

ALDENHAM PARISH COUNCIL

Council Document To review the allotment policy for 2021	AGENDA item 8 Open Spaces Committee Meeting 8th February 2021
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Background

The annual review of the allotments including policy and procedures is usually undertaken at the May meeting of the Open Spaces Committee when the annual rent is set for the following season (the tenancy agreement states that the review will be by 30th June and tenants informed in August). APC have, however, agreed to bring the review forward this year to the February meeting as a request was made by some allotment holders to review the policy regarding trees on plots, which if changed, then a decision in May would be outside of the planting season. A copy of the current allotment policy is attached.

In autumn 2020 APC were approached by a group of tenants who wished to establish an allotment liaison group. APC agreed to consider the request and an initial meeting with the group was arranged for them to present their proposals. It was also stated that APC would have to ask all allotment holders if they wished this group to represent them and the large majority must agree in order for APC to recognise the group. It was noted that the group did not wish to form an allotment association which would mean they would manage the allotments on behalf of the council. This being the option normally offered by councils.

The suggestion, together with the attached letter from the group, and alternative options were sent to all allotment holders for their views. The preferences were:

1. Prepared to allow the group to represent you in the future - 29
 2. Wish to discuss forming your own allotment association - 0
 3. Wish procedures to remain the same - 4
- 1&3 (as above) - 4
No preference expressed - 33

As a majority of all allotment holders was not achieved, APC will continue to manage the allotments. Councillors are, however, asked to consider the following issues that were raised by the group.

Firstly, to:

Reverse the ban on the planting of fruit trees which was introduced in May without any allotment holders being consulted. We agree that full sized trees are inappropriate but seek to be allowed to plant fruit trees grafted onto dwarfroot stock with one or two exceptions (eg plum trees).'

The principle reasons for precluding the planting of trees in May 2020 were that the council receive a number of complaints from neighbouring plot holders in respect of shade, protruding roots, and fallen fruit, leaves and debris. They can also prevent the Open Spaces Team completing work to assist new tenants who wish their plot to be cleared. The previous policy for the council to consider 'the planting of any fruit bushes or trees which require more than 12 months to mature' was not practical as identifying the characteristics of specific species was time consuming and not always possible. Additionally, it was felt that a less ambiguous policy provided impartiality to all allotment holders.

An option may be to set part of the allotment site aside for a small community orchard and encourage the tenants to suggest and maintain the trees.

The group's second initial issue is:

'When plots become vacant we want the council not to routinely offer to rotavate plots and to leave all fruit bushes and trees, sheds, polytunnels and raised beds in situ...'

Depending upon the time in the allotment season that a plot becomes vacant will affect how the plot is offered. New tenants are shown available plots and the options explained to them. Particularly where plots are returned by long term tenants there may be substantial debris. An example being a plot recently returned where the new tenant initially felt they could clear it, however, as they began work they found materials including embedded plastic which required mechanical removal.

The Open Spaces Team have suggested that another reason for rotivating the plots is to re-establish boundaries and footpaths. However, it is becoming increasingly difficult to carry out the rotivation due to very wet Autumns and Winters, so from 2021 it is suggested that the Open Spaces Team will just clear the plots of all debris and strim any grass etc. before handing it over.

Other considerations:

A former worker at a fruit farm has advised that monitoring fruit trees that are grafted onto an appropriate root stock is problematic. There is also the possibility, if not planted and maintained correctly, that the scion will put roots down and over time grow into a full size tree.

The rules applied by other local parish councils include one council who do not permit the planting of trees. Vacant plots are strimmed for which the council meets the cost.

Another neighbouring council state that *'The tenant shall not plant any trees other than dwarf fruiting trees or fruiting bushes without prior consent of the council.'* They require trees to be removed at the end of the tenancy unless there is a new tenant waiting to take on the plot who agrees to take on the trees, in the knowledge that they will have to remove them when leaving. Tenants are asked to clear the plot and are charged staff time/ cost of skips if not. They do say, however, that invariably the council have to bear the cost. Plots are rotivated for new tenants at no charge.

