



STANSTED MOUNTFITCHET
PARISH COUNCIL

ALLOTMENT POLICIES

Adopted by the Council on 16th November 2020
Ratified by the Full Council on 16th December 2020

INDEX

- | | | |
|----------|---|---------------------------------------|
| Policy 1 | - | Cultivation Standards |
| Policy 2 | - | Social Interaction on allotment sites |
| Policy 3 | - | Waiting Lists |
| Policy 4 | - | Appeals and Eviction |
| Policy 5 | - | Records |

POLICY 1 – CULTIVATION STANDARDS

- 1.1 Tenancy agreements for allotment gardens typically include obligations to keep the plot clean, free from weeds and clutter, in a good state of fertility and cultivation, and for paths to be kept well maintained. Stansted Mountfitchet Parish Council (SMPC) recognises that the monitoring and enforcement of these obligations is inherently subjective, and increasingly so, given the proliferation of gardening styles to be found on allotments in the UK.
- 1.2 As a minimum requirement, SMPC believes that allotment gardens should be cultivated in a way that does not interfere in a material way with the enjoyment of neighbouring tenants, or that is likely to impede the ability of SMPC to re-let the plot at a later date. SMPC may also set standards for the proportion of the land put to use in the production of fruit, vegetables, flowers and the keeping of permitted livestock and insects e.g bees, and for the maintenance of residual areas.
- 1.3 SMPC believes that the cultivation of allotment gardens should be subject to a regime of inspection that is timely, fair, unintrusive and appropriate to the season. It further believes that allotment garden tenants have an obligation to cooperate in such inspections, including enabling access when external visual inspection is impractical.
- 1.4 SMPC believes that enforcement procedures for non-cultivation should be fair, and made known at the outset to any tenant against whom action is proposed. Such procedures should include clear documentation of faults, an early opportunity to declare any mitigating circumstances (which should be treated in confidence), and deadlines for rectification that allow reasonable time for the tenant to take action, bearing in mind the time of year. Courses of action should offer alternatives to termination wherever possible, including the opportunity to cultivate a smaller plot, especially when there is no prior history of non-cultivation. Where faults are left unrectified and all alternatives refused, SMPC has the right to terminate the tenancy in accordance with the terms set out in the tenancy agreement and relevant legislation.
- 1.5 Cultivation of any seeds, plants or other substances that are prohibited by law is not allowed and will result in the immediate termination of the tenancy agreement on conviction.

POLICY 2 – SOCIAL INTERACTION ON ALLOTMENT SITES

- 2.1 Stansted Mountfitchet Parish Council (SMPC) recognises that allotment sites can be sociable places, populated by people who share a mutual appreciation of gardening. SMPC encourages activities that further the development of social interaction and a sense of community on allotment sites. At the same time, SMPC recognises that allotments are both public and private places, within which some tenants may wish to be left to garden in peace. SMPC recognises the right of any tenant gardening in compliance with their tenancy agreement to the quiet enjoyment of their allotment plot, a right that is violated by any form of unreasonable interaction within or across the boundaries of that individual's allotment plot.
- 2.2 SMPC maintains that responsibility for the behaviour of any person who is invited onto an allotment garden by a tenant lies with the tenant. This applies both to members of the tenant's family of whatever age and to third parties such as informal garden sharers.
- 2.3 SMPC recognises the value and importance of good social relations between allotment associations (and individual tenants) and parties external to the allotments, including neighbours, sympathetic individuals and organisations, and institutions with the power to help protect allotment sites. It encourages the controlled and well-managed opening of allotment sites to facilitate such relations, subject to recognition of the rights of individual tenants and appropriate arrangements for insurance.

POLICY 3 – WAITING LISTS

- 3.1 Stansted Mountfitchet Parish Council recognises that waiting lists are an important part of supporting the right to cultivate an allotment plot. Lists will be maintained using procedures that are transparent and not open to abuse.
- 3.2 SMPC upholds the traditional practice of offering vacant plots to persons on any waiting list in the strict time order in which their name was entered on the list, as the fairest method of allocating plots. Exceptions to this practice include
 - (i) Where existing tenants on other sites under the jurisdiction of SMPC are required to relocate as a consequence of a site closure undertaken in full compliance of the law.
 - (ii) Where the circumstances of the person entitled to be offered the next available plot are such that SMPC is willing to exercise discretion, in a transparent and fair manner and in accordance with its own rules, and offer the plot instead to the next person on the waiting list
- 3.3 SMPC believes that the procedures for notifying prospective tenants of a vacancy should be fair and transparent. SMPC also recognises the need for a speedy process if plots are not to become derelict while vacant, and the right of people on a waiting list to know where they stand on the list at any particular time.
- 3.4 In the event that a disadvantaged group applies for a plot and that plot pre-allocated to disadvantaged groups becomes available, the disadvantaged group will take preference.

POLICY 4 – APPEALS AND EVICTION

- 4.1 Any officer or agent of the council shall be entitled at any time when instructed by Stansted Mountfitchet Parish Council (SMPC) to enter and inspect the allotment garden.
- 4.2 Inspections on allotment sites will be held in set months as detailed and in the Conditions of the Tenancy Agreement. This will be less frequent during the Autumn and Winter months due to reduced cultivation activity.
- 4.3 The inspections will look at the Allotment Tenancy as the criteria for identifying whether a plot holder is not complying with the rules laid out to them.
- 4.4 The first course of action if a plot is identified as not complying with their tenancy agreement, will be an Improvement letter. This letter will detail the unacceptable criteria and indicate what is required to bring the plot up to the required standard.
- 4.5 The plot holder will be given 28 days to rectify the situation and/or explain satisfactorily the reasons for the plot's unacceptable condition.
- 4.6 SMPC should be made aware of any special circumstances relating to a plot holder whose plot is unacceptable e.g.: illness. Any information gathered will be dealt with confidentially and each instance will be dealt with on an individual basis. If after giving due consideration the explanation is accepted a set aside letter will be issued to the tenant and a further assessment and judgement made at subsequent inspection.
- 4.7 In the event of no set aside letter being issued, after the 28 days a formal final warning letter will be issued giving the tenant a final 14 days to rectify and show an immediate improvement, failing which the agreement will be terminated.
- 4.8 After the 14 days, SMPC will issue a Notice to Quit. The plot holder will then be given 14 days to remove any crops, tools and structures left on the site

Policy 5 – Documentation and Records

- 5.1 SMPC believe that tenancy agreements and attached schedules play an essential part in publicising the financial and operational criteria that allotment holders must adhere to.
- 5.2 Tenancy agreements will be reviewed annually, and any changes publicised at least 12 months before the new tenancy period begins.
- 5.3 All tenancy agreements must be signed by the tenant and returned to SMPC for the agreement to be valid. All information supplied by the tenant to SMPC e.g home address etc must be current and maintained as such.
- 5.4 All personal information on allotment holders will be kept confidential by SMPC and subject to GDPR.