

The Allotments Policy

Briercliffe with Extwistle Council
October 2016

The Allotments Policy

Scope of Policy

This policy applies to allotment and garage sites managed by Briercliffe with Extwistle Parish Council.

Other allotments sites within the district are owned and managed either by the Borough, Town or Parish Councils, or are in private ownership. This policy does not apply to these sites.

Aims of Policy

- To improve the quality of the allotment environment for plot holders, neighbours and residents
- To address long waiting lists and high demand for allotments plots
- To set an agreed 'Lettings Policy' for Allotments and Garages
- To ensure that the allotments service is totally funded by those who use the service

Background

Briercliffe with Extwistle Parish Council manages the Harrison Street allotment site, Garage Site and the Turning Circle Garage site, there are also a small number of individual garages throughout the Parish.

Allotments have become very popular for the healthy lifestyle and community benefits they provide. The demand for allotment plots has however resulted in a waiting list.

Local Authorities have a legal obligation to provide sufficient allotments to meet demand under the Small Holdings and Allotments Act 1908.

It is however the responsibility of a Town or Parish Council to provide allotments within their boundaries in line with the Local Government Act 1972.

Statutory allotments are those where the land was originally acquired specifically for this purpose. The Allotment Act 1925 stipulates that the sale or disposal of statutory allotments requires the consent of the Secretary of State. All other allotments are temporary, but can be re-designated as statutory if required. The Parish Council has designated the Harrison Street Allotments as statutory allotments.

Where this Policy refers to the Allotment Manager, this also includes the Assistant Allotment Manager, when in post, to an equal degree.

Briercliffe with Extwistle Council Allotments Policy

Briercliffe with Extwistle Parish Council reserves the right to update the Allotments Policy at a time of its choosing in line with Briercliffe with Extwistle Parish Council procedures.

1. Management of Allotments

The Allotment Manager is responsible for the day to day management and letting of allotments and garages.

An Allotments Committee made up of Parish Councillors has an overview of allotments management, policies and procedures. The Allotments Committee reviews proposed changes to the Allotment Policies and makes recommendations to the Full Council where it does not have delegated authority.

Briercliffe with Extwistle Council encourages the formation of Allotments Societies. These are constituted groups dedicated to improving and developing the Allotments.

The ultimate role of enforcement remains with Briercliffe with Extwistle Parish Council.

Policy Statement 1 – Delegated Authority

Briercliffe with Extwistle Parish Council has delegated authority for Allotments, Garages and Parish owned land to the Allotment Committee. This includes:

- Agreeing Policies and Procedures for Allotments, Garages and Council Owned land;
- Appointing an Allotment Manager and Assistant Allotment Manager;
- Decisions on the current and future use of Parish Owned land;
- Setting of charges, rents and sale values of Allotments, Garages and Parish owned land;
- Setting a budget for the maintenance of Allotments, Garages and Parish owned land;
- Approving expenditure, maintenance work, improvements, property and equipment within the set budget;
- Dealing with stage 1 complaints with regards to allotments, garages and Council owned land.

Policy Statement 2 – Site Inspections

All allotment sites managed by Briercliffe with Extwistle Parish Council will be inspected at least twice a year. More frequent inspections will be made where it is deemed appropriate.

Inspections will usually be carried out in the growing season. No advance warning will be required, although we will endeavour to provide some notice.

Inspections will be carried out by at least 1 Councillor and the Allotment Manager.

An independent Allotment Site inspection will be carried out at least once a year where possible.

2. Management of Waiting Lists

Applicants for allotment plots must be a minimum of 18 years old. An application can only be made in the name of one person, joint tenancies are not permitted. Existing joint tenancies will be allowed to continue until their expiration or termination. Applicants must reside within the Parish Boundary to be eligible for an Allotment or garage.

Policy Statement 3 – Waiting List Management

Application is by the formal application form only, no other format of application is permitted. The Application form should be returned to the Allotment Manager for inclusion on the waiting list. Applications returned to the Clerk will be accepted, but only included on the waiting list once transferred to the Allotment Manager.

It is not permitted for an applicant to apply for a plot if he or she is not intending to be the main user – unless the applicant is representing a group, charity or organisation.

Waiting lists are sorted on a strictly “first come, first served” basis. New applicants will be added to the bottom of a waiting list. No priority will be given to applicants representing a group, charity or organisation.

