

Capel Parish Council

Allotment Policy

1. Scope of Policy

This policy applies to allotment site managed by Capel Parish Council adjacent to the Capel Village Hall in Five Oak Green.

2. Aims of Policy

- 2.1. To improve the quality of the allotment environment for plot holders, neighbors and residents
- 2.2. To address long waiting lists and high demand for allotments plots
- 2.3. To set an agreed 'Lettings Policy' for Allotments
- 2.4. To ensure that the allotments service is totally funded by those who use the service

3. Management of Allotments

- 3.1. The Clerk is responsible for the day to day management and letting of allotments.
- 3.2. The Recreation Ground Committee made up of Parish Councillors has an overview of allotments management, policies and procedures. The Committee reviews proposed changes to the Allotment Policies and makes recommendations to the Full Council.

4. Site Inspections

- 4.1. The allotment site managed by Capel Parish Council will be inspected at least twice a year. More frequent inspections will be made where it is deemed appropriate.
- 4.2. Inspections will usually be carried out in the growing season. No advance warning will be required, although we will endeavour to provide some notice.
- 4.3. Inspections will be carried out by at least 1 Councillor and the Clerk or 2 Councillors.

5. Management of Waiting Lists

- 5.1. Applicants for allotment plots must be a minimum of 18 years old.
- 5.2. An application can only be made in the name of one person, joint tenancies are not permitted. Existing joint tenancies will be allowed to continue until their expiration or termination.

- 5.3. Applicants must reside within the Parish Boundary to be eligible for an Allotment.
- 5.4. Waiting List Management Application is by the formal application form only, no other format of application is permitted. The Application form should be returned to the Clerk or Responsible Financial Officer for inclusion on the waiting list.
- 5.5. 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.
- 5.6. 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.
- 5.7. When a plot becomes vacant, an offer will be made by the Clerk, in writing, to the applicant who is at the top of the waiting list – having first given precedence to Policy Statements 4, 5, 6 and 7 - applied in this order of priority.
- 5.8. 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 Recreation Ground Committee.
- 5.9. 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 rejoin 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 Recreation Ground Committee.
- 5.10. Capel Parish Council will periodically contact applicants on the waiting list and remove those who are no longer interested or eligible, or who do not reply.

6. Sub-dividing Plots

- 6.1. When a plot becomes vacant it will be assessed for re-sizing by the Recreation Ground Committee and may be split into two or more smaller plots to accommodate more applicants.

7. Passing Over

- 7.1. The applicant at the top of the waiting list will be passed over by other applicants if they are not permanently resident in the parish.

8. Passing On

- 8.1. A plot can be passed on from one close family member to another in the event of illness, disability or death. Only one plot can be passed on, and this is restricted to a son, daughter, spouse/civil partner or long-term partner - who does not already hold an allotment plot.
- 8.2. Where the plot holder has been representing a group, charity or organisation, the tenancy may only be passed on to another representative of the same group, charity or organisation.
- 8.3. An applicant must submit a request in writing to the Recreation Ground Committee in order to take over tenancy of the plot within eight weeks of the plot holder becoming ill, disabled or deceased.
- 8.4. Plots cannot be passed onto anyone else such as helpers or co-workers.
- 8.5. Tenants are advised that no human or animal ashes are permitted to be scattered at allotments sites, and no memorial features are permitted.

9. Changing Plots

- 9.1. An existing plot holder can apply to take over a vacant plot but they would need to give up their current plot, which would need to be left in good condition.
- 9.2. Plot holders interested in changing plots should inform the Clerk.
- 9.3. A plot holder can also down size by requesting that his or her plot be split up into two or more smaller ones.

10. The Tenancy Agreement

- 10.1. The applicant will be the main user of the allotment plot, or the representative of a group, charity or organisation, and will be the named plot holder on the Tenancy Agreement
- 10.2. All plot holders will be required to sign up to the latest Tenancy Agreement, which will include the terms of this policy. This is a condition of tenancy.
- 10.3. Capel 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.

