

## **Great Waltham Parish Council – Monthly Meeting 19/02/2024**

### **To discuss and agree any actions in relation to matters raised by a member of the public concerning the Council's provision of allotment gardens, and in particular the incorporation of a service charge in its allotment hiring fee.**

1. This briefing paper has been prepared for Council members and provides information in relation to specific representations and requests made by a member of the public at the Council's meeting on 15/01/2024, some of which were discussed by the Recreation Committee at its meeting on 29/01/2024. The Committee agreed that a briefing paper should be prepared so that all members have the same up-to-date information prior to any discussion.

#### General

2. This section provides some initial context around, and explains the guiding principles concerning, the Council's current policy in relation to the provision and administration of its allotment garden sites. This overview may assist in the positioning of the more detailed comments on specific issues.
3. At present the Council administers two allotment garden sites at Brook Mead and Bury Lane. Historically, it was responsible for other sites in Great Waltham village and at Howe Street, but these no longer exist. The Council is also aware of a privately owned and administered allotment site in Ford End.
4. The Council currently charges each allotment plot holder a hiring fee which is collected annually. Previously, the amount charged was based solely on a rate per rod calculation, thus the size of the plot alone determined the sum payable. Now the hiring fee comprises two elements – not only a provision for renting the plot (using the per rod calculation), but also a flat rate service charge to recognise additional expenses incurred by the Council. The current nomenclature is important as often the hiring fee is still colloquially referred to as the 'rent' (which was not an issue when there was only one element), when in fact it now has its two distinct, differently calculated elements.
5. Members are reminded that the Council does not own the allotment sites, rather it leases them as a tenant for which it pays a rent. The leasing agreement with the landlord stipulates the maximum amount of rent each plot holder (as a sub-tenant) may be charged by the Council in a given year. Currently the Council is in the second year of five-year agreement with the landlord where the maximum rent it can charge is £4.00 per rod for the first two years and then £4.28 per rod thereafter.
6. The service charge element of the hiring fee was introduced following work which for the first time clearly showed the extent of the other expenses incurred by the Council above and beyond the rent element. It demonstrated that even before these additional expenses are considered the income to the Council from plot holders was not enough to cover the cost of renting the plots (the situation being the same if all plots were rented out, which at present they are not).
7. In practice, in any given year the total cost of providing allotments has been over twice the amount the Council pays in rent and, overall, ploholders have typically enjoyed a subsidy of more than 50 per cent compared to a scheme run on a cost neutral basis.
8. The Council has previously signalled that it will continue to gradually reduce the subsidy, but as things stand it is unlikely, even if it were adopted as policy, that a cost neutral arrangement could be achieved in the foreseeable future. However, by resolution, the Council previously agreed that while it was willing to continue to heavily subsidise the provision of allotment plots, its pricing structure needed to take some account of all expenses being incurred, and so a service charge was introduced.
9. The service charge was initiated as a flat fee because a proportionate allocation based on the precise benefits received would be administratively difficult (if not impossible) and costly to achieve. It was acknowledged that some plot holders would receive more or less direct benefit from the services provided by the Council, depending on, for instance, the location of their plot on the site or the desire (or not) to take advantage the water supply made available at the sites. And of course, being a flat fee, the proportion of a given hiring fee represented by the service charge reduces the larger the plot size.

10. The Council looks to be strictly even-handed when it applies the terms and conditions of its hiring agreements. Every plot holder's agreement clearly details the way hiring fees are charged and the consequences if, for instance, the fee requested is not paid in full for a new contract. In practice, the Council will always look to enforce its termination rights impartially and with due care, and consider any and all grievances. Ultimately though, because each annual offer to renew an existing hiring agreement represents a new, separate contract the full fee payment is always required at the outset. If there are grievances in relation to a previous contract (or indeed should there be any following the completion of a new contract) they are handled as separate matters.
11. The Council makes hiring charges in relation to two of its assets; viz. allotment plots and use of the Pavilion at Great Waltham Recreation Ground.

