

Report of the Director of Economy and Place

Future Management of Allotments Next Steps

Summary

1. This report seeks approval to transfer the management of council run allotments to York Allotments Charitable Incorporated Organisation.

Recommendations

2. The Executive Member is asked to transfer the management of council run allotments to York Allotments Charitable Incorporated Organisation (York Allotments CIO or Charity for short).
Reason: To harness the talents and energies of the community and to move the service onto more sustainable management arrangement.

Background

3. In January 2017 the Executive member agreed to the development of a new management model for the council's allotments as part of the council-wide programme of exploring new ways of delivering services, including community-led management.
4. The Council manages some 1,250 allotment plots spread over 18 sites. The sites are: Bootham Stray, Carr, Field View, Fulford Cross, Hospital Fields, Glen (in Scrope), Green Lane, Hob Moor, Holgate, Hospital Field, Hempland Lane, Howe Hill, New Lane, Low Moor, Scarcroft, Strensall, Wigginton Road and Wigginton Terrace.
5. The council owned site at Bustardthorpe is not included in this proposal as Bustardthorpe is already managed by tenants.

6. In the January 2017 Executive report it was reported that a number of councils around the country have allotment sites which are run independently from their local council; this includes both single sites and larger groupings of sites. The arrangements take on a variety of forms such a federation of tenants, a charity, Industrial and Provident Society, a not for profit company or another similar body. In all cases the council continues to own the land and protects it use through a lease.
7. Since January a group of allotment tenants drawn from the autumn 2016 workshops have been exploring a variety of models of future service management arrangements. The group focused their efforts on two main approaches a Charitable Incorporated Organisation (CIO) and a Community Interest Company (CIC). By a 7 votes to 3, with one abstention, the group elected to develop a CIO.
8. The key to developing any such arrangements is to have suitably motivated and experienced volunteers who are willing to take on leadership and administration roles. Six members of the workshop agreed to become the founding Trustees of the CIO (one has subsequently resigned). They have experience and knowledge across a wide range of suitable fields including allotment administration, horticulture, managing community business, charities and trusteeships, Town Planning and Law. Further information on the Trustees is provided as Annex 1.
9. In setting up the CIO the Trustees have been very careful to follow Charity Commission guidelines. This includes the requirement to call an Annual General Meeting (AGM) open to all tenants (all allotment tenants are automatically members of the Charity and therefore entitled to a say in the running of the organisation), within 18 months of their registration and for all Trustees to put themselves forward for re-election (should they wish to continue) at that first AGM. The Charity Commission gave their approved to the York Allotments Charitable Incorporated Organisation in mid August. A copy of the Constitution is provided as Annex 2.
10. The Charity constitution allows for up to 9 Trustees; this means that the opportunity is open for 4 new Trustees join or be co-opted onto the Board during the first year so increasing its skills, knowledge and resource base. A majority of Trustees must be drawn from tenants.

11. The proposal in this paper does not remove the legal duty on the authority to provide allotments should more allotments be required. The council will also continue to take a lead on advice on Planning matters relating to allotments.

Proposal

12. York Allotments CIO will manage all of the allotment sites identified in Paragraph 4 including setting and collecting rents, administering lettings, arranging and carry out repairs and maintenance. They will do so through the Board of Trustees, by employing or buying administrative support and by working through site secretaries and other volunteers.
13. York Allotments CIO are setting up their own bank account, and will prior to taking on day to day management:
 - take out £5m of Public Liability Insurance, and, if necessary, Employee Liability Insurance
 - develop a new tenancy agreement
 - develop manual for the running of the sites, which includes how warnings and evictions for non cultivation or other breaches of the tenancy will be dealt with, rules of the keeping of livestock and erection of sheds, green houses and other structures and an appeals process
 - establish communication channels with tenants to report problems e.g. leaking taps
 - establish local arrangements for repairs and maintenance e.g. grass and hedge cutting
 - transfer utility bills
14. A headline income and expenditure plan for the first few years of operation has been provided at Annex 3. The business plan for 2018 and 2019 is based on freezing rents at 2017 levels.
15. York Allotments CIO will continue to use the Colony Enterprise software system (tenant database). This will be hosted by the supplier rather than on a council server and training on use of the system is being arranged for September. York Allotments CIO is bound by Data Protection regulations and as the original holder of the database the council retains ongoing liability for any misuse.

16. For 2018 the Charity will issue new tenancy agreements to all tenants. This will be based upon the existing conditions which are provided as Annex 4.
17. The council will continue to own the land and will lease it to York Allotments CIO; the terms of which will be considered by the Executive in August. As part of this exercise there are no proposals to either close allotments or sell any land, and neither will the CIO will not have this ability.
18. The council will retain a number of ongoing liabilities such as certain walls, hedges, surfaced roads and culverts. These will be detailed in the lease. The provision and emptying of dog waste bins will also remain with the council.
19. A list of outstanding works is being compiled with the help of the Trustees, Site Secretaries and Associations. An action plan will then be produced address the issues and identify who is best placed to manage an necessary work. A full inspection of the tree stock is been arranged.
20. If, the new organisation were to fold the council would work with the Charity Commissioners to either establish a new organisation or take the service back in house.

