

Report to: Cabinet
Date of meeting: 23 July 2014
Report of: Environmental Services Client Manager (Parks and Streets)

Title: Report on the progress of:-

(i) Farm Terrace relocation issues, including compensation;
(ii) The Allotment Investment Programme; and
(iii) Paddock Road Development Proposals;
(iii) Callowland Self Management proposals.

1.0 **SUMMARY**

1.1 This report presents an update on a range of allotment issues:-

- Progress made in relocating existing Farm Terrace allotment holders;
- A proposed compensation package for displaced allotment holders at Farm Terrace;
- Progress made in the development of a replacement site at Paddock Road;
- Approval to serve notice on Farm Terrace tenants;
- Progress made in relation to the allotments investment programme;
- Progress in relation to self management ballot at Callowland Allotments;

2.0 **RECOMMENDATIONS**

- 2.1 To agree the compensation package as outlined below in paras 3.2 and 3.3 below
- 2.2 To agree to serve 12 months notice on existing Farm Terrace tenants in line with the 1922 Allotments Act with a view to closing Farm Terrace in September 2015.
- 2.3 To note the progress in relation to Paddock Road development;
- 2.4 To note the progress in relation to the allotment investment programme and self management progress at Callowland allotments

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Report approved by: Lesley Palumbo – Head of Corporate Strategy and Client Services and Manny Lewis – Managing Director

3.0 **DETAILED PROPOSAL**

3.1 This report is broken down into a number of sections and deals with each item separately as highlighted in the summary (1.1). As part of the proposals to facilitate these areas of work, the Council undertook the procurement of a landscape consultant with dedicated Project Manager support. In June 2013, Southern Green Ltd Landscape Architects were appointed to manage the following:-

a) Allotment Capital Improvement Project - with associated budget of £810,000

b) Development of new allotment site at Lower Paddock Road; and

c) Relocation of remaining Farm Terrace allotments to the Lower Paddock Road site.

Since June 2013, works have been progressing with the consultancy team, the Parks and Open Spaces Client team at Watford BC as well as the allotments management team now working with Veolia Environmental Services.

3.2 **Farm Terrace allotments – reprovizion and relocation of existing allotment holders**

3.2.1 In December 2013, the Secretary of State for the Department of Communities and Local Government approved the appropriation of the Farm Terrace allotments into the Watford Health Campus scheme. This decision is subject to a Judicial Review (JR) on 25 July 2014. The Council has committed to both the like for like reprovizion of the allotment land at Farm Terrace and the relocation of all existing plot holders to sites elsewhere in the town. Subject to the outcome of the JR, this commitment remains.

3.2.2 In line with allotment legislation, a replacement site was selected at Lower Paddock Road, adjacent to the existing active allotment site. The replacement area is currently grazing land but was formerly allotment land. At the same time, the Council also gave a commitment to invest £810,000 into upgrading all other sites elsewhere in Watford in line with its recently adopted Allotments Strategy.

3.2.3 **Progress made in relocating existing tenants from Farm Terrace**

The impact of the Secretary of State's decision on the appropriation of Farm Terrace allotments into the Watford Health Campus meant, at the time of the decision, the displacement of 65 allotment tenants and the loss of 128 plots of variable size. Many plot holders have held more than one plot for several years. Part of the consultants' brief related to the project management of the relocation of these 65 allotment tenants to a new prepared site or alternative locations on other Watford sites. This included:-

- Assessing tenants own individual needs;

- Detailed engagement with tenants as a group or as individuals;
- Developing a process to allow seamless relocation to the new site / existing sites;
- Managing a compensation package proposed by the Council (this is outlined in more detail in 3.2.4 below);
- Managing a group of individuals who are currently impacted by a major development and the “upset” that this involves; and
- Developing a communications strategy for allotment holders and stakeholders.

Some of the allotment sites in closest proximity to Farm Terrace (Brightwell and Holywell) have vacancies and no waiting lists, so there is an opportunity for tenants to relocate directly to these sites. As part of the ongoing process, some allotment holders chose to move very early in the engagement process and this still continues. 63 plots still remain tenanted at Farm Terrace with 47 plot holders. (figures current 7 July 2014).

