



## Agenda Item No.

### The City of Liverpool

REPORT TO	Leisure & Culture Select Committee Area Committee G
REPORT NO.	DLS/ 21 /01
DATE	9 May 2001
REPORTING OFFICER	Head Sport and Recreation Services Head of Internal Audit Head of Legal Services
CONTACT OFFICER	Chris Briggs Tel: 233 6311
SUBJECT	Sefton Park Allotment Society
WARD	Arundel

### PURPOSE OF REPORT

To advise members on the outcome of an investigation into the management of the Sefton Park Allotment Society.

### RECOMMENDATION

1. That the report be noted and that the Head of Sport and Recreation implement the recommendations contained in Audit Report AU4/2158/C212 and set out in paragraphs 26 to 31 of this report .

2. That in advance of implementing these recommendations the Head of Sport and Recreation meet with Sefton Park Allotment Society to formally advise them on how the City Council expects them to operate the Sefton Park Allotments site as their agents and for the benefit of all plot holders.
3. That the Head of Sport and Recreation reviews the recent expulsions from the Sefton Park Allotment Site and rescinds earlier decisions if considered appropriate.
4. That the Head of Sport and Recreation reviews the operation of the Sefton Park Allotments after a period of 6 months to determine if the Sefton Park Allotment Society are operating the site in accordance with these arrangements.
5. That in light of the findings of the audit report the Area Committee support the approach taken to this point by the Head of Sport and Recreation and his nominated officer in the management of this allotment site.

## **INFORMATION**

On the 10 January 2001 Area Committee G considered the following Council Motion which appeared in the name of Councillor Paul Clein at the meeting of the City Council held on 20 December 2000.

That this City Council instructs the Head of Leisure Services, Head of Audit and Head of Legal Services to jointly report within two cycles to a future meeting of Area Committee G on the Sefton Park Allotments Society in relation to the truth or otherwise of allegations made to Ward Councillors and the part possibly played by the current Management Committee concerning:

- Possible bullying and harassment of allotment holders;
- Apparent questionable practice regarding removal of allotment holders;

- Apparent failure to supply requested information to Council officers regarding financial matters and conduct and minutes of Society meetings despite repeated requests;
- Apparent failure to formally adopt an appropriate constitution; and
- Possible failure to exercise proper stewardship on behalf of the City Council regarding tree preservation on a site situated within a Conservation Area.

Should any or all of these allegations prove to be upheld, the designated officers report on possible courses of action open to the City Council to deal appropriately and adequately with this situation.

### Background

In response to this Motion, officers of Internal Audit carried out a full investigation producing report AU4/2158/C212 on which this report is based.

The Head of Sport and Recreation and various City Councillors had been notified of three specific concerns involving individual plot holders at Sefton Park Allotments.

- A plot holder and former committee member of the Sefton Park Allotment Society had been victimised and bullied by the Sefton Park Allotment Society (referred to in this report as complainant A) .
- Another plot holder has been unfairly treated by Sefton Park Allotment Society whilst acting in their capacity as the City Councils managing agents of Sefton Park Allotments (referred to in this report as complainant B) .
- A plot holder who wishes to remain anonymous submitted a formal letter of complaint regarding threatening and abusive behaviour by plot holders (referred to in this report as complainant C) .. The complaint alleges that the council officer responsible for managing allotment sites has not acted impartially when dealing with the issue and has exacerbated problems at the allotments.

In producing the report officers of Internal Audit interviewed a range of individuals including the Chairman of the Sefton Park Allotment Society, individual plot holders who have alleged that bullying and harassment has taken place and individuals who had written to City Councillors and Council officers on the issue. Other Allotment Societies managing allotment sites on behalf of the Council were also consulted as were the Liverpool and District Allotment Society. In addition other local authorities were consulted on their arrangements for allotment management.

### Management Arrangements

1. Liverpool City Council has devolved the day-to-day management of all its twenty four allotment sites to the individual allotment societies formed from the plot holders at each site. This arrangement allows for plot holders to collectively manage their own sites under the guidance of the Head of Sport and Recreation through his nominated officer.
2. The Allotment Societies act as agents for the City Council and are responsible for both the enforcement of the conditions contained in the plot holders tenancy agreement and the collection of rent income due to the City Council. In return the City Council makes an annual payment to each society based on the rent income collected.
3. An 'agency agreement' between the City Council and the Society is used to formalise the arrangement. The agreement sets out the conditions under which the society will act as agents.
4. The City Council has not devolved to Societies the responsibility for granting and determining tenancy agreements. Societies are however involved in maintaining prospective tenant waiting lists and recommending that the City Council issues eviction notices for those plot holders who have not complied with the conditions contained within their tenancy agreements.

