proposals currently on the table would be for one year only (25/26) and in the mean time you would work with stakeholders to look at a fairer approach, such as rents based on a square metre charge which could be implemented from 26/27. Although this is referred to in clause 7 on p. 41 of your report, it is not an Officer Recommendation. If you pass the rent increases on the table today, please could you formally agree that they will be for one year only, pending a new system being agreed by stakeholders? Without this there is nothing to stop you from implementing the current proposals for several years.

Reply:

The Committee report commits the Council 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."

3. Budgets: No business case or financial analysis has been tabled for this item, and yet one of the reasons given for the current rent proposals is the cost of delivering an efficient and effective service. Members might not have seen on pp. 10 and 11 of the Executive / Officer response to the Call-In the budgets which show the Allotment Service made an average deficit of less than £26k a year between 2017 and 2022; yet Clause 3. on p. 40 of the report to this committee infers that there will be an annual deficit of £427k – *16 times more than is historically the case*. According to information provided previously, one reason for this future deficit is that £300k a year is needed over the next 15 years to make up for historic underfunding in the infrastructure of allotment sites. Section 10 of the Allotment

Act 1950 says that ‘Land let by the Council for use as an allotment shall be let at such rent as a tenant may reasonably be expected to pay.’ Is it ‘reasonable’ to expect tenants to pay for the Council’s historic under investment in allotment sites, and thus for capital costs going forward, especially when a capital sum of £1.14m is available from selling allotment land at Brislington Meadows which could be used to invest in existing sites?

Reply:

The Executive / Officer response identifies end of year outturns that vary between a surplus of £5.5K in 18/19 and a deficit of £82K in 19/20. Clause 3 of the report states “The cost estimated for a service with the required staff resources and operating budget that supports comprehensive estate management and upkeep is £690K”. The Council is not proposing to generate the income needed to deliver this through rents. In the past, if in any given year allotment provision costs are higher than income, wider Parks Services budgets have been called on and the cost burden has not rested with those that use the service. If the rent proposal is approved this will still be the case, but to a lesser degree or less frequently.

While the Council has chosen not to increase rents since 2018, it is clearly not reasonable for residents who don’t experience the benefits of an allotment to pay an increasing amount to ensure the costs of the Allotment Service are met.

The capital sum from Brislington Meadows is proposed to be used to provide more allotment plots and collective food growing opportunities. This is in preference to maintaining or enhancing benefits to existing tenants when this should be covered through rents. We understand a waiting list of 7,200 people is not acceptable and we are responding within the limited means available to us.

3. QUESTIONS FROM RICHARD CURTIS

1. The provision of allotments is covered by the Allotment Act, 1908 to 1950.

The Act states that the rent should be “such rent as a tenant may reasonably be expected to pay for the land”. This implies that any rent should be reasonable, and that any increase should also be reasonable.

How can the council show that increases of 78% for a Band B (with water) and 122% for a Band C (with water) can be considered as reasonable, in the current financial climate?

Reply:

The Council has complied with legislation by reviewing current allotment rents with those of other comparable authorities and comparing rents with the cost of other recreational facilities the Council provides. It further fully assessed the service’ costs against income generated, developed proposals and consulted on them.

2. During the discussions which took place under the previous administration were given details of the other local authorities which the council had used to claim that they were bringing Bristol into line with rents charged by other authorities.

Analysis of this data proved to be complicated as the band sizes from Bristol did not match with any of the other authorities, so the simplest way was to calculate all the rents by using an average rent per square metre for each of the authorities and for Bristol and then taking an average value per square

metre as a comparison. This analysis showed that for authorities outside London the average rent is £0.50 per square metre and for the London boroughs is £0.59 per square metre. Comparing this to a Band B plot in Bristol, which we are told includes most of plots in Bristol we are currently paying an average of £0.50 per square metre.

Why, if we are currently paying the same or similar rents as all the other authorities, do we need any increase to bring us in line with them?

Reply:

The comparison of current and proposed Bristol rents with a selection of other authorities is shown in Appendix A to the Committee report. The presentation as shown is valid, demonstrating we would have rents that are higher than some comparable authorities and lower than others.

The rent uplift proposal is not designed to bring us in line with other authorities but is based on an assessment of the budget required to improve management the service and begin to the deliver the Food Growing and Allotments Strategy.

