

Wednesday 6th September 2023

Four Oaks Methodist Church

2:00pm

Present

Cllrs Briggs, Cooper, Griffin, Hatton and Wood.

In Attendance

Olive O'Sullivan—Chief Executive Officer (CEO), Jessica Johnson – Project Manager Communities.

There were no members of the public or press present.

1 Election of Chairman

The CEO asked for nominations from Committee members.

Resolved that Cllr Wood be elected as Chairman of the Allotments Sub-Committee.

2 Election of Deputy Chairman

The Chairman asked for nominations from Committee members.

Resolved that Cllr Cooper be elected as Deputy Chairman of the Allotments Sub-Committee.

3 Apologies for Absence

No apologies received.

4 Declarations of Interest

Cllr Wood declared a non-pecuniary interest as a plot holder at The Boulevard allotments.

5 Minutes of the Meeting 23rd November 2022

Resolved that the minutes of the Allotments Sub-Committee meeting held on 23rd November 2022 be signed as a true record.

6 Matters Arising

No matters arising were reported.

7 Questions from Members

Cllr Cooper asked about the allotment rent increase for the 2023/24 allotment year which begins on 1 October 2023 and the rent for the 2024/25 allotment year.

The CEO replied that the notification, issued by BCC in September 2020, of the annual rent rise for plots up to and including 1st October 2024 would form part of the Terms and Conditions of the transfer of allotments from BCC to RSCTC. This sets out that from 1st October 2021 rents will increase annually in-line with the published Retail Price Index (RPI) as of 1st August of the previous year.

The CEO advised the Town Council will need to consider the rent for those sites that have transferred on or before 1 October 2025 and that notification of the rent has to be given to allotment plot holders 12 months in advance of the increase.

8 Legal Transfer of the Sutton Coldfield Allotments from Birmingham City Council

The CEO reported the Forge Farm Allotments site transferred on 30th January 2023 and that she had agreed with the Town Council solicitors a completion date of 17th September for the Walmley Ash site.

Birmingham City Council (BCC) carried out a tree risk inspection of the trees in the wooded areas of the Walmley Ash site in May 2023 and will be carrying out works identified in the coming months.

The Town Council also arranged a tree risk inspection of the Walmley Ash site. No trees triggered a detailed assessment, as the dead trees identified in the assessment (and previously identified in the BCC assessment) were secured behind a locked gate with restricted public access. Works were identified to reduce the height of tall trees on the Walmley Ash site and pruning of the tree by the pedestrian gate.

The CEO added there had been concern over neighbouring properties having direct access to the allotment site however the Town Council had been advised by solicitors that these should be dealt with on a case-by-case basis as they need arises so as not to hold up the transfer.

In relation to any rent reimbursement for the substation on the Walmley Ash site, it had been agreed not to pursue this as part of the transfer as the rent is included in the arrangements for substations across the city and attempting to separate out the substation at the allotment site would risk further delays /complications.

The CEO reported that shortly after completion, all plot holders will receive a new tenancy agreement to sign along with a copy of the allotment rules and instructions for rent payment. Forge Farm plot holders had agreed to Rules as approved by Committee at the time of transfer. Forge Farm plot holders had been provided with the Rules approved by the Town Council in March 2022 which were in place at the time of transfer.

Cllr Cooper asked if the rents from Forge Farm Allotments already paid to BCC will be paid to the Town Council?

The CEO replied that in the absence of hearing from BCC on this, Solicitors had carried out an apportionment calculation of the rent for the period 30 January to 30 September 2023, i.e. 244 days rent at a total of £3,546.10

Cllr Cooper commented that the Town Council had taken ownership of two allotment sites this year and asked if the solicitors had a blueprint for transfer of the remaining allotment sites?

The CEO replied that whilst each site may present its own challenges, having now completed one transfer with another close to completion and working through the issues raised in relation to the easements that are required for transfer of the Falcon Lodge site (which is next to transfer) we are closer to a template for the transfer of the remaining sites.

The CEO reported that Falcon Lodge is split across two sites and that the access routes to both sites are outside of the allotments boundary and owned by BCC Housing department. The access route includes resident garages and a community garden.