#### Specific Matters

12. The following issues/matters were raised by the member of the public:
  - 12.1. That the representations made would be best discussed at a full meeting of the Council as three members of the Recreation Committee are themselves allotment holders. This has been done, although matters were discussed at the last Committee meeting to ensure the contexts of the issues raised were understood and for a process to brief members (this paper) was provided.
  - 12.2. That services supplied by the Council during the 2022/23 contract period were not delivered to the satisfaction of the member of the public. Members may wish to consider that, while not all plot holders received a direct or proportionate benefit from all of the Council's activities (this being acknowledged at the time the service charge was introduced), the following work was completed and facilities made available during the year at the allotment sites:
    - continued supply of water for plot holders who chose to take advantage of the service;
    - maintaining 'communal areas' (albeit there were some delays as the Council was obliged to secure an external resource);
    - maintaining vacant plots in presentable condition for potential new hirers;
    - hedge cutting by external contractors.

In addition, other service charge component costs, such as administrative expenses, were incurred but will not necessarily be immediately transparent to plot holders.

The latest data available projects that for 2023/24 the Council will spend £2,062.99 on the maintenance and administration (including rent) of its allotment sites, and that for the same period it will derive an income of £924.04 from hiring fees. The Council also holds refundable deposits totalling £750.00.

- 12.3. That there is no expectation of improvement during the 2023/24 contract period. Members may wish to consider whether the evidence in the previous section not only counters the assertion that no services were supplied previously, but also indicates, because all of these activities are expected to continue, there is confidence that the supply of services in future will be forthcoming. However, every plot holder can always raise a grievance with the Council if they believe services have not been delivered during a period for which they have paid a hiring fee.
- 12.4. That, to date, in its response to the member of the public, the Council has been very heavy-handed and bullying when it was indicated that the full hiring fee must be paid for a new contract period. Members may wish to consider both whether there is evidence that it has not adopted an even-handed approach when collecting hiring fees for future contracts and whether it wishes to make a statement that it does not believe that an application of its agreed policies and terms and conditions in its allotment agreement represents heavy-handedness or bullying.
- 12.5. That, based upon the component parts which constitute the service charge element of the hiring fee charged to plot holders, the Council should consider:

- 12.5.1. Whether it is “fair and equitable that existing allotment tenants should be charged to pay for works carried out on poorly maintained areas/plots”. This is not a matter which the Council has discussed specifically in the past. However, members may wish to consider that the Council has only incurred attributable expenses in relation to vacant plots (as opposed to poorly maintained ones) which, if left unattended, would be both unsightly to potential new hirers and contribute to an increased unattractiveness for all users of the site in question. They may also wish to acknowledge that when the Council has the opportunity it will retain any deposit paid by a vacating sub-tenant to cover the cost of keeping a plot in an acceptable condition – in that scenario members may also wish to further consider whether any costs incurred over and above a retained deposit amount should be included in any calculation which goes to inform an assessment of the service charge.
- 12.5.2. Whether it is “fair and equitable that hedgecutting should be charged to allotment [sub-] tenants”. Members may wish to consider whether the service being supplied by the Council goes beyond just the specific plot being hired, but also contributes to the overall tidiness and general appeal of each allotment site.
- 12.5.3. Whether it is “fair and equitable that administration costs should be charged to allotment [sub-] tenants”. Members may wish to consider whether, because the provision of allotment sites do incur costs which are directly (and only) related their upkeep and administration, this is not an unreasonable cost to be included. Members may also wish to recall that in future such costs will be mitigated by the allotment module acquired as part of the Council’s new administration software package.
- 12.5.4. Whether it is “fair and equitable that any more than 3% of the total expenses be charged to allotment holders. [97%] of the total expenses are mainly for the upkeep of vacant plots”. Members may wish to consider whether to contest this interpretation, given that significant costs are incurred in maintaining ‘communal areas’ (that is, areas which are not designated as plots, whether hired out or not) and boundary hedges.
- 12.6. As the Council has tax-raising powers via the precept it should apply the same criteria to allotment holders as those applied to users of other Council facilities (for example, its recreation grounds) where costs for similar types of maintenance (such as hedge and grass cutting) are incurred but no charge for use is made. Members may wish to consider whether plot holders are receiving a different service in that typically only they, rather than (in theory) all parishioners, receive the benefit of work undertaken by the Council at the allotment sites, in addition to any economic benefit they derive from growing their own produce.
- 12.7. “Why was essential equipment provided for many years at the allotment sites no longer funded by the Parish Council”. Members may recall that equipment (principally mowers for grass cutting) which had been donated for use at the allotment sites was being used by plot holders. At its meeting on 21/03/2022 (under item 21/1065 – *Review the decision not to supply mowers for allotment use*) the Council resolved that while it would “maintain the mowers when required [it would be] for this season only” and that the “Clerk [would] write to the allotment holders to inform them that they will need to make their own arrangements to cut their plots and can use the mowers, but the parish council will accept no liability or responsibility for use of the donated mowers”<sup>1</sup>.

