



# Consultation Document November 2019 Revision 3

## Key

In Both Versions – Black Text

Removed from Council Version – Red Text

Included from Associations Version – Blue Text

Additional text to correct grammar – Green Text

The Allotment Tenant Self-  
Management Proposal



# The Allotments Tenant Self-Management Proposal

## Scope of Proposal

This proposal applies to the Harrison Street allotments and garage sites managed by belonging to Briercliffe with Extwistle Parish Council and NO other sites belonging to the Borough, Parish Council or privately owned site. It does not include garages in Council ownership or storage containers.

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

## Aims of Proposal

- To improve the maintenance and management of the allotments for the tenants, residents and neighbours—~~plot holders, neighbours and residents~~ by transferring some of the Council's Allotment functions to a ~~tenant run group taking over the site~~ from the Briercliffe Parish Council to be run by a tenant association.
- To allow tenants to form a committee to run the allotments.
- To retain all the rent money collected to fund maintenance, management of the allotments, garages and water included under this agreement.
- To allow tenants to address long waiting lists and high demand for allotments plots
- ~~To set an agreed 'Management Proposal' for Allotments and Garages~~
- ~~To ensure that the allotments service is totally funded by those who use the service~~
- To give tenants more control of the allotments by giving them the ability to prioritise all maintenance to be carried out
- To ensure that any changes to policies and tenancies are made after a full consultation with tenants, all tenant concerns are listened to and addressed wherever possible

## 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.~~

~~Historically the Council has managed the Allotments through a delegated Allotment Committee and a volunteer Allotment Manager. The position of Allotment Manager is currently vacant.~~

~~The Council has previously resolved that all funding collected by means of the Allotment rents would be used to maintain the Allotments.~~

~~There are a number of outstanding issues of maintenance such as drainage, pathways, hedging, grass cutting and perimeter fences. There are insufficient funds available to carry out all required maintenance and a priority system has been used.~~

## Briercliffe with Extwistle Council Allotments Proposal

Briercliffe with Extwistle Parish Council will retain the right to update the Allotments Self-Management Proposal at a time of its choosing in line with Briercliffe with Extwistle Parish Council procedures, after full consultation with tenants.

~~The consultation document will be sent to all allotment tenants for consideration prior to the next consultation meeting. A map of the allotments included in the agreement is to be supplied. The Council owned garages not included in the agreement are to be identified on the map. The documents are to be made available on the website and from the Allotment Society hut.~~

### 1. Management of Allotments

~~The Management of the Allotments could be transferred to a tenant's group, this could be the pre-existing Allotment Association or a newly constituted group for this purposes, the group will be referred to as the Forum.~~

#### **Proposal Statement 1 – Transferred Authority**

~~Briercliffe with Extwistle Parish Council is looking to transfer management of the Allotments to a Forum. This could be through the existing Allotment society or a new group. A new group would need to agree:~~

~~To sign over transfer management of the allotments site on the end of Harrison Street to Briercliffe Allotment Association. The Association will agree:~~

- A constitution;
- To form a committee of tenants with a minimum of 3 people;

- ~~A structure such as officers and number of Forum members;~~
- ~~A membership system, this should at least be limited to Council tenants only in the first instance and a minimum of 3 people. It can only contain Parishioner Members who contribute to the Parish Council Precept;~~
- ~~Where to meet, the Community centre would be available for the group to use at the standard cost or an alternative venue could be sought~~
- Frequency of meetings;
- Format of meetings.

~~Briercliffe with Extwistle Parish Council may delegate all or some of its Allotment functions to a Forum under the 1908 Allotment Act, it can allow the Forum to run the functions of the Allotments. Financial decisions can also be delegated to a Forum.~~

### **Proposal Statement 2 – Self Managed Authority**

The ~~Forum will take on all of the following~~ Briercliffe Allotment Association Committee will take on the following functions:

- Collection of the Annual rent, to be paid into a Forum set up Bank Account;
- Collection of the Annual Water Rates, to be paid into a Forum set up Bank Account and pay the bill;
- Management and carry out all maintenance on the Allotments, including regular and one-off maintenance;
- Management of the waiting list, new allotment applications and agree tenant lettings to of plots;
- To appoint an allotment manager;
- ~~Prioritisation of~~ Prioritise allotment maintenance requirements up to the maximum of the income collected;
- Settle disputes on the allotments;
- Carry out allotment site inspections and send out requirement letters if needed letters;
- ~~Approve requests for sheds and huts and other allotment structures;~~
- Deal with all allotment enquiries;
- Approve requests on the allotments for sheds act;
- Maintain the allotment tenant's data for rent purposes;
- Set the rent levels each year with 12 months' notice for of increases;
- Apply for external funding grants to increase the income and carry out major works projects;
- Agree amendments to allotment plots, such as splitting or combining plots;
- Ensuring allotment tenancies and policies are adhered to;
- Terminate tenancies that are in clear breach such as non-payment of rent or failure to follow requirements with sufficient notice of their tenancies.

