

<p><b>Issues raised in Call-in of 5 March Cabinet decision on Allotment rents and water charges</b></p>	<p><b>Executive/Officer response</b></p>
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	<p><b>Introduction</b></p> <p>This response has been prepared by Bristol City Council officers, with input from the Parks Team, Consultation and Engagement Team, Equality and Inclusion Team, and Legal. The consultation on <b>Proposed changes to Bristol Allotment Rent and Tenancy Agreement</b>, 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 information included in the equality impact assessment provided sufficient detail for decision makers to understand the impact of decision making on different protected characteristics.</p> <p>The consultation is consistent with the Gunning Principles, as follows:</p> <ul style="list-style-type: none"> <li>• The consultation was undertaken when the proposals were at a formative stage. This is evidenced below by changes to the proposals made following consideration of the consultation responses.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p>Equalities considerations are further addressed by the equality impact assessment:</p> <ul style="list-style-type: none"> <li>• The equality impact assessment included a sufficient level of information to understand the impact of the decision on people with protected characteristics.</li> </ul> <p>The equality impact assessment provided an appropriate level of mitigations where a disproportionate impact was identified.</p>
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<p><b>1. <u>Due Consultation</u></b></p> <p><b>Inadequacy of consultation - key issues:</b></p>
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(i) Rent increase proposals were very complex and mixed in with the proposals for the New Rules.

Experienced consultation specialist officers confirm that **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 Council was consulting on tenancy management changes and rents/fees. The detail for each was in separate documents with a link from the consultation portal to each and clearly labelled. Within the document relating to rents/fees, tables at the beginning were provided that set out the current rent and the proposed rent as it applies to the allotment plot size. Tenants could find out the proposed new rent that would apply to them by comparing their own plot size (which is set out in their tenancy agreement) against the proposed rent/fees tables. It was set out beneath the rent proposal where a discount applies and the % of discount.

Excerpt from consultation introduction provided online and paper copy:

*Allotment rents in Bristol have not been reviewed since 2018. To simply maintain services at existing levels we need to increase rents to cover rising costs, look after an increased number of tenants and cover the demands on the service.*

***Increased rent proposal***

*We aspire to go further than just maintaining the current service, as we want to improve the offer to our tenants and work towards increasing the number of plots available to those on the waiting list. We can do this by:*

- *Employing an additional Allotment Officer*
- *Improving maintenance and repairs delivered across the sites*
- *Issuing clearer communications*
- *Carrying out better tenancy management*
- *Restoring overgrown abandoned plots*

*To meet the cost of these service improvements, we propose increasing the rent to align with other similar sized local authorities, and charging for service requests that are not part of the standard allotment tenancy.*

Link to Proposed allotment rent, fees and charges: <https://www.ask.bristol.gov.uk/29524/widgets/85560/documents/52372>

***Help for those on low income***

*We currently offer a 50% discount to tenants on a low income who are in receipt of Council tax reduction or Universal Credit Housing Benefit. To help more allotment tenants on a low income we propose to expand the 50% rent discount to include those in receipt of all Universal Credit or Pension Credit benefits.*

<p>(ii) Many relevant people were not notified – e.g. members of Community Groups and Co-Workers – who are not, as individuals, Council Tenants.</p>	<p>All allotment tenants contacted via email or letter, could share consultation information with their co-workers and networks. Stakeholders such as Feeding Bristol, Bristol Food Network and Bristol Food Producers were provided with information of the consultation that they were able to share with their members. Details of the consultation were promoted on the BCC allotment webpage and alongside the Parks and Green Spaces Strategy, and posters were displayed in allotment sites across the city.</p> <p>Our primary target for consultation is the people who hold a tenancy with the council and prospective tenants. We do not hold contact information on individual members of community groups using allotment plots, all named tenants were provided with details of the consultation and would be responsible to share this information.</p> <p>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. Three engagement sessions were held during the consultation period; approx. 50 site reps attended in-person and online sessions held on 17<sup>th</sup> January, and approx. 60 allotment forum members attended a session held at City Hall on 24<sup>th</sup> January.</p>
<p>(iii) Many tenants never received the information about the consultation (info, from BAR’s own survey).</p>	<p>We strongly refute the claim that ‘many tenants’ did not receive the information about the consultation as we are unable to test the claim of BAR’s (Bristol Allotment Resist) own survey or the methodology used to establish ‘many’.</p> <p>We can demonstrate that the consultation reached its intended audience which is evidenced by the response received. The allotments consultation report includes quantitative data for all 3,016 survey responses and analysis of 2,332 survey free text responses and 112 email responses. By way of comparison, the city wide Bristol Budget 2024/25 consultation includes quantitative data for 2,547 survey responses and analysis of 1,146 survey free text responses and 12 email responses.</p> <p><b>Details of how the consultation was promoted</b></p> <p>All tenants were contacted by their preferred contact method, with the majority of tenants (3,500) receiving this information by email, in the same way that they receive their annual allotment invoice. An independent check was carried out by the allotment software provider (MCPC) who confirmed that on 11th December, the Colony system processed 3,491 emails of those four ‘bounced’ back.</p> <p>Information on the consultation and how to submit feedback was shared directly with:</p> <ul style="list-style-type: none"> <li>• 3,500 tenants via email,</li> <li>• 450 letters sent to tenants without emails,</li> <li>• 8,000 prospective tenants on the waiting list via email,</li> <li>• 5 allotment associations provided with information to share with their tenants.</li> <li>• Other Stakeholders e.g Bristol Food Producers</li> <li>• Councillors</li> </ul>

