



**Report of: Executive Member for Environment and Transport**

<b>Meeting of:</b>	<b>Date:</b>	<b>Ward(s):</b>
Executive	27 May 2021	All

<b>Delete as appropriate:</b>		Non-exempt
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## **SUBJECT: ALLOTMENT POLICY – RENEWAL OF TENANCIES**

### **1. Synopsis**

- 1.1 In 2011, the Executive agreed a new Allotment Policy for the borough. Policy 3 stated, "New allotment holders will be told that their annual agreements will not be extended past ten years."
- 1.2 In 2017, allotment holders affected by the ten year rule started to make representations to Councillors and to Jeremy Corbyn MP, and it was agreed that the Council would consult on Policy 3, the ten year rule.
- 1.3 The consultation showed the majority of responders did not support this rule.

### **2. Recommendation**

- 2.1 To agree that Policy 3 is removed from the Allotment Policy. Policy 3 stated, "New allotment holders will be told that their annual agreements will not be extended past ten years."
- 2.2 To agree that the removed policy will be replaced by a new policy that that will state, "Allotment holders may continue to renew the tenancy on an annual basis subject to the Tenant's observance and performance of the covenants and the other provisions contained in the annual agreement".

### **3. Background**

- 3.1 In 2011, the Executive agreed an Allotment Policy for all Council controlled allotments in the borough.
- 3.2 The reason the policy was brought in was that in 2010 there were over 270 people on the waiting list and at the time only 57 allotment plots available. This meant that the average waiting time for a plot was approximately 14 years. The allotment waiting list had also been closed since 2006 to new entries.
- 3.3 The rationale for the policy was that this would help reduce the time people spent on the waiting list, as previously plot holders are offered an annual agreement every year unless they moved out of the borough, were incapable of maintaining the plot or passed away. This meant that the average time a plot holder had the plot was over twenty years. Given the small number of plots available and the length of the waiting list, this was not considered sustainable. Existing tenants remained on the annually renewable leases.
- 3.4 Within the overall Policy, Policy 3 stated, "New allotment holders will be told that their annual agreements will not be extended past ten years."
- 3.5 In 2017, allotment holders affected by the 10 year rule started to make representations to Councillors and to Jeremy Corbyn MP that this policy was both unfair and to the detriment of the allotment communities and sites, and that it should be revoked.
- 3.6 Between 2011 and 2017 we have been able to increase the number of allotment plots through dividing larger plots as they become available. Currently we have a total of 73 plots available.
- 3.7 In April 2019, the Council agreed to conduct a consultation with all allotment plot holders and all those on the waiting list regarding views on the ten year rule and other aspects of food growing.
- 3.8 The Parks Service consulted with all current allotment holders and all those that are currently on the Allotment Waiting List.
- 3.9 The consultation took place in March 2020. A total of 57 responses (30% response rate) were received. The result was that 28% of responders were in favour of the ten year rule and 72% did not support it. It was also noted that of those that responded from the waiting list, 43% were against it too. A full consultation report is attached at Appendix 1.
- 3.10 In addition to noting the strength of opinion on removal of the ten year rule, we have listened to the feedback received from the allotment community on the impact that losing the allotments will have on them individually and on the wider allotment community.

As a result, the Parks Service recommend withdrawing the 10-year rule and converting all existing licences to lifetime licences. The licences will still be subject to the annual renewal and the allotment holders will need to ensure that they can maintain the plots to the standards required in the licence or risk having the licence cancelled.

To ensure we can continue to provide more food growing opportunities within the borough the parks service will focus on developing a Community Gardening and Food Growing Strategy for the borough with the aim of increasing opportunities for the community to grow food in parks, housing estates and public realm land across the borough.

We will also continue to actively seek additional opportunities to create new allotments through re-sizing of existing allotment plots when tenancies are ended and through identifying new land that could be converted to allotment. Finding new land for allotments will be a challenge in Islington due to the lack of space and demand for new housing. Despite this challenge the Council is committed to looking at creative new ways to cover come this challenge where possible as the provision of allotment plots plays a key part in the Council's agenda to build healthier communities and promote healthy living and to become a Zero Carbon Borough by 2030.

#### **4. Implications**

##### **4.1 Financial implications:**

There are no financial implications.

##### **4.2 Legal Implications:**

There are no legal implications arising out of the proposed change which does not affect the Council's statutory duty under Section 23 of the Small Holdings & Allotment Act 1908 to provide a sufficient number of allotments to meet demand for the same.

##### **4.3 Environmental Implications and contribution to achieving a net zero carbon Islington by 2030:**

There are no environmental implications from changing this policy as it does not alter the use of the space in any way.

##### **4.4 Resident Impact Assessment:**

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment was completed on 12<sup>th</sup> August 2020 and the summary is included below. The complete Resident Impact Assessment is appended (Appendix 2).

It is not possible to know if people on the waiting list have protected characteristics as this information is not provided at the time of applying. It is reasonable to assume that it is likely that there are people with protected characteristics on the waiting list and this policy change will result in longer waits for them to receive an allotment.

However based on the submissions from current allotment holders (some of whom have protected characteristics), we feel that the impact of the loss of an allotment for the people that will lose their plot and the impact on the allotment community around them, will outweigh the impact of the delay in receiving one.

We will mitigate the impact on those on the waiting list and those not yet on it, by developing a Community Gardening and Food Growing Strategy for the borough with the aim of increasing opportunities for the community to grow food in parks, housing estates and public realm land around the borough.

## 5. Conclusion and reason for recommendations

Based on the feedback received as part of the consultation, there is clear opposition to the ten year rule (72% of responses against it). It was also noted that of those that responded from the waiting list, 43% were against it too.

As a result, the Parks Service recommend withdrawing the 10-year rule and converting all existing licences to lifetime licences. The licences will still be subject to the annual renewal and the allotment holders will need to ensure that can maintain the plots to the standards required in the licence or risk having the licence cancelled.

### Appendices

- Appendix 1 – Consultation Report
- Appendix 2 – Resident Impact Assessment

**Background papers:** None

Final report clearance:

### Signed by:



11 May 2021

Executive Member for Environment and  
Transport

Date

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