3.2.4 **Proposed compensation package for displaced allotment holders at Farm Terrace**

Under the Section 2 of the Allotments Act 1922 and Section 3 of the Allotments Act 1950, an allotment holder whose tenancy is terminated is entitled to compensation for:-

- Crops under cultivation (Section 2 of the 1922 Act);
- Manure applied to the land (Section 2 of the 1922 Act);
- A sum equal to one year’s rent of the land at the rate at which rent was payable immediately before the termination of the tenancy (Section 3 Allotments Act 1950) i.e disturbance;

Allotment holders are also entitled to remove their crops.

The value of compensation for crops is based on their value to an incoming tenant but compensation can also be decided by negotiation and agreement between the parties.

In this instance, there are no incoming tenants and the Council needs to develop a package of compensation for displaced tenants, whether they move early, have already moved, or will move at the end of this growing season.

The Council, as part of the engagement process has, so far, offered the following to tenants which has been taken up by a number of them:-

- Relocation of existing plants (where possible);
- Relocation of structures to a new plot (sheds, greenhouses, paths, water butts, frames, trellis etc) and where not possible, new provision provided;
- Clearance of new site and cultivated to an agreed standard to enable easy transition;

- Free rent on their new plot if they move early whilst still cultivating Farm Terrace plot this season; and
- Compensation

The compensation level proposed is at three levels:

- Category 1 - £750 for a tenant relocating (or previously relocated) voluntarily ;
- Category 2 - £1,000 for a tenant giving up completely and by agreement before notice is served; and
- Category 3 - statutory minimum for those served with notice for termination of tenancy in September 2014 (see below for details of termination timescales)

An interim payment of £500 has been made to tenants who have moved voluntarily pending Cabinet agreement to the above recommended policy.

In some cases, plots are held by individuals from the same household. It is intended to offer compensation per household only.

Indicative costs of compensation: £33k.

By being clear early on the numbers of allotment holders that wish to relinquish their plot or relocate, this enables the scale of new plot provision at other Watford sites and at Lower Paddock road to be managed under one contract, with economies of scale and more cost efficiency.

The JR outcome is likely to be known before tenants have to decide by the end of September. Should the outcome of the JR not be known prior to the time for serving notice on remaining plot holders the Council would also withdraw any notice given in the event of an unfavourable JR outcome.

Tenants relinquishing their plot voluntarily would not be reconsidered by the Council for an allotment again for a period of 3 years.

Compensation timescales

It is proposed that the Council should make all compensation payments in this way:

- any tenant that moves voluntarily, will be paid when they move;
- any tenant that signs a legally binding agreement by 30 September 2014 to voluntarily relinquish their tenancy by September 2015 will receive 50% of their compensation on signing and the balance at September 2015. This enables the Council to plan more effectively and earlier on destination sites; and
- any tenant waiting to the end of the process and leaving under compulsory notice in September 2015 would receive their compensation once the process is concluded.

3.2.5

Serving notice on Farm Terrace tenants

Under the Allotment Act 1922 Section 1(1)(a) a Council can serve notice on an allotment holder giving 12 months notice to terminate their occupation of the allotment. The notice must be served in any year before 6 April or after 29 September so as not to disrupt the growing season.

Where a council gives 12 months notice it is under no legal obligation to pay any compensation to the displaced allotment holder.

The other alternative as the council has appropriated the allotment for purposes other than allotments, is to terminate their tenancies by giving 3 months written notice. This is under Section 1 (1) (d) of the same 1922 Act.

Officers would recommend in this case giving 12 months notice on 1 October 2014 to determine 30 September 2015. The Health Campus is unlikely to need the allotment site prior to this date and this will provide sufficient time for the re-provision of replacement allotments.

3.2.6 Engaging with affected allotment holders

Farm Terrace allotment holders will be advised of the options open to them in the approved compensation package and the associated timetable.

3.3 Progress made in the development of an alternative site at Lower Paddock Road

As part of the application to the Secretary of State, the Council committed to providing an alternative site replacing the Farm Terrace "like for like". Lower Paddock Road was ultimately seen as the preferred option as it would create enough plots to replace the 128 at Farm Terrace, bringing back into use the redundant allotments to the south east and west of the existing plots.

