



ADUR & WORTHING
COUNCILS

Executive Members for Environment
14 December 2017

Decision to be taken on or after
22 December 2017

Key Decision: No

Ward(s) Affected: None

**Empowering the Community to take control of their greenspaces:
Self-Management of Halewick Lane Allotments**

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1 To seek approval to implement a five year self-management arrangement with Halewick Allotment Horticultural Association (HAHA) by way of a service level agreement between (HAHA) and Adur District Council (ADC).
- 1.2 To allow the Allotment tenant group self-management over the day to day running of the Halewick Lane site in Sompting; to contribute to engendering a community sense of ownership and a stronger community spirit.
- 1.3 To empower the tenants group to provide a faster response to repairs and plot turnover, keep in better contact with tenants and keep costs down through use of tenant volunteers.

2. Recommendations

- 2.1 To evolve from an existing 12 month self-management trial formalising into a five year service level agreement.
- 2.2 To delegate to the Head of Environment authority to agree a new service level agreement between HAHA and ADC.

3. Context

- 3.1 Following a report considered by the Executive Member for Environment on 20th October 2016, it was agreed that HAHA would undertake a trial allotment self-management at Halewick Lane for a 12 month period.
- 3.2 The trial period commenced on 1st December 2016 on the signing of a service level agreement which expired on 30th November 2017.
- 3.3 Included in “Platforms for our Places” - Platform 3 - Stewarding our Natural Resources 3.4.1, this proposal is a demonstration of our commitment to work with community groups to better use our open spaces for health, wellbeing and community gardening.
- 3.3 This report follows a recent meeting with Mr Michael Cross and Mrs Jan Thomas (representatives of Halewick Lane Allotment Association - HAHA) and Council officers at Commerce Way on 16th November 2017. At this meeting, the trial period was assessed and it was confirmed there were no issues or complaints received from tenants of Halewick Lane during the trial period either by the Council or HAHA themselves. The trial was therefore attributed to be a success.
- 3.4 HAHA have confirmed that their members were recently asked for their comments on the trial are in favour of a longer period of self-management.
- 3.5 If the decision taken is to allow a longer term self-management, Officers will further consult with all tenants asking for their views on the proposal, length of the self-management prior to a service level agreement being formalised.
- 3.6 The agreement that the trial period was based on will require a new agreement to be drawn up covering a wider range of responsibilities than in the trial, the agreement will be scrutinised by colleagues in Legal Services prior to being adopted.

4. Issues for consideration

- 4.1 To allow a five year self-management arrangement allowing Halewick Allotment Horticultural Association (HABA) to continue to self-manage the allotments including waiting lists, reletting plots, terminating agreements for non cultivation or non payment, retain and administer tenant plot deposits etc. Safeguards are in place for ADC officers to hear appeals as part of the Council's complaints process.
- 4.2 To agree a more detailed service level agreement (SLA) covering all issues as part of an agreement checked by Legal Services.

5. Engagement and Communication

- 5.1 The proposals will be subject to consultation with the allotment tenants at Halewick Lane allotment site prior to the proposed self-management agreement coming into force.
- 5.3 Further consultation is planned with tenants of the remaining 13 allotment sites in Adur to ascertain whether there is an appetite for self-management should the proposal to take up a five year agreement be approved for Halewick Lane Allotments.
- 5.4 This process is part of the Environmental Services' plans to meet our commitments under Platforms for our Places - Platform 3, Stewarding our Natural Resources. By engaging and working with our community groups. We are empowering them to take control of their open space to promote biodiversity and improve their health & wellbeing.

6. Financial Implications

- 6.1 There are no financial consequences to the Council as the loss of income is offset by cost savings

7. Legal Implications

The Allotments Act 1925 makes provision for Local Authorities to make available land for use as allotments. The Act, or alternate legislative provision, does not however put in place any arrangements for the substantive management of those sites. How the local authority chooses to manage land set aside for use as allotments is therefore a matter for

determination by the authority. Entering into a service level agreement with a third party provider is consequently not precluded by legislation.

Section 1 Localism Act 2011, provides the Council with a general power of competence enabling it to do anything that individuals may do. This would include the ability to enter into contractual arrangements for the management of those sites belonging to the Council and used as allotments.

Any arrangement enabling the HAHA to self-manage the Halewick allotment will need to be secured by formal written agreement setting out the respective obligations of each party, together with the service level expected. The Council will remain as land owner for the site, and at the end of the agreement the site would be returnable to the Council. Substantive legal advice should be obtained on the content and form of any agreement.

Background Papers

- Report: Proposed Self Management Trial - Halewick Lane Allotments, Adur. Executive Member for Environment, 20 October 2016.

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Sustainability & Risk Assessment

1. Economic

- 1.1 The proposals will allow the community group to prioritise how their rental income is managed and spent enhancing the experience for tenants and future tenants of the allotments.

2. Social

- 2.1 The proposals will empower the allotment tenants via HAHA to take control of the management, running and day to day maintenance of the site and give a real and equal voice to every tenant on the site.

3. Equality Issues

- 3.1 The proposals will allow every tenant a say on how the self-management of their allotments will be run.

4. Community Safety Issues (Section 17)

- 4.1 The proposals will allow HAHA to manage their security and control access to others on the site ensuring the crops and produce grown are secure from theft and unauthorised intrusion.

5. Human Rights Issues

- 5.1 Matter considered and no issues identified.

6. Environmental

- 6.1 Although there are implications for HAHA regarding the South Downs National Park regarding sheds and other structures, these are known to HAHA and these will be detailed in the the service level agreement.

7. Governance

- 7.1 Safeguards will be included in the service level agreement (SLA) ensuring the tenants have a right of appeal to the Council via its established Complaints process.
- 7.2 As part of the service level agreement, key infrastructure such as below ground service and Security fencing and gates remain the responsibility of the Council as land owner.