



Allotments management toolkit: Gardeners in charge

Introduction

Social Farms & Gardens have worked with the Welsh Government to produce a range of resources to help ensure local authorities and others involved in the management of allotment sites in Wales maximise the potential of those sites for the local population.

With support from the Welsh Government, SF&G Wales have written a guidance document for local authorities, growers and growing groups in Wales which provides an overview of allotment site management.

This factsheet is one of a series of factsheets which expand on various topics covered in the Guidance.

The toolkit also includes a selection of sample tenancy and other legal document templates to assist in site management.

All of these resources are available to download from:

www.farmgarden.org.uk/allotment-site-management-toolkit



Gardeners in Charge: A guide to devolved management for allotment associations

Devolved management is the practice of devolving a share of the responsibility for managing allotment sites to the allotment gardeners themselves. They are usually organised as a constituted association with an elected committee.

Allotment associations (or societies) choose to go it alone for different reasons. Some are in a position where devolved management is the logical next step, others may be forced into it through a lack of interest or investment by the local authority or whoever else is responsible for the site.

Whatever your situation, there should be a stage of devolved management that suits both association and landlord.

Some pros and cons

A feel-good factor of 'we did it ourselves' certainly increases morale on the site, but there are other advantages too. For example:

- Promotion of vacant plots can be more effective and maintenance work is carried out more quickly when undertaken by the people who care most about the site.
- Associations are often better placed than local authorities to raise funds, and the retention of rents ensures that plotholders' cash is ploughed back into services.
- Cycles of dereliction and under-use can go into reverse, giving plotholders and local supporters an asset to be proud of.

However, if devolved management is accepted at the wrong time, wrong pace or with little support, it can run

into serious problems: plotholders stop turning up for meetings; nobody has the time to do plot inspections; plots become abandoned and unlettable; one harassed

person ends up trying to cope with all the work required to run the site.

Maximising the pros and minimising the cons is what successful devolved management is all about.

Getting organised

Devolved management needs to be backed up by a robust legal structure. Most allotments choose to become a formally constituted Unincorporated Association with an elected committee and a Chairperson, Treasurer and Secretary.

Many associations appoint additional officers to deal with specific tasks, e.g. promotion or maintenance. It is better for the committee to meet 'little and often' to ensure steady progress and to prevent long meetings that put off volunteers.

As a very general rule, a site needs 6-8 committed individuals to make devolved management work. The work should not fall on one or two heads. Officers should not keep changing so often that management gets chaotic, nor stay in post so long that the group dynamic becomes stagnant.

A suitable lease

When entering any new arrangement covering non-trivial matters it is essential to have a formal, written agreement. This is 'the lease' or 'the agreement' and is not legally binding until both parties have signed it. The parties are whoever has ultimate responsibility for the site ('the allotment authority') and the association.

Just as no two allotment sites are the same, devolved management leases should not come in a 'one size fits all' package. The lease should be customised to the site and the association's capacity and should consider the condition of

the site at that point in time. Of course, it depends on what suits the allotment authority and the scope for compromise.

It is usual practice for the allotment authority to draw up the lease, but this does not mean you cannot try to negotiate the terms. If the lease you are offered is not suitable to your association's needs, then say so in writing and start negotiating with the allotment authority toward what is suitable.

Be prepared to work hard with (not against!) the allotment authority in negotiating for the very best possible deal.

Alienating the association from the allotment authority is not beneficial to either party – you will need to continue to have a well-balanced relationship after the lease is signed and the allotment authority may be needed as a mediator if problems arise in the future, such as plotholder disputes.

Work out your long-term goals and agree in advance on where you are prepared to compromise. If you are being forced down a path of devolved management you may not have much room for negotiation, but it is still helpful to know what your long-term aims are and make the allotment authority aware of them from the very start.

Do not be pushed into hasty decisions. A well negotiated lease can prevent problems arising later for both parties.

The agreement should be in plain and simple language. If you do not understand any legal jargon used, ask for it to be rewritten in more simple terms. Do not sign it if you do not understand it. Both parties should keep a copy of the agreement.

Be sure to take independent legal advice. National Allotment Society members get free legal advice (see Resources). Some solicitors will work free on a pro bono basis.