	<p>Details of the consultation was promoted on the BCC allotment webpage and alongside the Parks and Green Spaces Strategy, and posters were displayed in allotment sites across the city.</p>
<p>The consultation didn't adhere to the Gunning Principles which are applicable to Local Authority Consultations. The Gunning Principles have not been met:</p> <p>a. 'proposals are still at a formative stage' – new rental figures were given prior to any consultation, without any alternatives or discussion with the Forum or tenants.</p>	<p>The consultation is consistent with the Gunning Principles, as follows:</p> <ul style="list-style-type: none"> <li>• The consultation was undertaken when the proposals were at a formative stage. This is evidenced below by changes to the proposals made following consideration of the consultation responses.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p><b>Consultation at a formative stage</b></p> <p>Consultation was undertaken when the proposals were at a formative stage. The feedback received during the consultation was taken into account by Cabinet in taking its decision. At the time of consultation, a final decision on the proposals had not been made and there was no predetermination by Cabinet.</p> <p>In response to the consultation feedback, the revised Tenancy Agreement, Rules, and additional fees were not taken forward to Cabinet, only the rent increase and water charge. The recommendation to Cabinet also included a phased approach to the rent increase to be spread over 2 years, which including the 12-month notice period required for tenants, would not begin to be implemented until April 2025.</p> <p><b>Basis of the proposals</b></p> <p>The Service identified and considered the costs of Allotment services, our need to improve these, the Council's financial pressure and a consideration of the cost of other local government allotment services. The rent proposal was generated after calculating the income required to meet the cost of various elements including:</p> <ul style="list-style-type: none"> <li>• the budget agreed at Full Council,</li> <li>• covering CPI since 2018 when allotment fees were last raised,</li> </ul>

	<ul style="list-style-type: none"> <li>• the cost of an additional allotment officer,</li> <li>• the minimum administrative cost that should be applied,</li> <li>• increase in repairs and maintenance budget,</li> <li>• and the cost of infrastructure repairs.</li> </ul> <p>These were analysed against a fee rate per m2 approach, and an approach based on the relative popularity of allotment plot sizes. The cost / benefit was then calculated for a number of scenarios, ranging from full cost recovery to minimum service threshold. The cabinet member discounted full cost recovery with highest rent increase proposals. The scenario that met an income threshold required to meet a minimum service and service investment cost level to halt further decline of the service was taken forward to public consultation.</p> <p>This process allowed officers to formulate and propose a rent that was considered to be both fair and reasonable and seek views on this proposal. If the consultation had been undertaken earlier there would not have been sufficient information available on which to consult.</p>
<p>b. 'there is insufficient time to give 'intelligent consideration'' – insufficient information was given, particularly in relation to budgets.</p> <p>c. 'there is adequate time for consideration</p>	<p>The consultation was originally set to run from 11<sup>th</sup> December 2023 – 22<sup>nd</sup> January 2024, information was provided on the increased rent proposal and how this would be used. In response to feedback, it was agreed to extend the consultation deadline to 31<sup>st</sup> January to provide additional time for the public including the Allotments forum, tenants, and community groups to provide their views on the proposals.</p> <p>Detailed budgets are not required or usually provided at the consultation stage. An explanation was provided on why a rent increase is necessary and what the increase would be spent on:</p> <p><b>Increased rent proposal</b></p> <p><i>We aspire to go further than just maintaining the current service, as we want to improve the offer to our tenants and work towards increasing the number of plots available to those on the waiting list. We can do this by:</i></p> <ul style="list-style-type: none"> <li>• <i>Employing an additional Allotment Officer</i></li> <li>• <i>Improving maintenance and repairs delivered across the sites</i></li> <li>• <i>Issuing clearer communications</i></li> <li>• <i>Carrying out better tenancy management</i></li> <li>• <i>Restoring overgrown abandoned plots</i></li> </ul>

