



# **ALLOTMENTS LETTINGS AND MANAGEMENT POLICY**

Approved by Council on 24 March 2021  
Review Date: March 2023

## **Summary**

Seaton Valley Council values the provision of allotments to the people of Seaton Valley as they provide a wide range of benefits to the community and the environment. Allotments are not just a way of providing low cost wholesome food; they also promote a healthy pastime for local residents involving exercise, social contact and fun; and increase the sustainability of the area.

## **Introduction**

Seaton Valley Council aims to provide allotments for all areas of Seaton Valley to ensure that they are available to a reasonable number of residents.

Nationally there is a shortage of allotments and there is a waiting list for most of the sites within Seaton Valley. This policy has been developed to try to ensure that our sites are fully utilised and cared for appropriately.

## **Purpose**

This policy will define the responsibilities of all parties to establish the principles that will guide the management of allotments within Seaton Valley. Hopefully, this will lead to improved sites and create greater community ownership. We aim to encourage and increase the usage of allotment sites for both existing and potential new tenants by developing good partnerships with tenants.

The policy will:

- Set standards for the tenant to adhere to
- Encourage the uptake of allotments
- Enhance the standard of service provision

## *Definition of an Allotment Garden*

*Section of the Allotments Act 1922 defines the term “allotment garden” as “an allotment not exceeding 40 poles [1011.72m<sup>2</sup>] in extent which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family.”*

## **Equality and diversity**

The enforcement of this policy will benefit all residents, tenants and visitors by providing a safer environment and fair access to allotment gardening. Allotments will be allocated in strict accordance with any waiting lists in operation and the allocation process will not be influenced by applicant's age, disability, ethnicity/race, gender, religion/belief or sexual identity.

## **Day-to-day management**

The Council will take responsibility, along with the Clerk and Services Officer, for applying this policy and make any decisions or take action on any issues that may arise.

The Council will delegate day to day management of its allotments to the Services Officer who is duly authorised to sign tenancy agreements on the Council's behalf. The Services Officer will also be responsible for maintaining the Register of Allotment Gardens for Seaton Valley.

The Services Officer will aim to undertake at least two inspections of each allotment site each year (from 1 April to 31 March).

## **Age and residency for allotment tenancies**

Seaton Valley Council will only grant new allotment garden tenancies to people living within the administrative boundary of Seaton Valley Council and who are a minimum of 18 years of age. The allotment garden can only be held in one name, although joint tenancy agreements will be

considered from immediate family and partners (see Co-workers heading below).

Once a tenant permanently moves out of the Seaton Valley Council boundary they will be required to give up the tenancy of their allotment garden. Tenants who held tenancies prior to April 2016 and who already lived outside of Seaton Valley will be allowed to retain their allotment garden until the end their tenancy, however, they will not be allowed to move plots or sites.

### **Waiting list and allotment allocations**

The Council will maintain a waiting list for allotments in chronological order of receipt of applications and will delegate responsibility of offering vacant plots to the Services Officer from those applicants on the registered waiting list (in strict chronological order).

Allotments will be offered on a “first come, first served” basis.

Individuals will be placed on the list in date order upon receipt of a completed application form.

When a plot becomes vacant at a particular site it will be offered to the person highest up the waiting list who has indicated a preference for that site (or who has said they will accept any site). Should this person decline more than two separate offers of a plot on any of the sites they have indicated a preference for, they will be removed from the list. They will be entitled to re-apply but if they choose to do so, they will be placed at the bottom of the list.

It is the responsibility of all applicants and tenants to keep the council informed of any change in their personal details. Seaton Valley Council will periodically write to those on the waiting lists to ensure details are correct and that an individual wishes to remain on the list. Failure to respond to these requests will result in the applicant being removed from the list.

The Council reserves the right, not to grant an allotment garden tenancy, where there is evidence of previous plot misuse or a history of previous enforcement action being taken against an applicant.

### **Co-workers**

A co-worker is someone who assists the allotment garden tenant with the maintenance of an allotment garden. However co-workers have no legal tenancy rights and are not responsible for any part of the annual rent. Subletting to co-workers is not permitted and the tenant must retain a regular involvement in the maintenance of the allotment garden. The tenant will always be responsible for the maintenance of the plot even if he or she chooses to nominate a co-worker.