3. During previous discussions we were also shown a breakdown of where the additional funding would be used, which we were informed could not be ring-fenced for the allotment service and would also include an additional £55000 which would be shown as a budget saving by the allotment service.

If the Allotment Service is seen as self-financing, why should allotment tenants be funding an excess of funds which cannot be held for the service, but will be used by other services or council departments?

Reply:

The allotment rent proposal does not lead to the Service necessarily being self-financing. There could be years when this is the case and other years when it isn't, depending on levels of expenditure. The £55K saving applied by Full Council in 2023 through the budget setting process went through due process and consideration at the time, including consultation.

There is no obligation on the Council to subsidise allotments. Generally, allotment rents are intended to cover the costs associated with maintaining and managing the allotments themselves. Under the Allotments Act 1950, the Council is required to provide allotments and can charge rents that are reasonable and proportionate to the services provided. The Council has properly considered the statutory provisions and will increase rents within the legal framework to cover allotment -related costs.

4. QUESTIONS FROM TIM BEASLEY

1. This question relates to the Committee Report, presented by BCC Officer Jon James – see <https://democracy.bristol.gov.uk/documents/s100132/8.1%20Allotment%20Rents%20and%20Tenancy%20Agreement%20Committee%20Paper%20-23-08-24.pdf>

Under the Section: Evidence Base / Options to consider, Para 11, the resolution of the Call-In sub-committee meeting of 27 March 2024 is quoted, which includes:

“...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...**” (my emphasis in bold).

Para 11 includes a link to the 'Agenda and draft minutes' of the Call-In sub-committee, where amongst the many documents & appendix listed you may be able to find the document for the 'Public Forum' (pdf – 35 pages) which includes the Questions (with answers) and Statements from members of the public.

Given the vast number of Appendix, links & documents available for today's PHC Committee putting the case for the proposed Rent Increases, why are the Public Forum contributions not listed as one of the key Appendix for Councillors attention?

Reply:

The Report provides a link to the landing page for all Call-In documents and is accessible to all members of the Committee and the public for review. Para 11.

2. In the Committee Report, Under the Section: Evidence Base / Options to consider, Para 11, the link for the Call-In sub-committee on 27th March takes us to the 'Agenda and draft minutes'. Appendix 1 of those Draft Minutes is the 'Text of letter dated 27 March 2024 to Call-In Sub-Committee members from Cllr Ellie King, Cabinet member for Public Health and Communities' – see <https://democracy.bristol.gov.uk/mgAi.aspx?ID=35291>

Paras 4 & 5 of Cllr Ellie King's letter states:

“If the call-in committee vote to take “no further action” in this evening’s session, myself and the Director of Management of Place will agree not to act on the decision as delegated in March’s Cabinet meeting. I will confirm this in the upcoming April Cabinet meeting.

Councillors, or party groups, will have their own opportunity to propose a plan for an improved, financially sustainable allotment service to the Public Health and Communities policy committee.”

Please explain when, and how, Councillors or party groups have had this opportunity?

Reply:

The proposals put forward within the current report have followed the decision pathway process under the new Committee model of governance. This includes briefings with the Chair and vice-chair of the Committee. Separate briefings have taken place with seven Committee members at their request in the lead up to the meeting. Members Council-wide were advised of the report publication and meeting date. All members of the Committee will have an opportunity to fully consider and debate the report and its recommendations at the meeting.

3. Agenda item 8 – Allotment rents and tenancy agreement, is before the PHC Committee because of the resolution of the Call-In sub-committee on 27th March. That meant it did not proceed with the Call-In meeting considering the processes of the Labour Cabinet's 5th March decision on allotment rents and service charges.

That Cabinet decision came in 4 parts (see

<https://democracy.bristol.gov.uk/documents/s95885/App%20C%20Cabinet%20decision%205%20March%202024.pdf>). Part 2 clearly stated “That Cabinet: Approved a phased introduction of the revised

allotment rent and charges over a two-year period in 2025/26 and 2026/27 as outlined in this report.”

This is noted in the aforementioned Para 11 of the Committee Report.

However the Proposal before the PHC Committee is a revised version of that Cabinet decision, and has removed the 2 year staggering of the Rent Increases, so that the massive full increase is introduced in the one year commencing September 2025.

