

Allotments Liaison Meeting

Draft minutes of ALM meeting held on Zoom Wednesday 28 July 2021

Association:	Attending:
Bartlemas Close	Samia Shibli
Barracks Lane	Stephen Pegg, Liz Bentley
Barton Fields	Jenny Wright*
Court Place Farm	Jane Wilson, Steve Bagnall
Cripley Meadow	Manda Joyce, Christine Melia
East Ward	Jane Millar*, Jon Willis, Meryl Wilford
Fairacres Road	Paul Hopkins
Fairview	Stephen Samuel
Headington Eden Drive	John Lardner*, Paul Roblin
Headington John Garne Way	Alan Cooper, Fiona Floate
Lenthall Road (Rose Hill)	Nick van Hear, Lorin Watt
Osney and Botley	Nick Jackson*
Ramsay Road	Robert Bentall
Risinghurst	Jenny Bowles
St Clements & District	Phil Baker*, Penny Gardner
Sorrel Road	Roy Leach*, Simon Pratt
South Ward	Emma Tinker
Spragglesea Mead & Deans Ham	Tony Cox
Thompson Terrace	Julia Brocklesby*, Helen & Phil Fetzer
Trap Grounds	Jonathan Clark
Upper Wolvercote	Zeb Tuner-Johnson
Van Dieman's Lane	Samantha Chapman, Susanne Marburg
OCC	Isabel Richardson (OCC liaison), Emma Gubbins (Corporate Asset Team), Caroline Chanides (Green Spaces Development Team), Councillor Lubna Arshad

*Denotes ODFAA Committee Member. There were six other attendees who joined the Zoom session but did not sign in with a display name.

Welcome and apologies.

- Meeting chaired by Nick Jackson and Phil Baker, co-chairs ODFAA. Councillor Lubna Arshad was welcomed to her first ALM. Nick introduced the ODFAA Committee members present and Council Officers, Caroline Chanides, Isabel Richardson and Emma Gubbins. There were no apologies.

1. Minutes of the last ALM

- The minutes of the ALM held 21 January 2019 had been circulated. These were accepted. Any actions arising had been dealt with in the intervening months.

2. Discussion of Draft Lease and OCC Rules

Association attendees were very appreciative of the work to date undertaken by Phil Baker and Nick Jackson, on behalf of ODFAA, negotiating with Council colleagues. The Council is working to the deadline of end of September for completion of the lease, the date when the current lease terminates. Isabel Richardson reassured Associations, however, that if the deadline was missed current arrangements would continue.

Points and concerns raised on the draft documents by Associations:

- **Sites with specific issues:** Some sites have specific additional issues that will need to be addressed in the lease which might take longer than the end of September to resolve. Isabel was aware of this and that each lease needed to be unique to that site; eg in terms of rent. Work would begin on this once the overall template was agreed. Any site with specific concerns was urged to contact OCC and copy ODFAA. **(Action 1 – OCC and individual sites as appropriate)**
- **Rents:** Emma Gubbins reassured sites that there would be no rent increase in the new lease beyond that issued at the 2019 ALM. The rents per site would be recirculated. **(Action 2 - OCC)**
Emma and Caroline clarified that rents and additional income from utility companies on Allotment land were ring-fenced as part of the Allotments budget. In future the bulk of this would be for fulfilling the tree policy and, if there was any money left over, there may be the possibility of small grants. It was not clear whether reactive maintenance also include repairs to Council owned shed. Caroline was aiming for transparency over future use of budgets and was waiting for further details from Council colleagues.
She can advise sites on where else they might apply for external grant funding.
- **Site status and lease signing:** There was considerable confusion among sites over how and when cooperative status would be achieved and whether this would be in time for signing the new lease. One site had approached NAS to sponsor their application for cooperative status then halted discussions when ODFAA indicated it was preparing an alternative set of rules. Phil confirmed the ODFAA was prepared to pay the £950 fee to the FCA to have an alternative set of Co-op Rules approved for general use in Oxford. We cannot guarantee FCA will approve these first time and would have to look at effects of further delay. He confirmed that ODFAA hopes sites would use a revised set but if sites wished to go with NAS template and seek alterations later there was no problem with this.
Nick said the new lease could be signed by Associations as unincorporated bodies and then be changed once those sites aiming for cooperative status became legal entities. This may cause a problem with trusteeship, however, as current signatories, where they still exist, might be expected to sign again with attendant risks.
It became apparent some sites had misunderstood the effect of new clause 7.5.1 of the draft lease, stating that 'trustee' liability remained only as long as the person was a 'trustee'; and 7.5.2 which limits 'trustees' liability to OCC to the value of all Association assets on site. They considered there would be now be no risks for 'trustees' if they continued into the future as unincorporated bodies. Phil emphasised the risks from continuing to be unincorporated with the new lease and that although trustees may have limited liability with OCC but that would not prevent civil or criminal cases being brought against them by third parties. As a cooperative or a limited company, sites would need to have Directors but overall liability would be greatly limited. He urged any Association in doubt to check the previous documentation, issued to all sites, which is on ODFAA's website.

