



Author/Lead Officer of Report: Ceri Ashton,
Allotments Manager

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Report of: Executive Director, Place

Report to: Councillor Mary Lea

Date of Decision:

Subject: Allotment Rent increase for 2019/2020 and
seasonal bonfire ban

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? Culture, Parks and Leisure		
Which Scrutiny and Policy Development Committee does this relate to? Economic and Environmental Wellbeing		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? 130		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>		

Purpose of Report:

To seek approval for an increase in allotment rent and water charges for 2019/20, in line with inflation (2.7%, which was the current rate at the time of consultation) and the introduction of a seasonal ban on fires on allotments during the summer months

Recommendations:

It is recommended that:

- (a) the rent for allotments in 2019/20 is increased in line with inflation, i.e.2.7%;
- (b) the Head of Parks and Countryside be authorised to carry out consultation on future changes to the charging structure and concessions as described in the report;
- (c) a seasonal ban on bonfires be approved as allotments policy, with fires on allotment sites prohibited from 1st May to 30th September each year.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Minutes of Allotment Advisory Group 05.12.2017 and 26.09.2017

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Janine Scarborough
		Legal: Andrea Simpson
		Equalities: AnneMarie Johnston
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	EMT member who approved submission:	Laraine Manley
3	Cabinet Member consulted:	Councillor Mary Lea
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Ceri Ashton	Job Title: Allotments Manager

Date: 16.01.2018

1. PROPOSAL

- 1.1 Sheffield City Council fulfils its statutory allotment duty through the provision of over 3100 allotment plots across the City. Allotment rents and charges are reviewed annually and in line with the respective tenancy agreements. A decision has already been taken for an increase based on inflation (1.8% when the decision was taken) which will come into effect in April 2018. Prior to that, an increase took effect from 1st April 2014, when rents were increased by 60%. At that time full Council agreed, when approving the annual budget report, that rents would then be fixed for two years (until April 2017). The effects of that increase were mitigated by a revised discount structure, which was approved by the Cabinet Member for Environment, Recycling and Streetscene in April 2014. This discount structure will remain in place (some minor changes to the discounts are being considered for 2020/2021).
- 1.2 Tenants must be given twelve months' notice of any increase.
- 1.3 The allotments service is essentially self-financing. The rent and water charges collected fund the service. A rent increase in April 2019 would be beneficial to the service and it is now proposed to increase rents in line with inflation (2.7%), rounded to the nearest £1 for simplicity. This proposal does not generate a saving to the Council, but it protects the current level of service, enabling the Council to continue to provide decent allotment sites for people to grow their own food.

Current charges:

Plot Size	(A) Rent	(B) Water	(A+B) Total
Up to 100m ²	£26	£14	£40
101m to 200m ²	£52	£28	£80
201-300m ²	£72	£40	£112
>301m ²	£112	£48	£160

Charges for 2018/19:

Plot Size	(A) Rent	(B) Water	(A+B) Total
Up to 100m ²	£26	£14	£40
101m to 200m ²	£53	£29	£82
201-300m ²	£73	£41	£114
>301m ²	£114	£49	£163

Proposed charges for 2019/20:

Plot Size	(A) Rent	(B) Water	(A+B) Total
Up to 100m ²	£27	£14	£41
101m to 200m ²	£54	£30	£84
201-300m ²	£77	£40	£117
>301m ²	£117	£50	£167

1.4 At the Allotment Advisory Meeting in December 2016 there was some discussion about the benefits of an above-inflation rent increase. It is proposed that wider consultation is carried out during 2018, on possibly making some larger changes to the charging structure (such as the relative costs of different sized plot) and some changes to concessions in 2020/21. The outcome of the consultation will be the subject of a future executive report.

1.5 It is also proposed that a seasonal ban on bonfires is introduced. Current allotments policy (approved by Cabinet in September 2010) states that: “The burning of material on site must be kept to a minimum and composting should be used wherever possible. Current guidance on when to burn must be followed.”

The standard allotment tenancy agreement is stated to be subject to the Council’s policies relating to allotments (which may be subject to change from time to time) and to the Conditions set out in the Agreement. The relevant condition states:

“The burning of materials on the plot must be kept to a minimum and in accordance with Council policy and any other local regulations.”

1.6 A seasonal ban would be in keeping with this but add further definition to “kept to a minimum”. Despite the current guidance given in the allotment handbook, burning on allotments still causes a number of complaints from local residents. It is proposed that all fires on allotments should be prohibited from the 1st of May to the 30th of September each year. If this is approved as policy then all tenants will be notified of the change and the requirement that they comply with it under the terms of their tenancy, prior to 1st May 2018.

2. HOW DOES THIS DECISION CONTRIBUTE ?

2.1 The proposal supports the Corporate Plan priority of Thriving Neighbourhoods and Communities by improving access to leisure facilities and green and open spaces.

Allotments provide an opportunity to grow and consume food locally, this has a benefit in relation to reducing food miles and recycling through local composting.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 The rent increase proposal has been discussed at the Allotment Advisory Group (05.12.2017 and 26.08.2017). There were mixed views. Some individuals were opposed to the notion of any increase. Others stated that the proposed increase was very small and would not make much of a difference to tenants. After the discussion on 26.08.2017, a proposal was presented by a member of the group that we change the pricing structure and some of the concession criteria. This was discussed on the 05.12.2017. The group does not have decision-making powers, but a show of hands on whether to consult more widely on these matters indicated almost unanimous support.

