

Die Kleingärtner aus Leeds gewinnen Gerichtsprozess über Pachtpreiserhöhung (GB)

Zurzeit entwickelt sich mit dem derzeitigen Wirtschaftsklima und den vielen Ausgabenkürzungen der Kommunen in England eine ziemlich beunruhigende Tendenz. Einige Kommunen versuchen Kleingartenland zur Deckung der Kosten zu verkaufen, andere erhöhen schlichtweg die Pachtpreise. Leider verstoßen einige Kommunen dabei gegen das Gesetz und erhöhen die Pachtpreise derart stark, dass sie Gewinn daraus schlagen.

So schlugen auch die lokalen Behörden in Leeds vor die Pachtpreise zu erhöhen und gleichzeitig die Subsidien der Vereine für die Instandhaltung der Anlagen in der Stadt zu reduzieren.

Der Leeds und Distrikt Kleingartenverband war besorgt dass diese Politik Menschen daran hindern könnte eine Kleingartenparzelle zu pachten und es aktuellen Kleingärtnern unmöglich machen würde ihr Hobby weiter zu betreiben.

Mit der Unterstützung des nationalen Kleingärtnerverbandes und vielen andern hat der Leeds und Distrikt Kleingärtnerverband ein Gerichtsverfahren gegen diese Pläne der Behörden eingeleitet.

Am 5.August 2014 hat die „High Court „in Leeds in einem Urteil die vorgeschlagene Pachterhöhung ab 2014 als gesetzeswidrig erklärt.

Mehr Information finden Sie in der beigefügten Pressemitteilung

05.08.2014

LEEDS ALLOTMENT TENANTS WIN BATTLE FOR

JUSTICE ON RENT INCREASE

City Council's Plan To Increase Payments On Plots Ruled Unlawful

The Leeds & District Allotment Gardeners Federation (LDAGF), representing many of the city's allotment holders, have spoken of their delight and willingness to continue to work closely with the city's council after their successful legal battle against the local authority's proposals to increase rents and make changes to the monies allowed for associations to manage sites in the city.

The LDAGF issued an application in the High Court at the end of last year to launch a judicial review regarding council plans which would see rents rise but the proportion of income associations have to maintain sites fall.

Now, in a ruling handed down at the High Court in Leeds today (August 5th), it was ruled that the proposed new rents from 2014 onwards would be quashed.

Irwin Mitchell's specialist Public Law team represented the LDAGF in its legal action against the planned changes.

Alex Peebles, the solicitor at Irwin Mitchell who acted for the organisation, said: "We are delighted to have helped the LDAGF gain justice and have their voices heard regarding the planned changes to allotment tenancy in Leeds – proposals that the courts have now ruled are unlawful.

"The organisation is a passionate gardening community whose members both grow their own produce and reach into the wider local communities, yet many of its members were concerned the changes may put off people having an allotment and also price many current plot holders out of a hobby they love.

"This is another case which demonstrates why it is vital that local authorities always meet all of their responsibilities when it comes to making changes to public services. It also highlights the real importance of councils ensuring proper provision of allotment sites for the public. Affordable and accessible allotment sites are a vital part of our local communities across the country."

The legal challenge regarding the proposals related to a series of concerns, including:

- The council's failure to determine the amount of rent that it is reasonable to expect allotment holders to pay, in line with Section 10 Allotments Act 1950;

- The expectation that the body would continue to maintain sites to the same standards, but without access to the same proportion of rental income for such purposes;
- That the consultation related to the decisions regarding rental costs and subsidy for allotment gardening was flawed and failed to address all of the council's proposals.

According to today's ruling, the planned changes were unlawful because they did not take into account any land valuation exercise or decide what a tenant might reasonably expect to pay for an allotment site.

Judy Turley, secretary for the LDAGF, said: "For 30 years, Leeds has been an exemplary model for management of allotments through a high proportion of self-managed sites and is recognised nationally as such.

"The case was not brought lightly by the Federation, but unfortunately efforts to engage Leeds City Council in meaningful discussions were not successful and we felt there was no option but to resort to the Judicial Review process.

"The LDGAF would like to thank the National Allotment Society for their considerable input and financial contribution and also the many donations received from Regional and National Federations, local allotment sites and individuals and a private benefactor. Thanks must also be given to the volunteer officers and members directly involved in submitting this case on behalf of the LDGAF members and also the dedicated support from all our members during this difficult period.

"The Federation has worked with Leeds City Council since 1917 and has enjoyed a good co-operative working relationship. We look forward to recommencing that relationship with Leeds City Council to continue to develop the management and provision of allotments in Leeds."

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