Another site is nearly ready to apply as a Community Interest Company, which involves proving the Association does indeed provide wider 'community benefit', which allotment membership by itself does not.

Isabel agreed to go back to the Council legal team to get a clearer form of wording for these sections and to clarify the full implications. **(Action 2 - OCC)**

Phil agreed to circulate to Associations for information the draft revised Co-op Rules **(Action 3- ODFAA)**

- **Pages 1-4 referring to Land Registry:** These pages are complex in the lease but need to be there to fulfil Land Registry requirements. Once the new lease is signed, all sites will need to register with the Land Registry. The Council agreed to insert a front sheet explaining the content of these pages. **(Action 4 – OCC)**
- **Infrastructure:** At present, the implication of the lease is Associations would ultimately be responsible for capital costs of full replacement of infrastructure such as fencing and gates. This is still in discussion between ODFAA and OCC. Emma emphasised the need for sites to have asset management registers to look at depreciation and replacement costs and budget for this. ODFAA considers this would prove beyond the means of any Association, especially where sudden and major damage occurs to items such as fencing and gates. These should be viewed as landlord fixtures and insurance needs to be taken out by the landlord. This issue still needs to be resolved. **(Action 5 – ODFAA and OCC).**

One site asked for greater clarity over the size and number of permitted of structures such as polytunnels. The guidance also needs to be clear that facilities on site should not be used for storage of anything that is not appropriate to the allotments. This is being reviewed and changes will be made to formal texts. **(Action 6 – ODFAA & OCC)**

- **Site Changes:** One site, which has low numbers of tenants, expressed concern at being tied to a 21 year lease if circumstances changed. At the moment, some areas of the site have been used to encourage wildlife. It is not clear what percentage of non-cultivation is permissible in the future. It was agreed that the committee, OCC and ODFAA meet about their particular issues. **(Action 7 – individual site, ODFAA and OCC)**
- **Trees:** Tree management will be according to the Council's tree policy which currently covers three yearly inspections by Oxford District Services (ODS) on its behalf and dealing with dangerous trees. Emma did not wish to make clause 4.1.7 too specific – such as response times - in case the Council's tree policy changed over the 21 years of the lease. The Council has a list of different priorities for trees and which constitute an emergency. Lack of specificity is a problem, however, for sites. More than one site had a problem with shading from neighbours' trees which the policy does not cover although sites could remove overhanging branches. The Council could also ask ODS to quote for the work. It was not clear whether sites could look for a cheaper quote. Phil was concerned that sites were being made to pay for what was a free statutory service for the rest of the City. There also needs to be some latitude in what Associations are able to do themselves in respect of management of trees on site.
It was agreed that the Council's tree policy would be circulated as a prelude for further discussion. The Council would look at the additional costs of taking on the problem of tree shading. **(Action 8 – OCC)**