How has a mere Council Officer been able to revise one part of a decision taken by the previous Council Cabinet (that was deferred to this Committee) and on whose authority did they do so?

Reply:

The decision taken by Cabinet was not implemented. This Committee will consider the evidence base, consultation responses and report recommendations and take a decision on whether to proceed as recommended in the report. The implementation date should the proposal be approved will be five months later than would have been the case if approved by Cabinet in March 2024. This shortens the implementation of the full rent uplift and associated discounts by seven months. From this we will be able to add officer resources to support the review of the tenancy agreement and the fees and charges structure, as set out in the report, from April/May 2025.

5. QUESTIONS FROM SARAH FREEMAN

1. I want to ask this Committee about future allotment rent increases and what the Committee are proposing, if any. Have the Committee a future financial forecast proposal for allotment rents for FY 2026/27. If so, what are they?

Reply:

No decisions or proposals are being put forward in relation to future allotment rent increases beyond the period in the current report.

2. BCC Medium Term Financial Plan paragraph 10.22 states:

Financial regulations require services to review their fees and charges annually. Some areas of charging haven't been inflated for several years and are creating pressure on the budget due to inflating costs. As well as considering the effect of inflation, services also consider how they can recover the total cost of the service, **if legislation allows it.**

Question: Is it not the case that by NOT reviewing the allotment fees/charges annually, the Council have not complied with the Financial Regulations?

Reply:

No. Reviewing fees and charges does not necessarily mean they should be raised or lowered annually. Due consideration can result in their remaining unchanged – as is the case. There have been previous periods when allotment rents have not risen for a number of years.

3. Bristol City Council Financial Regulations 2024 states:

*All fees and charges must be reviewed annually, and will generally be increased in line with inflation through the budget setting process. Where it is proposed that the charges should be increased either materially above or below inflation the proposal **must be submitted** to the Chair of the Strategy and Resources Policy Committee and will require relevant Policy Committee or Full Council approval, in line with the Finance Scheme of Delegation.*

Question: Have the Council submitted this above inflation allotment rent proposals to the above Committee in accordance with the Financial Regulations?

Reply:

The proposals contained within this report have been brought to the Committee for approval in accordance with the Council's constitutional requirements.

6. QUESTIONS FROM CATHERINE POTTER

1. Has a proper new consultation been run on the new proposals for rent rises being discussed on 23rd?

Reply:

The rent proposals for the Committee to consider are the same as those already consulted on between 11th December 2023 and 31st January 2024.

2. If the same level is being proposed as the previous proposals that were shelved in March due to widespread opposition, then how can this be justified as proportionate to plot holders, not just Bristol's poor financial management in not introducing an increase since 2018?

Reply:

The report sets out the evidence base for the proposals being put forward to the Committee for approval. The Committee will take into account the consultation report and responses in considering their decision.

3. What other rules are being proposed, and can these all be explained as fair and rational, not just cynical money making exercises as was the issue before?

Reply:

There are no "other rules" being proposed beyond what is contained in the Policy Committee report.

7. QUESTIONS FROM ROGER MELLORS

1. The Cabinet decision of 5th March 2024 in respect of the rents was subject to a Call-in on the basis that the process for making that decision was flawed. The hearing did not go ahead which means that the correctness or otherwise of that process was not debated or determined. No reason was given as to why Cllr King chose to make an offer rather than debate the issues; it has to be a realistic possibility that she received advice that the original Cabinet decision was flawed.

How is it legally possible for the same proposal to be presented for decision today - with no opportunity for further consultation and without the issues raised by the Call-in being properly considered?

Reply:

The call-in committee papers are accessible to members of the Committee to review ahead of the meeting. The report sets out the evidence base to support the proposals put forward for consideration

by the Committee. The consultation report will be taken into account by the Committee in considering the report.

2. Cllr King, when making her offer ahead of the Call-in hearing, stated 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.'

Additionally, at the Forum meeting of 24/4/2024 Officer Jonathan James repeatedly stated that he had no proposals to discuss with Forum members as he was awaiting a steer from the Committee (to be formed after the election) as the approach to take.

When were Committee members made aware of this background and supplied with the details of the issues raised in the call-in and the public forum questions and statements submitted to that meeting. Has there been sufficient opportunity for Committee members to consider what additional information they require before making the decision on 23rd August; if so, has that information been supplied?

