

REPORT TO:		Cabinet	
DATE:		30 th October 2024	
PORTFOLIO:		Cllr Kate Walsh – Sustainability & Families	
REPORT AUTHOR:		Ian Marfleet, Regeneration Projects Manager	
TITLE OF REPORT:		Allotment Rental Charge 2026 & 2027	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	Yes	If yes, date of publication:	22/10/24

1. Purpose of Report

- 1.1 To seek approval for a proposed increase in allotment rent charges from the 1st January 2026 and 1st January 2027.

2. Recommendations

- 2.1 Cabinet approves the increased allotment rent charges from 1st January 2026 and 1st January 2027 as set out in Paragraph 3.1 of the report, allowing for the statutory notification period, as noted in Paragraph 3.5 of the report.

3. Reasons for Recommendations and Background

- 3.1 It is recommended that from 1st January 2026 the allotment rent charge be increased from 28.5p/m² annum to 30.0p/m² annum, and the minimum plot charge be increased from £55.00pa to £60.00pa, and that that from 1st January 2027 the allotment rent charge be increased from 30.0p/m² annum to 32.0p/m² annum, the minimum plot charge be increased from £60.00pa to £65.00pa.
- 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 single large increments at irregular intervals.

3.3 Since 2014 the Council has progressively increased the allotment rents in small annual increments to ensure that the annual rate of increase is kept reasonable. Allotment rents are charged by calendar year.

2014	11p/m ² annum. Minimum charge £35.00.
2015	12p/m ² annum. Minimum charge £35.00.
2016	13p/m ² annum. Minimum charge £35.00.
2017	14p/m ² annum. Minimum charge £35.00.
2018	16p/m ² annum. Minimum charge £40.00.
2019	18p/m ² annum. Minimum charge £40.00.
2020	22p/m ² annum. Minimum charge £45.00.
2021	23p/m ² annum. Minimum charge £50.00.
2022	23.5p/m ² annum. Minimum charge £50.00.
2023	24p/m ² annum. Minimum charge £50.00.
2024	25p/m ² annum. Minimum charge £50.00.
2025	28.5p/m ² annum. Minimum charge £55.00.
2026	30.0p/m ² annum. Minimum charge £60.00. Recommended for approval.
2027	32.0p/m ² annum. Minimum charge £65.00. Recommended for approval.

The minimum charge is the lowest amount of rent charged per plot regardless of plot size.

3.4 Prior to 2014 the allotment rents had not been increased since 2006 and were amongst the lowest in England (data supplied by the National Allotment Society). Between 2006 and 2014 the annual allotment rents were charged 7.5p/m² (Average).

3.5 The Council has a legal duty to notify tenants 12 months in advance of an allotment rent increase. To facilitate the 1st January 2025 rent increase, allotment tenants must be advised by the 31st December 2023.

3.6 The Councils allotment service is operated on a 'cost neutral' basis, without profit. Having taken into account inflationary pressures in financial years 2026-2027 & 2027-2028, and increased Council costs, the recommended rent increase will enable the Council to continue to provide the present 'cost neutral' service level.

3.7 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 following factors:

- Comparison with other neighbouring Local Authorities (Section 3.8).
- Comparison with other local recreational activities (Section 3.9).
- National Allotment Society Policy Document 103. Rents (Section 3.10).
- Consultation with the Hyndburn Federation of Allotments (Section 5.1).

3.8 Comparison with neighbouring allotment authorities:

The following information was supplied by the various allotment authorities attending the North West Allotment Officers meeting held on the 16th October 2019. The following rents are charged in 2019, with the latest 2023 & 2024 rents provided for comparison:

	2019	2023	2024
Bradford	17p/m ²	22p/m ²	40p/m ²
Bury (includes water)	68p/m ²	£1.25/m ²	£1.25/m ²
Cheshire West	16.5p/m ²	16.5p/m ²	21p/m ²
Colne Town Council	36p/m ²	36p/m ²	36p/m ²
Kendal	37p/m ²	37p/m ²	41p/m ²
Leeds	29p/m ²	31p/m ²	31p/m ²
Preston	34p/m ²	37p/m ²	37p/m ²
Skipton	35p/m ²	35p/m ²	35p/m ²
St Helens	24p/m ²	45p/m ²	45p/m ²
Tameside	44p/m ²	50p/m ²	52p/m ²
Trafford	41.5p/m ²	41.5p/m ²	41.5p/m ²

The average 2024 rent (excluding Bury) is 38p/m².

The following rents are charged by the nearest neighbouring local authorities:

	2023	2024	2025
Blackburn with Darwen	28p/m ²	28p/m ²	28p/m ²
Burnley	30p/m ²	30p/m ²	31p/m ²

The allotment rent charged by Hyndburn remains similar when compared to the rents presently charged by Hyndburn's immediate neighbours Blackburn with Darwen and Burnley. It is reasonable to conclude that the proposed rent increase is consistent when compared to other local authorities.