<p>and response’ – key information wasn’t supplied until Cabinet papers went online, and these were posted late.</p>	<p>Information supplied to Cabinet to support the recommendation included the Consultation report, Equality Impact Assessment, Environmental Impact Assessment, rent increase, water charge and discounts phased over 2-year period, summary of the future cost of the service that would not be met by the current rent increase, rent and water charge comparison with other local authorities.</p> <p>The papers were published one day late, but the deadline for public and member questions was extended by the same amount of time as mitigation. 45 questions and 31 statements were submitted.</p>
<p>d. ‘conscientious consideration’ must be given to the consultation responses before a decision is made – the results of the consultation in relation to the rent increases were completely ignored –</p> <p>The Legal Advice in the Report states that ‘the consultation responses must be conscientiously taken into account when finalising the decision’.</p>	<p>The legal requirement is for the consultation report to be conscientiously taken into account when the decision is taken or that the result of consultation is conscientiously taken into account in finalising any proposals. This must be done with a receptive mind.</p> <p>The consultation report was taken into account in finalising the proposals and by Cabinet members in taking their decision. This was demonstrated by its inclusion with the Cabinet papers and the specific recommendation in the report noting the consultation report.</p> <p>There is no evidence to suggest the results of the consultation in relation to rent increases were “completely ignored”. The responses are clearly included in the consultation report and were taken into account by Cabinet when taking its decision.</p> <p>In fact, the Cabinet Member’s introduction to the cabinet report on 5<sup>th</sup> March highlighted:          “We had over 3000 consultation responses and we’ve listened to the feedback, demonstrated by not taking forward the changes to the tenancy rules and the staggered uplift.”</p> <p>Furthermore, it was in response to the consultation feedback that the revised Tenancy Agreement, Rules, and additional fees were not taken forward to Cabinet, only the rent increase and water charge. The recommendation to Cabinet also included a phased approach to the rent increase to be spread over 2 years. The EQIA for the Cabinet report included more mitigations, for example:</p> <ul style="list-style-type: none"> <li>• ‘We have extended the reach of the 50% discount to include those that are in receipt of Universal or Pension Credit.</li> <li>• Tenants will have the option to pay by Direct Debit on a quarterly or monthly basis to help spread the cost’.</li> <li>• A phased implementation of the rent increase to reduce impact.</li> <li>• We are also encouraging collective growing which will enable shared minimal cost for participants.</li> </ul>

The Council has failed to show that it has taken consideration of these responses in that they have proceeded with increases against a survey showing only 13% agree with then and 78% disagree.

The process to generate the rent proposals put to consultation was thorough and considered a breakdown of costs relating to service delivery, the impact of inflation over a seven-year period, the need to make service improvements and the cost of these, the need to protect under-pressure budgets elsewhere in the Parks Service, the desire to ensure discounts can apply to more tenants, and a consideration of allotment rents charged in comparable cities. This process identified an income threshold required. Balanced with the service needs and the consultation feedback that 58% wanted a lower increase, the proposal taken to cabinet was to stagger rent increase over two years and introduce a monthly direct debit option for tenants.

The need for financial sustainability of allotments is important to enable the Parks Service to deliver their other key city-wide services. On the 14<sup>th</sup> September 2023 **Communities Scrutiny Commission** was provided a briefing of the Parks budget position. Information shared:

*The Parks estate covers 2,850 hectares. This equates to 60% of the BCC estate or 25% of Bristol. The Parks and Green Spaces service manages and maintains this estate and has been working to a declining budget. The total cost to operate the Service in 23/24 is £14.25 million. Income generated is £12.65M. The cost for the management of our parks and green spaces is £6.9 million.*

*In 2010 the Service received circa £7.5m support through the general fund. In 2023/24 financial year the service received £1.6m. The Service currently has a cost pressure of £1.57M due to both declining income and increased costs. It is required to resolve this pressure by March 2026 and seeks to do so via a programme of mitigation work. Examples are:*

- *Expanding cultural events and activities in parks*
- *Increasing income and profitability through our existing business units i.e.*
- *Blaise plant nursery.*
- *Development of new income streams. i.e. commercial concessions.*
- *Market testing services we provide.*
- *Accurate cost recovery for services provided.*
- *Review of parks expenditure to ensure we are receiving value for money.*

#### **Impact of not adopting the rent increase**

Without the Allotment rent increase, any uplift in Allotment Service' costs, generated simply through inflationary pressure for example, and the £55K saving already agreed at Full Council in 2022, will continue to impact wider Parks Service budgets. If the Parks Service' cost pressure is not resolved, then further measures to reduce expenditure will need to be considered with resulting impacts on wider Parks' services and the service delivered to all of Bristol's citizens.