When a plot becomes vacant, an offer will be made by the Allotment Manager, in writing, to the applicant who is at the top of the waiting list – having first given precedence to Policy Statements 4, 5, 6 and 7 - applied in this order of priority.

Evicted plot holders may not reapply for an allotment plot for a period of 5 years. Evicted plot holders who reapply will only be included on the waiting list after a decision is made by the Allotment Committee.

If an offer of tenancy is rejected, the applicant can choose to remain at the top of the waiting list. If no response to the offer is received the applicant will be removed from the waiting list. After three offers for tenancy are rejected, the applicant will be removed from the waiting list, the applicant can provide a new application for an allotment and rejoin the bottom of the waiting list. In exceptional circumstances the applicant can appeal to remain at the top of the waiting list, in writing, to the Allotment Committee.

Briercliffe with Extwistle Parish Council will periodically contact applicants on the waiting list and remove those who are no longer interested or eligible, or who do not reply.

Policy Statement 4 – Sub-dividing Plots

When a plot becomes vacant it will be assessed for re-sizing by the Allotment Committee and may be split into two or more smaller plots to accommodate more applicants.

Small plots are particularly suitable for novices, some of whom have been overwhelmed in the past by the size of their new plot.

Policy Statement 5 – Passing Over

The applicant at the top of the waiting list will be passed over by other applicants if they are either not permanently resident in the district or already hold an alternative tenancy. Only one allotment garden tenancy, one allotment pen tenancy and one garage tenancy may be held at any one time by a single tenant. Applications for additional allotments from the same household where an allotment tenancy already exists will be rejected. This also applies to applications for additional garages.

Policy Statement 6 – Passing On

A plot can be passed on from one close family member to another in the event of illness, disability or death. Only one plot can be passed on, and this is restricted to a son, daughter, spouse/civil partner or long-term partner - who does not already hold an allotment plot.

Where the plot holder has been representing a group, charity or organisation, the tenancy may only be passed on to another representative of the same group, charity or organisation.

An applicant must submit a request in writing to the Allotment Committee in order to take over tenancy of the plot within eight weeks of the plot holder becoming ill, disabled or deceased.

If the Allotment Committee has decided to sub-divide the plot in line with Policy Statement 4, the applicant will have first choice of sub-divided plots.

Plots cannot be passed onto anyone else such as helpers or co-workers.

Tenants are advised that no human or animal ashes are permitted to be scattered at allotments sites, and no memorial features are permitted.

Policy Statement 7 – Changing Plots

An existing plot holder can apply to take over a vacant plot on the same site. The plot holder would need to give up their current plot, which would need to be left in good condition.

Policy Statement 7 is useful to plot holders who may wish to move to a larger plot to grow more produce, or conversely, to a smaller plot which would be more manageable and affordable. Plot holders interested in changing plots should inform the Allotment Manager or the Allotment Committee

In many cases, a plot holder can also down size by requesting that his or her plot be split up into two or more smaller ones.

3. Site Facilities

Signage at the site entrance should be to a standard design and should state:

- Name of the allotments site
- Name of site owner
- Contact telephone numbers for emergencies and new applicants
- Main rules and regulations

There should be a notice board on site in order that the Allotment Manager can display information such as communications from Briercliffe with Extwistle Parish Council.

Mains water is supplied and where this is the case a standing charge is levied to plot holders. Toilets are not provided at the allotments.

4. Allotment Tenancy

Policy Statement 8 – The Tenancy Agreement

The applicant will be the main user of the allotment plot, or the representative of a group, charity or organisation, and will be the named plot holder on the Tenancy Agreement

All plot holders will be required to sign up to the latest Tenancy Agreement, which will include the terms of this policy. This is a condition of tenancy.

Briercliffe with Extwistle Parish Council will initiate enforcement proceedings if a plot holder, or person for whom the plot holder is responsible, fails to comply with the terms of the Tenancy Agreement, or if a plot holder is constantly in arrears of any agreed payment plan.

Enforcement procedures are in place to deal with any infringement of the terms of the Tenancy Agreement.

Policy Statement 9 – Sub-letting of Plots

The plot holder shall not enter into an agreement, verbal or written, to sublet or reassign an allotment plot or any part of it to any party under any circumstances.

Policy Statement 10 – Cultivation of Garden Plots

A minimum of 60% of the plot area must be cultivated for growing produce - namely vegetables, herbs, fruit, other edible crops and flowers.

