

January 7<sup>th</sup>, 2019

The minutes from the September ALM have been on the web site since late September and are attached. Since then ODFAA's committee have met twice separately and twice with OCC representatives OCC to discuss leases. On Dec 11 with Stuart Fitzsimmons and Emma Taylor, and on the 14th with Ian Brooke, Head of Communities, Stuart Fitzsimmons and Councillor Louise Upton. An earlier version of this paper was submitted by ODFAA in December as a result of ODFAA discussions on feedback with associations, it now has further comments and actions by ODFAA/OCC. The new lease will be the major agenda item for the ALM on January 22nd.

Also attached is the 2018 Association for Public Service Excellence (APSE) Local Authority Allotment Services State of the Market. It shows the national context. There is obviously a growing concern about Local Authority funding, which we understand is more limited and also about changes in how allotments are managed.

The APSE report shows that only about 7% of LA's have devolved allotment management, which puts Oxford and its history into a very specific minority. OCC derives considerable benefit from this. However, it is very low in the 'ratings' when it comes to budget commitment - with no dedicated Officer time and a budget which is recycled site and contracted out allotment land rent.

Apse states There is a wide range of prices for renting plots, but the largest proportion of local authorities now charge over £70 per annum to rent an allotment in 2017-18. The fact there is a wide variety of charges below this cost suggest size and facilities may have a part to play, but it is noticeable most local authorities are now implementing charges which may now, at least, cover the cost of maintenance rather than subsidising the allotment service which for many would have been the previous practice. There is no information in the report on association site costs, which is of most significance for us. We are, we believe, unique in all our sites being devolved but for the ownership of the land. With this level of devolvement, we expect a lower than usual site rent.

Our ODFAA history reveals some issues, (trustees, maintenance, trees, oversight) that have been rattling around since the 1970s. ODFAA have worked with Parks successfully to turn significant problems of overgrown plots and sites around. Associations have concerns about the expected increased level of actual devolvement, finances and OCC accountability.

## General

- The ODFAA committee is (too) small for its workload. This year has involved much extra (admittedly mostly one off) work with regard to the demands of the Flood Alleviation Channel; our forthcoming centenary with publication, centenary competition; as well the research and preparation for the new lease. For ODFAA to continue to support allotments as in our constitution, and if associations have more actual responsibilities, we expect ODFAA changes.
  - ODFAA committee needs more members and more support from its members.
  - OCC's vision for allotments will need more transparency and clarity.
- **ODFAA cautiously advise a 2020 affiliation fee of 50p per member. It has been 40p for 10 years. We presently have very good resources, saved for our centenary and to cover the initial insurance payment which can take half a year for OCC to repay. An increase may prove unnecessary or it may need to be more if insurance costs are moved to ODFAA.**
- Allotment law makes allotment provision a council responsibility. OCC have a proud history in this and has worked with ODFAA for 100yrs to secure and support the management of sites.
- Allotment history has been quite contentious and shows variability, with periodic increases, often led by privation (e.g. economic hardship or war) and overall decreases since the 1970s.
- It is a source of food supplement for some but evidence suggests recreational plotters have kept sites going.
- The sustainability of sites is dependent on volunteers willing to manage them. This must be practically and financially achievable.

- The focus for successful allotment management today is more on: encouraging the take-up of plots; regeneration of sites; engendering democratic management; and communal participation.
- Site management requires a subtle combination of adherence to rules and regulation alongside personal persuasion. This could be easier / more effective with overall rules? Whilst Oxford city leases have rules that associations must accept; OCC rules give associations some leeway.
- **We need to discuss rules – Some of the OCC rules need updating and associations must ensure their rules do not contradict OCC rules.**