Reply:

Committee members have been able to access the report content from Friday 16th August and links to all relevant background information is contained in the report. Officers have held meetings with Committee members who have asked for an explanation of content or for more detail. From these meetings further information is being published – please see 'Allotment rents and tenancy agreement report - Supplementary financial/expenditure information'.

3. It is noted that 'a further capital sum of £1.14M is available from the sale of statutory allotment land' – Brislington Meadows. Agenda Reports: Page 132 Para.4

It is understood that the disposal of statutory allotment land requires Secretary of State consent.

In respect of the monies raised:

What undertakings did the Council make when seeking permission to sell protected land for non-allotment use; what conditions did the Secretary of State impose when giving permission?

Reply:

Secretary of State consent to de-statutorise and dispose of a section of statutory allotment was taken in March 2017. The consent referenced a number of considerations, one of these was the requirement of the Council's previous Allotment Strategy that 50% of capital receipts from allotment disposal is reinvested in improvements to existing or provision of new allotments. Consent was therefore given on the basis this is applied.

8. QUESTIONS FROM JOANNA MELLORS

1. Allotment Rents should be determined in accordance with s.10 of the Allotments Act 1950. The Legal Advice on Page 44 of the Report states:

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 Allotment Office has elected to determine this amount by Benchmarking with other Local Authorities - at Appendix A Page 47. This is a conventional method of carrying out valuations. There are no benchmarking figures for plots larger than 351square metres.

How did the Allotment Office calculate the proposed rents for Bands E, F, G and G) (or Band H if the G) is a typo) and then assess the 'reasonableness' - as required in law - in respect of these larger plots? i.e. what methodology was used and how have they satisfied themselves of the legality of that approach?

Reply:

In comparing rents with other authorities, in the rent bands published by other authorities, that they do not appear to offer plots above 250m2 or thereabouts. Bristol appears to be unique in offering and having rent bands for larger plots many of which are used by collective community groups.

When considering the rental rate for these bands as per current methodology, a proportional increase in rent has been derived starting from the Band D comparator size (a standard full plot size).

2. These are swingeing increases – far exceeding any inflationary uplift. Budgets supplied by the Allotment Office show estimated expenditure of £301K each year for 15 years on Buildings and Infrastructure.

Tenants need reassurance that their money will actually be used for the benefit of Bristol allotments across the city.

Please confirm (or give reasons why not) as follows:

- a) Allotment rental income will be ring-fenced for expenditure within the Allotment Service AND/OR**
- b) A 10 year rolling programme of properly costed proposed works will be prepared, with updates supplied to the Allotment Forum twice a year AND/OR**
- c) Quarterly budgets will be supplied to the Allotment Forum, to be circulated with the Agenda**

Reply:

The council cannot ringfence allotment income to allotments services. The service areas that may be subject to a formal budget ringfence by local government are very limited. However, the report sets out how the additional income will be spent within the Allotments Service at Paragraph 8.

The budget allocated to repairs and maintenance will deal with health and safety issues as a priority, then service access provision and issues, and then longer-term cost avoidance through cyclical works. This will mean only a proportion of the budget would be able to be spent on planned works on a cyclical basis. We are happy to share information on both reactive and planned works with the Allotment Forum.

3. In 2022, Cabinet approved a rental increase of 25%; the proposal was supported by an approved Equalities Impact Assessment. The Forum was advised that Notices would be served with the increase to take effect from September 2023. This was announced to the Forum in January 2022 and confirmed

in April 2022. Notice was NOT served and the Forum was told that the 'timeline for the increase was not yet available.' The increase was to have been fixed for 3 years. In January 2023, the Forum was told that the Allotment Office was now considering differential rates - charging more for plots in more affluent areas. Other cities had done this. In July 2023, the Forum was told that the expected increase was 25%. Notice could have been served in September 2023 but wasn't.

Please could we be told when the Allotment Office advised members of the current committee about the existence/possibilities of the 25% proposal and explain why that increase is not an option being put forward for consideration today as a temporary measure while alternatives are being considered?

Reply:

Full Council adopted a budget at its March 22 meeting approving a saving of £55K to the Allotment Service. The budget was subject to consultation and the budget saving was applied from April 2022. £55K equates to roughly 25% of general allotment service income.

