

Proposal to conclude negotiations with the Allotments for Labouring Poor charity

Below are the details of the final proposal between the AfLP working group of Hughenden Parish Council and the trustees of the “Allotments for Labouring Poor” charity which have been on-going for the last few years.

The current AfLP working group consists of Roger Beavil, Rick Gould, Ian Guy, James Perkins, Brian Swain and Peter Wetherman.

In summary

- these negotiations relate to only four of HPC’s current 8 sites plus amenity land in Great Kingshill.
- the proposal ensures that allotment holders should see no difference in the running of their allotments.
- the proposal ensures long-term security for allotment sites in the parish and reduces the risk of unwanted development.
- the proposal secures HPC from any future legal action for compensation.

IMPORTANT additional requirements

The proposal to conclude negotiations with the AfLP trustees as indicated in the following pages is subject to HPC reversing two previous decision taken by the council as follows:

Legal Fees

Reverse decision to pay only half of the AfLP legal costs accumulated to date plus the legal fees for the transfer and lease documents in full and final settlement.

Replace with agreement to pay the full legal fees of the AfLP incurred with Robert Parry Jones in the order of £5,000 in full and final settlement.

In order for this to happen the five members listed below of the AfLP working group have requested that this reversal be proposed for resolution at the full council meeting on 9th December 2014.

Seek advice from Counsel

Since the leases cannot be completed until the Charity Commission Scheme is in place, the Clerk has advised it would be self-defeating for us to continue to seek advice from Counsel since this would either delay or defeat the Scheme. The five members listed below agree with his advice and propose and recommend that the resolution concerned passed at the last Council meeting should also be reversed at the full council meeting on 9th December 2014.

Roger Beavil
Rick Gould
Ian Guy
James Perkins
Brian Swain

Proposed Agreement with “Allotments for Labouring Poor” Charity no 248607

It has already been agreed that HPC will transfer title to the below mentioned pieces of land. The following conclusion concerning leasing has been reached by the Parish Council's AfLP working group with the trustees of the Allotments for Labouring Poor charity (AfLP) on the understanding that it will be approved by full council for completion on 1st January 2015. AfLP trustees appreciate that the final preparation of the documents may be delayed due to Christmas holidays and a possible change in our solicitors; however they still expect the rental to be backdated to 1st January 2015.

The Final Proposal

HPC to lease for 99 years from AfLP the following four allotment sites at an annual rental of £250 per site increasing by £10 per year:-

1. Windmill Lane Allotments. All the freehold property being the land on the north west side of Windmill Lane, Widmer End, Buckinghamshire and registered at HM Land Registry with absolute title under title number BM352857.
2. Walter's Ash Allotments. All the freehold property being land on the south west side of Main Road, Walter's Ash, High Wycombe, Buckinghamshire and registered at HM Land Registry with absolute title under title number BM358088 (excluding the pond).
3. Naphill Allotments. All the freehold property being land on the east side of Louches Lane, Naphill, High Wycombe, Buckinghamshire and registered at HM Land Registry with absolute title under title number BM358090.
4. North Dean Allotments. All the freehold property being land lying on the west of Speen Road, North Dean, Buckinghamshire and registered at HM Land Registry with absolute title under title number BM352511.

In addition, HPC to lease Common Road and Recreation Ground Allotments. All the freehold property being land at Common Road, Great Kingshill, Buckinghamshire and registered at HM Land Registry with absolute title under title number BM9455. This land is split into two sites and is no longer used as allotments. The area of land on the Great Kingshill Common is now the site for two playgrounds and a garage and will be leased from AfLP for 99 years at an annual rental of £1,250 increasing by £30 per year. The other site which is located on the east side of Common Road is now open grassland and will be leased on a rolling 5 year term at an annual rental of £500 per year increasing by £20 per year.

The total annual rental for all the above amounts to £2,750 increasing by £90 per year.

We will need to bear in mind that both the use of the land whether it be for allotments, playgrounds or general amenity use and any right for us to assign, sublet or share occupation will be tightly restricted. For example we will be obliged to use allotment land only for allotments and if there is no demand in the future for allotments we will need to keep it unused. There are other provisions,

such as any change to our allotment rules will require the approval of the AfLP but this is not unusual in the circumstances.

Our recommendation is that any resolution to enter into these leases should be prefaced by stating that this is subject to any strong advice to the contrary as may concern any onerous or difficult terms of the leases as we may receive from our solicitors in acting for us in attending to the necessary legal formalities.

