

Call-In Sub-Committee

(of Overview & Scrutiny Management Board)

27 March 2024



Public Forum – Questions

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

1. Troy Tanska
2. Debbie Wyatt
3. Ruth Hecht
4. Katy Ladbrook
5. Katy Ladbrook
6. Lauren Mason
7. Stephen Pill
8. Tina Holmes
9. Lauren Mason
10. Katy Ladbrook



1. QUESTION FROM TROY TANSKA

Does the Panel agree the processes supporting the current Allotment proposals are not fit for purpose because:

Despite more than 78% of consultation respondents 'disagree or strongly disagree' with rent increases in the proposal consultation, Cabinet passed proposed rent increases unamended - without showing 'conscientious consideration' according to Gunning principles.

The EqlA presented to BCC Cabinet meeting on March 4th 2024 did not demonstrate understanding of the range and number of allotment tenants with protected characteristics due to the Allotment service not collecting this information (according to FOI requests); also there was no consideration of intersectional disadvantage such as geographic isolation impact on tenants' food poverty, and therefore whether proposed mitigations will ensure equal access to the allotments.

In addition, supporting documents to the consultation did not include 2022 Equalities Impact Assessment including key advice to avoid potential negative impacts of the proposed rules and rent increase. The second EqlA was not published until 27/02/2024, and therefore was too late to be considered as part of the consultation. This suggests proposals were poorly researched, badly presented, and were 'still at a formative stage.' according to Gunning principles.

I look forward to attending Panel on Weds 27th March 2024.

Response:

On 27 March, the Call-In Sub-Committee will be considering the call-in in line with the procedure as set out in the agenda papers for the meeting and will collectively decide on one of the following 3 courses of action:

- 1. To take no further action (in which case the 5 March Cabinet decision stands at it is).**
- 2. To refer the matter back to the Cabinet - with issues (to be detailed in the minute of the meeting) for the Cabinet to consider before taking a final decision.**
- 3. To refer the matter to Full Council for a wider debate (note: Full Council may then decide either to take no further action, or to refer the matter back to Cabinet with specific recommendations for the Cabinet to consider prior to their final decision taking).**

It would not be appropriate for the sub-committee to respond to this particular public question in advance of their meeting on 27 March, when the sub-committee will review how the Cabinet reached their 5 March decision.

2. QUESTIONS FROM DEBBIE WYATT

I would like to ask how a consultation can be used to inform a Council decision when that consultation:

1. was not communicated to all the people it affected – I know personally some allotment holders who have not received any communication from the Council about the planned rent increases (or the other rule changes).
2. did not publish all the information needed to make a coherent response.
3. shows 78% of respondents did not agree with the planned rent rises.

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3. QUESTION FROM RUTH HECHT

Questions for Call-In Sub-Committee

I would like to ask the following question at the Call In Sub Committee on 27 March, and will be present at the meeting:

In the Cabinet meeting on 5 March Cllr King said in relation to budgets to inform the decision about rent increases - and I quote - "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 second set is the income and expenditure which we want to achieve over the next fifteen years."

I have scrutinised all the documents produced as part of this process, including those presented to the Scrutiny Committee and to Cabinet, and as far as I'm aware **no budgets have been made available which show the current expenditure of the allotment service**, they only show the projected expenditure, and the current income.

Following the Cabinet meeting I emailed Cllr King to clarify in which papers the current expenditure figures are shown, or to let me know if she was mistaken about her assertion. I have had no reply.

Do you agree that to make a decision about rents, it's vital that the public and elected members are given the correct budgetary information, and thus the lack of clarity and confusion about what budgets **have actually** been made public, is a serious breach of the principle of the provision of adequate information?

Response:

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4. QUESTION FROM KATY LADBROOK

Question to Call In Sub-Committee (of the Overview and Scrutiny Management Board). Item 4, Public Forum. Wednesday, 27th March, 2024 5pm.

Is this Cabinet decision acceptable if it was informed by a faulty consultation?

The *Allotment Rents and Water Rates* proposal was agreed by Cabinet on 5th March despite 76 public objections, many of which described the following failures of the consultation process:

- The consultation period opened on 11/12/23 but it is estimated that 50% of tenants did not receive notice of the consultation until 17/01/24. Still more did not receive notice at all.
- The initial consultation period (closed 22/02/24) was too short and did not allow for public holidays and the Christmas and New Year period.
- The extended consultation period (closed 31/01/24) was closed earlier than advertised, due to a technical error, preventing participation at a peak time for engagement.
- There are several thousand people on the waiting list who were not notified of the consultation, even though BCC has the contact details of this important group of stakeholders.
- No explanation has been made for how the consultation, evaluation or review processes engaged with hard-to-reach sections of the community, stake holders and forums representing groups who will be most vulnerable to negative impacts of the proposal.
- There appears to have been no consideration for interaction with local and national equality and inclusion policies or engagement in the consultation with members of the teams which deliver such strategy.
- A workshop (focus group?) was arranged to capture more feedback, but advice on how to participate was not made available, its remit was not defined, and there was no attempt at inclusive participation design. The workshop was cancelled at short notice with no alternative provision made.