The budget report stated in reference to this and other savings listed - "Many of these will need more work to shape the proposals and confirm if they can go ahead. At this early stage we think it is likely that they will require further public consultation and assessment before final decisions can be made. This may change however as proposals are developed in more detail and we will keep this under review".

It has therefore been proposed to the Committee to deliver the £55K saving within a revised fee uplift that brings direct benefits to tenants and progresses elements of the Food Growing and Allotments Strategy adopted in March 24.

9. QUESTIONS FROM LORNA LINDFIELD

1. In your Equality Impact Assessment produced in 2022 about a 25% allotment rent rise, you recognised that there would be a negative impact on Disabled people, older people and Black and Asian people. I have stage IV cancer, chronic fatigue, and am currently on a low income and entirely reliant on social benefits. In spite of being eligible for a rent reduction, your proposed new rents will directly impact me. The current EIA it states that there will be 'no disproportionate impact' on people like me, even though in your new proposals, the average rent for someone on benefit will rise by 95%. How can you explain your conclusion?

Reply:

The EQIA for the rent proposal to the Committee, identifies the potential for an adverse effect on Disabled people, ethnic minority groups due to a higher proportion of these living in low-income households, and people on low incomes. The proposal includes measures to mitigate the extent of the impact based on a 50% plot discount scheme, but it is made clear to Committee members that they must have due regard for the identified potential equality impacts.

2. Your report about future investment in allotments states that 'A further capital sum of £1.14M is available from the sale of statutory allotment land at Brislington Meadows. The green spaces that may benefit from this investment are yet to be further defined...' Why is the council not investing this money in existing allotments across the city, rather than raising allotment rents so excessively?

Reply:

The Council has over 7,200 people on a waiting list for an allotment, some having to wait over five years before a plot becomes available on their preferred site. Given our Food Growing and Allotment Strategy commitment to deliver more food growing spaces – a measure that has widespread support – it is right that we make use of capital funding when it is available to begin to deliver on this commitment. As the rent proposal is not designed to meet all the costs of sustainably maintaining existing allotments sites, other investment funds will need to be sought at intervals.

10. QUESTIONS FROM DAVE ADLAM

1. Have the proposed new fees been formulated in line with Section 10 of the Allotments Act as amended? A simple Yes or No is required here! Here is a link to Section 10 <https://www.legislation.gov.uk/ukpga/Geo6/14/31/section/10> or google allotments act section 10.

Reply:

Yes.

2. Please provide the evidence to support the proposed new fees – that would include a detailed breakdown of how the funds are intended to be spent as the proposed fees are significantly above the cost of similar agricultural land and can only be justified by recovering the actual cost to the council of running the allotments? This evidence would support an answer of Yes to Question 1. Please see the following case law <https://www.localgovernmentlawyer.co.uk/litigation-and-enforcement/311-litigation-features/19835-raising-allotment-charges> which does allow the council to increase the fees charged to recover costs.

Reply:

A document has been released to Committee members providing a breakdown of predicted expenditure – updated from the information put forward in the Executive / Officer Response to the Call-In in March 24. This has subsequently been shared with the Allotment Forum by a Committee Member. The additional information is now published – please see ‘Allotment rents and tenancy agreement report - Supplementary financial/expenditure information’.

3. In March the previous proposals were “called in”. Shortly before the meeting that would review the consultation process Cllr King withdrew the proposals to avoid embarrassment. Hence these must be new proposals or the allotments community were misled back in March. Please provide the evidence that these new proposals have gone through a through a robust public consultation process.

Reply:

The Call In Sub-Committee (of the Overview and Scrutiny Management Board) RESOLVED (unanimously):

That (with reference to the letter included at Appendix 1), 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.

This resolution is being implemented, with the rent proposal and all background information being now considered by the Public Health and Communities Policy Committee. The public consultation of 11th December 23 to 31st January 24 applies to the proposal being considered and no further consultation has been necessary.

11. QUESTION FROM DEBBIE WYATT

Why has this item (Number 8) been put before the new Committee, with exactly the same proposals for rent increases and allotment rules, as it was in the previous Council Structure?