The Parks Service and allotment tenants recognise the need to improve the allotment service, which without the rent increase cannot be achieved. The consequences of allowing a service that has been in decline for many years to continue to deteriorate will ultimately require an even greater rent increase in future. There is currently one allotment officer and a manager covering all of Bristol's allotment sites and smallholdings, the capacity within the team and limited budget does allow for a reasonable response to repairs, tenant management, community group support and waiting list demands. The impact of this is:

- Dissatisfaction of tenants and prospective tenants in service response time
- Only urgent or emergency repairs are carried out for water leaks, security issues or dangerous tree work.
- Maintenance of water troughs, fencing, pathways, hauling ways, hedges and boundaries is minimal.
- Removal of rubbish from sites is no longer offered, apart from exceptional circumstances.
- Slow 'churn rate' to re-let abandoned plots
- Clearance of overgrown plots to be brought back in to use is limited

At meetings in February 2024, Communities Scrutiny Commission questioned and acknowledged Parks subsidy of the allotments service but did not offer any solutions or amendments.

Further evidence Cabinet's commitment to investing in allotments and food growing space is demonstrated by Cabinet taking a decision at its 5<sup>th</sup> March 2024 meeting to invest in statutory allotment sites used as smallholdings in Boiling Wells to a value of £200K. As well as £500k investment to bring the former heritage kitchen garden in Oldbury Court back to life - bringing significant community ownership and collective food growing opportunities to East Bristol.

The rent increase is required to support the aspirations of the Allotment Service as set out in both the Food Growing and Allotments Strategy and the Cabinet report. With Parks Service' budgets and resources not being able to step in, not proceeding will limit, delay or prevent:

- Work with Bristol's disability groups to develop an exemplar accessible allotment plot, to provide more accessible plots and to bring in a separate application process for these.
- An audit into who uses existing BCC allotment space and engage with stakeholders to understand the barriers that underrepresented groups.
- Supporting tenants to grow in environment and nature friendly ways for example, using peat free compost, banning bonfires, and encouraging pesticide free growing
- Work with food equality partners to develop a food growing priority list, developing specific interventions including offering collective food growing opportunities.
- Support to community groups, social enterprises and the like and organisations with Community Infrastructure Levy funding applications which either deliver appropriate food growing opportunities in our parks or support the development of food growing spaces on other land.
- A revamp of the Healthy Schools Food Environment award to have a wider focus on improving food growing within schools; working with partners to coordinate our respective offers of support to schools for developing their own green space for food growing.
- Bringing more overgrown plots into cultivation and better management of smallholdings and other food growing land. Through these bringing more plots to meet waiting list demand.



- Improving services for tenants, particularly with regard to improving support to Site Representatives and volunteers through training and officer support.

## 2. A presumption in favour of openness

### Late or inadequate provision of essential information

(i) Allotment holders had to do FOI requests to get budget info. for 2017-2022 but no budgets have been provided for 22/23 or 23/24, even though Cllr King said in the relevant Cabinet meeting that 'There were two sets of figures that were released...The first set showed the income and expenditure which is currently going on in the service, and the

The consultation stated *“Allotment rents in Bristol have not been reviewed since 2018. To simply maintain services at existing levels we need to increase rents to cover rising costs, look after an increased number of tenants and cover the demands on the service”*. The consultation provided a link to the Food Growing and Allotments Strategy consultation that set out our direction of for the service, which received significant support.

The consultation considered proposed rent increases which would maintain and improve service standards and enable potential future investment. As historic spend does not compare or relate to projected spend for service improvements it was not relevant to include.

The Council previously shared allotment income and expenditure information for years between 2017 – 2022 with the Bristol Allotment Forum, Cllr Fodor (Member Enquiry Aug 2022) and in response to Freedom of Information requests before the consultation took place (the latest shared Oct 23). A number of Freedom of Information requests requesting this information were received during the consultation period and were responded to. Members could have directly contacted the Cabinet Member or the Management of Place Director to request projected figures.

#### Income & Expenditure for Allotments & Smallholdings 2017-2022

##### Allotment & Smallholding Income

<b>INCOME</b>	<b>Financial Years</b>				
<b>Item</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
<b>Licences</b>	<b>£1,375</b>	<b>£9,338</b>	<b>£1,567</b>	<b>£1,567</b>	<b>£1,167</b>
<b>Allotment direct managed</b>	<b>£187,469</b>	<b>£217,050</b>	<b>£211,809</b>	<b>£221,558</b>	<b>£227,653</b>
<b>Allotment Associations - Lettings only</b>	<b>£15,691</b>	<b>£16,896</b>	<b>£17,015</b>	<b>£57,007</b>	<b>£34,944</b>
<b>Smallholdings</b>	<b>£8,803</b>	<b>£9,108</b>	<b>£7,279</b>	<b>£7,838</b>	<b>£7,292</b>
<b>Commercial</b>	<b>£4,401</b>	<b>£4,401</b>	<b>£4,401</b>	<b>£4,401</b>	<b>£4,401</b>

second set is the income and expenditure which we want to achieve over the next fifteen years.' – no current expenditure figures have been made available – only income figures – thus making it impossible to scrutinise the projected budget.