#### Concerns re lease/wording

- It was noted that there is key legal difference between licenses and leases. See attached.
- the need for a demise statement and Land Registry registration
- re assigning Trustees statements. OCC/ODFAA have agreed in principle to
- to the signing of the new Agreements by 'signatories'
- that these should be senior officers of Associations so that contacts stay current
- to cap Allotment Association liability to a limit equal to the assets of the Association
- to include OCC contacts and a form for notifying OCC when officers change
- remove sub-let and tenants in favour of membership and fees/subscriptions
- Clause 20/21 'It is hereby certified that there is no agreement for lease to which this lease gives effect.' What does this mean?
- 11.3 says all inflammable liquids must only be stored in appropriate buildings etc. We do not think this is realistic and is at odds now with insurance. In other spheres, the rule is to limit to 5 litres in approved containers. This would be realistic and we would be able to deal with the most dangerous risks which is people storing excessive quantities unsuitably.
- 14.2. By analogy with clause 16, doesn't it need to be 'or in accordance with the Association's constitution'?
- 12. Where OCC has responsibility for trees (just one association presently) The responsibility isn't clear. It says the Landlord is responsible for hazardous trees and fallen willows, and pollarding. It doesn't to cover overgrown trees shading out allotment land or more general tree maintenance. There also seems to be no mechanism for mediating disagreements here.
- In the list of things that the Tenant is responsible for - water courses, ditches, (and cables, pipes) etc, it specifically excludes public utility supply but not infrastructure that is the responsibility of other public/private bodies. What of EA, riparian owners, other agencies?
- Should we re insert a break clause as in a previous lease i.e. - a provision in the 21-year lease/tenancy agreement which enables either OCC or the Association (or both) to end the lease/agreement early.
- A transitional year for some sites – this may be a step-change for small Associations in terms of self-maintenance
- Possible exceptions for health and safety – e.g. where there are examples of work that needs doing that seriously threatens H&S.
- Will any sites need transition time?

#### **Are there any other concerns with lease wording?**

**ODFAAOCC agree we could base the lease on the current document with changes needed for: a demise statement, Land registry, members and fees , removal of 'trustee' wording and clarity re limited signatory responsibilities; insurance; look at terms of reference for OCC/ODFAA, association shared responsibilities.**

#### **Allotment and councillors**

- ODFAA understands that plots are essentially a private benefit for ploholders and act as important stewards of the land and environs. We acknowledge that associations could develop greater community benefit: e.g. communal plots; 'Little Growers'; being part of supported learning, behavioural and recovery therapies.
- OCC and NHS could do more to signpost people to this benefit as part of 'social prescribing'. The Green Spaces meeting and Allotment Cllr have agreed to pursue this.

- ODFAA think the majority of council tax payers would consider allotments to be a good thing? We know that: they are valuable green spaces; often have more bio-diversity than parks and nature reserves; they can be enjoyed by a wider community than plot holders alone; they contribute positive health benefits to participants; they enable a cross section from local communities to meet and share common interests; they contribute to carbon reduction via the short distance from plot to plate; they contribute to genetic diversity and sustainability.

## **Should ODFAA draft a paper for associations to gather local councillor views?**

### **Allotment Strategy – OCC oversight:**

- OCC's longstanding approach, since the 1970s, has been to write leases stating that Associations take all responsibilities for their site. The council has never previously enforced or enacted this. ODFAA history shows that OCC has often stated and always been responsible for most major site work, i.e. buildings, fences, roads, trees, ditches, even when the lease has devolved this to associations.
- The last OCC published allotment survey was in 2005 which resulted in substantial capital funding for fencing with more in 2016. OCC gathered some information for the 2015 rent review.
- Relationship between OCC and ODFAA should be viewed as healthy – although OCC viewed this position statement from ODFAA as indicating we were further apart than they expected.
- Responsibility involving OCC officers has been shuffled about and now lies in Direct Services for managing the budget, in Estates for lease and rent issues and with Communities, who are responsible for The Green Spaces strategy. The post of councillor with allotment responsibility has moved through 6 councillors since 2007, all but one has had little contact.
- On the OCC web site allotments are in 'Leisure and Culture'. After recent reorganisation this area is called Community Service. The Head of this is Ian Brooke, who is responsible for the Council's strategic approach to leisure, parks and open spaces, sports development, community development & safety, community centres, resident involvement & empowerment, youth ambition, culture and the arts, museum, events.
- Allotments and our budget are now located in Direct Services where the Head of Service is Simon Howick. We moved with Stuart Fitzsimmons due to his long experience with allotments.
- ODFAA have talked with Ian Brookes and our councillor about this and agree we need also to be rooted in communities, where volunteers can be supported. Ian Brooke is still responsible for the Green Spaces Document.
- ODFAA is concerned that allotments and their management have fallen off the political agenda in Oxford. This is not a criticism of Stuart Fitzsimmons rather the council structure (and approach) he works within. For some time there has been no reported evidence of oversight We need clear recognition within OCC along with other green spaces, as our sites occupy a significant land area.
- Ian Brookes stated the new lease will go before the Exec Board, with due process involving the Councillors as well as the OCC management and thus will have councillor approval.
- ODFAA are keen to hear the views of councillors about allotments and allotment provision?
- Our present councillor recognises "allotments are in some kind of twilight zone at the Council"
- OCC believe that whether allotments sit 'under' Direct Services or elsewhere was not really relevant for a lease/agreement that will last for many years.
- It was noted that ODFAA and Associations usually deal with three people over allotments:
  - responsible for rents and leases - Estates – Emma Taylor
  - responsible for maintenance issues and budget – Direct Services Stuart Fitzsimmons
  - A Councillor with allotment responsibility- Cllr Louise Upton
- ODFAA is not asking for an 'allotment officer'. That time is gone and all day to day work is done by our associations. Associations have made leaps and bounds in developing site and membership management skills but we need to be within a council support structure with OCC accountability. ODFAA thinks the present informal approach has embedded vulnerability.
- We recognise allotment self-management benefits our sites and helps address the conflict of interest that can arise from the fact that the body that owns allotment land is the body that profits from disposing of the same land