11.Sub-letting of Plots

- 11.1. 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.

12.Cultivation of Plots

- 12.1. A minimum of 60% of the plot area must be cultivated for growing produce - namely vegetables, herbs, fruit, other edible crops and flowers.
- 12.2. A maximum of 40% of the plot area may be put to other uses such as grassed lawn, or space for structures approved by the Parish Council.
- 12.3. It is not permitted to keep an allotment plot or a portion of it, which in the opinion of Capel Parish Council is in an untidy, overgrown, unkempt or seemingly abandoned state. Weeds must be controlled to prevent seeds spreading to other plots. Pernicious plants must be eradicated.
- 12.4. No new trees are allowed to be planted on an allotment plot or any other part of the site.
- 12.5. Children's play equipment such as swings and paddling pools are not permitted without the express written permission of the Parish Council.
- 12.6. Business or trade use of an allotments plot is strictly forbidden.

13.Termination of Tenancy

- 13.1. 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 Capel Parish Council's Recreation Ground Committee .
- 13.2. Capel Parish Council will not refund any rent accrued, which will contribute towards the cost of terminating the tenancy, and will pursue any unpaid debt.
- 13.3. Plot holders may voluntarily terminate their tenancy at any time.

14.Leaving a Plot

- 14.1. When a plot holder leaves a plot, it should be in good condition and free of any buildings, fencing or other structures not in a good, usable order. Capel Parish Council will clear plots that are not in an acceptable condition and will recharge the departing plot holder. Capel Parish Council will not be held responsible for any losses in produce or materials arising from this action.
- 14.2. It is the responsibility of the plot holder to inform Capel Parish Council of any change of address and update any other information relevant to their tenancy, such as illness or incapacity.

- 14.3. Any communication will be sent to the latest address provided, and will be deemed to have been delivered to the plot holder.

15.Nuisance

- 15.1. 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 on the allotments, pathways or entrances to the sites.
- 15.2. Grass strimmers create a noise nuisance and should not be used at inconsiderate times out of consideration for neighbours and other plot holders. Strimmers may only be used between the hours of 8:00am until 9:00pm.
- 15.3. A plot holder must not obstruct or encroach onto any path or roadway used or set out by Capel Parish Council or used by the owners or occupiers of any adjoining or neighbouring property.
- 15.4. Capel Parish Council will not tolerate any threatening, violent or intimidating behaviour by plot holders under any circumstances.
- 15.5. 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.

16.Fires

- 16.1. The use of fires to dispose of Allotment waste is strongly discouraged as smoke creates a nuisance to other plot holders and neighbours.
- 16.2. It is strictly forbidden to bring waste onto an allotment site for burning.
- 16.3. Compostable material should be actively recycled and the burning of compostable material is actively discouraged.
- 16.4. Recyclable material must not be burned.
- 16.5. Bonfires must be built on the same day as they are lit to prevent harm to small mammals which use unlit bonfires as habitat.
- 16.6. The amount of material burned must be kept to a minimum.
- 16.7. Where possible use alternative methods of disposal such as a household waste recycling centre. The duration of any fire should be minimised.
- 16.8. Bonfires must be of a manageable size, and never left unattended.
- 16.9. Bonfires must be fully extinguished before the plot holder leaves the site. In order to reduce the nuisance of smoke:
 - 16.9.1. Keep smoke to a minimum by only burning dry waste

16.9.2. Consider wind direction in order that smoke does not cause a nuisance to residents of nearby properties

16.9.3. Never burn items that produce noxious smoke such as plastics, vinyl, rubber, carcasses etc

17.Dogs

17.1. Dogs must be kept on a short lead at all times and must never be left unattended.

17.2. Dogs must not cause a nuisance, by barking for example.

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

17.4. Dogs must not be permanently housed on an allotment site.

18.Buildings, fencing and structures

18.1. Any buildings, fencing or other structures that are considered to be unsafe in the opinion of the Recreation Ground Committee will be removed by the plot holder or by Capel Parish Council and charged to the plot holder.

