

# SUTTON PARISH COUNCIL

## ALLOTMENTS POLICY

### Scope of Policy

This policy applies to all allotments managed by Sutton Parish Council.

### Aims of Policy

To improve the quality of the allotment environment for plot holders, neighbours, and residents.

To address waiting lists and the demand for allotments plots

### Background

Sutton Parish Council manages 1 allotment site consisting of 25 plots.

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

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

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.

### Review of the Policy

Sutton Parish Council reserves the right to update the Allotments Policy at a time of its choosing.

### Management of Allotments

The Allotments Group has an overview of allotments management, policies, and procedures. The Allotments Group reviews proposed changes to the Allotments Policy.

### Self-Managed Allotments

At the present time, Sutton Parish Council does not support the practice of 'Self-Managed' Allotments. As landowner, we feel that we are better placed to manage these sites and have the financial resources to undertake improvements where required.

### 1. Allotment Allocations Policy

Allotments are only available to residents in the Sutton Parish area e.g. Sutton, Lyme Green, Langley and Rural Sutton (existing tenants and applicants remain unaffected).

Allotments will only be let to applicants aged 18 years of age or over.

Only one Allotment plot per household will be allocated initially.

Allotment applications can only be put in single names.

Once you have demonstrated that you can keep an allotment in good condition and well cultivated, you may be allowed to apply for an additional allotment, but new applicants will take priority.

Applications for an allotment must be made in writing to Sutton Parish Council on the approved Application Form (available via the website or on request). This can be submitted electronically to the Parish Council.

The Parish Council will maintain a waiting list and allocations will be made in date order. (Allotment tenants who move their residence more than one mile outside the Sutton Parish Council boundary may be asked to relinquish their allotment if local demand dictates.)

When an Allotment becomes vacant it will be offered to the first person on the waiting list.

The applicant will be given the opportunity to visit the available Allotment, prior to committing themselves to a tenancy for that plot. Plots are taken as seen and major problems should be reported within 14 days.

The applicant will be issued with a Tenancy Agreement and given 14 days to sign and return the agreement and pay the required fee.

If the Allotment is declined or the applicant does not return their agreement and fee within 14 days, then the Allotment will be offered to the next person on the list.

Refusal of an Allotment will not lose an applicant their place on the waiting list. If no response to the offer is received the applicant will be removed from the waiting list.

The rent payable will be shown in the annual rental invoice.

Any tenant evicted from a plot for non-payment of rent may not re-apply for an allotment for two years.

Sutton Parish Council may periodically contact applicants on a waiting list and remove those who are no longer interested or eligible, or who do not reply.

## **2. Passing Over**

The applicant at the top of the waiting list will be passed over by other applicants if they already hold an allotment tenancy in accordance with the Allocations Policy above.

## **3. Changing Plots**

If a tenant wants to exchange their plot for a different plot, they must complete an application form and contact the office to discuss their request.

At the time of accepting an alternative plot a transition period of no more than 6 weeks will be agreed.

This 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 Sutton Parish Council.

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

#### **4. The Tenancy Agreement**

The applicant will be the main user of the allotment plot and will be the named plot holder on the Tenancy Agreement.

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

Sutton 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.

#### **5. Joint Tenancies**

Joint tenancies are permitted.

#### **6. Co-working**

If you become unwell or have a short term change in circumstances, and are unable to tend your plot in the normal way you may wish to be assisted on your plot by someone else. This is called a co-worker Agreement. Your co-worker will simply be able to assist you for a short period of time but will have no rights to the plot if you leave.

#### **7. 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.

#### **8. Passing On**

Sutton Parish Council may allow the passing on of plots to family members in the event of a tenant's death in certain circumstances. The Allotment Committee will consider applications for passing on, in writing and applicants must demonstrate a family link and interest in the plot.

Tenants are advised that no human or animal ashes are permitted to be scattered at allotment sites.