It is also available at:

https://www.oxford.gov.uk/downloads/download/558/tree_management_policy

- **Livestock:** Clause 7.3 of the OCC Allotment Rules refers to permission for rabbits and hens exclusively. It was clarified that under Allotment Law ducks were not permitted. It was not clear what proportion of plots could have livestock on a particular site. One site had received complaints from neighbours of too many chickens. OCC propose less details in the Rules and reference to external sources of regulation and guidance. **(Action 9 -ODFAA and OCC)**
- **Enforcement of rules:** One site queried the wording in clause 8.1 of the Allotment Rules obliging Associations to ensure no unauthorised people on site and how this would be enforced. Isabel agreed to change 'ensure' to 'making every reasonable effort' or similar. It was emphasised that Associations could help by ensuring keys were only allocated to plot-holders and requesting that gates are locked at all times. **(Action 10 – OCC)**
- **Bonfires:** These are no longer banned but need to observe the Bonfire Code.
- **Growing Flowers:** This is permissible but flowers cannot be grown to the exclusion of fruit and vegetables.
- **Community Activity:** One site with a school next door has allocated a plot for school use. It was agreed community activity might be added to the rules but the signatory to the plot and specific key holder needs to be clear. **(Action 11 – OCC)**

3. Any other Business

- **Council Contacts:** It would be helpful to have a list of Council contacts over specific issues such as trees. Laura Haddock is the stated contact for trees, and Lubna, for example, deals with parks and allotments, Tom Hayes, Deputy Council Leader, with the urban forest. Associations were invited to contact Nick and Phil over what areas they might like Council contacts and this would be forwarded to the Council. **(Action 12 – sites and ODFAA)**
- **Allotment Strategy:** ODFAA and OCC have agreed in principle that there should be an allotment strategy for Oxford. This would need to link to other local strategies if it were to have most effect but could be very useful for the future.

5.Date of next meeting: ALMs have usually been held three times a year in the Town Hall. The next meeting is due October/November time. Depending on the state of the pandemic, this could be in person or again on line. If there is need for an earlier meeting because of issues with the lease etc sites will be notified.

The Chair thanked everyone for attending.

Provisional dates for ALM meetings, Committee meetings and deadlines:

2019		
March 12 th	Tues 3.30pm - 4.30pm 4.30pm - 5.30pm	OCC / ODFAA and Fed Committee ODFAA committee
April 9 th	Tues 6.30 - 7 pm 7.15 - 9pm	ODFAA AGM Allotment Liaison meeting
May 1 st	Insurance renewal (fees must be paid & insurance paperwork received before/at AGM)	
May 8 th	Weds 7pm	ODFAA committee planning meeting Chair's house
May 20 th	OCC send Grant forms to associations to arrive before end of May	
May 17 th	Allotment Competition – deadline for entries	
Week c. June 17 th	Allotment Competition – first judging visit	
August 6 th	Tues 3.30pm - 4.30pm 4.30pm - 5.30pm	OCC / ODFAA and Fed Committee ODFAA committee
August 17 th		Elder Stubbs Festival
August 21 st	Wednesday	ODFAA Founding Day. Evening bash at Cripsey Meadow AA
Week c. September 16 th	Allotment Competition – second judging visit	
September 24 th	Tues 7 for 7.15pm	Allotment Liaison meeting
October 28 th	Mon 7pm - 10pm	Awards and Certificates and Centenary Bash at WOCC
November 23 rd	Sat 11am to 2.30pm	ECO fair: 'How to do Climate Change' St Michael & All Angels Church Lonsdale Rd.
November 30 th	Sat 7.15pm - 10pm	ODFAA Talk at WOCC
December 10 th	Tues 3.30pm - 4.30pm 4.30pm - 5.30pm	OCC / ODFAA and Fed Committee ODFAA committee
2020		
January 5 th	Sun 10am - 1.30pm	Pennard Plants Potato Fair at WOCC
January 21 st	Tues 7pm for 7.15pm	Allotment Liaison meeting
March 10 th	Tues 3.30pm - 4.30pm 4.30pm - 5.30pm	OCC / ODFAA and Fed Committee ODFAA committee
April 7 th	Tues 6.30 - 7 pm 7.15 - 9pm	ODFAA AGM Allotment Liaison meeting

2021 28 July ALM minutes APPROVED 5-4-22