Comments by other, larger, councils include that 'plots are let as seen.' They note, however, that this results in some new tenants returning overgrown plots as they are unable to clear them and eventually the task falls to the council.

As the officer has received reports that some allotment holders are not being shown courtesy and respect. It is suggested that a code of conduct, based on The National Allotment Society 'Social Interaction on Allotment Sites' policy, is introduced.

Recommendations

1. Council are asked to consider whether the allotment policy is amended in respect of the planting of trees, if so:
 - a) Types of tree including size, growing/planting specifications, types to be permitted and how they to be identified and monitored
 - b) Number or percentage of trees per plot
 - c) Requirements when a plot is vacated

2. Returned plots remain the discretion of the Open Spaces Team, who will complete appropriate maintenance and, where required, assist new tenants to prepare the plots for cultivation.
3. The attached code of conduct is introduced with immediate effect.

Reasons for recommendation

- The council must adopt a workable, consistent approach to the administration and management of the allotments.
- The Open Spaces Team are best placed to judge the condition and work required on allotment plots.
- The council has a duty of care and responsibility to consider the views and requirements of all its allotment holders in an independent, unbiased manner.

Alternative options

An orchard, maintained by the open Spaces Team, be established at the allotment site for the benefit of all allotment holders.

Financial Implications

- The cost of maintaining the allotment site where plots are not suitably maintained ultimately falls to APC.
- If an orchard is established a budget, of say £1,000, will be required for the purchase of trees.

Risk Management Implications

- Where plots become overgrown they may present health and safety risks to other plot holders and staff.
- If allotment holders are encouraged to maintain a community orchard, the ultimate responsibility for safety and maintenance remains with APC.

Members are asked to consider this report.

Wendy McLean,
Open Spaces Officer

Policy for the administration of allotments – for internal use only

The maintenance and general supervision of the allotments is the responsibility of the Open Spaces team. The administration of the allotments is the responsibility of the Open Spaces Officer.

Allocation of Allotments

Allotment plots can only be allocated by the Open Spaces Officer (OSO).

In the first instance, applicants must complete an allotment application form available from the parish office and APC website. Where there are more applicants than plots available, the OS Officer will maintain a waiting list for allotments, taking care to note the date of application.

The waiting list policy is as follows:

- **Plots are allocated following the order of the date of application.**
- **Applicants who reside in the Parish of Aldenham will be given priority over applicants outside the parish.**
- **Applicants who do not already have an allotment will take priority over applicants who already hold a plot.**
- **Plots will be offered as and when they become available to whoever is at the top of the waiting list. Specific plots cannot be earmarked for particular applicants. Where there are several plots available at any one time, the OS Officer may, at their own discretion, take into account the preferences of the applicant at the top of the list for a particular plot.**
- **Where an applicant refuses the offer of an available plot, they can remain on the waiting list for future available plots, but they will go to the bottom of the list, the date of the refusal becoming their date of application.**
- **After refusing three available plots an applicant's name will be removed from the waiting list.**
- **Where an applicant does not respond to an offer of an allotment within 14 working days of the offer, their name shall be removed from the waiting list.**
- **Existing plot holders wanting an additional plot must join the waiting list in the same manner as new applicants.**
- **At the discretion of the PCM, on occasion it may be decided to give preference to persons having special needs e.g. disabled persons.**

Processing Applications

When a plot is available the OS Officer will offer it to the person at the top of the waiting list or a prospective applicant. The OS officer should advise them of general information regarding the allotments and send them an allotment application form with GDPR information, if this has not already been completed.