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<sup>1</sup> This is the full text of the agenda item from the minutes:

“21/1065 Review the decision not to supply mowers for allotment use.

Discussion around the two lawn- mowers in the allotment shed at Brookmead that were claimed to belong to the Parish council, However after reviewing the minutes covering the period 2000 to 2021 - no minute can be found to support this assumption. There is no minute to explain why any lawn mower belonging to the Parish Council are at the allotment site or being maintained by the Parish Council.

Resolution The Two Mowers that were placed erroneously on the asset register many years ago are to be written off as the assumption is they were donated.

Resolution Write to all allotment holders at brookmead and remind them it’s their responsibility to keep their plots tidy and the grass cut.

Resolution The Parish Council will maintain the mowers when required for this season only. Clerk to write to the allotment holders to inform them that they will need to make their own arrangements to cut their plots and can use the mowers, but the parish council will accept no liability or responsibility for use of the donated mowers”.

Maintenance at the sites is therefore currently either the responsibility of plot holders (per the terms and conditions of the allotment agreement) or the Council. If members believe that there is a case to acquire and allow the use of new mowers for use by plot holders a resolution would need to be made accordingly (in the knowledge that there is currently no specific budget set aside for this purpose). Also, the Council is not aware of local parish councils locally which currently supply this service.

- 12.8. That being a plot holder is a “community activity and benefits are mental and physical health for those [sub-]tenants who choose to use them”. Members may be inclined to agree with this view, noting that all parishioners have the option to apply for a plot, although currently, despite efforts to ensure there is full utilisation, some plots remain vacant. They may also wish to consider that the Council’s pricing structure is not been cited as a factor influencing a potential hirer’s decision on whether to become a plot holder.
- 12.9. That the ‘punitive charges’ are made on plot holders. Members may wish to consider that the hiring fees charged by the Council are broadly similar to those made elsewhere – see the Appendix for results from a desktop survey where a comparison with other councils has been made. Anecdotally, it seems the Council’s pricing structure compares favourably with other parish councils. They may also wish to consider whether or not the Council’s hiring fees requests represent value for money for those parishioners who choose to hire an allotment plot and to what extent they reflect the current market rate for this type of amenity.
- 12.10. That the following items are added for discussion at a full Council meeting. While the Council is willing to discuss all of the matters raised, it will look to do so under the generic agenda item detailed at the beginning of this paper:
  - 12.10.1. “To consider the value and full potential of allotment gardening”. Members may wish to consider this as a more philosophical position statement rather than one where specific actions are necessary. They may believe that the Council does already value and understands the full potential of allotment gardening, given its ongoing commitment to providing sites (albeit this is a statutory obligation), the services it provides, the size of the subsidy it makes available, and the creation of an allotments supervisor role to support plot holders.
  - 12.10.2. “To scrap the service charge”. Members may wish to consider this suggestion in the context of the Council not being able to charge more for plot rentals than stipulated in the contract with its landlord, and that the impact of such an action would increase the subsidy when the current pricing structure may already seem fair and reasonable compared to fees charges by other councils. They may also wish to consider the view that in the absence of the stipulation in the contract with the landlord the rental fee could be increased to levels which might produce an overall income similar to that now generated by the current two-element hiring fee structure, albeit one less favourable for hirers of larger plots.
  - 12.10.3. “To consider subsidising the allotment tenancy charges”. Members may wish to consider whether the current arrangements do not already provide a generous subsidy (compared to an entirely cost neutral scheme). They may also wish to consider the proposition that the provision of allotments could be made entirely free (that is, fully subsidised), even though this would be unusual (possibly unique) compared to other councils, and at odds with its agreed strategy for hiring the Pavilion, although even here members will recall parishioners enjoy access to a subsidised hiring rate.
  - 12.10.4. “To consider paying for the water supply”. Members will see from the Appendix that a number of other councils charge extra for the use of water at their allotment sites. They will recall that the Council does not make a specific charge, rather it has decided that the cost of administration involved in identifying who is actually using water would prove too onerous and instead the cost should be included as an element in the total expenses used to assess the service charge. If the Council agreed to remove water charges from the assessment this would, in effect, increase the subsidy.

