



**Consultation
Document
January 2020
Revision 5**

**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 site 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.

Aims of Proposal

- To improve the maintenance and management of the allotments for the tenants, residents and neighbours by transferring the Council's Allotment functions from Briercliffe Parish Council to be run by a tenant association.
- To allow tenants to form an Association to run the allotments.
- To retain all the rent money collected under this agreement to fund maintenance, management of the allotments, garages and water.
- To allow tenants to address long waiting lists and high demand for allotments plots
- To give tenants more control of the allotments by giving them the ability to prioritise all maintenance to be carried out

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.

Transferred Authority

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

- A constitution;
- To form an Association of tenants with a minimum of 3 people;
- The Association can only contain Parishioner Members who contribute to the Parish Council Precept;
- Where to meet,
- Frequency of meetings;
- Format of meetings.

Self-Managed Authority

The Briercliffe Allotment Association will take on the following functions:

- Collection of the Annual rent, to be paid into an Association set up Bank Account;
- Collection of the Annual Water Rates, to be paid into an Association set up Bank Account and pay the bills;
- Manage and carry out all maintenance on the Allotments, including regular and one-off maintenance;
- Manage the waiting list, new allotment applications and agree tenant letting of plots;
- To appoint an allotment manager;
- Prioritise allotment maintenance;
- Settle disputes on the allotments;
- Carry out allotment site inspections and send out requirement letters if needed;
- Deal with all allotment enquiries;
- Approve requests on the allotments for sheds act;
- Maintain the allotment tenant's data for rent purposes;
- Set rent levels each year with 12 months' notice of increases;
- Apply for external funding grants to carry out major 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 of their tenancies.

Application, Waiting List and New Tenancy Management

Carried out by Briercliffe Allotment Association

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

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 Association, 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 Association.

The Association will judge each application for eligibility for inclusion on the Waiting List.

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 Association.

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

Finances

The Association 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 Association 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 Association orders this work and pays the invoices.

The Association would have to decide if it wished to use the Parish Lengthsman or other contractors for the work. If the Association 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 Association 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.

The Association will be responsible for the collection of the water rates at a value matching the previous year's expenditure. The Association will take over paying the water rates, should these exceed the previous year without reserves being available, the Council will loan the Association the difference until the next years rates are collected. If the rates are less than the previous year, the Association will retain the difference to be used as a reserve for

years with an excess.

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

The Association cannot apply to the Council for additional funding.

Retained by the Council

Some functions would remain with the Council, these include:

- Setting new and amending existing Allotment Policies, in consultation with the Association;
- Setting the terms of the tenancy agreements, in consultation with the Association;

Policies

The Association 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 Association 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 Association.

meetings

The Association will be responsible for all arrangements of meetings, providing notice of meetings and keeping an accurate set of minutes of meetings.

1. The minutes of the meeting will be made available for the council to see within 1 month of each meeting
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 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

Council refers to the Briercliffe with Extwistle Parish Council.

Association refers to the Briercliffe Allotment Association.