Upon receipt of the completed application a member of the Open Spaces team will meet the applicant within 14 working days and show them the available plots. If the applicant wishes to accept the plot, the OSO will send them a tenancy agreement, copy of the allotment handbook and invoice for the current year's rent and deposit for the plot. They will also request proof of residency within Hertsmere (e.g. a utility bill or driving licence). The procedure will, generally, be completed by e-mail, however, where the paperwork is completed at the APC office, the OSO will retain the original agreement, and the applicant will be given a copy for their records. Upon receipt of the signed tenancy agreement and payment (of rent and deposit) the OS Officer will provide the parishioner with the allotment gate code, and emphasise the importance of not disclosing it to other parties and keeping the gate locked when not in use.

Maintenance and Appearance of Plots

Tenants are responsible for the maintenance and upkeep of their plots as stipulated in the tenancy agreement. They are also responsible for the maintenance of the pathways that divide adjacent plots. As a general rule these pathways should measure two feet wide and therefore each plot holder is responsible for the foot next to their plot. Should a plot remain vacant for a while, then the Open Spaces team will regularly monitor and maintain the plot and adjacent pathways. If a plot becomes vacant which has been neglected by the previous tenant, then the Open Spaces team may decide to deal with any overgrowth before the plot is offered out again. This judgement will be made by the Open Spaces team. This is why plots are offered out as seen, in acknowledgement of the fact that some plots may have become a little overgrown, or have a shed on them which has been abandoned by previous tenants. It is not policy to rotivate plots.

Planting

It is a condition of the agreement that a tenant must not plant any trees on the plot. Nor may they without the consent of the Council in writing, plant any fruit bushes which require more than 12 months to mature. The impact on the plot and neighbouring plots should always be taken into account when considering whether to grant permission and advice should be sought from the Open Spaces team.

Tenancy Agreements

Tenancy agreements are of a rolling nature and are to be reviewed annually, in respect of new tenants, in May by the Open Spaces Committee. The invoices for the next season's rent will be sent out in August. All tenants must pay the rent before the new season starts on 1st October.

Inspections

All plots are inspected monthly by the Open Spaces team. Any plot holders whose plots are not maintained in accordance with the allotment conditions will be

written to, and their plots re-inspected after twenty-eight days' notice. Failure to comply with the written notices may result in the termination of the tenancy.

Erections (such as sheds, compost heaps etc.)

Clause 9 of the tenancy agreement states that "Not without the prior consent of the Council in writing may the tenant erect any building on the allotment. Any request for a building must be in writing to the Council, which will include a plan of the building, its dimensions, and building materials."

Therefore, any tenant wishing to erect a shed must apply in writing to the OS Officer, who will review the application, and if necessary place it on the agenda for the next meeting of the Open Spaces committee.

Applications within the guideline of 7ft x 5ft, and 8ft in height may be approved by the Open Spaces Officer in conjunction with the Open Spaces team. Structures of a contentious nature or outside of these guidelines will be considered individually by the committee within the context of the plot.

Tenants who erect unauthorised sheds will be given 14 working days' notice to remove the shed, or risk forfeiting their tenancy.

Outgoing Tenants

Outgoing tenants must remove all their personal belongings from the plot before they vacate it. If they leave any items on the plot, such as a shed, or tools in it, the OSO should write to them advising them that the items are now forfeit for the Council to dispose as they see fit. If the plot is left in such a condition that the Open Spaces team need to carry out work to clear or make good the plot, then the outgoing tenant will be invoiced for the necessary work.

Access and Security

All allotment holders are issued with a code which opens the keypad lock on the access gate. This code is changed annually on 1st October and plot holders will be notified of the change after their payment has been received, this will be before 30th September. This gate must be kept locked when not in use, to maintain the security of the site. The official vehicular access is via the driveway on Gills Hill Lane or the pedestrian gate from Phillimore Rec. Some plot holders who live on Elm Walk have an agreement to access their plots via their back gardens. These gates will be closed on the APC side annually for 24 hours. Once the plot has been vacated then any access onto the allotment site from the back garden would be viewed as trespassing.