The consultation put forward as evidence was flawed for many documented reasons, the petition signed by approximately 6,500 Bristolians, (and more interested parties including, notably, Charles Dowding and Hugh Fearnley-Whittingstall) showed the depth of feeling locally and nationally about the unfairness and injustice of the original proposal.

The Scrutiny Call-in of the previous decision was halted at the 11th hour, with a deal done to the effect that it would not be enacted, but here we are again.

I am very disappointed in our Council's Officers that this unpopular, unfair proposal has been put forward for the Committee to pass.

Reply:

The report sets out the evidence base for the proposals being put forward to the Committee for approval. The Committee will take into account the consultation report and responses in considering their decision.

12. QUESTION FROM JAMES JONES

The scientific evidence is clear that diets rich in plant foods see better health outcomes than diets that are high in meat and dairy products. Given this, would the committee consider using its influence to promote to residents the health advantages of transitioning towards a diet rich in healthy plant foods? And what practical steps can this committee make on this (for example, showcasing plant-based menu options at the top of menus or sending out leaflets to residents)?"

Reply:

Thank you for your question. There is already a lot of work going on within the city to ensure that our residents have access to nutritious and sustainable food.

Practical steps that are already being supported by the Council:

- Bristol City Council has set up the Bristol Eating Better Award that supports and rewards businesses, school caterers, early years caterers, and providers, that offer healthier food options and promote food and environmental sustainability. This encourages the use of more plant-

based ingredients. They also influence the Healthy Schools Award and Soil Association Food for Life Served Here food standard awards. The Bristol Healthy Schools team support schools to take a whole-school approach to promoting healthier and more sustainable diets.

- Healthy and Sustainable Procurement Policy - making sure suppliers of our work, goods and services operate in a way which promotes equality and uses resources sustainably.
- Bristol Good Food 2023, which is taking action to ensure that people of all ages and backgrounds can learn new skills and experience the pleasure and benefits of growing, cooking and choosing good, nutritious food. As well as being tasty, healthy, affordable and accessible, the food we eat should be good for nature, local communities and local businesses.
- The One City Food Equality Action Plan, led jointly by Feeding Bristol and Bristol City Council, has been designed to tackle the issues of rising health inequality.

13. QUESTIONS FROM JOHN DAW, WOODCROFT COMMUNITY ORCHARD

1. When reviewing the pricing structure / banding, can community spaces be separately and clearly defined? For example any m2 calculations could inflate charges beyond affordability. Can this definition lead to the establishment of separate more relevant tenancy rules for community spaces?

Reply:

We would consider this a pertinent point to be worked through when the Council commences a stakeholder engagement on the review of the current fees and charges structure, as set out in Paragraph 7 of the report.

2. Can the definition of 'cultivated' be formally explored for community groups, e.g. bringing in advice from experts such as the Orchard Network / Wildlife Trust. There could be a disconnect between the understanding of best practice and direction of travel between BCC and Community groups which are geared towards both biodiversity and habitat as well as food production along with education/community and wellbeing aims.

Reply:

It would be useful to consider this when the Council initiates a review of the allotment tenancy agreement and rules with stakeholders including tenant representatives and volunteer Site Representatives, as set out in Paragraph 12 of the report. The Council will be guided as required by the provisions of the Allotment Acts.

14. QUESTIONS FROM VANESSA HARVEY-SAMUEL

1. Do the members of the Committee honestly have sufficient information to take a decision today?

Bristol Allotmenters have repeatedly been told that rents need to rise dramatically because the Allotment Service is heavily subsidised by other parts of the Council. This is not true. Officers persistently mix current income and new expenditure. Between 2017/22 the average overspend was less than £30 K per annum. This modest shortfall could have been composed through moderate rent rises which few would have contested. Why did they (officers and councillors) not proceed with the 25% agreed in 2022 for 2023/4?

Reply:

The Committee have been provided with all information requested. The average overspend in previous years was for essential repairs or maintenance that needed to be completed to address health and safety risks or to maintain service delivery. Any overspend has an impact on the wider Parks or Council budget. During this same period spending was deliberately restricted to maintain close to budget where possible.

Full Council adopted a budget at its March 22 meeting approving a saving of £55K to the Allotment Service. The budget was subject to consultation and the budget saving was applied from April 2022. £55K equates to roughly 25% of general allotment service income.

