

## Rother District Council

<b>Report to:</b>	Cabinet
<b>Date:</b>	3 October 2022
<b>Title:</b>	Lease of Rye Allotments
<b>Report of:</b>	Lorna Ford, Deputy Chief Executive
<b>Cabinet Member:</b>	Councillors Dixon and Prochak
<b>Ward(s):</b>	Rye
<b>Purpose of Report:</b>	To facilitate the possible devolvement of Rye Allotments
<b>Decision Type:</b>	Non-Key
<b>Officer</b>	
<b>Recommendation(s):</b>	It be <b>RESOLVED</b> : That the Property Investment & Regeneration Manager be authorised to implement the break clause in the lease dated 1 December 2013 between Rother District Council and Rye Amenity Community Interest Company.
<b>Reasons for Recommendations:</b>	To facilitate the possible devolvement of the allotments as part of the Corporate Programme

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### Introduction

1. The Allotments at Love Lane and South Undercliff, Rye are currently let to the Rye Amenity Community Interest Company (CIC) under a single lease covering both sites, for a term of 25 years from 1 December 2013. This lease was entered into as part of a process of devolving the management of allotments across the district to local groups, and similar arrangements were also put in place for many Council-owned allotments in Bexhill. (Maps showing the location and extent of the allotments are attached at Appendix 1).
2. The lease includes a provision for either party to break the lease at the end of the 10<sup>th</sup> year (30 November 2023) upon serving one year's notice, i.e. by 30 November 2022. Thereafter, there are no further lease breaks until the expiry date in November 2038.

### Details of the proposal

3. The Council is currently in discussions with Rye Town Council over the possible devolvement of assets within the Council's ownership as part of its Corporate Programme, and the allotments form part of those discussions. At this stage the terms of any devolvement have yet to be agreed and remain subject to discussion and negotiation. This will be the subject of a future report in due course through the Corporate Programme.

4. If the allotments are to be devolved to Rye Town Council, it is likely that they will require flexibility in order to keep their options open for the future management of the allotments. It is prudent therefore to take advantage of the opportunity to exercise the break option in the lease to Rye Amenity CIC, as the break cannot be implemented once the trigger date of 30 November 2022 has passed, and there are no further lease breaks until the end of the lease on 30 November 2038.
5. Taking no action at this time would therefore limit the options for both the Council and for Rye Town Council in the context of possible devolvement to the Town Council. It is recommended therefore to keep all options open by exercising the break option.
6. In the event that devolvement to the Town Council does not proceed in a timely fashion, the Council will need to consider other options for the devolvement of the allotments, to be put in place by November 2023.

## Conclusion

7. Cabinet is recommended to authorise the Property Investment & Regeneration Manager to exercise the break clause in the lease dated 1 December 2013 between Rother District Council and Rye Amenity CIC.

## Financial Implications

8. None – the allotment is let at a peppercorn rent.

## Legal Implications

9. The allotments are considered to be non-statutory. Whilst it has been suggested in the past that they are statutory allotments, this has never been accepted by the Council on the basis that had that been the case, they would have passed to Rye Town Council when Rother District Council was first established in 1974.
10. The Council's legal team will be instructed to ensure that notice is served correctly.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No
Chief Executive:	Malcolm Johnston		
Report Contact Officer:	Graham Burgess		
e-mail address:	<a href="mailto:graham.burgess@rother.gov.uk">graham.burgess@rother.gov.uk</a>		
Appendices:	Appendix 1 Site Plans		
Relevant Previous Minutes:	N/A		
Background Papers:	N/A		
Reference Documents:	N/A		