1. **Purpose of Report**

1.1 To seek approval for a proposed increase in allotment rent charges from 1st January 2017.

2. **Recommendations**

2.1 That Cabinet approves an increase in allotment rental charges from 1st January 2017, as set out in Paragraph 3.1 of the report, allowing for the statutory notification period, as noted in Paragraph 3.4 of the report.

3. **Reasons for Recommendations and Background**

3.1 It is recommended that that from 1st January 2017 the allotment rent charge is increased from 13p/m² annum to 14p/m² annum. The minimum charged shall remain unchanged at £35pa for plots and £20pa for raised beds. The increased rent represents an increased allotment income of 4.19% to the Council for the reasons shown in paragraph 3.9.

3.2 During 2012 the Council consulted with the allotment tenants. 83% of those responding said that rent should be increased regularly in small amounts rather than a single large increase at irregular intervals.

3.3 The allotment rent was increased from by 1p/m² to 12p/m² in 2015, and again by 1p/m² to 13p/m² in 2016. It is recommended that a similar increase is adopted in 2017 by increasing the rent to 14p/m².
3.4 The Council has a legal duty to notify existing allotment tenants 12 months in advance of a rent increase.

3.5 The Allotment Act 1950 says that an authority may charge such rent as a tenant may “reasonably be expected to pay”. The recommended rental increase has taken account of all of the relevant factors as follows:-

- Comparison with allotment charges of other Local Authorities in the North West.
- Comparison with increased charges for other recreational activities.

3.6 Based on 2011 data provided by the National Allotment Society, the average charge of all 25 NW authorities is 17.66p/m².

3.7 Based on 2011 data provided by the National Allotment Society, only 7 local authorities in the North West were charging a rent of less than 14p/m².

<table>
<thead>
<tr>
<th>Authority</th>
<th>2011 (m²)</th>
<th>2015 (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fylde Borough Council</td>
<td>11p</td>
<td>11p</td>
</tr>
<tr>
<td>Halton Borough Council</td>
<td>12p</td>
<td>32p (2013)</td>
</tr>
<tr>
<td>Liverpool City Council</td>
<td>13p</td>
<td>16p</td>
</tr>
<tr>
<td>St Helens</td>
<td>11p</td>
<td>20p</td>
</tr>
<tr>
<td>South Ribble Borough Council</td>
<td>12p</td>
<td>12p</td>
</tr>
<tr>
<td>Stockport Borough Council</td>
<td>13p</td>
<td>14p</td>
</tr>
<tr>
<td>West Lancashire District Council</td>
<td>13p</td>
<td>14p</td>
</tr>
</tbody>
</table>

A majority of the Fylde BC allotment sites are self-managed, the Local Authority only directly charges for 53 allotment plots. Fylde BC has verbally indicated that an allotment rent increase would result in a negligible increase to income.

Four of the six South Ribble BC allotment sites are self-managed, the Local Authority only directly charge for 2 allotment sites comprising 9 allotment plots.

Hyndburn Borough Council allotment rents remain very reasonable and favourable to allotment charges levied by other allotment authorities in the North West.

3.8 There is no directly comparable recreational activity to allotments; therefore the price of an adult swim ticket in Hyndburn has been used for the purpose of comparison.

Between 2012/13 and 2015/16 the Hyndburn Leisure Trust increased the adult swim prices from £4.00 to £4.80, which represents a 20% increase. Hyndburn Borough Council has increased the allotment charges by 27% from 11p/m² (2014) to 14p/m² (2017), an equivalent period.

Although rents have increased from 11p/m² in 2014 to 14p/m² in 2017 (27% increase) a significant majority of the smaller allotment plots have not been affected by the rent increase for the reasons outlined in Section 3.9. Between 2015 and 2017 the average rental income, when taking into consideration the nil increase for a majority of tenants, and adjusted for the increased number of allotment plots during the period, is just
12.8%. 608 plots have had no rent increase at all since 2014, 30 plots between 1% and 10% increase, 38 plots between 11% and 20% increase, and 297 plots have had a rent increase of between 21% and 27%.

The proposed rate of allotment rent increase is comparable to that charged for an adult swim price by the Hyndburn Leisure Trust.

3.9 Although the annual rate will be increased by 1p annum (1p added to 13p = 7.7% increase), the effect of the £35pa minimum charge means that only allotment plots greater than 251m$^2$, will be affected by the changes. Of the 973 allotment plots presently in Hyndburn, 606 plots (62%) will be completely unaffected by the changes. The remaining 367 will receive rental increase between 12 pence and £40.97 per annum. The average increase is £4.44 per tenant per annum of those tenants receiving an actual increase, or £1.67 average increase per tenant per annum all tenants. Only 12 plots have rent rises of greater than £10.00 per annum. These are the very largest plots ranging from 1,000m$^2$ to 4,100m$^2$. The impact of the 1p increase, after accounting for those with no rental increase, means that the net increase in rental income is 4.19%.