#### **9. Leaving a Plot**

When a plot holder leaves a plot, it should be in good condition and free of any buildings or other structures. New plot holders can request that buildings and other structures be left behind. In these cases, the new plot holder takes on full liability for their condition, safety, and eventual removal.

Sutton Parish Council will consider clearing plots that are not in an acceptable condition and may recharge the departing plot holder. Sutton Parish Council will not be held responsible for any losses in produce or materials arising from this action.

You must contact us in writing or by email as soon as possible if you wish to end your tenancy. The Parish Council has a form for this purpose which can be posted to you if you prefer. Please remove any of your property at the end of your tenancy and any plants you wish to keep. Anything left on your plot after the end date will become the property of the Council. Should the Council need to clear the plot for the next tenant then the cost incurred will be recharged.

## **10. Site Inspections**

All allotment plots will be inspected once a year. More frequent inspections will be made where it is deemed appropriate.

To assist with inspections, you must display the number of your plot at the entrance or in another visible location.

No advance warning will be required or given.

## **11. Non-Cultivation**

If you are given a warning letter for non-cultivation you will be allowed 30 days to make significant improvements. If you fail to do so you will be sent an eviction notice.

If you receive two letters for non-cultivation within two years you may be asked to reduce the size of your plot to a more manageable half size plot.

## **12. 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 Sutton Parish Council.

Sutton Parish Council will not refund any rent paid and will pursue any unpaid debt.

Plot holders may voluntarily terminate their tenancy at any time in writing. Refunds on rent will not be offered.

## **13. Sub-dividing Plots**

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

Small plots are particularly suitable for novices, who may be overwhelmed by the size a full plot.

## **14. Cultivation of Plot**

A minimum of 2/3 of the plot area must be cultivated for growing produce - namely vegetables, herbs, fruit, other edible crops, and flowers.

A maximum of 1/3 of the plot area may be put to other uses such as grassed lawn, or space for livestock or structures.

After 3 months we would expect to see your plot cleared of rubbish and generally tidied.

After 12 months we would expect to see 1/3 of your garden properly dug over and some crops in place (depending on the time of year). The remainder of the plot should be free from rubbish, tidy and cut back.

In your second year we would expect to see 1/2 of the plot dug over and cultivated. The remainder of the plot should be free from rubbish, tidy and cut back.

In your third year, we would expect to see the plot at least 2/3 dug over and cultivated and the remaining 1/3 either cultivated or kept in a tidy condition with sheds, livestock etc.

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

Weeds must be controlled to prevent seeds spreading to other plots.

Children's play equipment such as fixed swings, slides and climbing frames are not permitted.

Non-fixed play equipment is not permitted

## **15. Buildings, Fencing and Structures**

For full details please view our policy on sheds and poly tunnels on the allotment section of our website <https://www.suttonparish.co.uk/>

Any buildings, fencing or other structures that are considered to be unsafe in the opinion of Sutton Parish Council will be removed by the plot holder.

Any damage caused by unsafe structures is the responsibility of the tenant and not the Parish Council.

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 Sutton Parish Council may be removed by the plot holder or by Sutton Parish Council and charged to the plot holder.

Any new buildings, fencing or other structures should be commercially produced, of a traditional style and must not make use of cement or other bonding materials in their construction, including bases. Asbestos materials are strictly forbidden.

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. A form is available from the Parish Council and on our website for this purpose.

Fencing used on allotments plots should be of traditional construction.

Horizontal supports should be located on the inside of the plot in order to prevent unauthorised access. Palings should be of an even height along the length of the fence.

Fences should not prevent an unhindered inspection of the whole plot. Barbed wire is not permitted.

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

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

## **16. Paths and Access**

Paths should be wide enough for a wheelbarrow to pass (between 50-90cm) with plot holders on each side of a shared path contributing an equal amount from their side of the plot. The path should be as level and even as possible to avoid trip hazards.

Paths should be kept clear of vegetation and potential hazards such as tools or discarded rubbish.

## **17. Hedges and Trees**

Maintenance of hedges is the responsibility of tenants. Shared hedges should be maintained jointly by the tenants on either side. It is an offence to disturb nesting birds so please check your hedges before cutting.

