

PART A

Report to: Cabinet

Date of meeting: 11th November 2013

Report of: Environmental Services Client Manager (Parks and Streets)

Title: Adoption of new Terms and Conditions for Allotment Tenants

1.0 **SUMMARY**

This report presents the revised and proposed updated FAQs for allotment tenants in Watford. For several years, along with the legal tenancy agreement signed by all allotment tenants, the FAQs have been the rules and regulations, the “do’s and don’ts” of what is allowed and not allowed when taking on an allotment in Watford.

1.2 As part of the development of the new 2013-2018 Allotments Strategy, one of the issues that arose was the dissatisfaction with the current FAQ’s which were updated regularly by the Allotments Management Team without consultation or involvement of tenants or site supervisors.

1.3 These have therefore been re-written in consultation with Site Supervisors and the Allotments Stakeholder Panel and are presented to Cabinet for approval and adoption.

1.4 As a result of updating the Terms and Conditions (T&C), it is also apparent that the existing tenancy agreement now needs updating to ensure it aligns with the revised T&Cs. This includes the need to revise the period of notice given to allotment tenants in relation to increasing levels of rent annually, currently restricted by having to give the ‘tenant 6 month’s notice to expire on the thirty first day of March in any year’

2.0 **RECOMMENDATIONS**

Cabinet is recommended to:

2.1 Approve the adoption of the final and revised FAQs now to be known as Terms and Conditions and that future revision approvals are delegated to the Head of Corporate Strategy and Client Services in consultation with the Portfolioholder.

2.2 Approve the recommendation to update the existing Allotment Tenancy Agreement in line with the updated Terms and Conditions and delegate its final approval to the Head of Corporate Strategy and Client Services in and

the Head of Democracy and Governance.

- 2.3 Approve the recommendation to increase allotment rents annually by the RPI (September value) and inform tenants annually based on the proposed revisions to the tenancy agreement after Cabinet approval of fees and charges each February.

Contact Officer:

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Report approved by: Lesley Palumbo, Head of Corporate Strategy and
Client Services

3.0 **DETAILED PROPOSAL**

- 3.1 Watford Borough Council currently provides 13 allotment sites in the Borough which continue to be popular with local residents echoing the national picture. The updated Strategy for allotments was approved in April 2013 with the aim:-

“To maintain and where appropriate, improve the quality, management and promotion of Watford Borough Council allotment sites, and to offer this unique leisure activity to all members of the Watford community”.

A detailed Action Plan was approved as part of this process and included an action to update the FAQ's as required.

The FAQ's have been the rules and regulations of allotments for several years and have covered everything from size of plots, rent increases, bonfires, structures on plots, tenant responsibilities to advice on paying bills. They were updated regularly as issues arose from tenants and site supervisors but generally without consultation.

An allotment stakeholder panel was set up in September 2012 with one of the Terms of Reference to “support the development and implementation of the Allotments Strategy”.

One of the key issues raised were that the FAQ's were deemed very rigid, inflexible and tenants had no say over how these were shaped, adapted, approved and enforced, often creating ill feeling among tenants on most sites.

3.2 **Consultation**

- 3.2.1 Consultation with the Allotments Stakeholder Panel revealed the need to update and refresh these and an early meeting was held with them to start the process of rewriting these. The panel worked through the many issues with officers and a first draft was produced in February 2013. Some FAQ's were deemed quite contentious and included

size of structures permitted on plots, permission to have bonfires on sites, 2nd plots and non-cultivation. It was agreed that officers would look at best practice elsewhere and bench mark against other authorities through the London Parks and Gardens Benchmarking Forum and assess what was appropriate for Watford. The allotments management team, since transferred to Veolia, were also consulted in relation to the revised FAQ's.

- 3.2.2 The feedback was generally very good and a further meeting was held in September 2013 with the Allotments Stakeholder Panel and a lengthy session was very productive which resulted in the renaming of the FAQ's into Allotment Terms and Conditions and a final agreed set including a number of compromises on some of the more difficult issues such as bonfires on allotment sites. The issue of bonfires and incinerators continues to divide opinion and it is proposed that the proposed use of incinerators is allowed on a trial basis for 12 months and will be re-assessed if there have been significant complaints.

One key issue that arose was that the current tenancy agreement is also out-dated and needs to be fully aligned with these new terms and conditions, including specifically conditions relating to bonfires, rental increase notifications, livestock and residency. This will now be updated accordingly to ensure it aligns with these terms and conditions as well as current allotment legislation and Council policy.

After allotment rents were substantially increased in 2011 by up to 100% to bring in line with average costs nationally, feedback was received from tenants that the sharp increase could have been avoided if rents had been raised annually over previous years. Therefore, specifically, in relation to future allotment rental increases, it is the intention to revise the notice required to be given to tenants in the new tenancy agreement. The Council therefore proposes to increase allotment rents annually by the RPI current in September each year and this will be reflected in the new tenancy agreement.

3.3 **Conclusions**

- 3.3.1 The aims of the new Terms and Conditions are to allow greater flexibility within the management of allotments, for officers to make reasoned decisions and to encourage better relations with tenants who may well be keen to broaden their scope in allotment gardening. The Terms and Conditions are however sufficient enough to ensure that tenants know what is expected of them. As a consequence it is also required to update the Allotments Tenancy agreement as a separate body of work as soon as possible.

4.0 **IMPLICATIONS**

4.1 **Financial**

- 4.1.2 The Director of Finance comments there are no specific financial implications.

4.2 **Legal Issues** (Monitoring Officer)

- 4.2.1 The Head of Democracy and Governance comments that the Council is entitled by virtue of the Small Holdings and Allotments Act 1908 to make such rules as appear to

be necessary or proper for regulating the letting of an allotment.

4.3 Equalities

4.3.1 Not applicable

4.4 Risk

4.4.1 Not applicable

4.5 Staffing

4.5.1 Management and enforcement of the new Terms and Conditions will be carried out by the Council's Environmental Services Partner, Veolia Environmental Services who have been consulted on these revisions.

4.6 Accommodation

4.6.1 Not applicable

4.7 Community Safety

4.7.1 Not applicable

4.8 Sustainability

4.8.1 Not applicable

Background Papers:

None

File Reference: None