

## **PUBLIC STATEMENT**

**Date: 21 February 2011**

### **ALLOTMENT DISPUTE**

The Council sets the rent paid by its allotment tenants. For 2010-11 that rent was set at £6.94p per pole. In percentage terms, this was a significant increase from the previous year, but in cash terms, the average allotment cost £32.62p per year (63p per week) following the increase. Councillors set the rent increase in order to reduce the £50,000 subsidy being provided by the 14,000 precept-paying households of Newbury to the 525 allotment tenants.

One tenant refused to pay the rent increase, claiming it was unfair and unenforceable, putting forward various legal justifications and allegations, and making questionable complaints to West Berkshire Trading Standards. This tenant has in fact been pursuing disputes with the Council over many years, in particular over the cost of the allotments and the way they are managed.

The Council was (and remains) satisfied that it had acted properly and that the revised rent was reasonable. After several unsuccessful attempts to persuade the tenant to pay, the Council was left with no option but to terminate the defaulting tenant's tenancy for non-payment of rent due. The law allows termination after just 40 days of non-payment, but to be as fair as possible, the Council allowed the tenant one more complete growing season, giving notice that the tenancy be terminated on 13 December 2010.

The tenant did not give up the plot by the termination date. Further legal advice confirmed that the Council had acted properly and was entitled to set the higher rent; however, given the convoluted argument that the defaulting tenant was attempting to use to justify non-payment, the Council was advised that while the normally straightforward process of obtaining a County Court Possession Order would still be successful, it would cost thousands of pounds and could take up to eight months. The Council would be very likely to recover a significant proportion (but not all) of its legal costs from the defaulting tenant, but lost officer time could never be recovered.

Having carefully considered all the issues and the available options, the Council decided on the lowest cost and lowest risk course of action to bring matters to a close. Instead of pursuing the

defaulting tenant for non-payment of rent (which, while likely to be successful, would involve an extended and expensive legal battle that would ultimately have to be paid for by Newbury's precept-payers), the Council has now simply given 12 months' notice of termination in accordance with the terms of the extant tenancy agreement, to expire on 31<sup>st</sup> March 2012. As a result, the defaulting tenant now has a further full growing season to enjoy the allotment.

### **ALLOTMENT SELF-MANAGEMENT**

The allotment service provided in Newbury is of very high standard. It includes provision of water, site security, maintenance of shared areas, pest control, parking, and occasional skips. The thought and care that goes into the allotment service from the stewards, the services team and the Community Services committee is significant, and is more than by most other providers.

The same individual who has defaulted on rent payment has been conducting a one-person campaign for Newbury's allotments to be "self-managed". There are advantages to self-management in certain circumstances, but the cost savings claimed by this individual are wholly unrealistic, the risk of failure is high, and in fact the vast majority of the Council's allotment tenants are happy with the traditional method of allotment management currently deployed (as is made clear to the Council through the regular tenants' meetings and "self-help" associations).

A detailed Self-Management proposal that explains the benefit to Newbury's residents as well as its allotment tenants would of course be considered, but despite a great deal of rhetoric, no such proposal has been made.

### **THE FUTURE**

The Council does not have the capacity to continue ongoing intensive correspondence with this one individual who, despite having been given repeated and full answers to all issues raised, has continued to publish selective, inaccurate and libelous information about the Council and its Members. The individual continues to be classified as a Vexatious Complainant.

The Council aims to have **all** allotment tenants as contented tenants, enjoying their plots. Where practical, individual tenants' ideas will continue to be used to improve the allotments for everyone.

END

## Notes

Newbury Town Council runs six allotment sites across the town, with around 525 allotment tenants.

The total collected in allotment rent from tenants is around £18,500 (£12,500 before the increase in 2010). The total cost of providing and servicing the allotments is around £61,000. The Town Council subsidises the allotments service via the precept by a budgeted figure of £42,500 (£50,865 before the increase in 2010).

A pole is an ancient measure of area, traditionally used to define the size of an allotment. One pole is 30.25 square yards.

The average allotment in Newbury is now 5.06 poles (from 4.7 poles in March 2010), or 153 square yards (about half a tennis court).

The defaulting tenant has a large allotment – 10 poles, or 302 square yards (about the size of a full tennis court) – for which the rent is currently £69.40 per year.

## Contact details:

For further information, please contact:

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