

Wednesday 2nd March 2022

The Trinity Centre

12:30pm

Present

Cllrs Cooper, Griffin, K Ward, Wood

In Attendance

Olive O’Sullivan—Chief Executive Officer (CEO) and Mark Dixon-Senior Programme Delivery Manager

There were no members of the public present or press present.

1 Election of Chairman

Resolved to elect Cllr Terry Wood as Chairman of the Sub-Committee.

12:35pm – Cllr K Ward entered after this item.

2 Election of Deputy Chairman

Resolved to elect Cllr John Cooper as Deputy Chairman of the Sub-Committee.

3 Apologies for Absence

The CEO had received apologies from Cllr Briggs.

Resolved to accept the apologies.

4 Declarations of Interest

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

5 Questions from Members

None received.

6 Terms of Reference

Resolved to note the Terms of Reference for the Sutton Coldfield Allotments Sub-Committee, approved at Amenities, Leisure & Community Services Committee on 13th January 2022.

7 Minutes of Meeting between Town Council and Sutton Coldfield Allotment Associations held on 25 September 2021

The CEO summarised the discussions at the meeting between Town Council and Sutton Coldfield Allotment Associations held in September 2021. This included how each of the parties involved in the Sutton Coldfield allotments relate to each other, i.e., the Town Council, the Sutton Coldfield Allotments Consultative Forum, Royal Sutton Coldfield Allotments Association (RSCAA) and individual Allotment Associations.

Sub-Committee discussed the role of each of the parties in relation to disputes and complaints.

The CEO reported on actions from the meeting:

- The Town Council had written to the Birmingham and District Allotments Confederation (BDAC) advising them of the decision of the Sutton Coldfield Allotment Associations to form their own organisation to represent the interests of Sutton Coldfield Allotment sites.
- The Town Council had requested a copy of the BDAC Constitution to share with the Sutton Coldfield Allotment Associations, however this was not available. RSCAA should be independent from the Town Council and as such their establishment and Constitution is for the Sutton Coldfield Allotment Associations to develop and adopt.
- Surveys of all Sutton Coldfield allotment sites were undertaken in November and December 2021.
- The draft Allotment Management Agreement would be shared with the Sutton Coldfield Allotment Associations once the terms of remuneration are agreed by Amenities, Leisure & Community Services Committee.

Cllr Cooper asked about progress with the legal transfer of the allotments from Birmingham City Council (BCC) to the Town Council. The CEO reported that this is still not proceeding at the pace the Town Council desires although the detail held by BCC relevant to the transfer had now been provided by BCC's solicitors to the Town Council's solicitors. In relation to the transfer, Sub-Committee discussed 'island' allotments sites, i.e., that not all sites would transfer with access roads for reasons such as ownership of the access by BCC Highways or BCC Housing which means that transfer to the Town Council would not be permissible. It was reported that where this is the case, there would be permanent rights of access to the allotment sites attached to the transfer. Although there was some debate about the merits of a transfer without all access roads included, the Chairman asserted that this compromise is necessary to enable the transfer to take place.

The meeting discussed security on sites in relation to the recent unauthorised removal of ploholders equipment from an Allotment Association's locked container. The Senior Programme Delivery Manager (SPDM) confirmed that the draft Allotment Rules state that tools and other personal equipment belonging to ploholders were to be kept safe and secure when not in use and that the Council accepts no responsibility for the loss of or damage to such items nor does the Council accept any responsibility for any injury caused by such items. It was further confirmed that this clause would still applies if an Allotment Association provided storage for ploholders, albeit that the Allotment Association may independently choose to accept responsibility for loss or damage, but this arrangement would be between plot holders and the Association not between the plot holder and the Town Council. Cllr Cooper was of the view the Town Council should have a

policy on allotment site keys as part of its management agreements. The Chairman suggested that security on sites could be an agenda item at the next meeting of the Sub-Committee.

Resolved to receive the minutes from the meeting between Royal Sutton Coldfield Town Council and the Sutton Coldfield Allotment Associations held on 25 September 2021 and to note next steps.