The council will allow the tenant of a garden allotment plot to register another Seaton Valley resident as an “allotment garden co-worker” by completing an Allotment Co-worker Agreement form and submitting it to the Services Officer. The form must be signed by both the tenant and the co-worker. A tenant may register up to two co-workers.

Co-workers are obliged to abide by the Allotment Rules and Conditions. Any breaches of the Allotment Rules and Conditions will result in a review of the tenancy. The tenant is therefore responsible for the co-worker’s actions at all times and both the tenant and co-worker would be required to vacate the plot if the tenancy had to be terminated by the Council for any reason. It is the responsibility of the co-worker to become aware of, and comply with, the allotment tenancy rules.

The transfer of the tenancy to a co-worker is not guaranteed. Requests for such a transfer to take place will be considered on an individual basis and the council reserves the right to allocate an alternative plot to the co-worker if it feels that such action will benefit the allotment site as a whole.

The tenant is allowed to terminate a co-worker agreement at any time by contacting the Services Officer in writing.

### **Rental charges**

Allotment rent levels are reviewed on an annual basis and are set for the forthcoming year at the Council's Annual Budget Meeting in January. The rent year starts on 1 April and runs until 31 March of the following year.

Where a tenancy begins after 1 April, an apportioned rent will be charged for the first year.

Rent free allowances and/or reduced rents may be considered in exceptional circumstances

### **Use of land**

The land is to be used solely as an allotment garden in accordance with the Allotments Act 1922 and this policy. Tenants must use allotment gardens for their own personal use and must not carry out any business or sell produce from the Allotment.

No businesses, charities or groups will be offered a plot.

### **Cultivation**

Tenants must keep their plots clean and tidy, in good condition and in a reasonable state of cultivation and fertility. This is taken to mean that a minimum of 50% of the plot area is either in readiness for growing, well stocked with produce (relevant to the time of the year) or being made ready for crops or being prepared for the following season. The remaining 50% of the allotment area is to be kept tidy.

The tenant must take all reasonable steps to eradicate weeds such as thistles, ground elder, nettles, ragwort, and brambles and ensure that they do not spread to other plots. Tenants must not cause a nuisance to other plot holders by allowing weeds to seed.

The tenant will be responsible for dealing with any moles or rats which enter their plot. The council will charge plot holders if they feel it is necessary to take action itself to eradicate any pests or seeding weeds that have multiplied as a result of a tenant's inaction.

The tenant is also responsible for maintaining the half width of any paths / tracks separating or adjacent to the allotment garden, as stipulated within the tenancy agreement.

### **Use of chemical sprays and fertilizers**

The tenant will take proper precautions when using sprays or fertilizers to avoid or minimize any adverse effects on the environment or on neighbouring allotment gardens, and must comply at all times with current legislation Regulation (EC) No 1107/2009. Spraying should only take place when conditions are still and calm.

### **Nuisance**

The tenant must not cause or permit any nuisance or annoyance to the occupier of any other allotment or obstruct or encroach on any communal access paths or roads.

Any allotment garden tenant found guilty in a court of law of offences involving the use of their allotment garden for inappropriate or illegal purposes will be given immediate notice to quit. The same will apply if, in the reasonable opinion of the council, the tenant has threatened, used violence and/or intimidation against another allotment garden tenant or the owners or occupiers of adjoining or neighbouring property.

Similarly any threats of violence or intimidation towards any Council Officer or Councillors will not be tolerated and will result in an immediate Notice to Quit being issued.

### **Vehicles**

Tenants must not bring or place any vehicle, caravan, trailer or vehicle parts onto the allotment other than on a temporary basis with permission from the Services Officer. Such permission will only be granted for the purpose of transporting garden supplies to the plot.

Tyres must not be kept or stored on garden sites. If tyres are currently kept on garden sites they must be removed immediately.

### **Gates to sites**

All site entrance gates must be kept closed at all times, Failure to adhere to this rule may result in offending tenants having their tenancies terminated.

Tenants should not attempt to repair gate locks that appear not to be working; such problems should be reported to the Services Officer as soon as possible so that they can organise an appropriate repair.