Trees and hedges which overhang your plot may be pruned back, but nothing should be taken from the height. The prunings should be offered back to the owner.

Please note that you cannot create any additional access points to your plot or remove existing hedging without written permission.

Contact the Parish Council for permission and advice before planting new hedging or trees

## **18. Invasive Species**

Please inform us immediately if you have any invasive species on your plot as you may need specialist advice to remove them. A complete list can be found in the Health and Advice section on the following website:

[https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants.](https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants)

## **19. Fires**

The use of fires to dispose of waste is not allowed as smoke creates a nuisance to other plot holders and neighbours.

Where possible use alternative methods of disposal such as a household waste recycling centre.

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

Compostable material must not be burned. Recyclable material must not be burned.

If a plot holder is deemed to be causing a Statutory Nuisance by Environmental Health, they are at risk of eviction from their allotment.

## **20. 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.

Grass trimmers etc create a noise nuisance and consideration should be given to neighbours and other plot holders.

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

The Parish Council will not tolerate any threatening, violent, or intimidating behaviour by plot holders under any circumstances.

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.

## **21. Respect**

As an allotment holder you are expected to be courteous and respectful to other users of the site and neighbouring properties (this is a condition of your tenancy). Everyone is entitled to enjoy their plot.

## **22. 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 or freely wandering around the site for example.

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

Dogs must not be left unattended on an allotment site.

## **23. Animals and Livestock**

For full details please view our livestock policy on the allotment section of our website <https://www.suttonparish.co.uk/>

Permission must be sought in writing for the keeping of livestock on the allotments.

Tenants must have completed twelve months in good standing on their allotment before livestock will be permitted.

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

**Please be aware that legislation and policies with regards to livestock are subject to change. You must comply with all current legislation and regulations. If you decide that you would like to keep livestock, please contact us at an early stage to discuss current policy and any local restrictions that may apply.**

## **24. Pest Control**

Pest control on allotment sites is the responsibility of plot holders not Sutton Parish Council.

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

## **25. 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 allotment 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.

When you take on a plot you may find rubbish and other debris, which you should remove and dispose of carefully. Many materials can easily be transported off-site for recycling or safe disposal at a waste recycling facilities. Materials such as wood or bricks can be reused on the plot, saving the need to send materials to landfill.

## **26. Asbestos**

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

Any material that is believed to contain asbestos must be reported to Sutton 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. Please note that this process can take time due to arranging quotes and consideration by committee.

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

Structures containing asbestos - Provided the structures are of sound construction and in good condition, there is no need to remove them and you can continue to use them safely. As a precaution do not hammer or drill into the structures as this could cause the release of asbestos fibres. It is the inhalation of these minute fibres, and not the material in solid form, which is harmful to health.

On no account should you seek to remove structures. In all cases, if you have any concerns about asbestos, please contact Sutton Parish Council. It is vital that the material is correctly identified prior to its removal and disposal.

If you are in any doubt, have concerns about an unidentified material on your plot, or if you require help with the safe removal of asbestos, please contact Sutton Parish Council for further guidance and assistance.

For further details guidance on handling and disposing of asbestos: [www.hse.gov.uk/asbestos/](http://www.hse.gov.uk/asbestos/)



## **27. Inflammable Substances**

Inflammable substances include inflammable oil-based liquids such as petrol and creosote, and all varieties of bottled gas.

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 allotment 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.

## **28. Safety when Using Weedkiller**

Ensure you are not contaminating your neighbours' plots or local watercourses.

Consider the potential harm to wildlife, pets and children before use.

Ensure that you follow the manufacturer's instructions.

## **29. Storage of Materials**

Allotments must not be used for storing materials. Having excessive quantities of materials on plots reduces the area available for cultivation and can pose a hazard to yourself and others. Please only bring materials onto your plot if you intend to use them immediately and, if necessary, store them safely and tidily.

