

**Committee:** Individual Cabinet Member Decision Making

**Date of meeting:** 6 June 2017

<b>Subject:</b>	New leases to existing allotment associations
<b>Lead Officer:</b>	Estates and Property Manager
<b>Portfolio Holders:</b>	Councillor Chris Sadler, Portfolio Holder for Resources and Councillor Mrs Janet Turner, Portfolio Holder for Leisure and Culture
<b>Link to Council Priorities:</b>	Commitment to Value for Money, A Green and Attractive Elmbridge
<b>Exempt information:</b>	None
<b>Delegated status:</b>	For resolution
<b>Key decision:</b>	n/a

**EXECUTIVE SUMMARY:**

This report recommends that the Council agrees to grant each of its existing allotment association tenants a new twenty five year lease in line with their existing agreements subject to some minor modernisation.

**RECOMMENDATION:**

**TO AGREE TO RE-LET EACH EXISTING ALLOTMENT SITE TO EACH RESPECTIVE TENANT FOR NEW TWENTY FIVE YEAR TERMS IN LINE WITH THEIR EXISTING AGREEMENTS**

**REPORT:**

1. Elmbridge Borough Council currently provides thirteen individual allotment sites within the borough, each of which is let to an allotment association tenant (Appendix A).
2. The tenants' occupations were typically recorded by way of twenty five year full self-managing leases granted between 1991 and 1993, each of which are now expiring.
3. It is intended to re-let each existing allotment site to each respective tenant for new twenty five year terms in line with their existing agreements as follows:-

**Landlord:** Elmbridge Borough Council

**Tenant:** Allotment Association

**Initial rent:** £100 per annum exclusive or 10% gross rental income from the individual plot holders

**Term:** Twenty five years

**Repairs:** Tenant to keep Premises in repair

- Determination:** Tenant may determine the lease subject to 12 months' prior written notice. Landlord may determine the lease subject to 24 months' prior written notice if the Landlord requires the Property or the means of access to it; (i) for demolition, or; (ii) in connection with a scheme of rebuilding, redevelopment, refurbishment or reconstruction.
- Insurance:** Landlord to insure (land element only), Tenant to reimburse. Tenant to indemnify Landlord against third party liabilities to a minimum £5m.
- Outgoings:** Tenant responsible for all outgoings, rates, utilities and any VAT payable in connection with their use and occupation.
- Use:** Allotment only
- Alienation:** Assignment of whole permitted subject to Landlord's prior consent, NTBUW
- Alterations:** Non-structural alterations permitted, subject to Landlord's prior inspection and approval of detailed plans and specification. Structural additions and alterations prohibited.

4. Taking into account the length of time that has passed since the previous agreements were originally entered into, there may be some minor modernisation.

**Environmental/Sustainability Implications:**

None for the purposes of this report.

**Legal implications:**

Legal advice is that s24-28 Landlord and Tenant Act 1954 Part II does not apply to allotment premises. The Legal Team will be instructed to prepare appropriate lease agreements.

**Financial Implications:**

An initial revenue of £100 per annum, per site.

**Risk Implications:**

As with all lettings, there are risks involved. For example, tenants may run into difficulties and be unable to pay rent or the costs involved with diligently and safely maintaining their premises. In such circumstances, the Council would have to forfeit the lease and take possession, at a cost and potential loss.

Long term leases prevent the Council from being able to use those sites for its own or any other purpose during the term of those leases.

**Community Safety Implications:**

None arising.

**Principal Consultees:**

Portfolio Holder for Resources - Councillor Chris Sadler  
Portfolio Holder for Culture and Leisure - Councillor Mrs Janet Turner  
Ward Members (Appendix A)

**Background papers:**

None.

**Enclosures/Appendices:**

Appendix A – Details of the thirteen individual allotment sites within the Borough

**Contact details:**

Gethin Parry, Estates and Property Manager  
gparry@elmbridge.gov.uk