Length of lease

Some allotment authorities are reluctant to agree to long-term leases, yet short-term leases can restrict associations from long-term planning and applying for grants. A local authority is allowed to dispose of land for “less than best” consideration (income) if the disposal will contribute to the promotion or improvement of the economic, social or environmental well-being of its area and the extent of the undervalue is no more than £2million. This power is under the General Disposal Consents Regime. Negotiating a longer lease is possible and well worth the effort for the benefits it can bring. The RICS have produced a guide to best practice (see **Resources**) which is a useful starting point for negotiations.

Federations

Individual associations who have the same allotment authority have found it useful to team up and work together, as a ‘federation’ or ‘forum’. Federations can negotiate the terms of leases and borough-wide allotments issues with the allotment authority. Federations often have more ‘clout’ than individual associations working alone.

Finding the right starting point

Even with the best will in the world an association cannot ‘run before it can walk’. Decide the right entry point, i.e. the point from which the association can manage effectively and with confidence.

Settling in gradually

Try to choose a stage with fewer responsibilities for a trial ‘settling in’ period before moving on to a more advanced arrangement later.

Many associations find it useful to negotiate a gradual progression from one stage to another over a period of two to three years as experience and confidence grows.

Stages of Devolved Management

Choose the stage that suits your association, i.e. the point from which you can manage effectively and with confidence. Some of you may already be at one stage and thinking of moving on to the next

Dependence

- The plotters and association (if there is one) do not play any practical role in site management.
- There may be a site representative who acts as an informal contact point between the plotters and the allotment authority.
- There is no written devolved management agreement between plotters and the allotment authority.

Participation

- There is a site representative and plotters informally accept responsibility for minor maintenance works.
- There might be a mechanism by which the plotters or site representatives can be consulted on capital expenditure and repairs by the allotment authority.
- There is no written devolved management agreement between the plotters and the allotment authority.

Delegation

- The association accepts formal responsibility for a range of duties, which might include arranging tenancies and carrying out regular maintenance duties.
- Financial agreements release a proportion of rental income for this purpose, but leave the local authority to carry out repairs, pay for overheads such as water, and undertake all legal formalities.
- A written devolved management agreement or license between the association and the allotment authority is held.

Semi-Autonomy

- The allotment association leases the site from the council, arranges tenancy agreements, collects rents and reinvests revenue (which it manages) on maintenance, repair and capital items.
- Depending upon the term of the lease, plotters may become the tenants of the association rather than of the local authority. The local authority retains defined oversight and strategic functions.
- A written devolved management agreement between the association and the allotment authority is held.

Autonomy

- The allotment association purchases the land and operates independently.
- The association may change its legal status, for example to a company limited by guarantee.
- There is no formal devolved management agreement as the association is working alone.

Secrets of long-term success

The three keys to making devolved management work are:

- commitment
- capacity
- accountability.

Consider each of these at every stage of the devolved management process to avoid pitfalls.

Commitment

Devolved management will not work unless there is sustained commitment from the association, individual ploholders and the allotment authority.

All parties need to be partners in a clear and fully reciprocal agreement. The allotment authority requires assurance that your association (and the individual ploholders) will remain committed, reliable and responsible, even when membership changes. Similarly, your association needs consistent commitment from the landlord of the site even when staff, policies and politics change.

It's important to realise from the outset that devolved management is unlikely to work if opposed by a significant minority of ploholders. Whether you have 30 plots or 300, everyone needs to be in agreement about their level of commitment before you start.

For some people this means a commitment to take an active role in running the site. For others, whose sole interest is their plot, commitment means supportive tolerance of the efforts of others. And commitment is about making sure that when enthusiasm fails, new hands pick up the load.

Capacity

You need to be capable of dealing with the tasks and issues that arise when managing your site. Simple practical measures will ensure you recognise what capacity your

Management Responsibilities – Does your association have the capacity to cope with these?

- Is there a right to charge a membership fee in the devolved management agreement? If so, how do we administer it?
- How do we go about setting policies, for example equal opportunities?
- Who gives consent for new structures?
- Who bears the responsibility for insurance?
- Who serves notices of non-compliance to ploholders? Who determines whether the terms of the notice have been met?
- Who pays/organises utility maintenance? Who pays/organises utility improvements?
- How do we decide plot rents and concessionary rates?
- What concessions exist? Who defines them?
- How much notice is required for the Annual General Meeting? How is it publicised?
- What is the minimum number of voting members needed to take decisions on behalf of the association for general and committee meetings? (This is called the quorum).

association has and where you need training to fill any gaps.

Arrange a meeting of the committee and any other ploholders who have expressed an interest in being involved in management.