Bonfires

A request for a bonfire must be made to the OSO. Bonfires are only permitted under very strict conditions. All material to be burned must first be dried properly, preferably under a tarpaulin. The fire must then be quick and hot enough so that

little or no smoke is generated. Bonfires should only be set on days when the fumes do not blow onto neighbouring properties or other plot holders. If plot holders downwind arrive after the bonfire is lit then it should be put out. Failure to comply with these rules will result in the plot holder's tenancy being reviewed."

Letter from proposed allotment liaison group to allotment holders

Dear fellow allotmenters,

This e mail is being forwarded to you by the Parish Council on behalf of the embryo Allotment Liaison Group (see below). This is to ensure that all allotment holders are up to speed with recent events, as everyone is not on the allotment Whats App group.

The Allotment liaison group

Many of you will be aware that we have started to form an allotment liaison group to simplify and facilitate communication between the allotment holders and the Parish Council.

Our terms of reference are that we will receive complaints and suggestions direct from allotment holders and that we will meet on a regular basis. We will then meet with the Parish Council staff a number of times a year (how and when yet to be agreed) to try solve any issues. If you object or support this proposal please respond to this e mail from the Parish Council.

There are five members of the group

Nigel Brand – Plots 39E and 40E

Jane Poyser – Plots 71,72 and 50E

Alan Slater – Plots 68 and 30L

John Graham – Plot 60

Peter Hordern – Plots 7E, 8E and 34E

There are a number of issues we wish to raise with the Council but initially we seek to

- 1. Reverse the ban on the planting of fruit trees which was introduced in May without any allotment holders being consulted. We agree that full sized trees are inappropriate but seek to be allowed to plant fruit trees grafted onto dwarf root stock with one or two exceptions (eg plum trees).**
- 2. When plots become vacant we want the council not to routinely offer to rotavate plots and to leave all fruit bushes and trees, sheds, polytunnels and raised beds in situ. The council staff (who incidentally are moving away from rotavating) would mow and strim where appropriate. We believe rotovating does more harm than good for various reasons, most notably by causing perennial weeds to proliferate by chopping up their roots. Their tractor also seriously compacts the soil. The liaison group would offer to give advice to new ploholders on the best way to proceed. If new plot holders still wanted rotavating then that is their choice.**

We have already discussed these two points with the Council staff and have had a positive response.

The Allotments whats app group

The Whats App group allows more immediate communication between allotmentholders and is proving very useful. If you would like to join the Whats App group please ring or text one of the following

Robin Crosher 07837 360904

Peter Hordern 07795 955576

Proposed Allotment Code of Conduct

1. The council recognises that allotments can be sociable places, populated by people who share a mutual appreciation of gardening. The council encourages activities that further the development of social interaction and a sense of community at allotments. At the same time, the council recognises that allotments are both public and private places, within which some tenants may wish to be left to garden in peace. The council recognises the right of any tenant gardening in compliance with their tenancy agreement to the quiet enjoyment of their allotment garden, a right that is violated by any form of unreasonable interaction within or across the boundaries of that individual's allotment garden.
2. Where disputes between tenants arise, tenants should, in the first instance, attempt to settle the matter amicably between themselves. Where a dispute cannot be settled it may be referred to the council.
3. The council maintains that responsibility for the behaviour of any person who is invited onto an allotment garden by a tenant lies with the tenant. This principle applies both to members of the tenant's family of whatever age and to third parties visiting the allotments with or on behalf of the tenant.
4. The council recognises the value and importance of good social relations between individual tenants and parties external to the allotments, including neighbours, sympathetic individuals and organisations, and institutions with the power to help protect allotment sites.
5. The council will not tolerate any forms of anti-social behaviour including discrimination, abuse, threats, intimidation, violence or bullying to tenants, staff or any other person however expressed. Any tenant(s) acting in an anti-social manner will receive a warning, and/or may be given notice to