A maximum of 40% of the plot area may be put to other uses such as grassed lawn, or space for structures – which are compliant with Policy Statements 15 & 21.

It is not permitted to keep an allotment plot or a portion of it, which in the opinion of Briercliffe with Extwistle Council is in an untidy, overgrown, unkempt or seemingly abandoned state.

Weeds must be controlled to prevent seeds spreading to other plots. Pernicious plants must be eradicated. Briercliffe with Extwistle Parish Council's Weed Spraying Policy must be adhered to at all times.

No new trees are allowed to be planted on an allotment plot or any other part of the site.

Children's play equipment such as swings and paddling pools are not permitted without the express written permission of the Parish Council.

Business or trade use of an allotments plot is strictly forbidden.

Organic gardening, composting, recycling and promoting biodiversity are positively encouraged by Briercliffe with Extwistle Parish Council on all allotments sites.

Policy Statement 11 – Termination of Tenancy

Enforcement proceedings will be initiated, which may result in the termination of tenancy if the terms of the Tenancy Agreement have been broken in the opinion of Briercliffe with Extwistle Parish Council Allotment Committee.

Briercliffe with Extwistle Council will not refund any rent or water charges accrued, which will contribute towards the cost of terminating the tenancy, and will pursue any unpaid debt.

Plot holders may voluntarily terminate their tenancy at any time.

Policy Statement 12 – Leaving a Plot

When a plot holder leaves a plot, it should be in good condition and free of any buildings, fencing or other structures not in a good, usable order.

Briercliffe with Extwistle Parish Council will clear plots that are not in an acceptable condition and will recharge the departing plot holder. Briercliffe with Extwistle Parish Council will not be held responsible for any losses in produce or materials arising from this action.

It is the responsibility of the plot holder to inform Briercliffe with Extwistle Parish Council of any change of address and update any other information relevant to their tenancy, such as illness or incapacity. Any communication will be sent to the latest address provided, and will be deemed by Briercliffe with Extwistle Parish Council to have been delivered to the plot holder.

5. Regulations

Policy Statement 13 – Nuisance

A plot holder must not cause or permit any nuisance to any other plot holder or to the owners or occupiers of any adjoining or neighbouring property on the allotments, garages, pathways or entrances to the sites.

Grass trimmers create a noise nuisance and should not be used at inconsiderate times out of consideration for neighbours and other plot holders. Strimmers may only be used between the hours of 8:00am until 9:00pm.

A plot holder must not obstruct or encroach onto any path or roadway used or set out by Briercliffe with Extwistle Parish Council or used by the owners or occupiers of any adjoining or neighbouring property.

Briercliffe with Extwistle Parish Council will not tolerate any threatening, violent or intimidating behaviour by plot holders under any circumstances. If

the Parish Council determines that this behaviour is displayed in connection with an allotment or garage tenancy, it is irrelevant if this is not on Parish Land.

Any plot holder found guilty in a court of law of offences involving an allotment plot or other plot holders will be given immediate notice to terminate.

Policy Statement 14 – Fires

The use of fires to dispose of Allotment waste is strongly discouraged as smoke creates a nuisance to other plot holders and neighbours.

It is strictly forbidden to bring waste onto an allotment site for burning.

Compostable material should be actively recycled and the burning of compostable material is actively discouraged. Recyclable material must not be burned.

Bonfires must be built on the same day as they are lit to prevent harm to small mammals which use unlit bonfires as habitat.

The amount of material burned must be kept to a minimum. Where possible use alternative methods of disposal such as a household waste recycling centre.

The duration of any fire should be minimised.

Bonfires must be of a manageable size, and never left unattended.

Bonfires must be fully extinguished before the plot holder leaves the site.

In order to reduce the nuisance of smoke:

- Keep smoke to a minimum by only burning dry waste
- Consider wind direction in order that smoke does not cause a nuisance to residents of nearby properties
- Never burn items that produce noxious smoke such as plastics, vinyl, rubber, carcasses etc

Policy Statement 14 has been developed in consultation with the Fire Service in response to concerns about fire safety, and with Environmental Health in response to concerns about poor air quality and smoke nuisance complaints.

Policy Statement 15 – Animals and Livestock

Allotment plots must not be overstocked and tenants considered to be overstocked will be advised of this fact.