3.9 There are no local recreational activities which are directly comparable to the allotments. The Council has introduced rents for the use of football pitches and bowling greens, set at an incremental rate to ensure that the use of these facilities become cost neutral. The increase in allotment rents has followed the same trajectory.

3.10 The National Allotment Society has produced Policy Document 103 – Rents. The National Allotment Society recognises within its Policy the significance of rent to the allotment provider as an income, and further adds that rents must be reasonable and set in accordance with the legal requirement (Section 3.11). When considering NAS Policy 103 the Council has taken the following into account:

- The long-term financial sustainability of the allotments.
- The nature, quality and cost of facilities provided, including the cost of maintenance.
- Expenditure on management and administration.

With reference to the NAS Policy 103 it is reasonable for the Council to make the allotment service cost neutral. The demand created on the service has established the management cost to the Council, and therefore through necessity the level of rent charged onward to the allotment tenants.

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 taken the following into account when proposing 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 Borough Council remains comparable to that set by neighbouring local authorities.
- Consultation with the Hyndburn Federation of Allotments (HFA), has produced a favourable response, accepting that a rent increase is needed to enable the service to continue at its present level.
- The rent increase takes into consideration the rent policy set by the National Allotment Society.

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

4.1 No rent change or reduced rate of rent increment:

Owing to inflationary pressures and increased Council costs the allotment service will become under-funded during 2026 & 2027 resulting in the need to achieve cost savings. In this event the allotment service would reduce its ability undertake functions in compliance with its management role and that described within the allotment tenancy agreement.

In officers' opinion, there are no other reasonable alternatives. Officers recommend that option 4.1 is rejected on the grounds that the allotment service should continue to provide a cost neutral, effective and efficient service in its present format. The recommended option (Section 3.1) is reasonable to ensure that the allotment service continues to provide the level of service expected by allotment tenants.

5. Consultations

- 5.1 The proposed allotment rent increase was consulted with the Hyndburn Federation of Allotments. Cath Holmes, Chair of the Hyndburn Federation of Allotments, held no objections to the proposed rent increase and said *“These are in line with what allotment tenants opted for in the survey carried out in 2018 and previously. The rent remains one of the lowest in the area and low in comparison to rents charged in other areas of the UK.”*
- 5.2 Regular Portfolio Holder discussions are part of the active allotment service arrangements.
- 5.3 A consultation with the allotment community was carried out by questionnaire during October/November 2012, which has informed some content of this report.

6. Implications

Financial implications (including any future financial commitments for the Council)	Please refer to Sections: 3.1
Legal and human rights implications	Please refer to Sections: 3.5 3.7 3.11 3.12
Assessment of risk	N/A
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	Attached

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”
[Cabinet Report dated 21st October 2015](#) “Allotment Rental Charge 2017”
[Cabinet Report dated 7th December 2016](#) “Allotment Rental Charge 2018”
[Cabinet Report dated 6th December 2017](#) “Allotment Rental Charge 2019”
[Cabinet Report dated 6th June 2018](#) “Allotment Rental Charge 2020 and 2021”
[Cabinet Report dated 21st October 2020](#) “Allotment Rental Charge 2022 and 2023”
[Cabinet Report dated 19th October 2022](#) “Allotment Rental Charge 2024”
[Cabinet Report dated 18th October 2023](#) “Allotment Rental Charge 2025”

Report to: Cabinet

Date: 30th October 2024

Portfolio: Cllr Kate Walsh – Sustainability & Families

Report Author: Ian Marfleet, Regeneration Projects Manager

Title of Report: Allotment Rental Charge 2026 & 2027.

Customer First Analysis

1. Purpose

- 1.1 The purpose of the report is to introduce of a reasonable level of allotment rent charge from the 1st January 2026 & 1st January 2027.
- 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 An allotment consultation carried out in November 2012. Although the consultation is somewhat out of date the cohort of allotment users is not expected to have altered greatly since. A second consultation was carried out in 2018, however the response rate was so low that the results cannot be effectively considered. The low response rate may be considered as an overall indicator of satisfaction with the allotment service.
- 2.2 122 people responded to the 2012 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%

- 2.3 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.
- 2.4 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.
- 2.5 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:-
- Consultation with the Hyndburn Federation of Allotments.
 - Rent comparison with other North West Local Authorities.
 - Comparison of costs with other recreational activities.
 - National Allotment Society policy.
 - 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 Cabinet report shows that the recommended rent increase is reasonable by, balancing all the relevant considerations, including comparison with other similar recreational activities, and other local authorities.
- 3.6 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.
- 3.7 The proposal ensures that the Councils allotment resource remains affordable and accessible to all the residents of Hyndburn, regardless of individual circumstances.
4. Actions
- 4.1 The proposals inherently provide for equality considerations and no further action is required.

Simon Prideaux
Chief Officer Planning and Transportation
8th October 2024