

As a follow up to the BDAC EGM, rather than producing Minutes for the meeting, we thought it would be helpful to present a follow-up document detailing the questions asked by tenants and Committee Members, and the responses from both the Council Officers in attendance and the BDAC.

We have tried to group the questions in an order depending on the topic, e.g. water.

On behalf of the Team, we would like to thank all those that attended the meeting and presented their ideas or questions. We truly value your input, and we would encourage you to share any information that the Team and the BDAC publish in the coming weeks with fellow plotters and Committee Members.

If you have further questions or have ideas that can be incorporated into a new management model, please contact the Team by:

Email: allotments@birmingham.gov.uk or

Post: The Lodge, 115 Reservoir Road, Ladywood, Birmingham B16 9EE

Please do not send to Officers directly, as each response does need to be logged on our database.

Q Why were no Councillors present at the EGM?

A Councillor James McKay, who has an interest in the Allotments movement in Birmingham, was invited to the meeting, but could not make it. However, Peter Short has a meeting with the Councillor on the 7th February to update him on the current Consultation. Any documents produced, will be passed to Councillor McKay so that he is aware of the current situation. All documentation in relation to the Consultation are passed to the Head of Parks, Darren Share, the Chair of the Allotments Consultative Committee to brief senior officer and members. Senior officers had already been briefed ahead of the EGM.

Q How will the consultation be agreed?

A Site Secretaries should share any information that they are sent, either by the BDAC or the Allotments Team, with their fellow Committee members and tenants. Ideally, arrangements should be made on each site to discuss the Consultation, and to feedback any thoughts or questions. An AGM or EGM can be called to discuss and possibly vote on the final proposals. Decisions are not being made at the moment, as the consultation progresses, changes to the proposals are bound to be made.

Q Does the Council have an ulterior motive? Are they going to sell off the land?

A No. The Consultation process is seeking a way of strengthening the current position of allotments in Birmingham, to ensure that they are safeguarded and sustainable in the future. Where sites are currently, or become unviable in the future, we cannot rule out the possibility of them being taken out of allotment use, however this is certainly not the purpose of this exercise.

Q Are we the first service that has been expected to devolve in this way? Isn't it a lot to ask of volunteers to do it?

A Whilst we may be the first service to do so within Parks, many services within the Council are being put under review or decommissioned. Some volunteer groups have already been asked to oversee their group use of community spaces if they wish to use them e.g. community rooms in libraries. We appreciate the hard work that our volunteers currently offer, and we hope that with the guidance that we will offer, committee members will feel more confident within their roles to take on some of the extra responsibilities. In reality, many sites in the City will not be taking on much more than what they already do now.

Q What will the BDAC's role be in the future?

A Whilst the BDAC will change, the fundamental role of the BDAC will not. They will remain the arbiter and mediator in site issues that go beyond the mentor/trustee stage. The BDAC will remain involved in assisting in the formation of new Associations or the setting up of umbrella groups of sites. The BDAC will continue their work in furthering the Allotments movement within Birmingham.

Q If the Council will not be running the service in the future, would it be possible to form a cooperative?

A Whilst this has not been considered as an option at the moment, should the Birmingham Allotments movement come to the council with such a proposal in the future, we would obviously consider it.

Q Has the Council been approached to form a charitable organisation that will run the Allotments?

A Not at the moment, no.

**Q How are you proposing to increase occupancy of Allotments?
Can a website be set up?**

A This is currently being explored by the Team, and we are looking at moving this forward. Sites could also put up a vacancy notice which is visible from the road, to alert passers by that there is space available.

Q How are the budgets set? Are the budgets set on current lettings or on site size as a whole, including vacant plots?

A The budget for water will be set on a matrix basis, based on number of tenants, size of plot, surface drainage, bib tap, sewerage or any other charges made by the relevant water company. Other budgets for portaloo maintenance, cess pit emptying etc, will be made on a site by site basis based on what they have, and what they have needed in the past.

Q How do we know that the budget being offered to the Associations is realistic, particularly in relation to the water budget?

A Work is ongoing to identify the current expenditure on each site, the available budgets which may be devolved will then be allocated on a matrix basis for each individual site, to ensure that all sites are treated equitably. Early work has revealed that there is sufficient resource in the water budget to fund most sites needs, only those sites which have already been identified over the last few years, as exceeding their water allowance are currently in a position where there is a need to reduce their water consumption to bring it in line with their funding allocation, this equates to approximately 20 sites. We will write again to the sites affected to ask them to reduce their consumption and to introduce water harvesting or other measures, so that they have another year to bring their usage into line with all other sites.