## 2. Management of applications, waiting lists and new tenancies

Applicants for allotment plots would be made directly to the Forum

### **Proposal Statement 3 – Application, Waiting List and New Tenancy Management**

Carried out by Briercliffe Allotment **Committee**

Application is by the formal application form only, no other format of application is permitted. The Application form should be returned to the Forum 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 Forum.

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 Forum, in writing, to the applicant who is at the top of the waiting list and 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 Forum.

The Forum will judge each application for eligibility for inclusion on the Waiting List. There will be an appeals process.

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 re-join 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 Forum.

The Forum will periodically contact applicants on the waiting list and remove those who are no longer interested or eligible, or who do not reply.

### **Proposal Statement 4 – Finances**

**Comment [sw1]:** the name needs to be consistent throughout the documents, it refers to the Briercliffe Allotment Association, Briercliffe Allotment Association Committee, Briercliffe Allotment Committee, inconsistent names leads to legal problems.

The Forum would collect the Annual Rents from all Allotments and non-Council owned garages and transfer this to their bank account. The total rent collected would form the Allotment Budget for that financial year. Any non-collected rents would not be included in the budget.

The Forum would then agree the priority maintenance work to be carried out from this budget up to the maximum amount of the total rents collected. The Forum orders this work and pays the invoices.

The Forum would have to decide if it wished to use the Parish Lengthsman or other contractors for the work. If the Forum chose to use the Parish Lengthsman they would contract with him independently of the Council, provide instructions directly to the Lengthsman for the priorities to be carried out and pay the invoices direct. The Forum would sign off that the work has been carried out to their satisfaction.

Any outstanding amounts at the financial year end would transfer to the next year's allotment budget.

Outstanding unspent allotment funds from 2016 and 2017 will be transferred to the Forum as a gesture of good will. This figure is estimated at £1,056.

The Forum will be responsible for the collection of the water rates at a value matching the previous year's expenditure. The Forum will take over paying the water rates, should these exceed the previous year, the Council will loan the Forum the difference until the next years rates are collected. If the rates are less than the previous year, the Forum will repay the Council.

The Council will transfer all deposits to the Forum. The Forum will collect all new deposits, including gate key deposits to be held by the Forum. The Forum will refund all deposits paid subject to plots being left to the satisfaction of the Forum, any costs to make plots tenable are to be agreed by the Forum prior to work commencing and will be taken from the deposits prior to refunds.

The Forum cannot apply to the Council for additional funding.

The Forum would be responsible for all the day-to-day management of the Allotments.

#### **Proposal Statement 5 – dealing with issues**

The Forum would deal with all allotment enquires and deal with all issues on the Allotments. Decisions made may be delegated to a sub-committee of the Forum for example a dispute resolution committee that investigates and determines the outcome of disputes.

There is a right of appeal of all Allotment Forum decisions.

### Proposal Statement 6 – Retained by the Council<sup>[sw1]</sup>

Some functions would remain with the Council, these include:

- Setting new and amending existing Allotment Policies, in consultation with the Forum<sup>1</sup>;
- Setting the terms of the tenancy agreements, in consultation with the Forum<sup>1</sup>;

<sup>1</sup> The Council has sought legal advice from the National Association of Local Council's solicitor with regards to policies and tenancy changes being with the Forum's agreement. The advice received states that, as the Council will remain as the Landlord and the Forum will be acting as a management agent, the Council cannot legally permit the Forum to agree policy or tenancy changes and these must remain in the sole charge of the Council. However, the Council is still committed to only make changes to both policies and tenancies with the full consultation of tenants and only where it deems these changes to be absolutely necessary.<sup>[sw1]</sup>

### Proposal Statement 7 – Policies

The Forum must act in accordance with all existing and any new Council policies for the Allotments and ensure that all tenants comply with the policies.

It is the responsibility of the plot holder to inform The Forum 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 to have been delivered to the plot holder.

### Allotment Manager

1. To carry out day to running on the allotments
2. To pass on enquiries of allotments, problems on allotments, maintenance problems, updated on the waiting list
3. Make a report for the meeting of the Committee.

### Proposal Statement 8 – meetings

The Forum is association will be responsible for all arrangements of for Forum meetings, which must abide by legislation as per Council meetings, such as booking a venue, collating an agenda, providing notice of the meetings and

keeping an accurate set of minutes of meetings. The Forum minutes must be made available to the public.

1. The minutes of the meeting will be made available for the council to see
2. A council representative will be permitted to attend the meeting, however there will be no automatic right to speak at meetings
3. A representative of the Briercliffe Allotments Association Committee will attend a council meeting every six months with a report on how things are on the allotments
4. To send an end of year report to the Briercliffe Parish Council

Forum meetings must be Public Meetings in the same manner as Council meetings, however there will be no automatic right to speak at Forum meetings.

The Council's Allotment Committee will be disbanded. Joint meetings of the Council and the Forum will be convened as required.

A Forum representative may attend Council meetings and provide a feedback report on the actions taken by the Forum, these could include but are not limited to:

- The total amount of rent collected;
- The number of new applicants and the number on the waiting list;
- A list of all tenancies terminated and the reason for the termination;
- The Minutes of the Forum meetings;

Council refers to the Briercliffe with Extwistle Parish Council.