Considerations made during the negotiation process for four existing allotment sites.

The conclusion to lease the four pieces of land from AfLP that are currently allotment sites was reached after many years of discussion taking the following into consideration:

1. HPC has traditionally provided a significant number of allotments in excess of the national average. Allotments are very much appreciated by many of the parishioners and are considered a community benefit contributing to a healthy living and productive use of land that might otherwise serve no purpose.

Conclusion - It would be very “politically” sensitive and unpopular to consider reducing the number of allotments when we currently have 88% occupancy rate with little promotion and a significant number of long term allotment holders.

2. There is significant concern in the community about unwanted housing development. Even though much of the Parish falls in the Green Belt and AONB, many people fear that the allotment sites in question may eventually be developed if they do not continue as allotments. They look to HPC to help the community ensure this does not happen.

Conclusion - Paying £250 per year per allotment site to guarantee the security of the sites for a period of 99 years was felt to be a worthwhile investment.

3. The Charity Commission (CC) no longer required the AfLP to provide land for allotments. The new scheme proposed by the CC required the AfLP only to consider their primary goal to be the relief of poverty. This would allow them to sell or lease the land for other uses.

Conclusion – HPC leasing the sites would ensure they could not be used for other purposes and would provide certainty for parishioners.

4. HPC does own other pieces of land within the Parish that is either already used as allotments or could be converted for use as allotments. Consideration needed to be given to moving allotment holders from the four sites in question to vacant plots elsewhere or spending a significant sum of money converting existing land or even to lease other land within the community.

Conclusion – Too much disruption would be caused to allotment holders that have been tending their allotments for decades.

Other similar land we already lease for allotments costs well in excess of £250 per year.

The cost of having to convert existing pasture land into allotments was not considered bearing in mind the disruption to existing allotment holders and the reduction in value and limitation that would then be placed on the future of HPC’s land holdings should they be converted to allotments.

Considerations made during the negotiation process for old allotment sites in Common Road Gt. Kingshill.

The decision to lease these two sites that are no longer used as allotments was based on the following:

1. They are considered to be of higher value than the four sites currently used as allotments and may at some point in the future have development potential.

Conclusion – Long term there is the possible risk of development so consideration has to be given to a higher rental value.

2. The land that forms part of the Gt Kingshill Common is now used to provide two playgrounds and has a garage that is used by the cricket club to store ground maintenance equipment.

Conclusion - The cost to move the playgrounds would be significant. We would either have to encroach upon the common which is currently let to the cricket club or find alternative land elsewhere. The final proposal to lease for 99 years at an annual rental of £1,250 was a significant improvement over the initial proposal to lease for 5 years at an annual rental of £2,000. We were also given the opportunity to swap this land for two other pieces of land with the Parish however this would have created further complications over which land should be swapped and at what cost.

3. The land to the east of Common Road has a potential value as pony paddocks and was offered for sale to HPC for £40,000 or to swap it for other land within the Parish. We were also given the opportunity to lease it on an annual rolling lease for £500 per year.

Conclusion – It was felt that HPC should not be buying land for which it has no specific use. It would require a huge increase in allotment requirement to be able to convert back into allotments and paying £40,000 would be excessive for such use. Following the offer to extend the rolling lease to five years it was felt that this would provide sufficient time for the local community to decide what it would like to happen to the site in the long term. The conclusion to the land swap offer was the same as the playground land offer.

Considerations made during the negotiation process concerning financial compensation claims

There have been many claims made against HPC by AfLP that could possibly have resulted in HPC being held liable for significant recompense to AfLP. These range from the loss of asset appreciation from the sale of Brimmers Hill to Bucks CC amounting to £600,000, to the loss of income from allotments rental that the charity would have been entitled to since having been set up by HPC. There were also other claims to be taken into consideration such as compensation for the reduction in the area of land that we would be transferring to AfLP due to land swaps or disposal to utility companies that had taken place during previous years.

Conclusion – By agreeing to lease the AfLP sites by 1st January 2015, AfLP guarantee that they will no longer investigate any perceived irregularities by HPC and will no longer claim any losses from HPC. In other words this agreement will be in full and final settlement of the issue. The only proviso is that

if it were ever discovered by others that HPC had illegally sold the Brimmers Hill that AfLP would reserve its right to seek financial redress.