- ODFAA and OCC generally agree that OCC management should consist of managing the allotment budget and an oversight of allotment maintenance and provision, whereas day-to-day 'management' is undertaken by the Associations. Further discussion is probably needed about the working to be used – and maybe 'Terms of Reference' of how OCC, ODFAA and Associations all work together.

[Comments on oversight and structure](#)

### **Green Spaces Allotment Strategy/Plan**

- The Green Spaces Strategy has an allotment section which states ODFAA 'monitors' all sites. This is not a responsibility we accept; we record info. from associations, we do not verify it.
- The OCC/ODFAA Allotments charter is now out of date
- ODFAA recognises it has not always held to the principle that proceeds from the unavoidable and agreed disposal of sites should be invested in the longer term future of other sites, given the tension re housing in Oxford.
- ODFAA insisted on written assurances from Nick Twigg, OCC's *Major Projects & Development Manager about released SR8 land and allotment gains. He stated, "Oxford City Council supports this high level of cooperation with ODFAA and confirms that if demand for allotments rises in the future, we will work with ODFAA to consider whether there is appropriate land to address this demand"* 2016. We are disappointed there was no plan for allotments in the green spaces for the new development in North Oxford?
- The Green Spaces document separates Oxford into smaller sub-divisions. Is there still info on allotment provision per capita broken down in each of these localities, or by ward?
- To continue confidently with such a large degree of devolved management, we need:
- OCC to deliver on the Allotment Strategy planned for 2017 (green Spaces) or at least
- Update the current allotment 'plan' with clear intent and support from OCC
- Recognised client officers and volunteer support for the 200+ committee members
- an investigation and clarification of ODFAA insurance (set up by OCC in 2003)
- Ian Brookes. Didn't disagree but stressed any 'allotment' statements should be integrated with the wider strategies on Green Spaces, Environment. Cllr Upton thought it also needed integration with the Local Plan. [ODFAA would help update the allotment plan but need councillor input re future intent. There was no mention in the last major consultation?](#)

### **Allotment Funding**

- Given allotment associations responses OCC and ODFAA are looking to continue with mainly devolved management with shared OCC allotment budget management and oversight.
- Direct Services provides a range of services on behalf of the Council as well as trading and competing for business in the wider city economy. Due to different reporting allotment budget placement in direct services means allotments have disappeared from public accountability?
- There could be a conflict of interest with current responsibility for allotments being in Direct Services and sites using DS as a service provider.
- We have clear accounts for the last 3 years.
- It was agreed that a clear budget income stream summary would be provided to ODFAA and some past & anticipated costs related to sites so that associations can budget effectively. Should we expect any other income stream coming to allotments e.g. capital etc.?
- ODFAA noted that upon inspection the OCC allotments budget sheets contain surprises – e.g. work on water systems and wells, shed asbestos removal, fencing- when others have been asking for similar work to be undertaken for several years. OCC confirmed that this has happened when the individual leases are either unclear in terms of responsibility or explicitly state OCC responsibility. Given we now know leases are on the whole identical, we are puzzled.
- The current 'lease', and at least 3 immediate predecessors, listed responsibilities of the Associations but OCC has continued to fund and, in some cases, provide these to some Associations. The lack of a clear line in this has been unhelpful as some sites have not developed fully realistic budgeting of their responsibilities.

