



Committee Report

PURPOSE: Final Decision Report

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

COMMITTEE: Public Health and Communities Committee

DATE: 11 October 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 October 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:

1. [At its meeting on 23rd August 2024](#), the Public Health and Communities Committee deferred a decision to implement proposed new allotment rents and water service charges. A new proposal that further responds to concerns raised has been generated for the Committee's consideration and approval. The Committee is not asked to approve a change to the Tenancy Agreement or a change to allotment rules - this approval will be sought at a future Committee date in 25/26.
2. The report to the August meeting set out that the Council's fees and rents for allotments have not been revised since 2018. It set out that a saving commitment of £55K was applied to allotment income in February 2022 which has not been delivered and has had to be mitigated by the Parks Service from the Parks budget. That saving was one of £19.5M of savings proposals applied in that year across multiple services. The Council has been responding since 2010 to the introduction of

austerity measures – with falling government’ financial support accompanied by rising costs for critical services. The council has during that time delivered substantial and wide-ranging efficiencies, savings and transformation to manage the difficult financial landscape it faces. The historic service reductions and efficiencies have seen services outside of social care having to manage over 50% real terms cuts in those areas.

3. The current income generated in the Allotment Service does not meet the costs of service delivery (as identified in Appendix A1) and will not support a resource uplift required to effectively take forward the Council’s Food Growing and Allotments Strategy. The Service is being effectively subsidised by the wider Parks Service and Council, which it is not required to do, and required expenditure and service improvement work is frequently not taken forward due to a lack of budget.
4. To address this a review of allotment rents and water service charges was carried out. Rents were compared with other, similar authorities and with other recreational service offers – see appendix A2 – and a proposal put to a public consultation from 11th December 2023 to 31st January 2024. A total of 3,016 responses were made to the consultation. The full consultation report on this original proposal is attached at Appendix F.
5. 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. Key themes arising:

Themes	Response
<p>The rent increase is too high.</p> <p>Because of the length of time since the last price increase, the scale of the increase is too high to apply all in one go. Should be either staggered/more moderate/in line with inflation.</p>	<p>Given the time that has elapsed since the last rent uplift, the impact of inflation, the need to make service improvements and comparison with other authorities we are unable to hold rent at 2018 levels any further. We have not sought a fee structure that will meet the full cost of providing the service. Increase to rents are subject to a 12 months’ notice period and we are introducing an option to pay quarterly or monthly by direct debit</p>
<p>As an allotment tenant the service needs to improve if the rents increase – value for money.</p> <p>Supportive of rental increase - if [for example] this helps the service improve and motivates people to look after their plots.</p>	<p>The Food Growing and Allotments Strategy sets out our aspirations for the service and we can begin to deliver these using the additional income generated. We will increase the number of officers focussed on delivering the services for tenants and support volunteer site representatives. Through them we will improve maintenance repair services, improve our guidance and educational resources and support more people to benefit from growing food.</p>
<p>The rent uplift will impact on people with low income who are not eligible for a discount.</p>	<p>We have extended the reach of the 50% discount to include those that are in receipt of Universal or Pension Credit. This is expected to benefit one in five of all our tenants. Tenants will have the option to pay by Direct Debit on a quarterly or monthly basis to help spread the cost.</p>
<p>There are alternatives to increasing rent – [for example] bringing more overgrown plots in to use.</p>	<p>We will continue to clear overgrown plots but the level of rent that would be generated is not sufficient.</p>

Any income generated should only go to the allotments service and not support other council services.	The cost of delivering allotment services to the Council is currently higher than the income generated from allotment rents.
There should not be a separate water charge	We feel it is important that it is clear to tenants which element of their payment relates to water, particularly as supply costs are generally increasing and when some allotments sites do not have a water supply.

6. Taking in to account the consultation responses, amended proposals have been developed and proposed that directly respond to the concerns raised through the consultation and help mitigate the perceived impacts of the original proposals:

New allotment rents and water service charges to be applied from October 2025									
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	£38	£66	£91	£109	£203	£221	£323	£424
Annual rent with water	£30	£46	£76	£106	£129	£228	£251	£358	£464
Weekly rent with water	£0.58	£0.88	£1.46	£2.04	£2.48	£4.38	£4.83	£6.88	£8.92
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

Current allotment rents including water service charges when they apply								
Plot size	Accessible 0-8m2	0 to 74m2	75 to 149m2	150 to 224m2	225 to 349 m2	350 to 449m2	450m2 +	703-999m2
Annual plot rent	NA	£30	£50	£70	£85	£150	£165	£305
Weekly plot rent	NA	£0.58	£0.96	£1.35	£1.63	£2.88	£3.17	£5.87

- 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. We are not able to calculate how many more tenants will benefit from the proposed enhanced discount approach until it is introduced. A higher percentage of tenants benefit from the current discount approach than the city average suggests should be the case. If a tenant evidences they are in receipt of one, some or all of the benefits set out they are entitled to the discount.
- 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. Further discounts may be given based on the annual submission of the collective group and the social value they bring to communities.
- 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.