Q How do we know if consumption is down to water leaks? Will we have to deal with outstanding problems that the Council haven't dealt with?

A The service will continue to assist with major repairs such as this, regular meter readings by the Associations will quickly reveal any leakage issues, which can subsequently be claimed back from the provider, the service will help bridge the gap in between any refunds if necessary, to avoid the sites being disconnected. This will then be expected to be refunded back to the service once the Association has been reimbursed by the water company.

Q How will we manage water usage?

A Sites will be give information on where their water meters are, and will be reminded to read their meters every month to monitor the usage. Any spikes in usage can then be quickly identified and leakage prevented, and usage monitored to ensure it is in line with the budget available.

Q Can the Council name and shame the sites that are poorly performing on water?

A Whilst we would like to do this, we think that it would be very unhelpful at the current stage, and may lead to the identity of individuals on sites being revealed. The devolvement of the budgets to the sites does not penalise sites that are performing well – sites are allocated a budget dependant on the matrix outlined before, not on a previous bill. Once the allocation is spent, there will be no more budget available for water. Sites that go over their allocation will therefore be cut off, even if the water bills stay with the Council.

Q How far in advance would sites know how much they will be allocated for sites? Will they be able to decide if they want to take on the responsibility of paying the bills before they sign up to a new Management Agreement?

A Though the figures are still being worked out, we hope that sites will have the figures 6 months before the new Agreements begin. Sites will be asked to sign the new Agreements once they have been fully agreed by Legal Services, and once Committees have been informed of the responsibilities that they will be taking on.

Q If sites save money through controlling water consumption, can the site keep it or will the Council request it back.

A Sites can keep all funds that are allocated to them – therefore, if a site saves money through good water harvesting, the Association will benefit from retaining the extra income to reinvest in their site.

Q How do people deal with tenants who misuse water?

A If tenants are misusing water, Committees already have the rules to take action, they should warn the tenant that their actions contravene the Allotment Rules. If they still continue to misuse the water, the tenant should be issued with a written warning, and the Allotments Team should be informed of when the warning was sent to the tenant. If the tenant misuses the water again, they will be evicted from the site.

Q Will there be any rent increases in the future?

A If the model that is currently out for consultation, or a revised one following the input from those taking part is accepted, then it is envisaged that the rent rise will be in line with inflation to ensure that income keeps pace with expenditure and full cost recovery is maintained.

Q Will sites be given the devolved budgets?

A Yes. Sites will receive 2 payments each year, one in April, the other in October.

Q Our treasurer is concerned about the amount of extra money they will be handling. Should they be concerned?

A We hope to send the payments out in 2 parts each year. Many Associations already pay for services on their sites – such as for events or for odd jobs on the sites like toilet repairs. There will be extra responsibility with paying the water bills which may be received up to 4 times per year, we are hoping to keep the need for formal auditing of accounts out of the agreement and will be seeking specialist advice on this. Where required, as is the case now, training and guidance will be offered by the Team.

Q When the budgets are devolved, will the accounts need to be regularly audited?

A We will investigate further and update you, but at the moment, it is thought that the devolved budget will be well below the threshold amount that they would need to be formally audited, we will of course expect records of income and expenditure to be kept in line with the current budgets on self managed sites.

Q What would the R&M budget be expected to cover? Will we have to treat Japanese Knotweed ourselves?

A The R&M budget will be expected to cover all minor repairs on site, where major repairs need to be funded, it can be used as match funding for external grants, or to bid into the limited emergency central reserve. Japanese Knotweed should be on the GM programme and will remain being treated by the Service Provider as part of their visits, the budget for this will not be devolved.

Q Will we have to go through the Council's Approved Contractors list for any repairs that we undertake?

A No. At the moment, sites who apply for money through the Community Chest, or other funding routes would be expected to go through the approved contractors list. This saves the VAT on the repairs that are being undertaken. In the future, sites can obtain works from any contractors, however, we are investigating the need for Public Liability Insurance cover for these types of works.

Q Would the Council be able to claim VAT back?

A As we will not be placing the orders from our approved contractors lists, we would not be able to claim the VAT back

Q How do we know that the devolved budget will not be taken away in the future by the Council?

A Once the budget is devolved, and we reach full cost recovery in doing so, it is anticipated that the Service will not be viewed for future cuts. The income from the rent received will then cover the Service that is in use.

Q How much will sites get back? Will Self Management still be in place?

