



# The Allotments Regeneration Initiative

## Fact Sheet

### 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. 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 un-lettable; 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. Sample constitutions can be found on the ARI website or ordered from the ARI office.

Note: Other structures may be more appropriate if you want to manage several sites, run a trading hut or want to apply for certain grants. For example, an Incorporated Association, Registered Charity or Company Limited by Guarantee. See the book 'Voluntary but not amateur' (details in *Resources*).



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 into 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 fit your site, and the association's capacity, and should take into account the condition of your 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. NSALG members get free legal advice. Some solicitors will work free on a pro bono basis (see *Resources*).

### **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. Negotiating a longer lease is possible and well worth the effort for the benefits it can bring.

Longer-term leases with a local authority are permitted under Section 123 (2) of the Local Government Act 1972 General Disposal Consents (1998), which allows for the disposal of leasehold interests for the purpose of the continued provision of recreational facilities.

See page 8 for details of associations who have negotiated long-term leases.

### **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'. See below for a chart setting out the stages of devolved management that will help the association decide the right entry point, i.e. the point from which they can manage effectively and with confidence. Some of you may already be at one stage and thinking of moving on to the next.

## 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

#### Dependence

- The plotholders 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 plotholders and the allotment authority.
- There is no written devolved management agreement between plotholders and the allotment authority.

#### Participation

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

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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 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 working men's or social club may be off-putting to women or people from non-alcohol or non-smoking 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 (page 5), asking yourselves "do we have the capacity to do this?"

People at the meeting are likely to dispute whether others have the capacity they claim to have – try to negotiate who does what, with each individual 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. Support may also be available via the ARI mentor network: a team of 10-15 voluntary experts recruited to assist allotment associations and other organisations in allotment regeneration. Contact ARI for further details.

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. (Contact ARI for a copy of the *Good Sites Guide*, a directory of sites to visit.)

### **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).

Associations often have a pool of resourceful and capable people amongst their ploholders. 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 ploholders 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 ploholders, 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 on a computer, but it's sufficient to produce neatly written, photocopied, A4 sheet(s) which you can post on site noticeboards and under shed doors to save on postage. 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 as well.

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**

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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 doesn't need to be

too lengthy, just a couple of sides 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 it's 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 ploholders.

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 ploholders, a trading hut, events and sale of surplus produce are all good for extra income. See ARI information pack *A guide to fundraising for allotment associations*.

### 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 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. (See page 8 for contact details.)

### Legalities and technicalities: The Law

The Allotments (Scotland) Act (1892) Section 6 (3) and The Smallholdings and Allotments Act (1908) Section 29 (1) in

#### 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
	One tap damaged by car reversing	Issue notice to all ploholders to drive more carefully. Charge responsible ploholder if identified. Build borders to paths to prevent if problem persists.
Untenanted plots	Overgrown	Cover in black polythene, offer these plots to new ploholders with a charge to cover polythene cost.



England, allow for devolved management: however, the allotment authority is not legally obliged to enter into devolved management nor take back a devolved site if problems arise, unless this is specifically written into the agreement. In reality, however, most allotment authorities are very keen to encourage devolved management and many are willing to enter into 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 when the devolved management lease is signed.

Associations employing someone (as opposed to volunteers) should also have Employers Liability Insurance. Contact NSALG 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. See ARI's information pack *Health and safety on allotments: a management guide*.

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 it is sensible to bear this in mind, not only when you are negotiating the written agreement but when you hold meetings and make 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.

## Allotments Regeneration Initiative

The  
GreenHouse  
Hereford Street  
Bristol BS3 4NA

Tel  
0117 963 1551  
Fax  
0117 923 1900

Email  
ari@farmgarden.  
org.uk

### ARI Website

To keep up to  
date with  
developments,  
including future  
events, visit the  
ARI website:

**www.  
farmgarden.  
org.uk/ari**

This fact  
sheet  
is also  
available  
in  
large  
print,  
braille  
or on  
audio  
tape  
from the  
ARI  
office.

## Resources

### Allotments Regeneration Initiative (ARI)

Other factsheets cover toilet installation, grants, risk assessment, promotion etc. and can be downloaded from the web. Free postal newsletter. Sample management documents.

Tel. 0117 963 1551  
ari@farmgarden.org.uk  
www.farmgarden.org.uk/ari

### National Allotment Gardens Trust (NAGT)

Tel. 01752 363 379  
www.nagtrust.org

### National Society of Allotment and Leisure Gardeners (NSALG)

Seed scheme, insurance, legal advice and magazine for members.

Tel. 01536 266 576  
natsoc@nsalg.org.uk  
www.nsalg.org.uk

### National Association for Voluntary and Community Action (NAVCA) – formerly NACVS

Support for voluntary groups, including advice on setting up and running an association. Details of your local CVS.

Tel. 0114 278 6636  
nacvs@nacvs.org.uk  
www.nacvs.org.uk

### Free legal advice

For voluntary and community groups.  
www.professionals4free.org.uk

## Further reading

### Allotments Regeneration Initiative Seminar Reports

Reports from the Devolved Management workshops held at ARI seminars can be viewed online at:  
www.farmgarden.org.uk/ari

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

£15 for allotment associations/plot holders or £20 otherwise.  
Publication reference EN012  
Tel. 020 7664 3131

### Devolved Management for Allotments: Models and Processes

A brief prepared for the Local Government Association's working group on a best practice regime for allotments (1998). View online at:  
www.btinternet.com/~richard.wiltshire/lga4.htm

### Voluntary but not amateur - A guide to the law for voluntary organisations and community groups (7th Edition, 2004)

London Voluntary Service Council.  
ISBN 1872582710. £24.95  
Legal structures, financial management etc  
Order online at www.lvsc.org.uk  
Tel. 020 7700 8107

### Some self managed sites (more available in ARI Good Sites Guide)

Organisation	Description	Contact details
Bromley Allotments & Leisure Gardens Federation	Manages 50 sites on behalf of local authority. Negotiated 21 year lease for each site.	John Penny (Chairperson) Tel. 020 8857 7838
Dolly's Lane Allotments Association	Negotiated 10 year lease with £1 per year peppercorn rent. Full approval given under Section 123 (2) of the Local Government Act 1972 General Disposal Consents (1998).	Jon Goodwin (Allotments Officer, City of Stoke on Trent) Tel. 01782 232 529

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