

Leeds District Allotment Gardeners Federation

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Mr T Riordan
Chief Executive
Leeds City Council
Civic Hall
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9th November 2013

Dear Mr Riordan

Leeds City Council - Parks and Countryside (P&C) department's allotment rent increases

Please consider this to be an official letter of complaint about the process followed in deciding the above rent increases. We also consider that the decision itself may have breached section 10 of the 1950 Allotment Act and we are taking legal advice on this and consider it to be a separate issue at this time.

80% of Leeds allotments are self managed (SM), the two thirds of the rent they retain enables them to maintain and develop each site and keep the Leeds City Council (LCC) allotment stock in good condition. The remaining one third of the rent, and all rents from city controlled (CC) sites, is used by P&C to maintain the remaining 20% of LCC allotments and provide support when necessary to self-managed sites.

P&C maintain that there is a £130,000 deficit in its allotment spending and has decided to increase both rents and also the proportion of rent payable by self-managed sites to the council as a result. We believe that the decision making process was flawed because:

1. Procedures were not followed correctly
 - P&C have not set a budget for the next three years (only an income target). How can there be a budget deficit if a budget has not been set?
 - P&C circulated a consultation document to all plot holders and then treated the responses as if this had been a vote. It was never billed as being a 'vote'
 - At the resulting Scrutiny Board on 25/9/13 the public was excluded from hearing the legal advice the council received on the issue. We believe that this breached sections 10.1 (c) and 10.4 (5) of the council's Access To Information Procedure Rules (20/5/13) as the need to publically disclose outweighed the need to exclude
 - The Office of Fair Trading publication Guidance on Unfair Terms in Tenancy Agreements (September 2005) in 3.102 (particularly the second and third bullet points) states that rent increases are likely to be fair if they are linked to RPI increases or if they are referred to "*an independent expert*" (i.e. someone, in this case, independent of the council). We are not aware that this guidance has been followed in this case
 - We have been advised that P&C's financial record keeping and forward budgeting may be in breach of the Chartered Institute of Public Finance and Accounting's (CIPFA's) guidance in the document "The Role of the Chief Financial Officer" - particularly Principle 2. This refers to "sound and effective financial management", how financial decisions may be considered "unreasonable" and "invalid" and "the Wednesbury rules which emphasise the importance of ensuring that when developing policy all relevant matters are properly considered". We believe that in attempting to reduce to 1/3 the proportion of rent retained by SM sites P&C did not adhere to the CIPFA guidance as they did not consider the substantial contribution made by local people in developing and

maintaining SM sites (see attached summary of the role and financial value of volunteers on just one SM site. There are many other examples).

2. Information not provided

- Through FOI requests we have asked for details of historical spending (over five years) broken down into spending by city controlled and self managed site on maintenance, improvement, water supply and grass and hedge cutting. We have been told that this information has not been collated. If this information is not available how can the Council justify retaining two thirds of the rent collected by self-managed sites instead of the one third previously retained while at the same time saying that they intend to reduce the maintenance budget?
- An LCC Exec Board paper on 4/9/13, a full council paper on 11/9/13 and a Scrutiny Board paper on 25/9/13 all failed to provide elected members with financial evidence to substantiate the council's publically stated view that self managed sites are not cost neutral to the council
- In none of the papers submitted was it mentioned that in a meeting on 9th August LDAGF had offered to pay for a computer system for allotment records. Nor was it mentioned that P&C officers turned down this offer, on learning that the purchase price was likely to be well below £10,000, it was said, because the sum of money involved was too small
- The LDAGF suggested a number of cost saving measures most of which appear not to have been considered by Elected Members or P&C
- On 29th September 2013 my colleague Phil Gomersall wrote to both Cllr Anderson (as chair of the relevant Scrutiny Board) and Cllr Wakefield (as Leader of the Council) to complain about the conduct of Elected Members in the 25/9/13 Safer and Stronger Communities Scrutiny Board. Cllr Wakefield replied that the matter would be referred to the Chief Whip and Cllr Anderson stated that he would look further into the matter. No further responses have been received.

