

**TITLE OF REPORT: SELF MANAGEMENT OF BALDOCK ALLOTMENTS**

REPORT OF THE HEAD OF LEISURE AND ENVIRONMENTAL SERVICES  
EXECUTIVE MEMBERS: COUNCILLORS JANE GRAY AND PETER BURT

**1. SUMMARY**

- 1.1 The Council's adopted Green Space Management strategy policy for allotments is 'to work in partnership with key stakeholders such as allotment associations and land owners towards local devolved management of the allotment function'.
- 1.2 In April 2016 the Council's allotments sites at North Road, Baldock and Clothall Road Baldock were leased to the Baldock Allotment and Leisure Gardens Association (BALGA) and a 'managed services agreement' was entered into.
- 1.3 A managed service agreement requires BALGA to manage the Baldock allotments on behalf of the Council.
- 1.4 On the 14<sup>th</sup> December 2016 the Council received a request from BALGA to change the agreement with them to an 'alternative service provider' model whereby they will still provide allotments on the sites, but on an independent basis rather than on behalf of the Council.
- 1.5 The reason BALGA has requested the change is that the current managed service agreement restricts how they can manage the allotments. Under the current agreement they can not impose any conditions that vary from how the council manage our allotments in the rest of the district.
- 1.6 Under an alternative service provider model BALGA would have greater flexibility to manage the allotments and would be free to impose their own terms and conditions which was what was originally intended.
- 1.7 An example of a change they would like to make is to make it a condition that Baldock Allotment Holders are required to join their association. This approach is recommended by the National Allotment Association and is the norm where allotment associations have direct management of allotments.

**2. RECOMMENDATIONS**

- 2.1 That Cabinet agree in principle to terminate the existing managed services agreement with Baldock Allotment and Leisure Gardeners Association to enable the Association to offer independent allotment provision in Baldock in accordance with the terms of their leases.
- 2.2 That Cabinet delegate authority to the Head of Leisure and Environmental Services in consultation with the Executive Member for Leisure to determine whether to implement the change following the period of consultation.

### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 To give the Baldock Allotment and Leisure Gardeners Association the flexibility to manage allotments that is appropriate at a local level.

### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 To retain the current managed service agreement.

### **5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS**

- 5.1 The Executive Members for Leisure and the Executive Member for Waste, Recycling and Environment have been consulted on this proposed change.
- 5.2 Baldock Town and East Ward Members have been informed of the request made by BALGA to change to an alternative service provider model.
- 5.3 Subject to Cabinets approval in principle to allow BALGA to independently manage the allotments at Baldock, there will be a period of public consultation. This will involve writing to each Baldock plot holder, those that have expressed an interest in a Baldock allotment and a notice in the local press.

### **6. FORWARD PLAN**

- 6.1 This item was first identified in the Forward Plan in December 2016.

### **7. BACKGROUND**

- 7.1 In April 2016 the Council granted a 25 year lease to BALGA of its North Road Allotment site in Baldock. The Council also granted a 25 year sub lease to BALGA for the Clothall Road Allotment site which the Council leases from Hertfordshire County Council. Both leases stipulate that the sole use of the sites is for allotments.
- 7.2 At the same time as leasing both sites the Council entered into a Managed Service Agreement with BALGA which effectively transferred the responsibility of managing the Baldock Allotment function to BALGA.

### **8. ISSUES**

- 8.1 Under the terms of the current Managed Service Agreement BALGA are broadly required to operate the allotments in the same way that the Council operates its other allotment sites in the district. As the Council does not insist that plot holders must join an allotment association BALGA are not able to insist that the Baldock plot holders join their association.
- 8.2 The National Allotment Association recommend that when allotments are being managed by a local association they would expect plot holders to be a member of that association.
- 8.3 The cost to join BALGA is £5.00 pa. The membership fee includes membership of the National Association of Allotment and Leisure Gardeners, and members are covered by a comprehensive insurance for public Liability and employer liability. BALGA runs a discounted shop for members.

- 8.4 By being a member of BALGA, plot holders must abide by BALGA's policies on Equal Opportunities, Health and Safety, Data Protection and an Anti-Bribery policy.
- 8.5 If the Council terminates the existing managed service agreement with BALGA although the two allotment sites would remain, they would be managed and operated by BALGA as an alternative provider who would be free to impose their own terms and conditions.
- 8.6 If the managed service agreement were terminated, should a resident of Baldock specifically want to access Council run allotments, they could be offered a plot at one of NHDC's alternative sites in the district.