<b>Capital works income</b>	<b>£0</b>	<b>£5,340</b>	<b>£0</b>	<b>£0</b>	<b>£2,100</b>
<b>Totals</b>	<b>£217,739</b>	<b>£262,133</b>	<b>£242,071</b>	<b>£292,371</b>	<b>£277,557</b>
<b>EXPENDITURE</b>	<b>Financial Years</b>				
<b>Item</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
<b>Staff (inc. agency staff)</b>	<b>£92,141</b>	<b>£96,196</b>	<b>£95,750</b>	<b>£98,241</b>	<b>£143,272</b>
<b>Corporate and supporting costs</b>	<b>£30,923</b>	<b>£28,869</b>	<b>£24,053</b>	<b>£27,966</b>	<b>£30,703</b>
<b>Buildings and infrastructure</b>	<b>£67,464</b>	<b>£36,872</b>	<b>£46,288</b>	<b>£37,660</b>	<b>£33,881</b>
<b>Utilities</b>	<b>£41,177</b>	<b>£58,385</b>	<b>£40,326</b>	<b>£62,502</b>	<b>£43,044</b>
<b>Grounds maintenance and trees</b>	<b>£1,072</b>	<b>£31,389</b>	<b>£31,105</b>	<b>£29,686</b>	<b>£29,545</b>
<b>Capital works costs *</b>	<b>£0</b>	<b>£0</b>	<b>£84,979</b>	<b>£62,525</b>	<b>£0</b>
<b>Other cost</b>	<b>£415</b>	<b>£4,797</b>	<b>£1,698</b>	<b>£0</b>	<b>£424</b>
<b>Totals</b>	<b>£233,192</b>	<b>£256,508</b>	<b>£324,199</b>	<b>£318,580</b>	<b>£280,869</b>

**\*Capital Cost**

**2019/20 – Water Safety Installation of DCV (Double Check Valves) for all allotment sites**

**2020/21 – Water Hygiene Installation of water trough lids for all allotment sites**

Although the 2022/23 income and expenditure was not available to share, the level of expenditure will be similar to the previous 5 years, only focussing on essential repairs with no investment in infrastructure maintenance unless funded by Capital or the Parks Service.

Budget information was also shared at Communities Scrutiny Commission on the 15th & 27th February 2024 including:

1. Current allotment fees.
2. Propose allotment fee structure.
3. Current income and required areas of expenditure with amounts.
4. Concessions and discounts offered.
5. Proposed Concessions and discounts.
6. Summary of income and required expenditure for new fee structure.
7. Benchmarking information on allotment rets from other, similar authorities

Information shared at Communities Scrutiny Commission meetings:

	<p>14th September 2023 <a href="https://www.bristol.gov.uk/agenda-template">Agenda Template (bristol.gov.uk)</a>  27<sup>th</sup> February 2024 <a href="https://www.bristol.gov.uk/agenda-template">Agenda Template (bristol.gov.uk)</a></p> <p>Members of the Communities Scrutiny Commission received a detailed briefing on 15<sup>th</sup> February of the financial and service background to the proposals, including details of the rationale for the proposed increases, the results of benchmarking with other authorities, and the proposed extension to concessions offered.</p> <p>Communities Scrutiny Commission questioned and acknowledged Parks subsidy of the allotments service but did not offer any solutions or amendments. There were no requests received from Communities Scrutiny Commission members for more detailed breakdown of the projected budget. Cllr King requested the committee to provide any feedback and recommendations after the briefing ahead of the report going to Cabinet. The Chair, Cllr Fodor wrote a summary of the meeting, with reflections on the process, but no recommendations of alternative rent proposals.</p> <p>Information shared at Cabinet meeting.  5<sup>th</sup> March 2024 <a href="https://www.bristol.gov.uk/moderngov">ModernGov - bristol.gov.uk</a></p>
<p>(ii) The Report, including the results of the Survey and the Equalities Impact Assessment were posted 'out of time' for the Cabinet meeting on 5<sup>th</sup> March. It was all a day late; an extension was granted for submission of questions to 29 Feb, but there</p>	<p>The papers were published one day late, but the deadline for public and member questions was extended by the same amount of time as mitigation.</p> <p>A number of individuals attended the Cabinet meeting, and a high number of questions and statements were received:</p> <ul style="list-style-type: none"> <li>• 45 questions were submitted by 27 individuals.</li> <li>• 31 Statements were submitted.</li> </ul> <p>BCC Digital Services confirmed that the website was down for a short period on the 28<sup>th</sup> Feb between 12pm and 1.41pm. This is unlikely to have impacted at all on the ability to review the Cabinet papers or to submit a statement or question.</p>