### **Livestock**

Livestock will be allowed to be kept on allotments under certain conditions and where they will not cause any nuisance, either to other allotment holders, or to residents of neighbouring properties.

This will be decided by the council on a site by site basis and also on an individual allotment plot basis and permission must be obtained prior to delivery of any livestock.

The Services Office may issue guidance from time to time on livestock housekeeping good practice. This guidance should be followed, as far as practicable, by all plot holders who look after livestock on their plots.

No new cockerels will be permitted to be brought onto allotments with immediate effect. Any cockerels that are already in situ on allotments should be registered with the Services Officer.

Existing cockerels will be allowed to live out their natural lives but will not be permitted to be replaced.

Should any cockerel be reported for making a nuisance the tenant will be asked to take immediate steps to have it removed from the site.

The responsibility to provide fresh water and food for livestock lies with the tenant and not with the council.

There will be no large animals e.g. horses, allowed on the allotments gardens in Seaton Valley.

No dogs are to be left unattended or left overnight on the allotment gardens. Tenants can bring their own dogs onto their allotments but tenants must ensure that their dogs are on a secure lead in public areas of the site. Dog owners must comply with Dog Fouling By-Laws and pick-up and appropriately dispose of dog waste off site.

### **Not to display advertisements**

The tenant is not to display or permit to be displayed on any part of the allotment garden, any sign, notice, placard, advertisement or writing of any kind, other than the plot letter or number.

### **New tenancy requirements**

All tenancies shall be with an individual and joint tenancies shall only be allowed in exceptional circumstances (as determined by the council). The Tenant may involve a partner, relative or friends in maintaining the allotment but this shall not incur any rights to them concerning the tenancy in any circumstances.

All new tenants will only be permitted to rent one plot except in exceptional circumstances.

All new tenants will be required to pay an initial up front deposit (over and above the first years' rent) of £50 at the start of their tenancy; this deposit will be refunded at the end of the tenant's tenancy if their plot is left in a reasonable condition. The level of the upfront deposit will be reviewed periodically.

All new tenants will be subject to an **Introductory Tenancy** of six months under which the tenant agrees to forfeit the allotment and any fees paid (without reservation) if it is found that they have either not cultivated the allotment or find that they cannot manage the allotment. Within three months of this six month introductory period, the Service Officer will inspect the plot and raise any concerns they may have with the tenant.

### **Hedges and Internal fences**

All site external boundary fences are the responsibility of the council and must not be tampered with by any individual.

All internal hedges surrounding a tenant's individual plot are the responsibility of the plot holder and should be maintained to an adequate standard. If the council has to provide the labour for the hedge to be cut then the cost will be billed to the plot holder.

Internal fences should be made of wood, and be a maximum of 4 feet high.

If internal fences are found to be in bad repair the plot holder must make good the fence. Any existing internal fences that are more than the maximum height should be reduced in height as and when they are replaced.

### **Barbed wire**

No barbed wire should be used on site at all; any barbed wire still on plots at present will need to be removed straight away.

### **Structures and Dimensions**

A plot holder is allowed to erect a single shed and either a greenhouse or a polytunnel on their plot, but only if they meet the following guidelines:

The maximum size of shed (or greenhouse) permitted is 10' x 8' (approx. 3m x 2.5m) and for polytunnels is 20' x 10' (approx. 6m x 3m).

Structures should not be erected without the prior written permission of the Services Officer.

All sheds, greenhouses and water containers must be kept in good condition at all times.

A gap of at least 2ft (60cm) should be left between any structure and the boundary fence of any private garden abutting the allotment garden.

Sheds should be used solely for storing materials for use on the allotment garden. Because of the risk of break-ins, it is not advisable to store any valuable items in wooden sheds. Tenants are entirely responsible for the security of sheds and their contents as well as for providing any insurance cover.

### **Other Structures**

Large wagon bodies or big metal containers are not allowed to be brought onto allotment gardens.

Where clear evidence can be provided by existing tenants that containers have been on an allotment garden before the date of this policy, the council will consider granting an exemption, but this will be entirely at the council's discretion based on the location, plot history and any evidence provided.

Any existing pigeon lofts may remain, but new ones cannot be constructed without seeking prior approval from the council. Written advice should be sought prior to any planned major refurbishment of existing pigeon lofts.

