

## **Memorandum of Understanding**

between

The London Borough of Barnet and Barnet Federation of Allotment and Horticultural Societies

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### **Introduction**

- 1 This memorandum of understanding provides a framework for the relationship between the London Borough of Barnet (the Council) and the Barnet Federation of Allotment and Horticultural Societies (the Federation) and its member allotment societies concerning the management of complaints from third parties about the activities of those societies and their members.
- 2 In particular, it provides agreed guidance to the Federation's members when considering complaints about their activities and for effective cooperation and communication between those members and the Council in relation to such complaints.
- 3 The Council and the Federation will monitor the operation of this memorandum and will review it initially after one year of coming into force and subsequently from time to time as necessary.
- 4 This memorandum is a statement of intent that does not give rise to legally binding obligations on the part of either the Council or the Federation (or its members).

### **Role of the Federation**

- 5 The Federation was established in 1965 by allotment societies in the area of the London Borough of Barnet to promote and support a strong and sustainable allotment movement in Barnet that meets the aspirations of allotment users.
- 6 In particular, the Federation aims to represent, inform, support and encourage all the allotment societies and allotment holders in Barnet.
- 7 The Federation has no authority or power to control the activities of its member societies. It follows that the complaints procedures operated by allotment societies are the responsibility of those societies alone. The role of the Federation in relation to its members' complaint handling procedures is restricted to the provision of advice, guidance and support.

### **Role of the Council**

- 8 The Council is the allotment authority in Barnet for the purposes of the Allotment Acts 1908 to 1950. As such it is subject to various statutory responsibilities in relation to the management of the allotments provided and owned by it within the Borough. In particular, under the Small Holdings and Allotments Act 1908 the Council has an express duty, where it considers that there is a demand for allotments in its area, to provide a sufficient number of them.
- 9 The Council has adopted a corporate complaints procedure which sets out the way in which it will consider and investigate complaints about its statutory services and functions. Complaints

concerning its functions in relation to the allotment sites provided by the Council can be considered by it under this procedure.

- 10 The Local Government Ombudsman has jurisdiction over complaints from the public against the Council in respect of the way it has exercised its functions in relation to allotments. Where a complaint is made to the Ombudsman, the Council may have to reply to enquiries from the Ombudsman's office and provide information concerning its investigation of the complaint in question.

### **Handling Complaints about Allotment Issues**

- 11 The overall aim of the Council and the Federation is that complaints about allotment matters should be dealt with impartially, objectively and expeditiously. Complainants should be treated with respect and should not receive adverse treatment because they have made a complaint.
- 12 The Council and the Federation have agreed guidance on complaint handling for allotment societies which is set out in Appendix A to this memorandum. It is for allotment societies to have regard to this guidance in adopting or reviewing their complaint procedures. The Federation will encourage its member societies to do so and will disseminate this memorandum and the attached guidance, and any subsequent revisions of them, for this purpose.
- 13 The Federation and the Council agree to explore the need for a more detailed information sharing agreement in line with the requirements of the Information Commissioner's Data Sharing Code of Practice.

### **Issues with Wider Implications**

- 14 Subject to data protection legislation and any other relevant law, if complaint investigations occasion concerns that there are serious shortcomings in allotment societies', or the Council's, complaint handling, the Federation and the Council will confer with each other and discuss what action should be taken, including where appropriate a revision of this memorandum and the attached guidance to allotment societies.

### **Contact**

- 15 In relation to the operation generally of this memorandum the relevant points of contact are:

The Council      Corporate Customer Complaints Officer  
Tel: 020 8359 3688      Email: [Majella.Sharma@barnet.gov.uk](mailto:Majella.Sharma@barnet.gov.uk)

The Federation      The Secretary  
Email: [secretary@barnetallotments.org.uk](mailto:secretary@barnetallotments.org.uk)

Dated this 1st day of April 2013

Richard King

Secretary

Barnet Federation of Allotment  
and Horticultural Societies

Jenny Warren

Head of Greenspaces and Streets

London Borough of Barnet