<p>was no extended deadline for statements. On 28 February the Council's website went down, so people couldn't access papers at a crucial time.</p>	
<p>(iii) Lack of transparency re. Expenditure: One justification for the increases is a proposed increase in expenditure on Buildings and Infrastructure. Ignoring 'maintenance', this shows an 8-fold increase to £233k on works, annualised over 15 years to £3.5m and yet Parks have not identified a single site or project that will</p>	<p>The consultation provided an explanation of the need to increase rents and what it would be used for. Please see below excerpt: <i>Allotment rents in Bristol have not been reviewed since 2018. To simply maintain services at existing levels we need to increase rents to cover rising costs, look after an increased number of tenants and cover the demands on the service.</i></p> <p><b>Increased rent proposal</b></p> <p><i>We aspire to go further than just maintaining the current service, as we want to improve the offer to our tenants and work towards increasing the number of plots available to those on the waiting list. We can do this by:</i></p> <ul style="list-style-type: none"> <li>• <i>Employing an additional Allotment Officer</i></li> <li>• <i>Improving maintenance and repairs delivered across the sites</i></li> <li>• <i>Issuing clearer communications</i></li> <li>• <i>Carrying out better tenancy management</i></li> <li>• <i>Restoring overgrown abandoned plots</i></li> </ul> <p><i>To meet the cost of these service improvements, we propose increasing the rent to align with other similar sized local authorities, and charging for service requests that are not part of the standard allotment tenancy.</i></p>

benefit from this money. Allotment holders were advised that the figure was based on 'recent works' but no details have been supplied.

**The following was provided to Cabinet in the body of the report:**

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.

The future repair and maintenance cost estimated for buildings and infrastructure is based on a robust assessment completed by the Parks Service' asset manager. A summary of the overall cost of delivering the service including the predicted annualised infrastructure repair and maintenance costs were included in the Cabinet paper.

*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
<b>Staff cost subtotal</b> - 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
<b>Support costs</b>							
<b>Office Accommodation</b>							
Office accommodation	£4,241	£1,520	£2,126	£1,191	£2,947	£2,947	£2,947
<b>Central Support Services</b>							
Change Prog., finance, audit, HR, procurement, coms, cash, Property, Legal, CSC	£9,547	£11,726	£7,583	£19,997	£17,273	£18,500	£18,500
ABS - Business Support (see ABW)	£2,358	£1,366	£1,237	£1,832	£1,808	£2,000	£2,000
Corporate Income Target							£55,000
<b>Consumables</b>							
Postage , Printing and stationary	£713	£1,826	£456	£703	£430	£500	£500
<b>ICT Cost</b>							
Mobile hardware		£480	£250	£423	£804	£500	£500
Central ICT	£7,429	£4,094	£4,522	£3,120	£7,043	£6,000	£6,000
Phone (not included in central ICT charges)	£32	£0	£0				
<b>Transport</b>							

Cycle, Pool car use, car allowance, trains	£6,603	£7682	£7,203	£700	£398	£1,200	£1,200
<b>Support costs sub-total</b>	<b>£30,923</b>	<b>£28,694</b>	<b>£23,377</b>	<b>£27,966</b>	<b>£30,703</b>	<b>£31,647</b>	<b>£86,647</b>
<b>Buildings and infrastructure cost</b>							
<b>Allotment Infrastructure</b>							
Paths/hauling ways/parking adhoc repairs				£5,628			£5,000
Water infrastructure leaks and adhoc	£54,841	£11,970	£8,627	£14,944	£10,746		£5,000
Fences	£1,855	£2,630	£25,346	£3,088	£15,336		£3,000
Gates including locks / keys	£3,581	£414	£5,315	£5,082	£3,770		£15,000
Walls	£770	£6,876	£0	£0			£4,556
Notice boards	£0	£0	£0	£0			£3,000
Signs	£0	£145	£0	£0			£300
<b>Infrastructure replacement Cyclical annualised over 15 years</b>							
Paths / hauling ways/parking annualised	£0	£0	£0				£61,872
Water cyclic replacement of existing infrastructure				£62,525			£137,949
Fences - chainlink replacements annualised cost							£33,375
<b>Allotment Buildings</b>							
Building repairs	£0	£3,280	£0	£0	£1,825	£5,000	£5,000
Building removals	£2,290	£0	£0	£0			£0
Security Services	£14	£28	£0	£8,918	£2,204		£0
<b>Asbestos Removal</b>							
Asbestos Removal	£4,113	£4,030	£0	£0			£4,000
<b>Statutory Compliance Checks</b>							
Water hygiene							£750
Legionella Risk Assessment (annualised)							£8,000
Water cleaning troughs x1 & flushing taps & troughs 2 x annually	£0	£7,300	£7,000	£0		£7,000	£12,000
5 Year electrical test (annualised)							£180
Emergency lighting test							£160
Fire extinguisher test							£750
Fire extinguisher supply		£199					
Fire alarm tests							£500

