

Decision Pathway – Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 05 March 2024

TITLE	Allotment Rents and Water Charges	
Ward(s)	Citywide	
Author: Jonathan James	Job title: Head of Natural and Marine Environment	
Cabinet lead: Councillor Ellie King, Cabinet Member with responsibility for Public Health and Communities	Executive Director lead: John Smith, Interim Executive Director Growth and Regeneration	
Proposal origin: BCC Staff		
Decision maker: Cabinet Member Decision forum: Cabinet		
Purpose of Report:		
<ol style="list-style-type: none"> To seek approval to adopt new allotment rents and water service charges from April 2025. 		
Evidence Base:		
<ol style="list-style-type: none"> The council has 4,500 allotment plots of variable sizes, and since 2018 there has been no rent increase. During this period the council has had to absorb inflationary increases, budget saving targets and increases in the repair and maintenance of buildings and infrastructure. When considering an increase in rents for statutory allotments, Local authorities will need to demonstrate that the increases are reasonable, one way in demonstrating that rents have been increased fairly is through bench marking with other authorities. The setting of allotment rents is governed by section 10(1) of the Allotments Act 1950 which provides that land let for use as an allotment should be let at “such rent as a tenant may reasonably be expected to pay” for land let on the same terms for such use. The Council’s new Food Growing and Allotments Strategy will support the city’s aspirations to achieve greater food equality and will ensure that more communities – especially those from the city’s disadvantaged wards – have suitable access to food growing opportunities. We aspire to bring more allotments in to use and support Bristol’s farming social enterprises to access food growing land to support local and sustainable food supplies for Bristol. In support of this aim, the Strategy identifies the need for investment into allotments and allotments services and to ensure that the service is sustainably funded. We know that demand for allotment plots and food growing land is increasing to unprecedented levels, with 6,500 people currently waiting for an allotment, and there are insufficient service resources to meet customer expectations and enhance the service. Generating income by using allotment plots more efficiently and repurposing other land will support this but to reach the levels of funding required there is a need to implement a fairer and more sustainable approach to tenancy fees. To help address this the Council undertook a review of its rent, fees and charges for allotments and reviewed its tenancy agreement and site rules, seeking to improve the services we deliver, to make the service more efficient and effective with the resources available, and to move towards our strategic objective of having a sustainably funded Allotment Service. The allotment rent and service charges proposals to be adopted in this report are set out in Appendix A1. Draft proposals were consulted on publicly between 11 December 2023 and 31 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 B. 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.

Table 1: A number of themes arose from the consultation in relation to allotment rents from the consultation process:

Themes	Response
The rent increase is too high. 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 staggered	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
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 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.
The rent uplift will impact on people with low income who are not eligible for a discount.	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.
There are alternatives to increasing rent – [for example] bringing more overgrown plots in to use.	We will continue to clear overgrown plots
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.

- As a result of these responses, Councillor Ellie King, Cabinet Member with responsibility for Public Health and Communities, has acknowledged the significant concerns and objections raised regarding the proposed tenancy rule changes, and administrative fees and charges, and shared the disappointment expressed about the process and agreed with much of the feedback received. Cllr King agreed with the Mayor that the proposed changes to tenancy rules, fees and charges would not be taken forward in this report and that revised proposals would be developed through a more collaborative process with representative stakeholders. This was communicated on 2 February 2024 to key stakeholders including volunteer site representatives and subsequently more widely to all tenants. This will allow the necessary time to make the engagement meaningful and help to build a trusting and

constructive working relationship with those who will be affected by any future proposals. There is no planned date for a future decision.

8. We received over 150 comments mentioning that the rent increases should be either staggered/more moderate/in line with inflation. Taking this into account, and other responses to the consultation, we are proposing that the rent increase is phased in over a two-year period from financial year 25/26, which will reduce the impact to allotment holders. The rent and water service charge will be raised by 50% of the full amount in 25/26 and to the full amount in 26/27. Based on the proposed rent increase for a Band B allotment plot for combined rent and water charge, this would rise in year one from £50.00 each year to £69.00 and in year two it would go to £89.00. In 25/26 the minimum discounted fee for a Band A plot will be £30.
9. In developing the allotment rent proposals put to consultation the following were considered:
 - The need to meet the aspirations and implement the actions of the Food Growing and Allotments Strategy.
 - The need to improve services for tenants, particularly with regard to improving support to Site Representatives and volunteers through training and officer support, improving site maintenance and investment in infrastructure.
 - The need to bring more overgrown plots into cultivation, to provide more accessible plots and bring in a separate application process for these, and the need to improve the management of smallholdings and other food growing land.
 - Expanding the offer of reduced fees to people on low incomes. In 2022, 13% of allotment tenants benefited from a 50% discount. The discounted rents will be expanded to community food growing groups
 - Allotment rents set by other local authorities with attention paid to what services and discounts were included in these – such as for water supplies. A review of the local authority fees considered is provided as Appendix A2.
 - The length of time that had elapsed since the last allotment uplift in 2018, effects of inflation, and the service being subsidised.
 - National Allotment Society Policy Document 103. Rents. The National Allotment Society recognises within its Policy the significance of rent to the allotment provider as an income, and further adds that rents must be reasonable and set in accordance with the legal requirement.
 - Long-term financial sustainability of the service
 - The nature, quality and cost of facilities provided (and desired);
 - Expenditure on promotion and administration;
 - The likely effect of rent levels on plot take-up.
 - Charges to users of other outdoor recreational or leisure activities provided by the Council
10. The overall cost of delivering the service is currently estimated at around £690K including predicted, annualised infrastructure repair and maintenance costs. Income generated by food growing lands and allotments in financial year 2022/23 was £286K. Although the Council is not required to subsidise the provision of allotments and allotment services, the proposed allotment rent and water service charges to be approved do not result in a service that is self-financing.