The budget report stated in reference to this and other savings listed - “Many of these will need more work to shape the proposals and confirm if they can go ahead. At this early stage we think it is likely that they will require further public consultation and assessment before final decisions can be made. This may change however as proposals are developed in more detail and we will keep this under review”.

It has therefore been proposed to the Committee to deliver the £55K saving within a revised fee uplift that brings direct benefits to tenants and progresses elements of the Food Growing and Allotments Strategy adopted in March 24.

2. How will this Committee monitor and hold officers to account against the enhanced expenditure?

BCC officers have claimed revenue needs to be doubled to secure dramatic improvements in the management and infrastructure of allotments over the next 15 years.

No detailed plan has ever been published or consulted on showing what work is needed where, how it is to be prioritised/ phased etc.

Nor have details on costs been published and consulted on.

We’ve been told there is a computer programme that shows outstanding maintenance and the costs have been calculated using the costs of current ad hoc repairs.

Is that sufficient for a 15 year capital programme of over £3 million - particularly when this money cannot be ring fenced. How confident can Councillors be that public money is being appropriately spent? The Chair of the erstwhile Scrutiny Commission was sufficiently concerned to lead the Call-In request.

Reply:

The current rent proposal does not include or seek to cover the cost of 15-year cyclical infrastructure maintenance or improvements but is designed to deliver some response and planned maintenance, meet other costs and deliver benefits as set out in the consultation and Committee report. The Council will need to either cover future infrastructure repair and investment costs with other capital and revenue budgets or deal with it over a longer timescale accepting the likelihood of further deterioration and higher overall costs.

Information on annual expenditure over four years by expenditure type was published as part of the Call-In process in March 2024, it is not common practice to go into further detail in such reports. Following meetings with Committee members further information on expenditure has been published – please see ‘Allotment rents and tenancy agreement report - Supplementary financial/expenditure information’. There would be no need to consult on costs, only change proposals.

15. QUESTION FROM TESS PRICE

I would like to submit the following question to the committee please, relating to item 8 Allotment rents and tenancy agreement:

I welcome the recognition by the Council that a stakeholder engagement process is needed to review both the tenancy agreement and rules, and the pricing structure for allotment rents. I am aware that the existing structures for consulting with allotment tenants, such as the allotments forum, may not be fully representative of the diversity of tenants and the range of ways in which allotments are used, including by both formal and informal community groups. What kind of stakeholder engagement process is envisaged and how will the Council ensure that a wide diversity of views are heard and considered within this review?

Reply:

We envisage an engagement process wider than the Allotment Forum membership. We are happy to receive views as to who should be involved but we will speak with Site Representatives and organisations within Bristol's food growing community. We may choose to survey all tenants to determine or confirm the issues they might wish to see resolved or clarified in a new tenancy agreement and rules. We will seek the view of the council's community development and equalities teams as to whether we need to have a focus on any specific group within the city and how this might be done.

16. QUESTION FROM HUGH HOLDEN

At the Allotments Forum meeting on 24/07/24 the following figures were given for the Allotments budget:

Income: £280000

Expenditure:

Staff costs £145000

Corporate £31000

Buildings structural repairs etc £35000

IT £3000

Total expenditure £214000

This leaves £66000 unaccounted for. Where has it gone?

Reply:

The Allotment Forum meeting did not get to the end of this agenda item, to provide a more detailed account of what the budget headings covered, only got as far as buildings and infrastructure. Please see 'Allotment rents and tenancy agreement report - Supplementary financial/expenditure information'.

17. QUESTIONS FROM NATHALIE GRIFFIN (see PDF document enclosed)

Reply to question 1:

Question copied over from pdf - Can you please explain which table accurately reflects the true projected staffing of the Allotments service, and provide details of current and projected staff numbers, pay bands etc?

There is currently one Allotment Officer and one Allotment & Smallholding Manager covering Bristol.

The proposed rent increase will cover the cost of employing an additional allotment officer.

Please see 'Allotment rents and tenancy agreement report - Supplementary financial/expenditure information'.

Reply to question 2:

Question copied from pdf - So I ask the Councillors on this Committee: by enforcing these Rent Increases against the wishes of an overwhelming majority of respondents, how do you think those people will respond – with happiness and delight at paying more, or with anger and more determined opposition?