Take care in choosing the venue for your meetings, e.g. a pub or social club may be off-putting to people from non-alcohol cultures. Meeting rooms in community centres, libraries and town halls can often be hired free by voluntary groups and may have a crèche and disabled access.

Look at the list in the **'Management Responsibilities'** box, asking yourselves "do we have the capacity to do this?"

People at the meeting may dispute whether others have the capacity they claim to have – try to negotiate who does what, with everyone agreeing to do their part without having to worry about what other people are doing. These discussions and task allocations will help you

recognise which stage of devolved management you are able and prepared to accept – and identify areas where you need extra training or support.

In areas where you lack capacity, you may be able to find some training, a publication or someone with advice to help fill that gap. You can make the allotment authority aware of your association's training needs, although they are not obliged to provide any training.

General training, such as in book-keeping or taking minutes at meetings, may be available free from your local authority or local Council for Voluntary Services (see Resources). You may need specific technical training, such as a course in hard and soft landscaping or weed control, from a local horticultural college.

Some associations are happier learning from their own experiences, rather than being dependent on training from outside organisations. Visits to and from successfully

devolved managed sites for advice and learning 'on the job' are just as useful as any training course.

Associations often have a pool of resourceful and capable people amongst their plottolders. Anyone who can manage money methodically and honestly could be a treasurer once they have attended a one-day book-keeping course or read the relevant guide.

Many plottolders unexpectedly find that they have skills from employment or life experiences that are transferable to the association's needs – boosting their own and the association's confidence and saving money.

Accountability

Being democratic and transparent in all aspects of site management is crucial for maintaining support from plottolders, the allotment authority and local supporters.

Democracy is needed to keep people on board rather than alienating them. Being transparent shows that all is fair. Without either there is the risk that problems may go undetected. It is also important not to become too zealous in implementing power: nobody likes a dictator.

Communication is the key to making your efforts accessible and transparent to everyone. Aim for regular and simple communication of key information, such as dates of meetings, minutes and accounts.

Some sites produce a detailed quarterly newsletter which can be emailed and posted on site noticeboards. A copy posted on the outside of the perimeter fence will keep your local supporters up to date too. Remember to send a copy to your landlord aswell.

If you stop telling people what is happening then they may become disillusioned or, worse, suspicious: enthusiasm may wane and obstruction increase.

Business plans and strategies

It is a good idea to draw up a business plan or strategy when you have considered your capacity – an action plan of what is to be done, why, when and by whom. This does not need to be too lengthy, just a couple of pages reviewed by the association periodically can make things seem less daunting and prevent future problems arising.

Scoping the site

It can help to carry out a 'scoping' exercise (see below): walk around the site, assess its pros and cons, and consider the long term and financial implications.

The results of a scoping exercise will help show whether you can accept full responsibility for all of the site's infrastructure, or if you need to negotiate some exemptions with the allotment authority (and which stage

of devolved management is most suitable for your site).

Finances

Before committing to devolved management, calculate the income and expenditure (outgoings) for the site over a financial year.

Expenditure will include rent to allotment authority; water bill; insurance; general maintenance (e.g. skips or fence repairs); administrative costs. For most associations, the only income will be rent from plottolders.

If you find that rental income only just covers expenditure, consider increasing the rent or introducing a separate water charge. You should ideally generate some surplus funds to allow for unexpected costs (burst pipes, for example).

If you need to make infrastructure improvements that your allotment authority is unable to pay for, you will need to fundraise. Donations from plottolders, a trading hut, events and sale of surplus produce are all good for extra income.

Peppercorn rents

Most allotment authorities will charge rent on a Total Area Charge basis – this means you pay a bill based on the amount of land (in hectares) your site covers and not on the number of plots. If the association does not have 100% uptake of plots and/or charges some concessionary rents, there may be a

Example of a scoping exercise

Feature	Condition	Action
Main haulingways and perimeter fence	Good	Continue to review
Water supply	2 leaking taps	Ask your allotment authority to repair prior to lease start. Otherwise pay from rental revenue.
	1 tap damaged by car reversing	Issue notice to all plottolders to drive more carefully. Charge responsible plottolder if identified. Build borders to paths to prevent if problem persists.
Untenanted plots	Overgrown	Cover in black polythene, offer these plots to new plottolders with a charge to cover polythene cost.

shortfall in rent, but the rent will still have to be paid for all the land the site covers.

Some associations have negotiated a 'peppercorn' lease whereby they do not pay any rent to the allotment authority in exchange for taking on complete responsibility for the site.