18.2. Existing buildings, fencing and other structures must be of an appropriate design, fit for purpose and in a good state of repair.

18.3. Buildings, fencing and other structures which are not acceptable in the opinion of the Recreation Ground Committee will be removed by the plot holder or by Capel Parish Council and charged to the plot holder.

18.4. Any new buildings, fencing or other structures should be to a commercially built standard and must not make use of cement or other bonding materials in their construction, including bases without the express written permission of the Parish Council.

18.5. All new buildings require the express written permission of the Parish Council.

18.6. Requests for new buildings must be made in writing to the Clerk.

18.7. Asbestos materials are strictly forbidden.

18.8. Fencing should not be used on allotments plots.

18.9. Barbed wire is not permitted for any fencing.

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

18.11. 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.

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

19.Vehicles

- 19.1. Motor vehicles are not allowed onto an allotment site other than with the express permission of the Parish Council.
- 19.2. 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.
- 19.3. Tyres must not be brought onto an allotments site for any purposes without the express written permission of the Parish Council.

20.Waste Management

- 20.1. Plot holders are wholly responsible for correct handling and proper disposal of waste from their allotment plot.
- 20.2. It is strictly forbidden to bring waste or other harmful material onto an allotments site.
- 20.3. 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.
- 20.4. The use of old carpets as a weed suppressant is not permitted.

21.Chemicals

- 21.1. When using any pesticides or fertilisers on their plot, the tenant must:
 - 21.1.1. only use domestic grade pesticides;
 - 21.1.2. take all reasonable care to ensure that other plots, grass roads and paths, hedges and trees are not adversely affected, and must make good or replant as necessary should any damage occur;
 - 21.1.3. select and use pesticides, whether for spraying, seed dressing or for any other purpose whatsoever, so that there is minimal risk to members of the public, birds and other wildlife, with the exception of vermin or pests;
 - 21.1.4. comply at all times with current pesticide regulations. Tenants are advised to refer to the Health and Safety Executive database, available at <https://secure.pesticides.gov.uk/garden/prodsearch.asp>, to ensure that specific products may be lawfully used.

- 21.2. Tenants are prohibited from storing pesticides or other potentially toxic chemicals on allotment plots or in allotment sheds.

22.General

- 22.1. The Tenant is required when entering or leaving the allotment site to lock the gates behind them at all times.
- 22.2. The Council accepts no liability for any loss, damage or injury to tenants, guests or any other person, or their belongings occurring on allotment sites.
- 22.3. It is recommended that tenants ensure that they have adequate public liability insurance cover.
- 22.4. Tenants are not permitted to take, remove or borrow crops, equipment or supplies that belong to other persons without prior consent of the owner thereof.
- 22.5. Tenants are advised not to store valuable equipment and materials in their sheds or structures, and should not store petrol, oil, lubricants or other inflammable materials.
- 22.6. Tenants are permitted to install compost bins and structures intended for such purpose. Tenants are also permitted to erect fruit cages and support structures for soft fruit and fruit trees. Barbed wire is not permitted on any part of the allotment site.

23.Charges

- 23.1. In September each year tenants will be sent an invoice in advance for allotment rent covering the forthcoming year (1 October to 30 September).
- 23.2. New tenants starting during this year will initially be sent a reduced invoice, covering the period from their start date until 30 September. After that they will receive the annual invoice in September.
- 23.3. The Council occasionally reviews its allotment charges. Tenants will be given 12 months' notice of any change to the allotment charges.
- 23.4. A reduced Allotment Rent is offered to tenants who live in the Parish and who have reached 60 years of age prior to the start of the allotment year from 1 October.