### Audit Report Conclusions

5. The findings of the audit report can be summarised as follows:

6. The City Council's arrangements for providing self management of allotment sites, an arrangement which benefits both plot holders and the City Council works well and represents excellent practice for a modern local authority.
7. Despite the problems being encountered with the Sefton Park Allotment Society (SPAS), the Liverpool Allotment Societies in general are complementary of the City Council's management of allotment sites.
8. Audit enquiries have highlighted areas of the current arrangements that are in need of review, specifically the tenancy and agency agreements. Auditors have been informed that Leisure Services and Legal Services are currently undertaking a review of these documents.
9. There is a willingness on the part of Leisure Services to allow Societies to manage their allotments according to the wishes of the membership and within the conditions of the tenancy agreement. There is strong evidence that Leisure Services employ a consistent approach when advising societies in management issues.
10. The City Council provides allotments for all of its residents. The Allotment Societies recognise that plot holders take up their tenancies for a variety of reasons and that they vary in their commitment and ability. Accordingly, most societies exercise their management role with empathy.
11. It is considered that complainant A's complaint is justified.
12. The City Council promotes a set of values that strive to ensure that all of its dealings are fair and without prejudice. It positively seeks to protect its workforce and service users against harassment and bullying. It is therefore essential that any agent acting on the Council's behalf also promote such values. There is little or no evidence to suggest that the Allotment Societies' internal arrangements are capable of demonstrating that they promote the City Council's values.

13. None of the Societies consulted had adopted a disciplinary procedure and it is considered that this leads them open to allegations of bullying.
14. It is considered that SPAS's attempt to evict complainant A from his plot at Sefton Park Allotments was questionable. There was no evidence that complainant A had breached any of the conditions of his tenancy agreement concerning the cultivation of his plot.
15. SPAS are ambitious in their aim to become a premier allotment site in Liverpool and this is reflected in their management style. SPAS's application of the conditions within the tenancy agreement are robust and in some cases harsh and unacceptable.
16. Auditors concur with the Allotments Officer's view that SPAS have been over zealous when issuing complainant B with notices during a time when the weather was inclement and his health was poor. SPAS had recognised that complainant B had shown some commitment to his plots and despite the advice of the Allotments Officer to show some leniency, warnings were issued.
17. It is considered that complainant B is justified.
18. Complainant B was issued with warnings concerning the poor cultivation of his plots when evidence suggests that other plot holders with plots in a worse state of cultivation were not issued with similar warnings.
19. Complainant B was not offered help with his plot by the society despite SPAS's claim that their ethos is to help plot holders.
20. There is no evidence to substantiate the allegation made by a complainant C that the Allotments Officer, Mr Quinn, has acted improperly when involved with SPAS.

## Audit Report Executive Summary

21. The City Council's arrangements for providing self management of allotment sites, an arrangement which benefits both plot holders and the City Council, works well and represents excellent practice for a modern local authority.
22. The City Council provides allotments for all of its residents. The allotment societies recognise that plot holders take up their tenancies for a variety of reasons and that they vary in their commitment and ability. Accordingly, most societies exercise their management role with empathy.
23. It is considered that Sefton Park Allotments Society have been over zealous in its management role and have dealt with matters inappropriately. The society has left itself open to allegations of bullying and harassment of plot holders and has had difficulty in defending their actions.
24. The City Council promotes a set of values that strive to ensure that all of its dealings are fair and without prejudice. It positively seeks to protect its workforce and service users against harassment and bullying. It is therefore essential that any agent acting on the Council's behalf also promote such values. There is little or no evidence to suggest that the allotment societies' internal arrangements are capable of demonstrating that they promote the City Council's values.
25. No evidence has been found to substantiate any allegation that management within Leisure Services has acted inappropriately when dealing with matters affecting Sefton Park Allotment Society.

## Audit Report Recommendations

26. A review of the agency agreement should be undertaken in consultation with all allotment societies and the Head of Legal Services should ensure that agreements are signed by all societies.

27. A review of the tenancy agreements should be undertaken with specific regard to clause 3(b). It is suggested that this clause should be worded so as it does not become a condition of the agreement that the plot holder is a member of the allotment society acting as management agents for the City Council, rather that plot holders are encouraged to become Society members.
28. In the light of the audit findings, it should be explicit within the tenancy agreement that plot holders act in a sociable manner. The City Council is active in promoting social attitudes through its Safer Neighbourhood Services initiative and it is recommended that the Head of Leisure Service liaises with the Anti Social Behaviour Unit in dealing with this issue.
29. All societies need to be able to demonstrate that they promote the City Council's values when acting as agents of the Authority. It is recommended that as a condition of their agency agreement societies adopt a constitution and set of procedures/rules that have been approved by the Authority in this regard.
30. The City Council should encourage the Liverpool and District Allotments Council to provide a greater role in the self-management arrangements. The organisation should have a more formal standing in terms of its adoption of an approved constitution and rules.
31. The Head of Leisure Services should consider what action is taken concerning SPAS, as an agent of the City Council. Although provision exists to terminate the agency agreement with SPAS, this is not considered to be the best course of action and could be seen as a failure on the part of the City Council to operate a self-management scheme.

## **FINANCIAL IMPLICATIONS**

None as a result of this report

## **EQUALITY IMPLICATIONS**

The City Council is determined to ensure that equality of opportunity is available to all. This report aims to ensure that service provision on allotment sites is provided in accordance with this aim.

## **COMMUNITY SAFETY IMPLICATIONS**

None as a result of this report

## **BACKGROUND PAPERS**

None

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