- 12.10.5. “To consider reinstating the provision of mowers and providing cultivators at the allotment sites to encourage a take up of the allotment areas”. As indicated previously, the old mowers were not included on the Council’s asset register and their provision would have been, in effect, donations to other plot holders (rather than the Council), albeit historically the Council agreed to fund some of the servicing and maintenance costs. Members may wish to reconsider the current arrangement (described previously), being mindful that the Council currently has no specific budget for these purposes and it would need to be mindful of the extent of the liability cover under its insurance policy in the event of non-approved or untrained volunteer users of the equipment.
- 12.11. That it is suggested the Council “should undertake a study to find out why there are so many vacant plots [...] when in other areas there are long waiting lists”. Members will recall that the Council regularly advertises the availability of vacant plots in Parish News and on social media. In addition it has held open days when prospective hirers are encouraged to visit the sites and also made small plots available for Great Waltham primary school pupils free of charge. They will recall that during the pandemic the sites reached near full capacity, but that more vacancies have occurred since, although there has never been a waiting list. Members may also wish to consider the hypothesis that because so many properties in the parish have relatively large garden spaces, if parishioners wish to cultivate crops they are more likely do so at greater convenience on their own land, whereas parishes with more modern homes with smaller gardens will find a greater proportion of their parishioners are attracted to allotment gardening.
- 12.12. That it is suggested that “the actions and thoughts of the Parish Council treat the allotment sites as an encumbrance rather than a community asset”. Members may wish consider whether to dispute this characterisation given the costs the Council incurs in maintaining its sites, the level of subsidy it makes available to plot hirers, and the efforts it goes to in seeking full use of the sites.
- 12.13. That compared to the level of enthusiasm given in installing and improving other Council assets and amenities the Council should provide “greater and enthusiastic consideration to the allotment sites”. Again, members may wish to consider whether to contest this assertion given the level of discussion the allotment provision generates at its meetings and the work done in maintaining the sites and the efforts in seeking full use.

#### Other Relevant Information

13. This section includes additional information which members may find useful in their considerations.
14. The National Allotment Society says “*Allotment sites are managed in a variety of ways; on some sites the plot-holders rent direct from the council or landowner such as a farmer, on others there will be an association that manages the site - this is known as self or devolved management. This is the practice of devolving a share of the responsibility for managing allotment sites to the allotment gardeners themselves. The gardeners are usually organised as a constituted association with an elected committee [...]*”<sup>2</sup>. For the parish of Great Waltham the model which has evolved is one where the Council is the sole administrator of its allotment sites, rather than there also being an allotment society/committee.
15. The Brook Mead site currently has 37 measured plots, the Bury Lane site has 22 (these figures can alter if existing plots are combined or split, although this is not a frequent occurrence). For context, the parish has a population of c.2,300 and c.960 separate households<sup>3</sup>.