Cockerels are permitted on the Allotment, however, if complaints are received about noise alternatives will be discussed with the tenant on a case by case basis. These may include letting out and putting away times, but as a last resort may result in the need to remove the cockerels. .

Pigeons are strictly forbidden on the Allotments.

No other animals or bees are allowed to be kept on allotments plots without the express written permission of the Allotment Committee.

Plot holders must comply fully with the Animal Welfare Act 2006.

On adoption of this policy, this statement will apply to all future tenancies. Existing non-compliant stock will be permitted to remain for a period of 2 years commencing on the 1st April 2017.

Policy Statement 16 – Dogs

Dogs must be kept on a short lead at all times and must never be left unattended.

Dogs must not cause a nuisance, by barking for example.

Dog fouling must be cleared up by the dog owner and disposed of responsibly off site.

Dogs must not be permanently housed on an allotment site. Signs will be provided to this effect.

On adoption of this policy, this statement will apply to all future tenancies. Existing dogs will be permitted to remain for a period of 2 years commencing on the 1st April 2017.

Policy Statement 17 – Inflammable Substances

Inflammable substances include inflammable oil-based liquids such as petrol and creosote, and all varieties of bottled gas, with the exclusion of small camping gas bottles for the use of heating water.

Inflammable substances can only be brought onto allotments sites if they are required for a legitimate purpose related to tending an allotment plot.

Inflammable substances are not allowed to be stored on an allotments plot.

Where such substances are temporarily brought onto site, they must be handled and used strictly in line with manufacturers' guidelines and transported in containers specifically designed for this purpose – and then removed from site immediately after use.

Policy Statement 18 – Water

Allotments with access to a water source will be charged for the use of the water. The previous year's water costs will be equally sub-divided between all tenants with direct access to a water source.

Any new shed requests on the allotment must include the installation of a water butt unless the express permission not to is granted by the Parish Council.

Policy Statement 19 – Asbestos

It is strictly forbidden to bring any asbestos, or products containing asbestos, onto an allotments site.

Any material that is believed to contain asbestos should be reported to Briercliffe with Extwistle Parish Council who will arrange for it to be safely removed by qualified contractors if it is deemed hazardous in its existing condition and location.

Briercliffe with Extwistle Council will pass removal and disposal charges onto a plot holder who is known to have brought any harmful materials onto site.

If in any doubt, plot holders should contact Briercliffe with Extwistle Council.

Policy Statement 20 – Pest Control

Pest control on allotment sites is the responsibility of plot holders not Briercliffe with Extwistle Parish Council.

Briercliffe with Extwistle Council will take action against plot holders who fail to adopt good husbandry practices in order to deter rodent infestation. Briercliffe with Extwistle Council will pass on remediation costs to plot holders at fault.

Policy Statement 21 – Buildings, fencing and structures

Any buildings, fencing or other structures that are considered to be unsafe in the opinion of the Allotment Committee will be removed by the plot holder or by Briercliffe with Extwistle Parish Council and charged to the plot holder.

Existing buildings, fencing and other structures must be of an appropriate design, fit for purpose and in a good state of repair. Buildings, fencing and other structures which are not acceptable in the opinion of the Allotment Committee will be removed by the plot holder or by Briercliffe with Extwistle Parish Council and charged to the plot holder.

Any new buildings, fencing or other structures should be to a commercially built standard and must not make use of cement or other bonding materials in their construction, including bases without the express written permission of the Parish Council. All new buildings require the express written permission of the Allotment Committee. Requests for new buildings must be made in writing to the Allotment Manager. Asbestos materials are strictly forbidden.

Fencing used on allotments plots should be no higher than 1.6m and should not prevent an unhindered inspection of the whole plot. Barbed wire is not permitted for any fencing that adjoins any pathways or that may cause harm to other plot holders.

It is forbidden to stay overnight or live on an allotment plot.

Plot holders are advised to submit designs and location plans of any proposed buildings, fencing or other structures for approval to avoid the risk of having to subsequently remove or relocate them.

New plot holders can request that buildings, fencing and other structures should be left behind. In these cases, the plot holder takes on full liability for their condition, safety and eventual removal.

Policy Statement 22 – Vehicles

Motor vehicles are not allowed onto an allotments site other than to access a car park or garage.

Storage of motor vehicles, trailers and caravans on an allotment plot is forbidden. Removal of the wheels does not make storage of a vehicle permissible.