Committee members have the report and appendices and are able to discuss these and ask questions of officers within the Committee meeting itself to aid a discussion and a decision. The views of the public are provided in the report of the consultation and in public statements and questions put forward ahead of the meeting.

18. QUESTIONS FROM CLLR LORRAINE FRANCIS

1. There was a call-in in April 2024. In the committee pack for the committee meeting on the 23rd August 2024, the notes say “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.”

With no warning, the meeting was cancelled, failing to allow the Green Councillors to speak. The above statement does not mention that and how the call-in was allowed to proceed. The councillors were not allowed to speak at all and only did so by speaking without permission. I was not allowed to challenge the whole process. Why did this happen?

Reply:

This question refers to a meeting of the Call-In Sub-Committee that took place under the previous council governance system. The governance of and arrangements made for that meeting do not fall within the remit of this policy committee.

2. The call-in has now gone to the new committee in August 2024, with no member of the committee being part of the original call-in. Is this fair?

Reply:

Any decision to change allotment rents now falls within the remit of the Public Health and Communities Policy Committee. For background purposes, the agenda papers of the Call-In sub-committee, which took place on 27 March, are referenced in the report. The membership of this policy committee is as determined by Full Council.

3. What is the rationale for keeping the same flawed pricing as submitted by the previous administration.

Reply:

The rationale is set out in the report and its appendices.

Questions to the PHC Committee on 23.8.2024

I would like to submit the following Questions to this Committee meeting please, in relation to Agenda Item 8.

1. The supporting document, item 8.1 – Committee Report – refers in two instances to additional staff resources, in paragraphs 3, and again in paragraph 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..."

The Report does not appear to provide any specific analysis of how this additional resource will provide a benefit, in terms of the additional staff output. Nor are any details given of the current staffing structure of the Allotments service, nor the proposed one. For example, staff numbers, job titles, pay bands etc. However if one has the time to hunt around, one can find two different statements regards staffing:

Firstly in Appendix D of the Public Documents Pack for the Call-In sub-committee meeting held on 27 March. This screenshot comes from Page 21 of that pack (see - <https://democracy.bristol.gov.uk/documents/g11178/Public%20reports%20pack%2027th-Mar-2024%2017.00%20Call%20In%20Sub-Committee%20of%20the%20Overview%20and%20Scrutiny%20Manage.pdf?T=10>)

Table 2: Estimated breakdown of allotment service costs:

Item	Cost
Parks staff - Allotments Officer x 2, Allotment Manager, and supporting Parks Technical Officers	£187K

Secondly in Appendix E to the same Call-In sub-committee meeting, is this screenshot from Page 14 (see - <https://democracy.bristol.gov.uk/documents/b34770/Appendix%20E%20-%20Executive%20Officer%20response%20to%20the%20Call-In%2027th-Mar-2024%2017.00%20Call%20In%20Sub-Committee.pdf?T=9>)

The summary breakdown of allotment service costs was based on the following information: actual and projected costs 22-23 & 23/24

Item	Financial Years						
	2017-18	2018-19	2019-20	2020-21	2021-22	Projected 2022-23	Projected 2023-24
Staff cost subtotal - Allotments Officer, Allotments Manager, Tree and Allotments Manager, Allotments and Smallholding Manager, Technical Assistant, Office supervisor, Parks Assets and Projects Manager, GIS Officer, Data Systems Officer, Buildings and Infrastructure Officer, Works commission Officer	£92,141	£96,196	£95,750	£98,241	£143,272	£142,181	£186,984

Can you please explain which table accurately reflects the true projected staffing of the Allotments service, and provide details of current and projected staff numbers, pay bands etc?

2. Item 8.1 – Committee Report – paragraph 10 tells us that: "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..."

Item 8.6, or Appendix F – Allotments consultation report Final – dated 26.2.2024, goes into much greater detail. Paragraph 4.1 and figure 14, **explains that just 13% of 2996 respondents either agreed (10%) or strongly agreed (3%) with the rent Increase proposals, compared to the 78%**

against.

So I ask the Councillors on this Committee: by enforcing these Rent Increases against the wishes of an overwhelming majority of respondents, how do you think those people will respond – with happiness and delight at paying more, or with anger and more determined opposition?

Thank you for your consideration.

Ms Nathalie Griffin – plothead since 2016 in BS5