Table 2: Estimated breakdown of allotment service costs:

Item	Cost
Parks staff - Allotments Officer x 2, Allotment Manager, and supporting Parks Technical Officers	£187K
Support Costs – Central Support, ICT, Office, Consumables, Admin, transport	£32K
Buildings and Infrastructure – annual maintenance, cyclical replacement of water infrastructure, compliance checks	£301K
Utilities	£41K
Grounds maintenance inc tree works	£41K
Waste clearance and pest control	£31K
Corporate Income Target**	£55K

Total cost estimate	£688K
Income from food growing assets 2022/23	£286K
Est income 2026/27 with additional proposed allotment rents and water service fees	£489K

**At Full Council on 2 March 2022 an annual revenue budget saving of £55K was applied to allotment fee income from the beginning of April 2023 as set out below. Since implementation, and in the absence of a rise in allotment fees, the Parks Service has been delivering this saving as an interim measure. Approval of the fee proposals will allow the £55K saving to be applied to allotments income as intended.

Cabinet Member:

That Cabinet:

1. Approves the revised allotment rent and charges as set out in Appendix A1.
2. Approves 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.
3. Authorises the Executive Director Growth and Regeneration in consultation with the Cabinet Member for Public Health and Communities to take all steps required to implement the revised allotments rent and charges as set out in this report.
4. Note the consultation outcome as set out in this report and Appendix B.

Corporate Strategy alignment:

1. Theme: Development and Delivery – The proposals 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 proposals 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 proposals 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 B.

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)

Background Documents:

[Consultation 2024-2039 Parks and Green Spaces and Food Growing and Allotment Strategy](#)
[Consultation Proposed changes to Bristol Allotment Rent and Tenancy Agreement](#)
[Allotments Act 1950](#)

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 type="checkbox"/>	Income generation proposal <input checked="" type="checkbox"/>

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice: This Cabinet Report is seeking approval to phase new allotment rents and water service charges from April 2025, as set out in Appendix A1, included in the 2024-25 Budget now awaiting Full Council approval and in line with budget amendments.

The 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 costs have meant we need to increase charges. 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 additional income proposed in this report will increase income to c. £500k and close the funding gap but, as costs are c. £700k, the Service will continue to be subsidised. Cross-Council expectations of income increases of 6.7% and a savings target of £55k will contribute to pressures in Growth and Regeneration in 2024-25 and 2025-26.

Finance Business Partner: Ben Hegarty, Finance Business Partner Growth and Regeneration, 21 February 2024.

2. Legal Advice: 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.

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. Provided the procedure set out in the evidence base of this report has been followed it can be considered that the test for setting the new rent levels has been met.

Legal Team Leader: Husinara Jones, Team Manager/Solicitor 27 February 2024

3. Implications on IT: I can see no implications on IT in regard to this activity.

IT Team Leader: Alex Simpson – Lead Enterprise Architect 13 February 2024

4. HR Advice: There are no HR implications evident

HR Partner: Celia Williams, HR Business Partner 13 February 2024

EDM Sign-off	John Smith, Interim Executive Director Growth and Regeneration	25 January 2024
Cabinet Member sign-off	Councillor Ellie King, Cabinet Member with responsibility for Public Health and Communities	26 February 2024
For Key Decisions - Mayor's Office sign-off	Mayor's Office	26 February 2024

Appendix A – Further essential background / detail on the proposal Proposed rent increases and discounts	YES
Appendix B – Details of consultation carried out - internal and external Consultation Report	YES

Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	YES
Appendix E – Equalities screening / impact assessment of proposal	YES
Appendix F – Eco-impact screening/ impact assessment of proposal	YES
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO
Appendix L – Procurement	NO