- Ian Brookes stated Growing the use and income of Direct Services is a specific part of the council's financial strategy. The more it grows the more money comes back to support council services. How does this relate to allotments?
  - Since 2007 ODFAA has actively encouraged associations to take more financial responsibility and have budget and now asset planning.
  - The allotment budget seems to be c.£20,000, of which associations contribute about £11,500. Additional income is probably for contracted out allotment land?
  - Since 2015 more of the budget goes to grants hastily arranged at the end of the financial period as the reactive maintenance budget is unused.
  - For financial planning purposes associations need:
    - clarity on the income stream
    - OCC to be more explicit what the allotment budget is for?
    - information about historical and anticipated costs incurred by associations and OCC.
    - clarity that all allotment land income is allotment budget and re invested in allotments
    - identify any (historical) agreements and demands on the budget?
  - ODFAA has stressed the importance of associations making asset management plans to work out the plot costs to members. The last survey forms were organised to help associations develop an asset plan as we anticipate the new lease will have more actual responsibilities.
  - Many sites have been reclaimed and improved over the past 10 years with external funding and self help and this needs to be recognised and attributed.
- ODFAA think the present reactive response model is not a long term effective management model. We think full condition surveys should be, at the very least, be a factor in lease renewals and rent reviews.**

## Site rents

- OCC need to complete 2015 to ensure there is an equitable rent per hectare.
- The last rent review used RPI as the increase averaged over 7 yrs. We have no information about the present expected level. **Averaged RPI as in 2015 would provide a modest increase. Will it be a flat rate or varied?**

## Insurance

- Insurance – ODFAA/OCC are looking at alternatives to current arrangement where allotment insurance was an add-on, in ODFAAs name, to an OCC insurance policy with Zurich. OCC may need to look at how insurance cover can be supported within the reactive maintenance/service charge arrangements as is currently the case. ODFAA find Zurich a more problematic provider every year. Cover has been getting more and more expensive (albeit from an artificially low base but with as yet not a single claim), moving from c.£700 to £3-£3.5K over 10 yrs.
  - ODFAA need to give some thought as to how best to take this forward with further research. . Current lease says OCC 'provides insurance' through ODFAA membership but future possibilities are:
    - Emma is looking at a possible trade-off reduction in rent to compensate for insurance increases.
    - ODFAA try to organise a group insurance discount with renewal being sites' responsibility.
    - Possibilities seem to be
      - [Park Insurance](#)
      - [Shield Insurance /Vantage](#)
      - [Zurich](#)
      - [RHS](#)
- Some of these have affiliation fees per plot holder which can be very substantial.

**If anyone has insurance expertise or related experience, we would appreciate some help with researching the possibilities and costs would be timely?**

## Allotment Provision:

- ODFAA has not been able to identify a better level of allotment provision anywhere else in the country. There are few 'waiting lists,' if any, in ODFAA member associations. Our concern is a shared desire to protect and enhance the very good allotment provision in Oxford. If the council

is unable to fully account for the state of its allotment 'estate', council tax payers may not support their continuation in the face of growing land pressures.

- What are OCC plans for a rising population? ODFAA aim to, at least, maintain the ratio. We need clearer OCC statements on plans for ongoing and future allotment provision.
- Should use opportunity for lease renewal to gain more political support within Council for allotments as Oxford grows in the future
- With a growing population and possible increase in demand for plots if the economy takes a hit, it is important to have a political commitment to no lessening of allotment provision, and ideally a clear support for growth.
- This didn't happen in N Oxford development. Cllr Upton had no reply to her query on this.  
**What are OCCs plans for future allotment provision? Do associations have room for growth in present acreage.**

