

Report of: Finance Scrutiny Committee

To: Executive Board

Date: 17th. March

Item No:

Title of Report : Call in – Allotment rent free year request



Summary and Recommendations



Purpose of report: Response to the called in decision to refuse the request for a rent free year made by Osney, St. Thomas and New Botley Allotment Association



Key decision: No

Portfolio Holder: Cllr. Campbell

Scrutiny Responsibility: Finance Scrutiny Committee



Ward(s) affected: All

Report Approved by:



Sarah Fogden – Head of Finance



Edsaya Cane – Legal Services



Cllr. Tanner on behalf of the Committee



Policy Framework: n/a



Recommendation(s):

To refer the decision back to the Executive Board for reconsideration in the light of the points made during the committee debate:

1. Introduction and Background



The General Secretary of, Osney, St. Thomas and New Botley Allotment Association asked a question and presented a letter to the

February Executive Board asking for a rent free year in 2007/08. The reasons for this set out in the letter are:

- Serious financial damage as a result of flooding
- The associations inability to levy rent increases because of flooding undermining the financial stability of the association and its ability to replace or repair assets
- Loss of trading at the shop because of flooding

The Association estimate the loss in the year directly attributable to flooding to be £1,100. They further sight precedents for rent reductions granted to other associations for differing reasons.

This request was refused by the Executive Board and subsequently called in to the Finance Scrutiny Committee. The reason given for the call in was:

“Five allotment associations have been affected by floods twice in 1 year and it is reasonable that these associations should receive a one-off reduction in rent. The Executive Board was wrong to dismiss the request from Mr. John Power without more consideration”

The 5 allotments and their rents sighted in the call-in are:

Bulstake Close/Osney St. Thomas - £1097.98
Spragglesea Mead - £160.80
Cowmead - £699.48
Cripsey Meadow - £880.00
Trap Grounds - £591.58

No further requests have been presented for reductions. The scrutiny officer checked with officers responsible to clarify the position on rent reductions given to other associations for other reasons. Officers confirmed that no rent reductions had been given in the last 3 years but the picture before then is less clear.

It was clarified during the Finance Scrutiny Committee debate that the associations referred to are South Oxford and Minchery Farm. Officers confirm that Minchery Farm relinquished a sizeable piece of land because of non-cultivation, this reduced the rent

2. Minutes of the Finance scrutiny Committee

64. ALLOTMENT RENTS – CALL-IN

The Committee had before it, the question asked by Mr J. Power, General Secretary of Osney, St. Thomas and New Botley Allotment Association at the Executive Board’s meeting on 4th February 2008 and a

letter from him seeking a rent rebate. The Executive Board had refused the request. The Executive Board's decision had been called-in and fell to the Committee to determine.

Councillor Craig Simmons invited Mr Power to address the Committee. Mr Power referred to the fact that his members' plants and produce had been lost as a result of the recent episodes of flooding and suggested that they should be given a 50% rebate. He pointed out that allotment-holders in south Oxford and at Minchery Farm received rent rebates.

Councillor Jim Campbell, Portfolio holder for Better Finances, explained that he did not consider it reasonable for either a full or partial rebate to be given as allotments elsewhere in the city had been affected by flooding. He reminded members that £450,000 had been invested in providing security for allotments over the last three years and that the allotments Mr Power was speaking on behalf of had received £29,000 this year.

Councillor Alan Armitage said that he supported Councillor Campbell's view and suggested that, in the absence of any policy, granting a rebate would be too arbitrary.

Councillor Colin Cook said that he felt that the request for a rebate was reasonable as allotment-holders were being required to pay for a service they were unable to use. He referred to the fact that businesses in Cornmarket Street had been granted rate rebates when the resurfacing work was carried out and that football clubs were not charged when they were unable to use pitches as a result of flooding.

Councillor Clark Brundin said that flooding was a force of nature which allotment-holders should take account of.

Councillor Craig Simmons asked, if a rebate was granted, which budget it would come from. He referred to the fact that allotment-holders in south Oxford received a rebate and this didn't seem to be within any particular policy that could also make decisions seem arbitrary. Maybe the Council should consider this request within the light of a policy review around the wider implications of climate change and the likelihood of this and other things happening on a more regular basis. Mr. J Power pointed to the fact that there was a rent review in October and then might be a good time to do this.

In response to a question on the nature of the arrangement between the Council and the allotment associations, legal officer advised the committee that this was a formal agreement set out in a lease. Under the terms of the lease there was no express or implied term that guaranteed allotment holders that the land would be free from flooding and therefore there was no obligation at law on the Council to give any rebate in the manner requested. However, the Executive Board did have the authority to grant such a rebate should it choose to do so, provided that in so doing it complied with all other relevant obligations falling to a best value Authority.

Councillor Bryan Keen said that he would support the granting of a 50% rebate.

Resolved to refer the matter back to the Executive Board and ask the Portfolio holder for Better Finance to reconsider the request and future policy in the light of the comments made in the debate

Report Author:

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Background papers: None