<sup>2</sup> The National Allotment Society (2024), *Allotments Management*. Available at: <https://www.nsalg.org.uk/allotment-info/allotments-management/#:~:text=Allotment%20sites%20are%20managed%20in,as%20self%20or%20devolved%20management> (accessed 01/02/2024).

<sup>3</sup> Chelmsford City Council (2024), *Data and statistics about Chelmsford; Parish tier profiles; Great Waltham*. Available at: <https://www.chelmsford.gov.uk/your-council/data-and-statistics-about-chelmsford/parish-tier-profiles/great-waltham/> (accessed 01/02/2023).

16. Vacant plots at Brook Mead represent 21.6% of all plots at the site (but c.10% as a percentage of the total area available for hire). At Bury Lane the equivalent figures are 40.9% and 27.2%.
17. The Council's current rental arrangement with its landlord restricts the catchment area from which it may accept hirers (they must be resident in the parish). It also states that if "the number of Sub-Tenants [at either of the sites] be less than the numbers of vacant plots on the other [site], for more than 12 months, then the [Council] shall seek to have the Sub-Tenants on the under-utilised area, surrender their rights and take on an allotment on the other [site], and the Tenant shall then be required to surrender the [site] thereby vacated by the Sub-Tenants". Currently there are 13 plots utilised at Bury Lane and 8 vacant plots at Brook Mead.
18. The Council's pricing structure for 2023/24 is £4.00 per rod with an additional £7.00 service charge. The Recreation Committee has recommended an increase from September 2024 to £4.28 per rod with a service charge of £8.50. These recommendations will be included on the Council's March agenda, subject to the outcome of discussions after the agenda item for which this paper has been prepared.

#### Next Steps

19. Based on the foregoing, members may wish to propose and second motions along the following lines:
  - 19.1. The Council considers that for the 2022/23 contract period it did deliver the services at the allotment sites which were taken into account when assessing and setting the service charge element of the hiring fee.
  - 19.2. The Council confirms that plot holders can always raise a grievance if they believe the Council is not delivering services or providing value for money when it sets, and requests payment of, its allotment hiring fees.
  - 19.3. The Council considers that it has adopted an even-handed approach when collecting hiring fees for future contracts and it does not believe that applying its agreed policies and terms and conditions in its allotment agreement can be regarded as being heavy-handed or bullying.
  - 19.4. The Council agrees it should continue to charge hiring fees for plots at its allotment sites, and that the existing two-element (rent and service charge) allotment hiring fee structure should be retained while there are chargeable rent restrictions in place under the leasing agreement with its landlord.
  - 19.5. The Council considers its current methodology used when assessing and setting the service charge element of the hiring fee to be fair and reasonable.
  - 19.6. The Council considers its allotments pricing structure to be broadly aligned with the market rate for the provision of such amenities, and as such offers good value for money for plot holders.
  - 19.7. The Council considers it fair and reasonable that the costs associated with keeping vacant plots in good order pending re-hire (net of any retained deposits) are included in the total expenses considered when assessing and setting the service charge element of the hiring fee.
  - 19.8. The Council considers it fair and reasonable that the costs associated with hedge cutting at the allotment sites are included in the total expenses considered when assessing and setting the service charge element of the hiring fee.
  - 19.9. The Council considers it fair and reasonable that allotment administration costs are included in the total expenses considered when assessing and setting the service charge element of the hiring fee.
  - 19.10. The Council agrees to buy, service and maintain mowers which can be used at each allotment site by plot holders.

19.11. The Council confirms its future commitment to the provision of allotment gardens, that it recognises the health and well-being benefits of allotment gardening, and agrees to continue its work to seek hirers for vacant plots at the allotment sites.