Legalities and technicalities: The Law

The Smallholdings and Allotments Act (1908) Section 29 (1) allows for devolved management: however, the allotment authority is not legally obliged to consider entering into devolved management nor take back a devolved site if problems arise, unless this is specifically written into the agreement. Most allotment authorities are very keen to encourage devolved management and many are willing to enter a mutually beneficial partnership with associations to negotiate a deal which suits both parties.

Once a lease is signed, the association (or the Trustees it appoints) assumes the legal liabilities specified or implied by the agreement. Most leases specify that all liabilities become the responsibility of the association. Liability has important implications and associations should ensure they are adequately insured.

Risk, liability and insurance

Without public liability insurance an association and its individual members will be liable for claims made against it once a devolved management lease has been signed. It is essential that adequate insurance is obtained and comes into effect immediately the devolved management lease is signed.

Associations employing someone (as opposed to volunteers) should also have Employers Liability Insurance. Contact SF&G or NAS for details of their insurance schemes (see **Resources**).

All activities carry an element of risk and allotment gardening is no exception. It is important to carry out a risk assessment of the site.

Certain tasks should only be undertaken by a trained professional, (e.g. tree-felling, herbicide spraying). Where ploholders are using association tools, proper training must be given.

Rescue strategies

Even the best laid plans can fall apart - you need to ensure you can cope under pressure. A devolved management lease is a legal agreement so by assuming responsibility you have to be able to mitigate risks and deal with hazards that arise.

Regular reviews of your commitment levels, capacity and accountability arrangements can help prevent problems from arising or nip them in the bud. For example, thorough, shared record-keeping can prevent information being lost if the person dealing with a funding application is taken ill.

Part of ensuring long term success is to negotiate a pre-agreed rescue strategy with the allotment authority. The scope can vary – anything from the allotment authority agreeing to accept back some duties (such as collecting rents) for a short period whilst issues are ironed out, through to a full-scale wind up of the association and a return of all duties to the allotment authority.

If the association winds up, the other party may require a set notice period, so bear this in mind when you are negotiating the written agreement and in subsequent meetings and capacity checks too.

With well thought out planning, a carefully negotiated lease, and regular meetings, few associations will ever reach the stage of having to call upon a rescue strategy, but it is a useful clause to have in a lease in case something happens to make your hard work go to waste.

Resources

Social Farms & Gardens (SF&G)

Tel: 0117 9231800

Email: admin@farmgarden.org.uk

Website: www.farmgarden.org.uk

A registered charity which supports, represents and promotes community-managed farms, community gardens, care farms, allotments and other green spaces, creating opportunities for local communities to grow. Discounted insurance scheme for members.

National Allotment Society (NAS)

Tel: 01536 266576

Email: natsoc@nsalg.org.uk

Website: www.nsalg.org.uk

The national representative body for the allotment movement in the U.K. Membership is made up of allotments associations, societies and federations, schools, councils, landlords and individuals. Discounted insurance scheme for members.

National Allotment Gardens Trust (NAGT)

Website: www.nagtrust.co.uk

Provides training for Allotment Committee Members and for people who wish to become involved in the management of allotments.

National Association for Voluntary and Community Action (NAVCA)

Tel: 0114 278 6636

Email: navca@navca.org.uk

Website: www.navca.org.uk

Advice and support for community groups.

Wales Council for Voluntary Action

Website: www.wcva.cymru

The national membership body for voluntary organisations in Wales.

The Resource Centre

Website: www.resourcecentre.org.uk/information

Provides straightforward, useful information to help people run community and voluntary groups.

Further reading

Growing in the Community, a good practice guide for the management of allotments

Published by the Local Government Association

www.local.gov.uk/growing-community-second-edition

A Place to Grow

A supplementary document to Growing in the Community.

www.local.gov.uk/place-grow-supplementary-document-growing-community

Welsh Government Guidance for Traditional Allotments and Community Led Gardening Projects, March 2016

<https://gov.wales/sites/default/files/publications/2018-05/allotments-and-community-led-gardening-guidance.pdf>

Voluntary but not Amateur: A guide to the law for voluntary organisations and community groups

Legal structures, financial management etc. Published by The Directory of Social Change; 8th Edition (9 Mar. 2009)

RICS guide to Local authority disposal of land for less than best consideration in England and Wales

<https://democracy.bathnes.gov.uk/documents/s34180/Appx>



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