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**MINUTES of the MEETING of PROPERTY MANAGEMENT AND GENERAL PURPOSES COMMITTEE held on 22 December 2022 at 4.22 pm in Park Hall, Whitwick Park, off North Street, Whitwick.**

Present: Councillor A Barker (Chairman)

Cllrs P Moulton [Items 3079-3081 only], J Straw and R Woodward

Mrs A Barker

In Attendance:

Mrs Cathy Tibbles, Parish Manager

Guest:

Ms J Bilson, Director, Meadow Barn View Ltd [Items 3079-part of 3083 only],

No members of the public in attendance.

**3079. APOLOGIES FOR ABSENCE**

Apologies noted from Cllr S Colledge and Mr T Gee.

**3080. DECLARATIONS OF INTEREST**

Cllr P Moulton declared a non-pecuniary interest as a contact point for Meadow Barn View and as Link Councillor for Thornborough Road Allotment Society. In the interests of impartiality, he felt he could not attend this meeting as he had tried to engage in mediation on this matter. He therefore intended to withdraw from the process.

Cllr Straw declared a registerable interest as a member of Whitwick Action Group and as a member of Whitwick Historical Group.

Mrs A Barker declared a non pecuniary interest as a member of Whitwick Historical Group.

Cllr R Woodward declared a registerable interest as a Director of Holly Hayes Woods and as a member of Whitwick Historical Group.

Cllr A Barker declared a non-pecuniary interest as a member of Whitwick Historical Group, as a signatory at Walkers Flats Allotment Group and as a Director of Holly Hayes Woods.

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Cllr P Moulton additionally declared a non-pecuniary interest in matters affecting Whitwick Historical Group as the Link Councillor and a member; a registerable interest in matters regarding the Bowls Club as a member;

### **3081. EXCLUSION OF PRESS AND PUBLIC PARISH WARDEN REPORT**

**As resolved by the Council on 8 December 2022, that having regard to the confidential nature of the business to be transacted during the next item and the need to consider advice, publicity in respect of which would be prejudicial to the public interest, the press and public be now excluded from the meeting in pursuance of Section 1 of the Public Bodies (Admission to Meetings) Act 1960 as amended.**

[Cllr Moulton left the meeting at 4.25 pm]

### **3082. INVESTIGATION REPORT**

Members noted the outline of the operations system of allotment provision by the Parish Council, as reported by the Parish Manager:

At the end of 2014 there was an Asset Transfer of multiple pieces of land and buildings in the parish from North West Leicestershire District Council (NWLDC) to the Parish Council. This included two allotment sites with tenants on plots, having been previously managed by NWLDC. One site was on land by George Street now owned by the Parish Council. There were also privately owned allotment sites in the parish.

Thornborough Road Allotment site was not owned by the Parish Council and the land was rented on an annual basis from the landowners. Administration of the rental and payments by the parish council were undertaken through their Land Agent.

At the invitation of the Parish Council, a Management Committee was formed and in 2016 a Management Agreement was duly signed for 5 years to 30 September 2021, when a joint review would be undertaken. Covid prevented physical review meetings during lockdown so the Management agreement had been extended for a further period. An initial review meeting was held in February 2022 and was yet to be concluded with a further joint meeting envisaged. This may allow for changes to be incorporated if the Council (Committee) should decide to make a specific recommendation.

Members noted and received the confidential Investigation Report of the Parish Manager into the complaint made by a former tenant following eviction from their allotment plot earlier in the year.

### **3083. THE COMPLAINT**

The Chairman addressed Ms Bilson and thanked her for attending the meeting. It was understood earlier from Cllr Moulton that there would not be any representatives of Thornborough Road Allotment Society attending so the meeting had been able to commence slightly ahead of time. On behalf of the Council, the Chairman said he was sorry for the delay in the investigation being completed and also apologised to everyone at the

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Meadow Barn View group and workmates for no longer being able to have the allotment plot that they had made plans for.

Ms Bilson was thanked for the letter received in response to the investigation report. There had been no further information received from Thornborough Road Allotment Society.

The Chairman asked Ms Bilson if there was anything further to add. Ms Bilson explained that the group supported 40 adults with learning difficulties, including autism, and they had been very enthusiastic in making plans for the allotment plot. They did not understand why it had been taken away from them and they did not feel this was fair. Photographs were shown to members of the substantial work done on the plot since it had initially been provided, with the new fence posts being installed just days before the eviction notice was received. Questions were asked by members to clarify if their service users had been distressed at that time, how they felt now, what expectations had been explained to the group at the outset by the Society, what communications had been like during their tenancy, the re-allocation of the plot after the eviction, the response by the Society when asked to review the eviction decision, the current options to the group for this type of project. Ms Bilson thanked the council for the opportunity to speak and felt that as the Society were acting on behalf of the parish council in providing allotment plots, then the parish council needed to ensure that there was understanding and compliance with Section 148 of Equalities Act 2010 – there was a duty imposed on public authorities to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under this Act.