20. Members may wish to propose and second other motions not indicated above

## Appendix

The table below provides information gathered from the internet during a desktop survey. It offers a comparison of rates per rod charged by a range of councils, both locally and further afield. Some extrapolation was necessary to calculate like-for-like figures (including some conversions from square metres to rods and an assumption that a 'standard' plot is 10 rods)<sup>4</sup>.

Council	Year	Per rod
Harlow Council (concession)	2023/24(?)	£ 2.28
St. Albans City & District Council (concession full plot = assume 10 rods)	2023/24	£ 2.70
Chelmsford City Council (concession)	2022/23	£ 2.75
St. Albans City & District Council (concession full plot = assume 10 rods)	2024/25	£ 3.30
Writtle PC (Oxney Green, full plot = assume 10 rods)	2023/24	£ 3.50
Writtle PC (Oxney Green, full plot = assume 10 rods)	2024/25	£ 3.70
<b>GWPC (Rent element only)</b>	<b>2023/24</b>	<b>£ 4.00</b>
Harlow Council (standard)	2023/24(?)	£ 4.55
<b>GWPC (Largest plot rate with service charge)</b>	<b>2023/24</b>	<b>£ 4.63</b>
Chelmsford City Council (with water, concession)	2022/23	£ 4.85
Preston City Council (Regular, OAP concession)	2023/24	£ 5.38
St. Albans City & District Council (standard full plot = assume 10 rods)	2023/24	£ 5.40
Chelmsford City Council (standard)	2022/23	£ 5.50
LB Bexley (Concession, resident)	2023/24	£ 5.56
Basingstoke & Deane	2023/24	£ 5.83
LB Bexley (Concession, non resident)	2023/24	£ 6.58
Horfield & District Allotments Association	2023/24(?)	£ 6.58
St. Albans City & District Council (standard full plot = assume 10 rods)	2024/25	£ 6.60
<b>GWPC (Average plot rate with service charge)</b>	<b>2023/24</b>	<b>£ 6.76</b>
Stoke-on-Trent City Council (assume plot = 10 rods)	2023/24	£ 7.00
Colchester City Council (concession)	2020(?)	£ 7.59
Chelmsford City Council (with water, standard)	2022/23	£ 7.60
Welwyn Hatfield (without water)	2023/24	£ 8.30
Colchester City Council	2020(?)	£ 8.60
Preston City Council (Regular)	2023/24	£ 8.70
Croydon Council	2023/24(?)	£ 8.88
Preston City Council (Large)	2023/24	£ 9.33
LB Bexley (Standard, resident)	2023/24	£ 11.13
Nottingham City Council	2023/24(?)	£ 11.63
Waltham Forest (low amenity)	2023/24	£ 12.00
<b>GWPC (Smallest plot rate with service charge)</b>	<b>2023/24</b>	<b>£ 12.20</b>
Enfield Council (Grade A non residents)	2023/24	£ 12.24
Colchester City Council (with water)	2020(?)	£ 12.65
Braintree District Council	2023/24	£ 12.90
LB Bexley (Standard, non resident)	2023/24	£ 13.15
Welwyn Hatfield (with water)	2023/24	£ 13.80
Waltham Forest (average amenity)	2023/24	£ 14.00
Colchester City Council (with water, concession)	2020(?)	£ 14.16
LB Merton (concession)	2021/22	£ 15.81
Enfield Council (Grade A residents)	2023/24	£ 16.49
Waltham Forest (high amenity)	2023/24	£ 17.00
Enfield Council (Grade B non residents)	2023/24	£ 17.60
Royal Borough of Greenwich (Residents' basic rent)	2023/24	£ 21.00
LB Merton (standard)	2021/22	£ 22.44
Enfield Council (Grade B residents)	2023/24	£ 23.37
Royal Borough of Greenwich (Out of borough residents)	2023/24	£ 44.00

<sup>4</sup> An entirely unknown factor is whether, like the Council, other authorities' pricing structures have to take into consideration costs associated with renting their sites, or if because they own the land themselves they avoid that expense.