It was reported that whilst solicitors had requested these areas are included in the transfer, discussion are ongoing with officers in BCC Housing about their inclusion. It was agreed that inclusion of these areas should not hold up the transfer and that they could be dealt with separately post transfer of the areas that are designated allotment land.

9 Forge Farm Allotments Works to Date

The CEO reported the Health and Safety Inspection of the site that took place on 23 May 2023 and a specialist Tree Risk inspection that took place in August 2023.

The Health and Safety Assessment identified the following:

- The use of the wooded area to be formally established so that a suitable and sufficient risk assessment of the area can be developed, with appropriate control measures implemented, including consideration of safe access and use of area, any restrictions that need to be imposed etc.
- Repairs to the roads and paths to reduce the risk of injury from slips, trips and falls.
- To identify and establish the boundaries for which pathways (and other areas) the Town Council is responsible for maintaining.
- The need for an arboricultural specialist to carry out a tree risk inspection.

The CEO reported that works had taken place at Forge Farm Allotments since its transfer to the Town Council at a cost of £8,889 to date.

This works included:

- Clearing overgrowth and debris in the wooded area
- Hire of plant and machinery to clear the overgrowth and debris.
- Provision of bark chipping to cover part of the area cleared.

- Provision of new standpipes and taps
- Cutting down and removal of three dead trees.

Outstanding Works at the Forge Farm site include:

- Repair of potholes
- Installation of fencing and a gate to secure the wooded area and the boundary with a neighbouring farm.

Other works identified include removal of plastic /debris from a large mound that has accumulated over decades. This is on hold pending finalising the management agreement.

The CEO advised that idverde had been asked to provide a quote for fencing.

The CEO added that a plot cultivation assessment of the site had been carried out and concern had been raised about the standard of cultivation on 13 of the plots. Action to be taken in line with the Management Agreement and allotment rules.

10 Allotment Management Agreement and Rules

The CEO shared the revised [Allotment Management Agreement and Rules](#) that had been reviewed by the Town Council solicitors.

In response to a question in relation to section 3 of the introduction of the Management Agreement, the Town Council is “entitled to appoint an Officer to assist in the management of Allotments”. The CEO confirmed that while responsibility for allotments remains with the Council as a Corporate Body, Councils can appoint Managers, e.g. Allotment Associations to assist in the management of Allotments. The CEO also confirmed that the Town Council had not delegated responsibility for Allotments to an officer of the Council, although managing allotments is a key part of the proposed Head of Operations and Estate Officer roles.

Section 4.1 of the Management Agreement states that it is the obligation of the associations to collect the rent from plot holders, which is then paid to the Town Council.

It is proposed to delete the wording *from April each year* from 4.20.

The Sub-Committee also considered the procedure as listed in 4.20 in regard to poor cultivation of plots. The Agreement states that the Association shall issue a letter to tenants stating that they are in breach of the cultivation rules of their Tenancy Agreement (detailing where they are failing. The tenant has 14 days to respond either stating mitigating circumstances and/or an action the tenant will take to remedy the poor cultivation. If no response is received to the first letter or the plan hasn't been followed a final warning letter is sent by the Association, then the Association may ask the Town Council may issue a notice to quit. The Sub-Committee requested that an Allotment

Eviction and Appeals Policy and Procedure is drawn up, together with a template for a letter of concern about the condition of a plot and lack of cultivation for consideration at Amenities, Leisure and Community Services Committee.

Section 6.1 to read The Association be amended to read “Must maintain proper accounting records of all receipt and payment and payments and provide an annual statement of income and expenditure to the end of the Association’s accounting year in the form set out in Schedule 7”.

The CEO added that on section 14.2 that there needed to be a requirement to note all injuries in the accident book and to report any need for hospitalisation to the Town Council.

Resolved to recommend the Allotment Eviction and Appeals Policy and Procedure to Amenities, Leisure and Community Services Committee for consideration.

Resolved to recommend the revised Royal Sutton Coldfield Town Council Allotment Management Agreement to Amenities, Leisure and Community Services Committee for consideration.

Resolved to recommend the revised Royal Sutton Coldfield Town Council Allotment Rules to Amenities, Leisure and Community Services Committee for consideration.

The meeting ended at 4:00pm.

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Signed

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Date