On behalf of members, the Chairman thanked Ms Bilson for the information she had shared which had been enlightening and helpful to them all. Ms Bilson was asked to withdraw while members considered all of the information available to them. Whilst an indication could not be given of the time taken to reach a decision, she was most welcome to wait and return for the outcome. Alternatively, she could be notified by phone or email by the Parish Manager and this was the stated preference.

[Ms Bilson left the meeting at this point.]

Members gave careful consideration to the complaint which had been made to the parish council in the absence of gaining resolution from the Management Committee of the Allotment Society. The Management Agreement that was currently in operation was limited in the options available to the parish council as it had given authority to the Society to manage the service. The wording of their tenancy agreements appeared to follow those in operation by the District Council prior to the Management Committee being established, so inherited practices may not have been sufficiently comprehensive for the legislation that was now applicable. Other specialist advice was available from the National Allotment Society, which Thornborough Road Allotment Society had joined and could have access to. Other professional advice had been sought by the Parish Council

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and also a sample set of comprehensive allotment rules and regulations had been obtained. Members noted the restrictions faced by the parish council, considered the evidence gathered by the Parish Manager and explored as thoroughly as possible the opportunities and remedies that could help improve the service and protect tenants in future.

### **3084. RECOMMENDATION(S)**

(There were no parties remaining to invite to return to the meeting.)

Following careful deliberation, **the Chairman summarised the resolution of this Committee (that would be reported to the council) and that they hoped would demonstrate the genuine commitment to learn from this unfortunate experience:**

- 1. Apology had been made to Meadow Barn View by the Parish Council that investigation report was delayed as the Parish Manager had wanted to ensure that evidence was collected and assessed.**
- 2. Apology had been made to Meadow Barn View by the Parish Council that their experience as an allotment tenant had proved to be a cause of distress for the group and for individual members.**
- 3. The Parish Manager to contact Thornborough Road Allotment Society and inform them that consideration had been made in their absence at this meeting but that care had been taken to ensure a fair process. The Committee request that the Management Committee review the actions that they had taken with the tenant and summarise alternative solutions that could have been used. Three representatives of their Management Committee should meet with the Committee Chairman, Mrs. Barker and the Parish Manager to discuss the TRAS suggestions. This meeting should take place by Friday 13 January 2023 and the Management Committee to suggest a convenient time/date(s) to meet, either daytime or evening, to the Parish Manager by 31 December 2022 so that a venue can be confirmed.**
- 4. This recommendation was removed.**
- 5. The Management Committee and the Parish Council jointly explore the new sample allotment rules and guidance document to support expanding the existing procedures. It was noted that there was a welcome process for new tenants but the parish council could give support to produce a helpful leaflet (and print this) with some agreed Do's and Don'ts for your plot. By providing clarity at the outset of what detailed expectations they had, this should in future help avoid a lack of understanding, conflict and distress.**
- 6. The Parish Council accept that the situation escalated to a sad and final conclusion which could have been prevented if due regard had been paid to equality legislation. The Parish Council**

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**hereby inform the Management Committee that Meadow Barn View have the right to take further legal action but had currently chosen not to take this matter further at this time.**

- 7. The Parish Council recognised its responsibility under the Equality Act 2010 and that legislation had to be enacted. The Management Committee are asked to identify what is needed and how they will implement remedial action and new processes to ensure all current/future tenants with disability or equality issues are reasonably supported in an inclusive way and that their legal rights are respected and delivered.**
- 8. The Parish Council and the Management Committee compare other tenancy agreements to identify improvements that could then consult/involve tenants and invite their ideas on what changes might be aiming to address.**
- 9. In addition, the Committee instruct:**
  - a) that an apology should be made by TRAS to everyone involved at Meadow Barn View for the distress caused by the eviction. The Management Group should have been aware of the general legislative requirement of "reasonable adjustments" for disabilities. Meadow Barn View work to provide opportunities for their members to build their confidence/practical skills and enhance their own self-respect in a safe environment;**
  - b) that TRAS should utilise the professional advice available to them through their membership of the National Allotment Society and act to make appropriate improvements;**
  - c) that the joint work on reviewing the Management Agreement should continue and the parish council ensure that certain topics are clearly specified for future inclusion to protect both parties.**

Full signature of Chairman: ..... Date: .....

The meeting terminated at 6.03 pm

[Cllr Moulton left the meeting at 4.24 pm]

Date of the next PMGP meeting: **Thursday 5 January 2023**