Consultation

21. In January a letter was sent to all tenants and press release issued. No comments received.
22. In April the voluntary Site Secretaries were briefed.
23. From April onwards Trustees have been meeting with Site Secretaries and Associations.
24. In preparation for this report letter has gone to all tenants with an update along with a Frequently Asked Question sheet. This has been prepared with the help of the Trustees was sent to all tenants in early September.
25. Any comments received in response to the letter will be verbally reported to the Executive Member at the meeting.

Economy & Place Scrutiny Committee (Pre- Decision Calling-In) 11 September 2017

26. The Economy and Place Scrutiny Committee have requested that the following be taken into account by the Executive Member when making their decision:

a) free allotment provision for schools should continue;

Officer response – free plots have traditionally been offered to a variety of school and community groups. This assists the group financially and supports the ambition of having a diverse range of allotment tenants. The Trustees have confirmed that this arrangement will continue.

b) additional consultations with people who were on the waiting list for allotments should be undertaken;

Officer response – people on the waiting list are being contacted and informed on what is proposed for the service. A verbal update on progress will be provided at the meeting.

c) the major documents such as the governance document, indicative business plan and the constitution should be available to download on the CYC website, sent to site secretaries for further circulation and included in the press release;

Officer response – both the constitution and headline business plan are included with this public report (all tenants have previously been provided with the web link to where this report can be found). Site secretaries have been sent the documents and a verbal update will be given on the progress on the additional measures.

d) a memorandum of understanding on communications between CIO and CYC in relation to allotment management should be agreed

Officer response – Management of the councils allotments will be controlled through a lease, consideration will be given to including within the lease a requirement for the Charity to provide an annual report detailing their activities, number of plots in use and such like.

In parallel with this council officers and the Trustees will continue to be in regular contact. It is anticipated that this will reduce once the transition period is completed and the organisation gains operational experience.

- e) Additional Trustees be recruited to the CIO from around the city.

Officer response – the Charities constitution allows for up to 9 Trustees, as all the Trustees are volunteers where they come from in the city reflects whom has volunteered. The founding Trustees have confirmed that they welcome new Trustees to the organisation.

Options and Analysis

- 27. Two options are available:
 - a. To agree to the future management of York allotments being provided by York Allotments CIO.
 - b. Not to pursue this idea further.
- 28. Option a) would place the asset in community control and support the principle of volunteers assisting with the care of the city's open spaces. This is the recommended option.
- 29. Option b) the management of service would be retained by the Council.

Council Plan

- 30. Option a) meets the Council Plan priorities that ensure valued community facilities are protected and the Council works with other organisations to deliver the best services for residents.

Implications

Financial

31. To support the Charity to become established the council will fund
 - a) The transfer of the Colony software system back to its provider along with training on its use for up to six people. The cost of this is £7k.
 - b) 1/12th of the 2017 plot income will be paid to the Charity for each month it operates up to and including December 2017. This equates to £6k per month.

These costs will be met from Public Realm budgets.

32. For 2018 and beyond the Charity will be responsible for setting fees and charges, invoicing tenants and will have to balance its expenditure with the income it raises. There will be no further financial support from the council.

Human Resources (HR)

33. HR procedures have been followed in order to reduce resources within the Public Realm team, with the allotment officer leaving the council through voluntary redundancy route.

Equalities

34. An equalities impact assessment has been undertaken.

Legal

35. There are no legal implications.

Crime and Disorder

36. There are no crime and disorder implications.

Information Technology (IT)

37. Allotment administration is supported through the *Colony Enterprise* IT package which holds data on vacancies and waiting lists, lettings and terminations, and invoicing and payments. Use of the system will be transferred back to the provider who will host the system for the Charity.

Property

38. A lease will be required by the Charity; under council protocol this will be considered by the Executive.

Public Health

39. The provision of allotments contributes to the Public Health agenda – including physical and mental wellbeing, social inclusion and the growing of fresh produce.

Other

40. Following this meeting in all tenants and those on the waiting list will be contacted to seek their permission to transfer their contact details and personal information to the Charity. This is required to comply with Data Protection regulations.

Risk Management

41. In compliance with the Council's risk management strategy the main risks that have been identified with the proposals contained in this report are that the Charity fails to become established, or that the Charity folds at a point in the future. This may damage the Council's reputation and would require the Council to intervene until such time as new body could be found to run the service. Level of risk is assessed as Low. This means that periodic monitoring is required of the operation of the new arrangements.

Annexes

- Annex 1: Trustee profiles
- Annex 2: YACIO Constitution
- Annex 3: Headline YACIO income and expenditure
- Annex 4: Existing Tenancy conditions

Background Papers:

- Decision Session - Executive Member for Culture, Leisure & Tourism – 16th January 2017 – Item 27 Future Management of Allotments
- Pre- Decision Calling - Economy & Place Scrutiny Committee 11 September 2017
- Consultation papers (file held by the author)

Contact Details

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	Report Approved	✓	Date 14/09/17
Specialist Implications:			
Wards Affected:			All ✓