Asbestos Management Survey (annualised)							£700
<b>Buildings and infrastructure cost sub-total</b>	<b>£67,464</b>	<b>£36,872</b>	<b>£46,288</b>	<b>£100,185</b>	<b>£33,881</b>	<b>£12,000</b>	<b>£301,092</b>
<b>Utilities cost subtotal</b>	<b>£41,177</b>	<b>£58,385</b>	<b>£40,326</b>	<b>£62,502</b>	<b>£43,044</b>	<b>£50,000</b>	<b>£40,800</b>
<b>Grounds maintenance and trees cost subtotal</b>	<b>£1,072</b>	<b>£31,324</b>	<b>£31,084</b>	<b>£29,686</b>	<b>£29,545</b>	<b>£34,400</b>	<b>£41,700</b>
<b>OTHER sub-total - e.g pest control and waste</b>	<b>415</b>	<b>4797</b>	<b>1698</b>	<b>0</b>	<b>424</b>	<b>£900</b>	<b>£30,900</b>
<b>Total estimate</b>	<b>£233,192</b>	<b>£256,268</b>	<b>£238,523</b>	<b>£318,580</b>	<b>£280,869</b>	<b>£271,128</b>	<b>£688,123</b>

Bristol Allotments contain the following infrastructure, excluding the Association sites:

<b>Item</b>	<b>Quantity</b>	<b>Unit</b>
Water supplies to sites	95	no.
Of which 70 sites with 25mm or less incoming supply pipe	14,619	pipe metres
Water troughs	432	no.
Taps	211	no.
Chain link fencing	4,548	metres
Palisade fencing	21,064	metres
Vehicle gates	140	no.
Pedestrian gates	79	no.

	Walls mainly stone	1743	metres
	Tarmac surface roads and car park	24,418	Square metres
	Gravel surface hauling ways	26,386	Square metres
<p>The Cabinet report therefore identified that the recommended allotment rent is insufficient to fund the projected infrastructure costs that have been estimated, but are designed to meet some of these, other costs and deliver benefits as set out in the consultation and cabinet 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. The Council is committed to responding to this need, with Cabinet taking a decision at its 5<sup>th</sup> March 2024 meeting to invest in statutory allotment sites used as smallholdings in Boiling Wells to a value of £200K.</p>			

**3. Due regard to public sector equality aims**

**Inadequacy of the Equalities Impact Assessment**

(i) In the 2022 Equality Impact Assessment regarding a 25% allotment rent rise, BCC said that there would be a negative impact on disabled people, older people and black and Asian people. However, in the new EIA it's stated there will be 'no disproportionate impact' on these groups, despite

The 2022 EIA relates to Full Council on 2 March 2022 decision for an annual revenue budget saving of £55K to be applied to allotment fee income from the beginning of April 2023. It reflected **that there would be no improvement or investment to the service.**

The new EIA considered the *benefits of the investments and improvement for the service* that the increase in rent would support. It identified that tenants with protected characteristics will benefit from the planned increase in the number of officers focussed on delivering services, supporting volunteer site representatives, improving maintenance repair services, improving guidance and educational resources and more directly supporting people so they may benefit from growing food.

The consultation identified that 69.4% of respondents did not feel the proposals would have a negative effect on their protected characteristic.

The EQIA for the Cabinet report included more mitigations, for example:

- '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'.
- A phased implementation of the rent increase to reduce impact.
- We are proposing to increase the number of accessible plots these have discounted rent and continue with reasonable adjustments by offering smaller plots and allowing Co-workers to assist with plot maintenance, nearly ¼ of tenants have a Co-worker. This will thus provide cheaper plots and sharing costs. We are also encouraging collective growing which will enable shared minimal cost for participants.