3.10 Subject to maximum occupancy, the proposal would increase the rental income from £40,050 (2016) to £41,700 (2017). During 2014/15 the Councils allotment budget was in deficit, the rent increase in 2017 will ensure that the Allotment Service can continue to be offered at the existing level.

3.11 Summary of legislation, case law and procedures

Section 10(1) of the Allotments Act 1950 states that “Land let by a Council under the Allotments Acts 1908 to 1931 for use as an allotment shall be let at such rent as a tenant may reasonably be expected to pay…………”:

Additionally the Council has taken account of existing case law relating to rent increases on allotment sites, the most relevant of which is Harwood –v- Borough of Reigate and Banstead (1982). In this case the Court determined that it was the “right approach" for the Council "not to discriminate against this recreational activity as compared with other recreational activities". This case emphasised that it was the Council that was required to determine the rent, although representations made by or on behalf of tenants should be listened to, the rent was not a matter for agreement between the Council and the tenant. The Council was, under section 10(1) of the Allotments Act 1950 required to determine the rent that a notional tenant might reasonably be expected to pay, the appropriate test for the Council in determining the rent is that it “must take into account all relevant circumstances in a broad, common sense way, giving such weight as the Council thought fit to various factors in the situation so that it might come to a conclusion that it thought right and fair”.

3.12 The Allotments Acts 1908-1950 are prescriptive regarding the provision of allotments. The Council has had regard to the Allotments Acts when considering the rent on allotment sites. In considering Section 10(1) of the Allotments Act 1950, the Council has made the following deliberation when setting the level of allotment rent:
The rate by which the allotment rent has been increased is comparable to that set by other recreational activities within Hyndburn.
The tenant consultation during 2012 established that allotment tenants were in favour of small regular increases, rather than large increases at irregular intervals.
The allotment rent set by Hyndburn remains amongst the lowest in the North West. It is reasonable to expect Hyndburn allotment tenants to pay a level of rent that is at least equivalent to the lowest set by other Allotment Authorities.
Consultation with the Hyndburn Federation of Allotments (HFA) during the preparation of this report has produced a favourable response, accepting that a rent increase is needed to enable continuation of service at its present level.

4. **Alternative Options considered and Reasons for Rejection**

4.1 No change. There is a continued need for the Council to invest in allotments and the proposed increases will help provide a sustainable allotments service. During the 2012 consultation with allotment tenants an overwhelming majority of respondents (83%) opted for smaller annual increases, rather than a single large increase at infrequent interval.

4.2 Increase the minimum charge from £35pa to £40pa, leaving the area charge at 13p/m². This option would have an overwhelmingly disproportionate impact on tenants with smaller allotment plots. 428 allotment tenants would have their rent increased by 14.0% all exclusively those with plots smaller than 270m², whilst those with allotments above 307m² would be completely unaffected by the rent increase. This option would increase the allotment income overall by 5.64%, marginally above that of the recommended option. Such a move would undermine the Councils move towards charging proportionately based on allotment size, thereby encouraging tenants with the largest plots to downsize by splitting plots into smaller units. The minimum rate of £35pa has been set at an affordable level for those with smaller plots.

4.3 Increase the rate by 2p annum to 15p/m², leaving the minimum charge unchanged. The increase of 2p on 13p represents a 15.4% increase. The effect of the £35pa minimum charge means that only allotment plots greater than 235m², will be affected by the changes. Of the 973 allotment plots presently in Hyndburn, 537 plots (55%) would be completely unaffected by the changes. The impact of a 2p annum increase, after accounting for the minimum charge, means that the overall increased rental income to the Council is 8.9% from £40,050 (2016) to £43,500 (2017). These rental figures presume full occupancy. The impact of a 2p annum (15.4%) increase was considered unreasonable, even though the overall increased rental income to the Council was just 8.9%. 346 allotment tenants (35.6%) would have rent rises of 15.4%, of which 85 would be greater than £10pa.

5. **Consultations**

5.1 The report was emailed to the Chair of the Hyndburn Federation of Allotments on the 28th August 2015. The proposed rent increase was also debated at the HFA meeting held on the 9th September 2015. The following response has been received from the
HFA “The report was emailed to 57 individuals, 4 Councillors, with 3 responses back. The responses have been positive, in favour of the 1p rise. We feel the rise is reasonable and in line with the responses to the 2012 Allotment Consultation. Rents in Hyndburn appear to be in line with others in the North West”.

5.3 Regular Portfolio Holder discussions and site based activities are part of the service arrangements.

5.4 A consultation with the allotment community was carried out by questionnaire during October/November 2012, which has informed the content of this report.