The approved minutes of the meeting on 26.08.2017 and draft minutes of the meeting on 05.12.2017 are attached to this report. The draft minutes from 05.12.2017 are due to be ratified at the next Allotment Advisory Meeting in June 2018 and will then be published on the Council's website.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 The decision to increase allotment rents would impact on all of our allotment holders (all aged 18+). The increase in rent would be comparatively small (between £0.25 and £4.00 per customer, depending on the size of plot, provision of water and entitlement to a concession). Concessions are already available to make allotments more affordable to those on a low income.
- 4.1.2 The decision to introduce a seasonal ban on fires would impact on all of our allotment holders (all aged 18+). Burning should be kept to a minimum anyway, green waste can be composted, and the Allotment Office can provide new tenants with assistance getting rid of excessive waste present on plots when they are taken on.
- 4.1.3 Overall there is no significant differential, positive or negative, impacts from this proposal. The potential slight negative impact due to the rent increase is mitigated through the concessions that are available for those on low incomes. The fire ban period will not have a negative equalities impact on any group.

4.2 Financial and Commercial Implications

- 4.2.1 The additional funds collected from the rent increase will be invested directly into the allotments service to ensure that the same level of service delivery can be maintained in future years whilst remaining self-financing. This also helps reduce the risk of any claims against the Council resulting from lack of maintenance.

4.3 Legal Implications

- 4.3.1 The City Council has a statutory duty under the Small Holdings and

Allotments Act 1908 to provide allotments if it believes there to be a demand for them. Setting of allotment rents is governed by section 10(1) of the Allotments Act 1950 which provides that land let for use as an allotment should be let at "such rent as a tenant may reasonably be expected to pay" for land let on the same terms for such use, provided that the Council may let allotments at a reduced rent if satisfied that there are special circumstances affecting the tenant which make a reduced rent appropriate.

4.3.2 In the 1981 case of *Harwood v Borough of Reigate and Banstead* the High Court, when considering the reasonableness of a proposed rent increase, held that the local council, and nobody else, was required to determine the rent that a notional (rather than a particular) tenant might reasonably be expected to pay and that in its determination it should:

- listen to representations made by or on behalf of its allotment tenants.
- take into account all relevant circumstances in a broad commonsense way
- give such weight as it thought fit to various factors in the situation
- come to a right and fair conclusion.

The Court gave guidance on the approach to be taken:

"... not to discriminate against this recreational activity as compared with other recreational activities. In other words, unless there are some very special circumstances relating to this particular recreational facility which, if it were some other recreational facility would require that a higher charge should be made for the use of that facility, then in the ordinary case if there is to be an increase in the rent charged then it should be in line with the increases that have been charged for the use of the other recreational facilities. "

4.3.3 The rent levels described in this report comply with the statutory requirements and are in line with the High Court's guidance. Allotment rents are not being set at a level that will make a profit but to maintain the same level of service.

4.3.4 Because allotments are let on yearly tenancies the Council must provide 12 months' notice to tenants of any changes to the allotment tenancy agreement or the amount of rent to be collected.

4.3.5 Section 28 of the Small Holdings and Allotments Act 1908 empowers the Council to make such rules as appear to be necessary or proper for regulating the letting of allotments under the Act. The rules in force are binding on everyone but the Council must make them known to all interested persons.

4.3.6 Introducing a seasonal bonfire policy is such a rule. It is provided for within the tenancy agreement so no variation is required to effect the change, but tenants must be notified of the policy and the requirement

that they comply with it. Notification will be given to all tenants when they are given notice of the 2019 rent.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1
- Rents could be left at the same level. However due to inflation this would effectively be akin to a reduction in budget. This was rejected because the current allotment budget is not felt to be larger than needed. A reduction would decrease the level of service and site improvements.
 - Rents could be increased by a larger amount, or pricing could be changed but in some way other than a small percentage increase across the board. There have been discussions at the allotment advisory group around a larger increase in rent for a specific purpose, e.g. creation of a sinking fund, or a budget allocation specifically for the purpose of promotion of allotments in areas of lower demand, or increasing prices slightly more for the smaller plots (since the same amount of administration is needed for a smaller plot as for a larger one). Such changes would require wider consultation and it is proposed that all tenants are consulted, via a questionnaire, in 2018.
- 5.2
- We could not introduce a seasonal ban on fires on allotments. However it is likely that the result would be that many local residents would still feel frustrated by smoke generated by fires. This is obviously a bad thing for the affected residents, and also it detrimentally affects the relationships between the allotment sites and their local community
 - We considered introducing greater restrictions but without a total ban, e.g. only allowing fires on a certain evening during the summer months, or only allowing fires in suitable incinerators during the summer months, however it was felt that a total ban in the summer months is clearer, and easier to understand and enforce.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The recommendation regarding the rents effectively enables us to maintain the status quo.
- 6.2 The recommendation regarding fires is felt to be the best overall outcome for local residents and the allotment community