



**Seaton Valley Council  
A Community Council**

# **ALLOTMENTS LETTINGS AND MANAGEMENT POLICY**

Approved by Council on 22 March 2023  
Review Date: March 2025

## **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, and
- 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 the 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 making any decisions or acting 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 Allotments 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 tenancies to people living within the administrative boundary of Seaton Valley Council and who are a minimum of 18 years of age. The allotment 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 until the end of 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 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 tenant with the maintenance of an allotment. 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. 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 an allotment plot to register another Seaton Valley resident as an “allotment 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 Lettings and Management Policy. Any breaches of the policy will result in a review of the tenancy. The tenant is responsible for the co-worker’s actions 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 be aware of, and comply with, the Allotment Lettings and Management Policy.

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.

Tenants can terminate co-worker agreements 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 in accordance with the Allotments Act 1922 and this policy. Tenants must use allotments for their own personal use and must not carry out any business or sell produce from the Allotment.

Businesses, charities or groups will not normally be offered an allotment 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 75% 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 25% of the allotment area is to be kept tidy throughout the year.

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 may 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 allotments and must always comply 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.

The tenant must not cause or permit any nuisance or annoyance to any adjacent housing residents or obstruct or encroach on any adjacent public/residential paths, roads, gardens or houses.

Any allotment tenant found guilty in a court of law of offences (or where evidence is sufficient to show) involving the use of their allotment 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 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, and only when permission for such temporary use has been granted by 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 allotment plots. If tyres are currently kept on plots 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 Council as soon as possible so that an appropriate repair can be organised.

## **Livestock**

Livestock should only 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.

Tenants keeping livestock need to ensure they keep up to date with current DEFRA regulations and adhere to all recommended measures relating to housing livestock on the GOV website. They should particularly ensure that they are aware of any specific measures that may be required to respond to current diseases and outbreaks.

Decisions on whether or not livestock can be kept on a particular allotment site or allotment plot will be made on an individual 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 (for example, horses, goats or pigs) allowed on allotment plots in Seaton Valley.

No dogs are to be left unattended or left overnight on the allotments. Tenants can bring dogs onto their allotment plots, 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, 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 year's 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. The Service Officer will inspect the plot and raise any concerns they may have with the tenant within three months of this six month introductory period.

### **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 arranged for the hedges to be cut, it reserves the right to recharge any costs associated with the work, to the plot holder.

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

All internal fences surrounding a tenant's individual plot are the responsibility of the plot holder and should be maintained in a reasonable condition. 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 existing barbed wire should be removed immediately.

### **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.

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. 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 allotments.

Where clear evidence can be provided by existing tenants that containers have been on an allotment 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; however, no new permissions will be granted to erect pigeon housings. Written advice should be sought prior to any planned major refurbishment of existing pigeon lofts.

Where a tenant wishes to terminate the tenancy of plot that currently houses a pigeon loft(s), discussions must be held with the services officer prior to the termination date, to determine if the loft(s) needs to be removed. Any costs associated with the removal of the loft(s) will be the responsibility of 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 regarding lighting fires on their allotment in order that any nuisance caused to nearby residents is minimised. Failure to do so may lead to offender's tenancies being terminated.

- 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.
- Greenhouse and shed heating systems should not be left to run unattended.

### **Firearms**

There is a total ban on the use of or storage of any firearms, including guns, air rifles and crossbows, on allotments.

### **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 tap into the water supply to add their own water tap. Any tenant found to have done so risks losing their tenancy. Any problems with the water supply should be reported to the Services Officer.

### **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 allotments within Seaton Valley and will consider acquiring new land for allotments when appropriate land becomes available.

### **Access after dark**

Tenants are not normally allowed to be on allotment sites after dark. However, if access is required to fulfil allotment duties, for example to water plants or feed livestock, 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 towards other allotment tenants or local residents 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 per annum.

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”, or “Enforce”.

No Action - Most allotments are well maintained and consequently most reports will recommend No Action.

Monitor - The “Monitor” option will prompt an officer to revisit the site and the plot will be monitored until the next review - photographic evidence will be taken and kept on file and conversations will be held with the plot holder to agree an initial period over which the plot should be brought back into an acceptable condition.

Enforce – Enforce action will prompt a 14-day warning letter which will begin the process of Enforcement.

## **The Enforcement Process**

The enforcement process will only be invoked after any monitoring action has failed to bring a plot back into an acceptable condition. The Enforcement Process is shown below:

- If a plot is found not to meet standards set out in the tenancy agreement a Warning Letter will be issued as a first step in the Enforcement Process – this will require the plot holder to bring the allotment back into an acceptable condition within a period of 14 days.
- A follow-up review will then be carried out 2 weeks after the date the warning letter was issued.
- If the tenant has still failed to improve their plot by the end of this 14 day period, a Notice to Quit Letter will be issued with immediate effect.
- Whilst the Termination of a Tenant’s Tenancy will be immediate, he/her will be given a further 30 days to clear any personal belongings from his/her plot. At the end of this period (or before if applicable) the tenant will be required to return the key(s) to the site gate.
- In the event of the termination of the tenancy the tenant shall return to the Council any property (keys etc) made available to them during the tenancy and shall leave the plot in a clean and tidy condition. If in the opinion of the Council, the plot has not been left in a satisfactory condition, any work carried out by the Council to return the plot to a satisfactory condition shall be charged to the tenant (section 4 Allotments Act 1950)

## **Appeals Process**

A tenant can submit an appeal:

- During the two weeks following the Notice to Quit Letter being issued
- This Appeal will need to be in writing, addressed to the Clerk and received by the Clerk within 14 days of the date of the Notice to Quit Letter,
- The Appeal will be considered by the Clerk and the plot holder will be notified of the Clerk’s decision in writing as soon as possible
- If the appeal is unsuccessful, termination of the tenancy will be enforced.