6. **Implications**

<table>
<thead>
<tr>
<th>Financial implications (including any future financial commitments for the Council)</th>
<th>See section 3.10 above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal and human rights implications</td>
<td>See Section 3.4/3.5 above</td>
</tr>
<tr>
<td>Assessment of risk</td>
<td>N/A</td>
</tr>
<tr>
<td>Equality and diversity implications A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</td>
<td>Attached</td>
</tr>
</tbody>
</table>

7. **Local Government (Access to Information) Act 1985:**

   **List of Background Papers**

   - Cabinet Report dated 9th January 2013 “Allotment Rental Charges Review”
   - Cabinet Report dated 23rd October 2013 “Allotment Rental Charge 2015”
   - Cabinet Report dated 3rd December 2014 “Allotment Rental Charge 2016”

8. **Freedom of Information**

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.
Customer First Analysis

1. Purpose

1.1 The purpose of the report is to introduce a reasonable level of allotment rent charge from 1st January 2017.

1.2 Two key aims of the allotment service are to maximise the productive use of the allotment resource and to enable more people to benefit from food growing and the wider social, health and well-being benefits of allotment life. This includes encouraging and providing opportunities for more people from disadvantaged groups to get involved.

1.3 There are a number of the equality characteristics which are relevant to the allotment resource and service:-

• Age, with consideration of older age groups and younger people
• Disability, including wider considerations of well-being, mobility and mental health
• Pregnancy and maternity, in relation to suitability of site conditions and facilities
• Race, religion or belief, in relation to ethnic communities

2. Evidence

2.1 For the first time, the Council now has some evidence of the equality characteristics of the allotment community, following an allotment consultation carried out in October/November 2012.

2.2 Direct contact has also been previously carried out with the allotment community to guide the detail of site improvements for those with particular needs. This has included disability support groups, tenants, waiting list people, and partner organisations.

2.3 122 people responded to the allotment consultation. While it is not certain that they are representative of the whole of the allotment community, the results provide an indication of equality related characteristics of the allotment community.
Age

18 – 24 yrs  1.5 %
25 – 44 yrs  11.5 %
45 – 64 yrs  47%  
65 – 74 yrs  35%  
Over 75 yrs  5%  

Health

Very good  26%
Good  50%
Fair  19%
Bad  5 %
Very bad  0%

Day to day activities limited because of a health problem or disability

Not limited  68%
Limited a little  27%
Limited a lot  5%

2.4 Age ranges are perhaps more wide ranging than in the past, with 13 % of the respondents in the younger age groups, 47% in the middle age groups and 40% of the respondents in the older age groups.

2.5 While health and mobility is good for the majority, it is significant that around 24% of respondents experience less than good health and 32% of respondents have some level of mobility limitation.

2.6 23% said their health is better than before they had an allotment. And of those whose health had declined, a massive 83% said that having an allotment had helped to slow down the effects of illness or age.

3. Impact

3.1.1 The Council now has tangible evidence that allotment provision contributes to improved health and well-being.

3.2 The key equality consideration relating to the rental increase proposal is to ensure that no-one is discriminated from being able to access the allotment resource for reasons of affordability.

3.3 The rent review has taken account of all of the relevant factors as follows:-

- Results of consultation carried out with Hyndburn’s allotment community.
- Comparison with allotment charges of other Local Authorities in the North West.
- Comparison with increased charges for other recreational activities.
- Affordability, social and health improvement considerations.
3.4 The allotment resource includes special provisions with raised beds and ‘easy access’ beds on a number of sites and accessible and manageable plots of small sizes at Meadoway, Norden, Woodnook, Heys and Peel Park. These provide for people with limited mobility, including older age groups, activities for young people and schools involvement, disability support groups and encourage involvement from more people who are new to food growing or who only have limited time for example due to work, family or study commitments.

3.5 The cost of these special provisions is not being increased.

3.6 For all other plots, the proposed increases are very reasonable. Full details in the Cabinet Report show that the proposals represent a reasonable level of increase at this time, balancing all of the relevant considerations, including comparison with other recreational activities, amounts which remain at the lowest end of charges in the North West. The comparatively modest amounts, together with no increase for some provisions, reflect affordability for all and the community and social benefits of the allotment resource.

3.7 The allotment resource is very wide ranging with plots of many sizes available. This means that people can choose a plot type and size that is directly relevant to their needs and affordability. It is also often possible for an existing plot holder to reduce the size of their plot, or to move to more suitable provision, should their needs change over time.

3.8 Overall, with no increase for the special provisions of raised beds, and small plots plus a reasonable level of increase across the other plots, the proposals ensure that the whole of the allotment resource provides affordability for all.

4. Actions

4.1 The proposals inherently provide for equality considerations and no further action is required.

Name: Simon Prideaux  Signed: __________________________

Service Area Planning and Transportation  Dated: 30 September 2015