## **9. LEGAL IMPLICATIONS**

- 9.1 Within Cabinet's terms of reference is "*to approve those major service developments or reductions which also constitute Key Decisions.*" Terminating the existing managed service agreement falls within Cabinet's remit. in accordance with this provision due to the consequences as outlined in paragraph 8.5 of the report.
- 9.2 Section 23 of the Small Holdings and Allotments Act 1908 places a duty on a District Council to provide allotment gardens in the district if in its opinion there is a demand for them. There is no obligation on the Council to provide allotments in every town in the district.
- 9.3 Section 29 of the Small Holdings and Allotment Act 1908 provides that a District Council may appoint an allotment manager to manage land acquired by the Council for allotments. Since April 2016 BALGA have been managing the allotment sites in Baldock in accordance with this provision
- 9.4 Even if the existing Managed Services Agreement is terminated, BALGA will still be required to comply with the terms of the lease in respect of each allotment site. NHDC will therefore retain control over certain property matters (such as the condition of the land) in its capacity as landlord of the sites.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no financial implications contained in this report.

## **11. RISK IMPLICATIONS**

- 11.1 By terminating the Managed Services Agreement with BALGA, NHDC are effectively not able to offer a council run allotment plot in Baldock. However our statutory duty to consider the provision of allotments is still being maintained as we have alternative council sites within the district.
- 11.2 There is a risk that BALGA may stop offering allotment provision in Baldock as there would be no agreement in place that requires them to do so. However it is considered that this risk of this is low, and is mitigated as permitted use of the sites under the terms of the lease is restricted to allotments and so BALGA could not use the land for any other purpose.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into

force on the 5th April 2011. There is a General duty that public bodies must meet, underpinned by more specific duties which are designed to help meet them.

- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.3 The proposed change in management mechanism will ensure each allotment holder will be bound by the association constitution to ensure equality of opportunity. Attached at appendix A is an Equality Analysis relating to these proposals.

### **13. SOCIAL VALUE IMPLICATIONS**

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at Paragraph 12.

### **14. HUMAN RESOURCE IMPLICATIONS**

- 14.1 None contained within this report.

### **15. APPENDICES**

- 15.1 Appendix A:- Impact Assessment.

### **16. CONTACT OFFICERS**

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**16. BACKGROUND PAPERS**

- 16.1 Leases to BALGA.
- 16.2 BALGA management agreement.

**Appendix A:- Impact Assessment**

1. Name of activity:	<b>Entering into an alternative provider agreement with the Baldock Allotment and Leisure Gardeners Association (BALGA)</b>							
2. Main purpose of activity:	<b>To ensure BALGA have the flexibility to manage the Baldock Allotments</b>							
3. List the information, data or evidence used in this assessment:	<b>Green Space Management Strategy Site leases to BALGA</b>							
<b>4. Assessment</b>								
Characteristics	Neutral (x)	Negative (x)	Positive (x)					
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**5 Results**

	Yes	No	
Were positive impacts identified?	X	<input type="checkbox"/>	<p>Under the terms of the current Managed Service Agreement BALGA cannot impose any conditions that are different from those imposed by the Council for its other allotment sites. As the Council does not insist that plot holders must join an allotment association BALGA are not able to insist that the Bladock plot holders join their association. The National Allotment Association recommends that when allotments are being managed by a local association they would expect plot holders to be a member of that association. This provides the flexibility to best meet local needs.</p> <p>BALGA have a very good constitution covering equality issues. By ensuring each plot holder has to be a member of the association binds them to the constitution ensuring equality for all.</p>
Are some people benefiting more than others? If so explain who and why.	<input type="checkbox"/>	X	
Were negative impacts identified (what actions were taken)	X	<input type="checkbox"/>	<p>If a resident I Baldock didn't want to join BALGA they could not have an allotment plot in Baldock. However there are vacant plots at a site in Letchworth at Pryor Way Allotments which is very close to Baldock.</p>

## 6. Consultation, decisions and actions

If High or very high range results were identified who was consulted and what recommendations were given?

Describe the decision on this activity

Prior to adopting the alternative provider agreement there will be a period of consultation with existing plot holders and advertised in the local press.

List all actions identified to address/mitigate negative impact or promote positively

Action	Responsible person	Completion due date
As a condition of the transfer to BALGA they were required to provide evidence that they had appropriate systems and procedures in place to prevent any form of discrimination	Stephen Geach	April 2016

When, how and by whom will these actions be monitored?

Annual review by Parks & Countryside Development Manager

## 7. Signatures

Assessor

Name: **Stephen Geach**

Signature\*\* Stephen Geach

Validated by

Name: **Reuben Ayavoo**

Signature\*\* Reuben Ayavoo