



Author/Lead Officer of Report: Dave Aspinall,
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Report of: Executive Director, Place

Report to: Councillor Mary Lea

Date of Decision:

Subject: Allotment Rent increase for 2021/2022

Is this a Key Decision? If Yes, reason Key Decision:-

Yes No

- Expenditure and/or savings over £500,000

- Affects 2 or more Wards

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 No

If YES, what EIA reference number has it been given? 130

Does the report contain confidential or exempt information?

Yes No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*“The (**report/appendix**) is not for publication because it contains exempt information under Paragraph (**insert relevant paragraph number**) of Schedule 12A of the Local Government Act 1972 (as amended).”*

Purpose of Report:

To seek approval for a 2% increase in allotment rent and water charges for 2021/2022, in line with inflation.

Recommendations:

It is recommended that
The rent for allotments in 2021/2022 is increased in line with inflation, at 2.0%.

Background Papers:

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

Minutes of Allotment Advisory Group 09.10.2018 and 22.10.19

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: Dave Aspinall
	Job Title: Countryside Service Manager
Date: 09.1.2020	

1. PROPOSAL

1.1 INTRODUCTION

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 for an increase based on inflation (2.6% at the time the decision was taken) which will come into effect in April 2020. Rents were previously increased in line with inflation in April 2019 and April 2018.

1.1.2 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) though in practice the fixed rent was extended for a further year. 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 and has remained in place since then. In January 2019 the Cabinet Member for Culture, Parks and Leisure approved minor amendments to the discount structure which came into effect in April 2019:

- Introduction of Carers Allowance as a criterion for claiming a discount
- Lower the student discount but make available to all
- Amend the threshold for claiming the senior citizen discount

1.2 RENTS

1.2.1. Tenants must be given twelve months' notice of any increase.

1.2.2 The allotments service is essentially self-financing. The rent and water charges collected fund the service. A rent increase in April 2021 would be beneficial to the service and it is now proposed to increase rents and charges in line with inflation (2.0%), rounded to the nearest £0.50 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 for 2019/2020:

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

Charges for 2020/2021:

Plot Size	(A) Rent	(B) Water	(A+B) Total
Up to 100m ²	£27.50	£14.50	£42
101m to 200m ²	£55.50	£30.50	£86
201-300m ²	£79	£41	£120
>301m ²	£120	£51	£171

Proposed charges for 2021/22 :

Plot Size	(A) Rent	(B) Water	(A+B) Total
Up to 100m ²	£28	£15	£43
101m to 200m ²	£56.50	£31	£87.50
201-300m ²	£80.50	£42	£122.50
>301m ²	£122	£52	£174

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 decision in January 2018 of the Cabinet Member for Culture, Parks and Leisure about the 2019/2020 rent increase included authority for a consultation on future changes to the charging structure and concessions to be carried out.
- 3.2 The results of the consultation and the subsequent discussion at Allotment Advisory Group meetings were reported to the Cabinet Member in January 2019. The outcome was that the practice of increasing rents by the rate of inflation continued, with some changes to the discount structure.
- 3.3 At the Allotment Advisory Group meeting on 22.10.2019, there was discussion about rent increase for 2021/2022 and beyond. Proposals for the rent increase for 2021/2022 were also presented to this meeting. Members of the group were reminded about the consultation outcome. Regarding the rent, few people at the meeting objected to the rent increase and very few comments were made. The minutes of this meeting are attached to this report.

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 £0.50p and £3.00 per customer, depending on the size of plot, provision of water and entitlement to a discount). Discounts are available to make allotments more affordable to those on a low income.

4.1.2 Overall there are no significant differential, positive or negative, impacts from the proposal to increase rents. The potential slight negative impact due to the rent increase is mitigated through the discounts that are available for those on low incomes.

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.

4.2.2 The impacts of the changes to the discount structure introduced in April 2019 have been monitored and have had little or no negative financial implication.

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 common sense 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 and the discount structure sets out the circumstances in which it is appropriate to charge a reduced rent. 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.

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.

5.2 Rents could be increased by a larger amount, or pricing could be changed in some way other than a small percentage increase across the board. However based on the results of the consultation questionnaire in January 2018 and discussions at the Allotment Advisory Group, an increase in line with inflation at 2% has emerged as the overall preferred option otherwise it would deter people from renting allotments.

5.3 Further changes could be made to the discounts. However no suitable alternative changes have been identified at present, although as noted in 2019 it will be necessary to review the impact of Universal Credit on claims for the discount as it is rolled out which may result in a further revision of the Discount Structure in the future.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The recommendation regarding the rents effectively enables us to maintain the status quo.