<p>the rents increasing by much higher percentages.</p>	<ul style="list-style-type: none"> <li>We are offering a 50% discount for those in receipt of Universal Credit or Pension Credit which are means tested benefits.</li> </ul> <p>We have also gone beyond other authorities in that we intend to enable collective (community) food growing groups, many of which provide physical and mental health benefits, to recognise this we offer a 50% discount on rent provided that they are making a positive contribution to disadvantaged groups through food growing activities. This provides a low-cost way that people can engage with food growing whilst having the shared enjoyment and inclusion of the collective approach.</p>
<p>(ii) The only protected characteristic which includes any text at all about potential impacts is disability – and the text does not describe any potential impacts (just a statement regarding the number of disabled persons who participated in the consultation). Similarly, under socio-economic status, the text relating to potential impacts does not actually describe any</p>	<p>The EQIA asks: “Does the proposal have any potentially adverse impacts on people based on their protected or other relevant characteristics?” For Disability our assessment is ‘No’ due to the mitigations set out above. For Socio-Economic (deprivation) our assessment is ‘Yes’. Our mitigations are set out above. The consultation identified that 69.4% of respondents did not feel the proposals would have a negative effect on their protected characteristic.</p> <p>The Consultation report Section 5 summarises responses given on the impact of the rent increase on those with protected characteristics. The consultation report and the number of measures to help mitigate any impact on tenants with protected characteristics including Disability and Socio-Economic status were taken into account by Cabinet when taking the decision.</p>

<p>impacts that the rent increases will have on people of different socio-economic groups.</p>	
<p>(iii) The statement that no disproportionate impact for people with protected characteristics does not consider the consultation responses. Free text responses to the consultation included responses that the rent increases would negatively impact the ability of older people, young people, women, people on maternity leave,</p>	<p>The Consultation report Section 5 summarises responses given on the impact of the rent increase on those with protected characteristics' and were taken into account by Cabinet when taking the decision.</p> <p>Through the cabinet report, cabinet were informed of the comments made in the consultation from people with protected characteristics. All relate to those within these groups who may have a low income – an impact we have sought to mitigate, including expansion of the criteria to include all tenants in receipt of Universal Credit and Pension Credit for those on low income to receive a 50% rent reduction, staggered implementation of rent increase, and opportunity to spread the cost by monthly Direct debit payments. There was also discussion of this point as part of public forum at the cabinet meeting demonstrating the cabinet member's consideration of these matters.</p>

<p>people from minority ethnic backgrounds, LGBT people, and people with religions/beliefs.</p>	
<p>(iv) No information about the demographics of tenants has been made available, nor of where the sites are. An FOI request from allotment holders revealed that no information is collected about the age, gender, ethnicity, or Disabled status of tenants – so how can BCC say that there will be no impact on people with protected characteristics? Mapping shows most sites are in</p>	<p>The Service does not currently collect the demographics of tenants, apart from age as only people aged 18 plus are permitted to hold an allotment tenancy. However, information collected as part of the consultation survey was used in the EQIA and was included in the consultation report which formed part of the Cabinet papers for the 5<sup>th</sup> of March and taken into consideration by Cabinet when it took the decision.</p> <p>Mapping shows that 18% of allotment land is located in the 20% most deprived areas of the city based on the Index of Multiple Deprivation.</p> <p>A variety of options were explored on how a rent reduction could be offered to those in areas of deprivation. A tenant can apply for a plot anywhere within Bristol, so offering a reduction based on the site location would not necessarily mean they are on a low income. Mitigations have been applied via rent reductions offered to those in receipt of a means tested benefit. Using other means may result in administrative costs increasing which in turn would need to be met through allotment rents.</p>

<p>areas of greatest food poverty &amp; social deprivation – yet this was not in the EIA.</p>	
<p>(v) 79% of respondents to the consultation who live in the two most deprived deciles of the city said that they either disagreed or disagreed strongly with the rent rises – this wasn't reflected in EIA.</p>	<p>The difference in response to this question from the consultation as a whole and from those in the 10% most deprived areas of Bristol is 1% (78% of all respondents disagreed or strongly disagreed). The Consultation report Section 5 summarises responses given on the impact of the rent increase on those with protected characteristics. The consultation report and the number of measures to help mitigate any impact on tenants with protected characteristics including Disability and Socio-Economic status were taken into account by Cabinet when taking the decision.</p>
<p>(vi) 79% of disabled people who responded to the consultation said that they either disagreed or disagreed strongly with the rent rises –</p>	<p>The difference in response to this question from the consultation as a whole and from those who consider themselves as Disabled is 1%. The Consultation report Section 5 summarises responses given on the impact of the rent increase on those with protected characteristics. The consultation report and the number of measures to help mitigate any impact on tenants with protected characteristics including Disability and Socio-Economic status were taken into account by Cabinet when taking the decision.</p>

<p>this wasn't reflected in EIA.</p>	
<p>(vii) Some of the mitigations listed are not things which will mitigate the impact of rent increases on persons with protected characteristics. For example – contacting individuals about the consultation by post is not a mitigation against the impact of rent increases.</p>	<p>This was a mitigation ensuring an inclusive approach to consultation rather than directly related to the rent increase. The consultation report and the number of measures to help mitigate any impact on tenants with protected characteristics including Disability and Socio-Economic status were taken into account by Cabinet when taking the decision.</p>