3. Record keeping inadequate

- P&C have not and do not maintain accurate and accessible records of how they have spent an estimated £25,000 on cutting allotment grass and hedges. Since learning of this estimate on 14/2/13 and despite an FOI request the records to substantiate this claim have not been provided. We have been told in writing by P&C that our offer to measure and price this work independently was questioned *"because the sums are low I don't think it will make much financial difference but it will update our records if nothing else"*
- P&C do not know for certain whether self managed sites are cost neutral to the council nor do they know the proportion of the £130,000 deficit attributed to CC sites

4. Misleading statements have been made

- Elected Members have twice been told in public forum by Cllr Dobson that self managed allotment sites are not cost neutral to the council - P&C have failed to provide information to substantiate this claim
- In a letter dated 8/10/13 a senior officer in P&C admitted that it was not known whether self managed sites were cost neutral to the council as *"we do not hold the detailed accounts for these sites"*
- In none of the sets of papers submitted to the meetings mentioned in section 2 were Elected Members informed that the proposed rent increases may have breached section 10 of the 1950 Allotment Act
- At a meeting on 9/8/13 the Chief Officer of P&C informed LDAGF that once the 'deficit' had been cleared allotment rents could be reduced again. There was no mention of this at the Exec Board, Full Council or the Scrutiny Board

5. There has been inadequate consultation

- The P&C consultation document was misleading (it presented option 3 as if it was a third party take over instead of a proposal for partnership working), incomplete (it omitted any input from LDAGF about how allotment spending could be better controlled and targeted and how extra income could be generated without putting rents up so steeply) and undemocratic. It was never described as a vote and the voting criteria were never disclosed nor was there any independent scrutiny of the so called vote.
- The consultation had only a 16% response rate - a very poor return when compared to a 2007 allotment survey by P&C which had a 37% response. This could have been because the 2013 consultation was badly written. The Campaign for Plain English has stated that it did not meet their standards
- The P&C consultation asked for ideas and suggestions. As far as we know none of the submitted suggestions have been reported to Elected Members or made public

6. Promises have been broken

- P&C senior officers, in a meeting with LDAGF officers on 9/8/13 promised that LDAGF could have 'edit rights' over that portion of the Exec Board paper outlining the Federation's proposals. This was confirmed post-meeting by email, a further email was sent by LDAGF to confirm this undertaking, and yet the Federation's proposals were not included in the paper
- Throughout 2013 at several meetings with P&C officers, LDAGF were promised reasonable rent increases. The proportion of rent retained by SM sites has been reduced significantly and came as a complete surprise when published in the papers presented to 4th September 2013 Exec Board. This cannot be described as fair or reasonable.
- A letter from a P&C officer dated 8/10/13 stated that *"Recreational facilities will always be subsidised to some extent by local authorities due to their nature. Allotments will continue to be subsidised as certain expenditure is necessary to operate them as a statutory service such as legal and surveyors' fees, senior officers' costs and overheads. These costs are shared by all recreational facilities within the P&C service"*. This has not been mentioned in any of the papers submitted to Elected Members
- At a meeting with as senior elected member we were told we had up to two years (from January 2013) to resolve the rents issue. Why this all rushed through by September of this year?

Cause for concern

We are appalled that the Scrutiny Board on 25/9/13 cost, according to one Elected Member, £5,388.21. This meeting involved nine councillors, three council officers and half a dozen members of the public for two hours. LDAGF ran the 2013 allotment competition - four meetings of eight judges over a three month period, a week's judging on sites around Leeds, a celebration event with food for just under 100 people, certificates, prizes, photographs, engraving of trophies, fund raising for two worthy charities - for around £1,500 (£750 from P&C and £750 from LDAGF). That's cost effective partnership working.

We believe in fair rents for fair services and we believe it is entirely wrong for the council to increase its proportion of retained rent in the light of the thousands of volunteer hours Leeds allotment holders devote to maintaining and developing council owned land.

If we do not receive an appropriate response to our complaint, and an offer from P&C of a way forward, we feel we have no alternative but to take matters further.

Ian Wood
Chair
Leeds and District Allotment Gardeners Federation

cc Cllr Wakefield, Leader of Leeds City Council