A We are still looking at the figures that will be allocated back to sites, and as soon as we have a figure, sites will be contacted. All the Agreements that currently exist will be re-written and will be set at the same level so that there will be one level of management agreement in the future, not the current 4.

Q We have tenants who always pay the Council direct, which means that we don't get the Commission – we don't think this is fair. Can we have the Commission from these payments?

A Tenants do not have to pay Associations if they choose not to – the liability to pay the rent is with the Council as Landlord. At the moment, whilst we would prefer tenants to pay on sites so that the Committee gain the commission, we cannot offer back the commission as we would collect the rent on these payments. However, we will consider the commission to be given to Associations in the future, as the money will now be used for maintenance on the site, and is not simply a commission for collecting the rents.

Q Would the Council be asking sites to do repair work from the devolved budgets that the Council has identified through site inspections?

A Whilst risk assessments will still be undertaken by Council staff, there will be no expectation for sites to undertake work that officers request to be undertaken. However, if there is a risk, sites would be expected to take measures to mitigate the risk – i.e. if there is a pothole in a road, to ensure that the area is clearly marked and that tenants are notified of the issue, prior to repair.

Q Who will do the Risk Assessments?

A The Council will continue to do the Risk Assessments each year, and will liaise with sites as to their findings.

Q What will happen with the current Grounds Maintenance on sites?
A There is currently a review of all grounds maintenance on sites being carried out by the ALO. We are exploring the possibility that where sites commit to carry out their own maintenance, that the savings generated can be shared by both parties to ensure that sites gain some reward for the extra work.

Q Will we need a license for spraying weed killer?
A If sites are going to be using commercially available amateur garden herbicides, then they will not require a license to use it on site.

Q I am the Site Secretary, but I have no support from my Committee and I end up doing everything – what should I do?
A At the moment, you should contact the BDAC as soon as possible to discuss the current problems on the site. In the future, it is anticipated that there will be a tier of mentors or trustees that will be able to assist sites to strengthen their committees and share the workload.

Q Committee Members are difficult to recruit. What will happen if the Associations don't take on the extra responsibilities, like being a Safety Officer for the site? Would training be given?
A With the help of the BDAC, over the next 12 months, tenants on sites will be encouraged to take a more active role in the running of their sites, and hopefully identifying new tenants who would like to take on extra responsibilities within the Committee.
The Team currently run mandatory workshops for all new Committee members to attend, and with any changes that are introduced, more workshops and training sessions will be set up to cover any areas that Committee Members feel they need extra guidance with. These will be, as they are now, free of charge.
Self Managed sites already receive Safety training from the Council's Safety Services Section, and this can be expanded to anyone who is interested in the training.

Q How will the mentors/trustees be elected?
A It is envisaged that sites will be split into geographical areas. From these area groups, names could be put forward on who the mentors/trustees for the group would be, and then a vote could be held to propose and elect the mentor/trustee.

Q Will extra money be offered to people who take on responsibilities of Association committee members, or mentors or trustees?
A Yes. On the same basis as the commission works now, associations can decide if any remuneration and expenses are offered to Committee Officers. Money will also be offered to the mentors/trustees to cover their expenses. It is not envisaged that these will be salaried posts

Q Who will have the final say on evictions?
A This will remain with the Council as Landlord, having already been through the correct process, as is the case now.

Q Trees on Allotment sites – who will manage the budget for trees?
A There seems to be a misconception in relation to trees on sites. Tree enquiries are NOT answered by the Team – they are logged and entered onto the enquiry system, which then passes them to the Tree Service. The Tree Service has a separate budget to that of the Allotments Team. We do not have any control over the way the tree budget is spent. Trees will not be cut due to overshadowing of plots. If there is a major problem where tenants are unable to garden, Associations should approach the Team to discuss the possibility of downsizing the plot category, or perhaps using the area for community use or extra car park space, etc.

Q There are legal ramifications that might apply to Committee members who take on extra responsibilities. How will we know what extra liabilities site associations are expected to take on?
A Any liabilities will be discussed before the new Agreements are written, and then will be in the new Agreements that are signed, to ensure that Committee members understand their roles and what is expected of them. We will endeavour to indemnify the committee members to ensure that they cannot be personally held responsible for Association matters and any possibility of debt should bills be unpaid.

Q Are the Council, as part of a new management agreement, arranging personal indemnity insurance for Committee Members who take on extra responsibilities?
A We will certainly be exploring this to ensure that no committee members will be personally held liable for the Association business, as long as they are acting responsibly and within the law.

Q Who will retain the legal responsibility on the sites?
A This will remain with the Council who will continue as the landlord.