Southern Green Ltd was, therefore, asked to initially progress the design of the new site on receipt of the initial Secretary of State approval. However re-consideration of the earlier application by the Secretary of State and the subsequent JR has meant that designs have not progressed, at this stage, for the proposed extension at Lower Paddock Road. However, once the JR decision is received, designs can be progressed relatively quickly, with the development of the smaller field starting from autumn 2014 and plots available from September 2015.

3.4 Progress made in relation to the Allotments Investment Programme

The new Allotment Strategy and Action Plan clearly outline what the council plans to achieve in relation to allotment provision over the next 5 years. Clearly this requires funding and investment. Some S.106 funding has now been allocated in the capital programme to facilitate the investment programme which was based on a thorough investigation of the quality of our allotment sites and specific needs ranging from new fencing, toilets, to new notice boards and signage.

An assessment of each site was carried out by Council officers to ascertain each site's needs. The capital works identified range from site to site and

appointed consultants (Southern Green Ltd Landscape Architects) were tasked to work with site supervisors and officers at each site, develop detailed designs and procure and manage the delivery of each on-site improvement .

The following sites identified within the programme are:-

- Paddock Road;
- Oxhey Grange;
- Brightwell;
- Holywell;
- Chester Road;
- Timberlake;
- Tavistock Road;
- Callowland;
- Briar Road; and
- Garston Manor.

Engagement with allotment holders was conducted in autumn 2013, which modified and revised the designs. Detailed tender drawings and documents were produced to allow for a competitive tender process, resulting with Ground Control Ltd. Works being appointed to start work on 21st July with completion by the end of November 2014. There will be a dedicated “contact number” for all plot holders to contact in case of queries during the investment programme with a commitment to respond to all issues within 48 hours. This was built into the specification.

Tenants have already been advised to remove items and structures 1m back from existing boundaries before works commence. A further letter to all tenants has been written notifying them of the programme.

3.5 **Progress in relation to self management ballot at Callowland Allotments**

The Council has been working with the tenants at Callowland Allotments for the last 12 months in relation to their initial enquiries to consider “self management” options for this significant site. Community First Partnership were engaged to work with tenants and take them through the full process, which included consultation, detailed discussions on the advantages and disadvantages of self management, through to a fair and transparent voting process. A ballot was taken in July 2013 and the results were as follows:-

For Self Management – 65
Against Self Management – 29
Spoilt papers – 0
Late votes – 13

The overwhelming majority of Callowland allotment holders, therefore, voted for self management. This is an important milestone for this allotment community and it is also a key outcome in the action plan within the

Allotments Strategy. The results and the implications have been made known to all Callowland allotment holders. Community First Partnership is now currently engaging with allotment holders to assist them to form a constituted Management Committee. This will allow the Council to draft the terms of a long-term lease with a constituted group to ensure a smooth transfer over to self-management.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 Provision has been made in the capital programme for the allotment investment programme and the relocation of Farm Terrace. Revenue costs will be managed within existing budgets.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that the legal implications are contained in the body of the report. The proposed levels of compensation are higher than the statutory requirements in the Allotment Acts and if the Council decided to give all tenants twelve months notice it would be under no legal obligation to provide any compensation. Using s1(1)(a) also means the council is not reliant on the allotments having to be deregulated to serve notice.

4.3 **Equalities**

4.3.1 In relation to the relocation of Farm Terrace allotment tenants, considered consultation is taking place that is looking at individual needs and requirements in relation to age, disabilities, distance to travel and priority is being given to those with such needs in relation to finding a plot near to Farm Terrace such as Brightwell and Holywell. A full Equality Impact Analysis has been developed in relation to the relocation of Farm Terrace allotment holders.

4.4 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Delays in preparation of Paddock Road site	2	3	6
Some Farm Terrace tenants refuse to move	2	3	6
Callowland Tenants disagree on lease terms	2	2	4
Delays in issuing notice to quit to Farm Terrace tenants	2	3	6
<i>Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service's Risk Register.</i>			

4.5	Staffing
4.5.1	Not applicable
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

Appendices

None

Background Papers

Equality Impact Analysis: Watford Health Campus – Farm Terrace allotment relocation

File Reference

None