We will write to tenants who are storing excessive amounts of materials on their plot. By law we can recover the cost of removing excessive waste materials from a plot either during or at the end of a tenancy. Remember you must not bring rubbish on site.

The storage of trailers and caravans on allotments is not permitted.

## **30. Water Charges**

There are currently no additional charges for water, but this is subject to review dependant on the fair usage of water on site.

## **31. Hose Pipes and Sprinklers**

The use of hosepipes and sprinklers for watering crops is not permitted.

Hosepipes should only be used to fill up water butts or watering cans.

Watering should be done with a watering can in order to direct water to the root of the plant.

Attach guttering to sheds and greenhouses to collect rain water but remember to keep water butts covered and ensure that they are located on stable ground.

## **32. Security on Allotments**

Keep your site and your plot secure - If your site has gates, please keep the gates locked at all times.

**Razor wire or similar are not allowed under any circumstances.**

Report all incidents.

The police target resources at areas where crime is most often reported.

Please report all incidents using the **101** number (or **999** if someone is at risk or it is an emergency).

Please let Sutton Parish Council know of any incidents but please note we are not able to report them to the police on your behalf.

### **33. Keys**

Keys to allotment sites can only be obtained through the Parish Council. Remember that access to your plot must be allowed for Council Officers when required.

### **34. Children**

The health and safety of children on an allotment plot must be considered carefully as allotments can pose particular risks to children.

Remember you must never leave children unsupervised on an allotment site.

Children must not be allowed to roam around the site or onto other plots.

### **35. Visitors**

Sutton Parish Council's allotments are 'closed sites' which means they are not accessible for the general public to freely walk around.

The only people permitted to tend an allotment plot are the tenant and their immediate household.

You may allow a friend onto your plot to assist you, but you are solely responsible for their behaviour and welfare whilst on site, they must be accompanied by the tenant at all times.

Allotments must not be used as a venue for entertaining and should therefore not be used as a venue for a BBQ, party or fireworks display for example.

Please note – during a pandemic or other health crisis, the Council may temporarily prevent access to allotments by anyone other than the tenant and their household. This is to minimise the risk of infection and protect the other tenants of the site.

### **36. Insurance**

Allotment sites are used at your own risk and you are responsible for the health and safety of all visitors to your plot, whether they are invited or not.

All allotment holders MUST have third party insurance to cover for their plot and for anyone working on their behalf. This is included in the tenants rent through the National Allotments Association ([www.nsalg.org.uk](http://www.nsalg.org.uk)) and is included in the tenants rental agreement.

### **37. Trading**

You cannot use your plot to sell produce for any trade or business.

Trade or business can include events/activities on an allotment.

If in doubt, please contact Sutton Parish Council.

### **38. Vehicles**

Motor vehicles are not allowed onto an allotments site other than to access a car park or to drop off heavy supplies. Tenants with physical disabilities may access the allotment in their vehicle.

If weather conditions render the ground unsuitable for vehicular access, the Parish Council may prohibit vehicular access on a temporary basis.

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.

### **39. Charges**

Annual charges to plot holders consist of allotment rent which is payable to the Parish Council by 1<sup>st</sup> March in each year.

Full rent is payable for each year or part thereof, regardless of the tenancy start date.

Details of current rent charges are available from the Parish Council Clerk.

Invoices for rent will be sent out in January/February to ensure payment by the due date.

### **40. Non-Payment of Rent**

Non-payment after 40 days will be taken as an indication of cessation of tenancy.

### **41. Concessions**

Concessions are not available on allotment rent due to the extremely low rent charged.

### **43. Problems**

Any problems that arise on your plot or allotment site during your tenancy should be reported to the Parish Council.

### **44. Keeping your details up to date**

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

### **45. Contact Us**

You can contact Sutton Parish Council using one of the following methods:

By email: [clerk@suttonparish.co.uk](mailto:clerk@suttonparish.co.uk)

Telephone: 01625 850532

Or via the Allotments section on our website <https://www.suttonparish.co.uk/>

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