### **Allotment Maintenance:**

- We think that Community centres are the closest analogue to Allotments in terms of organisation and understand their leases have OCC as responsible for outside of buildings and Community Associations responsible for inside?
- An updated condition survey across sites would help enable associations to plan. ODFAA have kept a running site record since 2007 as informed by associations. ODFAA do not think OCC have an up-to-date picture of all the sites they are responsible for.
- Site surveys – ODFAA circulated a document before September as agreed with OCC. There were 15 returns, not all completed. The remainder are for OCC to chase.
- SF disagrees and believes OCC know more than ODFAA give credit for. OCC, in one form or another, are present on many sites over the course of a year. Most things reported as being needed get done, albeit not fully systematically every year and not always visible to ODFAA. Most of this is responsive and does not require full-time officer. SF states OCC will always turn out if contacted. OCC knows much more would be required if ODFAA was not there.
- **ODFAA concerns would be allayed by knowing How are site conditions reported to Stuart, how recorded/ what c/would Parks pass on by way of allotment information?**
- It took Estates some months to find current leases (with ODFAA help). This was a new officer but she reported this was not an unusual occurrence.
- The current lease is too one-sided with no mention of OCC's specific responsibilities or what it commits to. This cannot continue into the new lease. Trees and Ditches are major sticking points for many associations.
- In response to this Emma is working on the possibility of using the allotment budget for trees – and OCC i OCC proposal for tree maintenance on allotment sites: concept of service charge and work to be carried out by Parks staff. Service charge will form part of overall costs charged. Rolling programme of on-site tree inspection and assessment e.g. every three years. Trees off-site would need individual assessment.
- The responsibility for safety would thus remain with Parks.
- Service charge for tree (and possibly ditch) maintenance would come from the current reactive maintenance budget with a modest uplift in the income coming from the Association site rents?
- Emma is working on the numbers to look at how this could be applied fairly across all sites, as some do not have trees and ditches. OCC are looking at how the 'facility' could be 'leased' to Associations while leaving the responsibility remaining with OCC.
- We need a summary of present Tree Survey information –Allotments are a public good and many trees contribute to the public as well as allotment realm. Google Earth maps of all sites show the trees are mostly boundary trees, whether in or on, thus serving the public realm too.
- This would mean a published rolling programme of tree assessment every three years with a Management plan so that associations know what to expect when and expenditure is planned and transparent.
- It is unlikely that a rolling programme of pollarding adjacent willows will be as frequent as some Associations expect. Some Associations will need to give this more thought if more frequent pollarding is necessary.

- ODFAA believe their c/hould be some rationalisation of trees on some sites.
- More information on tree work on sites should better inform associations of maintenance costs if they decide to supplement the work. Stuart will forward existing information on the numbers of trees identified on each site.
- Further discussion might be needed to clarify what the legal position would be under future leases if damage or injury caused by tree damage – would Associations need to consider more extensive insurance cover than at present?
- ODFAA thinks Ditches are beyond the means and capabilities of allotment associations but more work is needed on the question of ditches – where they are, where they drain etc. OCC is looking to identify riparian responsibilities more clearly - various rights-holders and responsibilities complicate the picture more than is suggested in the present lease) and this needs to be fully clarified by OCC before we can conclude what OCC can sign-up to.
- We want a proper assessment/measurement of our boundaries, as promised in 2007.
- Community Centres are the close analogue – where OCC retains responsibility for the buildings and CA's are responsible for everything else. The lease documents are much longer and more detailed of necessity.
- OCC does provide support and guidance to volunteer management committees and Ian Brookes thinks that that could be extended to Allotment Association volunteers, possibly to deal with ongoing problems with members? Louise Upton supported this proposal and asked if the volunteer support officer could be allocated a day per month to do this? Informed volunteer support could be useful – some committees could benefit from this now and in future.
- **Comments? Depending on costs this may mean there is limited/no grants /competition budget? What of sites that have no trees or ditches? Should sites with trees and ditches be penalised for having them?**

## NON OCC sites

- ODFAA intend to continue offering membership to non-OCC sites but it will have to be on a different basis. They are presently included in the overall insurance package (now £80 per site) which is paid for by the allotment budget, to which they do not all contribute. Unless sites contribute on a similar rent level to other sites to the allotment budget, or to a separate ODFAA budget if insurance changes, they will not be able to access this support. Bartlemas and Pullen's Lane have sub leases and pay rent into the budget so this only applies to Marston Mill lane, Risinghirst, Marston Ferry and Black hall, Lower Wolvercote, Fairview.

## Attached

- We have attached the 2018 APSE report highlighting the relevant statistics.
- Minutes of the September ALM
- NSALG information on tenancies