The tenant will be entirely responsible for seeking planning permission where required and any associated costs involved. Additionally, tenants must make provision for the Pigeon Lofts to be removed at the end of their tenancy. If such provisions aren't made, the council will seek to recover the costs of removing the lofts from the tenant.

### **Chimneys/Heating**

No chimneys are permitted

Permission will not be given for generators or any form of heating/electricity other than wood burning systems (which must adhere to the regulations regarding smokeless fuels & wood burning appliances).

### **Bonfires**

Tenancy holders must comply with the following rules with regard to lighting fires on their allotment garden in order that any nuisance caused to nearby residents is minimised. Failure to do so will lead to termination of the tenancy.

- Compost as much garden waste as possible
- Lighting of fires will be limited to the period 1 October to 31 March
- Always light fires during daylight hours and **ONLY** when the wind is blowing away from local residences
- **DO NOT** burn anything other than garden waste and ensure it is dry before setting it alight
- Co-operate with other allotment holders so as to reduce the number and frequency of fires
- **ALWAYS** supervise a fire whilst burning and ensure it is fully extinguished before you leave
- **ALWAYS** take precautions to stop the fire spreading and do not light fires near paths or boundary fences
- Greenhouse and shed heating systems should only be fuelled by smokeless fuel products.

### **Firearms**

There is a total ban on the use or storage of any firearms, including guns, air rifles and cross bows on allotment gardens, which may be used for pest control or recreation.

### **Water Supply**

There must be no tampering with any water supply within any allotment site. Any tenant found tampering with the water supply will be liable for the cost of repair to the existing pipework.

No tenant is allowed to add their own water tap and risks losing their tenancy if found to have done so.

### **Access rights**

Access to plots will be via the recognised entrance. No other entrances to plots are to be made without first consulting the Services Officer. All such consultations should be in writing and be accompanied by plans and/or drawings.

Tenants should not make their own private entrances to allotments by creating a gate (or other entrance) within a boundary fence as such entrances compromise the security of allotment sites.

### **New allotment sites**

The council is committed to providing an adequate number of allotment gardens within Seaton Valley and will consider acquiring new land for allotments when any appropriate land becomes available.

### **Access after dark**

Tenants are not normally allowed to be on allotment sites after dark. However, if access is required, express permission should be sought from the Services Officer. Permission to access sites will not be granted for social gatherings or parties.

### **Visitors**

Tenants are responsible for all visitors to their plot/site and must be aware that any unacceptable behaviour from their visitors will result in their tenancy being reviewed.

### **Review Process**

The condition and appearance of allotments will be reviewed at regular intervals during the year. There will be at least two inspections in any one year.

If any allotment is not available for access for viewing the Service Officer will contact the tenant to arrange viewing access.

Following the completion of an inspection an Inspection Report will be completed and three options of action will be considered – “No action”, “Monitor”, and “Enforce”.

No Action - Most allotments are well maintained and as a consequence most reports will recommend No Action.

Monitor - The “Monitor” option will prompt a letter of concern and the plot will be monitored until the next review - photographic evidence will be taken and kept on file.

Enforce – Enforce action will prompt a warning letter which will begin the process of Enforcement.

### **The Enforcement Process**

The enforcement process comprises of:

- If a tenant doesn't take any action to improve their plot following the issuing of a Letter of Concern, a Warning Letter will be issued as a first step in the Enforcement Process
- A follow-up review will then be carried out 2 weeks after the date the Warning letter is issued
- If the tenant has still failed to improve their plot, or has not appealed against the Warning Letter (see below), a 30 days' notice of Termination of Tenancy will be issued

- At this stage the tenant should remove all personal effects from the plot and return any keys as no further appeal will be considered in the process.

### **Appeals Process**

A tenant can submit an appeal:

- During the two weeks following the Warning Letter the tenant can appeal the Enforcement Process
- This Appeal will need to be in writing, addressed to the Clerk and received within two weeks of the date of the warning letter
- The Appeal will be considered and the plot holder will be notified of the Clerk's decision in writing as soon as possible
- If the appeal is unsuccessful and/or the plot remains in an unsatisfactory condition, termination of the tenancy will be invoked.