Tyres must not be brought onto an allotments site for any purposes without the express written permission of the Parish Council.

Vehicle users found to be purposefully leaving the barrier open with good reason will receive a warning. More than 2 warnings will result in a termination of the tenancy.

Policy Statement 23– Waste Management

Plot holders are wholly responsible for correct handling and proper disposal of waste from their allotment plot.

It is strictly forbidden to bring waste or other harmful material onto an allotments site.

Fly tipping, dumping of waste or adding to dumped waste on any part of an allotment site is strictly forbidden and will result in immediate termination.

The use of old carpets as a weed suppressant is not permitted.

6. Charges

Annual charges to plot holders consist of allotment rent, and a standing charge for water if a mains supply is available on site.

Rent and water charges are added together and invoiced on the same bill.

Policy Statement 24 – Allotment Charges

The cost of providing allotments will be covered by the charges levied to plot holders. Rent collected will cover management and maintenance costs, and water charges will cover the water bill.

Invoices will be due from the 1st April each year. Non-payment after 40 days will be taken as an indication of cessation of tenancy. Unpaid monies will be pursued.

Full rent and water charges will be payable for plots taken up before the end of June in each year. For plots taken up after June charges will be pro rata for the number of full months remaining to run up to 31st March. No charges will apply for plots taken up after 30th November for that financial year.

Water Charges

Policy Statement 25 – Water Charges

A standing water charge is payable annually for each plot where a mains water supply is available on site. No concessions are available on this charge.

Briercliffe with Extwistle Parish Council reserves the right to amend water charges to any plot holder found to be misusing or abusing the supply.

The standing charge for water is based on an estimated annual usage divided equally by the total number of plots with access to mains water.

The charge will be reviewed annually in line with changes in tariffs set by United Water and the amount of water used. This should incentivise frugal use of water and prompt reporting of leaks

7. Letting Procedure

On acceptance of an offer of a tenancy, the Allotment Manager will arrange to meet the new tenant on site. The Allotment Manager will complete the New Tenant Site Inspection form (Appendix 1) with the tenant and take a minimum of 2 photographs of the plot.

The Allotment Manager will agree with the tenant all remedial work required on the plot to bring it to an tenable standard.

The Allotment Manager has authority to approve any remedial work required to make the plot tenable up to a maximum value of £50. This may include the removal of waste, huts and greenhouses not required by the new tenant or repairs to fencing.

The Allotment Manager also has the discretion to reduce the rent up to a maximum of £50 to compensate the new tenant for carrying out any remedial work required as above.

On completion of the site inspection form, the Allotment Manager will then complete the following:

1. New Tenant Deposit Form (Appendix 2) and collect the deposit amount;
2. New tenant's tenancy agreement (Appendix 3) signed by the tenant and collect any outstanding rent required.
3. Provide the Tenant with a receipt and retain a copy for the records.

8. Allotment Manager Report

All requests on the Allotments are to be made in writing to the Allotment Manager. This includes requests for sheds, huts and greenhouses. The Allotment Manager has authority to approve new sheds, huts and greenhouses that are a replacement on a 'like for like' basis. Additional items or changes to existing items must be reported to the Allotment Committee for a decision.

The Allotment Manager will provide a report to each meeting of the Allotment Committee outlining:

1. All new Application Forms received
2. The up to date waiting list order
3. A list of vacant or due to be vacated plots
4. All new tenancies let with copies of the Site Inspection Form, Deposit Agreement, tenancy and receipt
5. The total amount of rents and deposits collected and transfer this money to the Clerk
6. Requests for changes to allotments, including sheds, hut, greenhouses and fences.
7. Any requests received for maintenance work
8. All issues/complaints received regarding the allotments or garages

9. Glossary

Any references to the Allotment Manager also include the Assistant Allotment Manager when the position is filled.

Any references to Briercliffe with Extwistle Parish Council include the Allotment Committee where delegated authority has been granted

Any references to the Allotment Committee refers to the Briercliffe with Extwistle Parish Council where delegated authority has not been granted

The Clerk is the Parish Clerk and responsible Finance Officer to Briercliffe with Extwistle Parish Council

The Allotment Manager is the Manager appointed by the Allotment Committee to Briercliffe with Extwistle Parish Council

The Parish Council refers to the Briercliffe with Extwistle Parish Council.