8 Allotments Surveys

The SPDM summarised the findings of the Sutton Coldfield allotment sites surveys undertaken in November and December 2021. The surveys highlighted potential future works which may be required at the sites. In addition to any capital improvements Sub-Committee observed that many allotment sites would benefit from a general tidy up and site clearance. The CEO stated that this work should be within the scope of the Town Council's contract with *idverde* Limited to provide 'clean and green' services (the *Sutton Coldfield Town Rangers*).

Regarding site clearance, Cllr Cooper reported that Andy Street, the Mayor of the West Midlands, had a Youth Programme and suggested that participants in this Programme could be involved in allotment site clearance. Cllr Wood also reported that, in the past, community payback had undertaken work at The Boulevard allotments. The SPDM advised that due to young people or community payback needing supervision, together with the scale and specialist nature of site clearance plus insurance and health and safety considerations, any participation in maintenance or other work at the Sutton Coldfield allotment sites would be more appropriate at a future date when the Town Council's allotments grounds maintenance programme is being delivered.

Resolved to note the findings of the Sutton Coldfield allotment sites surveys undertaken in November and December 2021.

Resolved that Officers commence discussions with *idverde* Limited on conducting allotment site clearance within the scope of the existing contract and, if this is possible, to devise a costed plan of site clearance in conjunction with the individual allotment associations.

9 Capital Improvement Programme

The SPDM reported that the allotment sites survey reports could be used as the basis of a quantified future capital improvements programme and that this would necessitate the services of an appropriately qualified Quantity Surveyor.

Resolved to recommend to the Amenities, Leisure & Community Services Committee that a Quantity Surveyor is commissioned to undertake a detailed cost estimate for the capital improvements identified in the surveys of the Sutton Coldfield allotment sites that were undertaken in November and December 2021.

10 Draft Royal Sutton Coldfield Town Council Allotment Rules

Resolved to recommend to the Amenities, Leisure & Community Services that the draft Royal Sutton Coldfield Town Council Allotment Rules are adopted.

11 Allotment Management Agreement

The CEO explained that the draft Allotment Management Agreement is based on the draft Agreement that BCC provided to Allotment Associations in July 2021 as a consultative document, adding that the draft Agreement is currently being reviewed by the Town Council's solicitors. A key aspect of the Allotment Management Agreement to be determined is the financial remuneration to the Sutton Coldfield Allotment Associations for site management, maintenance and minor repairs.

The Chairman summarised the current BCC arrangements where Allotment Associations receive an annual Management Fee for site maintenance and minor repairs through a Management Agreement which is funded through plot rental income and comprises a 10% commission paid on rents plus a variable amount (a 'Devolved budget') based on annual maintenance and repair requests made by the individual allotment associations. Members noted that this means that the current Management Fee varies between each site.

The Sub-Committee considered the terms of remuneration payable to Sutton Coldfield allotment associations for site repairs and maintenance under the terms of a Management Agreement. The Town Council's Allotments Transfer Working Party had previously discussed a Management Fee based upon 50% commission paid on rents when the allotments are transferred to the Town Council, with the remaining income spent on centralised revenue spend such as annual health and safety inspections and seasonal or emergency arboricultural work. With current overall plot income, the total Management Fees for all allotments sites could total £16.7k.

Sub-Committee concluded that the 50% commission paid on rents model was the preferred one for the initial proposed two-year Management Agreement and that this would be recommended to Amenities, Leisure & Community Services Committee. The remuneration model would be reviewed again in advance of subsequent Management Agreements after the initial two-year ones.

Cllr Cooper asked about rounding up plot rental fees to nearest £. The CEO advised that this cannot be done under the current Tenancy Agreements as plot holders would transfer from BCC to the Town Council under the same terms and conditions, including rent rise calculations, and that plot holders had already been informed of the annual rent rises to October 2024.

Resolved to note the draft Allotment Management Agreement.

Resolved to recommend to Amenities, Leisure & Community Services Committee that the financial remuneration to the Sutton Coldfield Allotment Associations for site management, maintenance and minor repairs is be based on 50% commission paid on rents when the allotments are transferred to the Town Council.

12 Date of next meeting

Wednesday 6th April 2022, time TBC, The Trinity Centre

The meeting ended at 2:04pm