This is a reflection of the service's poor record keeping and communication capabilities, and we understand the limitations of this under-resourced office, but this does not excuse sub-standard democratic processes.

Campaigners and the public had raised these concerns throughout the consultation period in the hope that revision would be made. But those calls were ignored and the results of this faulty consultation were allowed to proceed to a Cabinet decision.

Is it acceptable to this sub-committee that the Council upholds this Cabinet decision which was based on information from a faulty consultation?

Response:

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5. QUESTION FROM KATY LADBROOK

Question to Call In Sub-Committee (of the Overview and Scrutiny Management Board). Item 4, Public Forum. Wednesday, 27th March, 2024 5pm.

Is this Cabinet decision acceptable if it was informed by unevidenced or unexplained financial projections?

The *Allotment Rents and Water Rates* proposal agreed by Cabinet on 5th March describes significant increases to expenditure which will require rents to increase and other services to subsidise the allotments. However, the increased expenditure is not explained or evidenced.

Contrary to the assertion given by Cllr King that the public have been given current financial records, we have not. There is only an unevidenced estimate of income and expenditure for 2026/27.

We have not been able to find any financial accounts for the allotment service since 2022. The response to freedom of Information requests is that no accounts are available.

The only explanation we have had for this massive increase in expenditure was a vague rationale (given verbally to the Community Scrutiny Commission on 27th Feb) for a 15- year program of works which will cost the Allotment Service at least £300k per year, but almost certainly more. We understand from a subsequent conversation with Ellie King (12th March) that alternative proposals to this 15-year program of works were considered and costed but rejected for being unaffordable.

None of these explanations, options nor any budgets were shared as part of the public consultation and in report to subsequent SCS or Cabinet meetings. We still do not have an explanation on what program of works is going to cost allotments an extra £4.5m+ over the next 15 years.

Do you agree that this information should have been provided as a key part of the decision making process to assist both respondents and elected members in making an informed and considered response?

Response:

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6. QUESTION FROM LAUREN MASON

Question for Call-In Sub Committee 27th March, re. Allotments Rents and Water Charges decision

Various sets of benchmarking figures were made public after the closure of the formal consultation process. None were made available during the consultation period itself. These figures compared the proposed Allotments Rents and Water Charges against allotment sites in other local authority areas. There was no indication of the comparable locations' cost of living in relation to Bristol, or to their allotment pricing.

Q. Do you agree that a single definitive set of benchmarking figures should have been included within the Consultation documentation, to assist respondents in making an informed and considered response as to the reasonableness of the proposed rent increases?

Response:

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7. QUESTION FROM STEPHEN PILL

I understand there is to be a 'Call-in' Scrutiny meeting on Weds 27th March at 5pm to consider the process by which the recent decision on allotment rents was arrived at.

I enclose a question for this meeting and plan to attend to ask it in the public forum.

In its Equality Impact Assessment, the Council says on p87 that it will measure the impact of its rent proposals by: "receiving feedback from its tenants directly through the Bristol Allotments Forum". Yet the same Allotments Forum voted on 24th January, by 48 to 3 that "This Forum believes that there has been a major process failure in the rents/fees consultation and that it needs to be re-run, not extended".

How can Bristol City Council POSSIBLY claim to conscientiously consider consultation feedback, when it not only failed to ACT on the Forum's opinion, it failed even to find room to MENTION the Forum's opinion in 92 pages of briefing notes prepared for the decision-makers in Cabinet?

Response:

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8. QUESTION FROM TINA HOLMES

A Freedom of Information request was submitted requesting a breakdown of the demographic of tenants, including their postcodes. The answer was that this information is not collected.

If the Council does not have records of, for example, the ethnicity of tenants, if they are registered as disabled, or in which ward they live, how can it be stated in an EIA that there will be no impact of a rent increase on people with protected characteristics?

Officer response:

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 5th of March and would have been taken into consideration by Cabinet when it took the decision.

9. QUESTION FROM LAUREN MASON

Question for Call-In 27th March re. allotments rents and water rate rises decision

One of the Gunning principles for Local Authority consultations is that ‘conscientious consideration’ must be given to the consultation responses before a decision is made, and that decision-makers should be able to provide evidence that they took consultation responses into account.

Question: 78% of the 3016 respondents to the consultation survey either disagreed or disagreed strongly with the rent rises, yet this was not taken into account in the decision making process. Why not?

Response:

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10. QUESTION FROM KATY LADBROOK

Could the Cabinet member responsible for the Allotments Proposals Consultation please confirm the date they read all the documentation released with the Consultation, and confirmed it was fit for purpose?

Response from Cabinet member for Public Health and Communities:

It is not possible to give an exact date considering the iterative process undertaken by myself, senior parks and allotment officers, the Mayor’s office and policy officers over several months. It was a process that took place alongside developing the Parks and Green Space Strategy as well, from which the strategic principles of all parks related papers and documents should stem from.