7. The additional income generated by the revised proposal is estimated to be £116K per annum from BCC directly-managed allotments. This is required to be used to support the Service' revenue budget, allowing for one additional allotment officer resource that can be used to improve services to tenants, offer better support to volunteer Site Representatives and to progress the commitments made in the Food Growing and Allotment Strategy. Funds generated through the sale of statutory allotment at Brislington Meadows, approved at the August meeting of the Public Health and Communities Committee, are available only for capital expenditure items and cannot be used to support the revenue budget or revenue costs. Volunteer Site Representatives are critical to tenant's enjoyment of their allotment and the functioning of the service. By providing more one-to-one help to them, offering training and allowing their experience to influence service delivery, there will be a holistic service benefit. The Service will meet its £55K saving obligation which is currently creating an impact on wider Parks services and upgrade the current allotment management software. There will be a small amount of additional funding available to collect and remove waste from plots so that they may be offered to those on the waiting list. There will remain insufficient funding for the repair and maintenance of allotment site infrastructure.
8. Under the Allotments Act tenants are entitled to 12 months' notice of any rent change, so the proposal would be enacted in October 2025 with notice given to tenants in October 2024. Any expenditure related to the additional income generated from the rent uplift cannot commence until after the uplifted rents are collected.
9. In response to comments made about the current pricing structure using the banding system, the service will engage with stakeholders on the way rents are structured which will include an approach which is derived from using a square meterage rate. This work will commence in the next 12 months. The review will take into account the legal notice required for introducing rental increases as defined within the Allotment Act.
10. 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.

Officer Recommendations:

That the Committee for Public Health and Communities:

1. Notes the outcome of the call-in committee decision on 27th March 2024 including the issues raised and the public forum questions and statements.
2. Notes the outcome of the consultation as set out in this report and in Appendix F and which have been taken into account in the recommendations before the Committee.
3. Approves the revised allotment rent and charges set out in the report and Appendix A2 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 quarterly or monthly 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 9 of this report.
6. Further approves a stakeholder engagement process to update the allotment tenancy agreement and update the tenancy rules, which will be the subject of a future report to the Public Health and Communities Committee.

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 some 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](#)

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

Professional comments section:

1. Finance Advice: The report is seeking approval to change allotment rents and service fees from October 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. As set out in Appendix A1, the Council has historically subsidised the Allotments service and that is expected to continue on current plans. In 2025/26, any subsidy would increase by £53k following the expiry of the current Budget Amendment.

Increasing income by £116k per annum, as recommended by this paper, will improve the Service's financial position. The income will also be used to recruit a new allotments support officer, improve IT and help with plot clearances as part of the new Food Growing and Allotment Strategy aims. There will be a pressure in 2025/26 as this increase is being introduced part way through the year.

Finance Business Partner: Ben Hegarty, Finance Business Partner Growth and Regeneration, 18 September 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 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.

The report recommendations have been presented with updated proposals taking into account responses from the consultation process. This will support and enable the Committee to ensure the consultation responses have been conscientiously taken into account in finalising its decision.

Legal Team Leader: Husinara Jones, Team Manager/Solicitor 11 September 2024

3. Implications on IT:

I.T. are supportive and available to aid in progressing relevant work and can be engaged through the existing work request process.

IT Team Leader: Alex Simpson – Lead Enterprise Architect, 11th September 2024

4. HR Advice:

The report indicates (7) that additional income generated by the revised proposal will provide for one additional allotment officer resource to improve services to tenants, offer better support to Volunteer Site Representatives and to progress the commitments made in the Food Growing and Allotment Strategy. Recruitment should be in line with Bristol City Council’s Recruitment and Selection Policy. There are no other HR implications evident.

HR Partner: Celia Williams, HRBP, 17 September 2024

APPENDICES

Appendix A – Further essential background / detail on the proposal	YES
Appendix A1 – income and expenditure profile 2017-2023.	
Appendix A2 – rent proposals, discounts, cost comparison and benchmarking.	
Appendix B – Equality Impact Assessment (EqIA)	YES
Appendix C – Environmental Impact Assessment	YES
Appendix D – Decision Risk Assessment	YES
Appendix E – Exempt Information	NO
Appendix F – Details of consultation carried out - internal and external	YES
Appendix G – Options appraisal matrix	NO
Appendix H – Business case / financial analysis	NO