



## **ELSENHAM PARISH COUNCIL**

# **ALLOTMENT GARDENS MANAGEMENT POLICY & PROCEDURES**

### **Document Control**

Approved on behalf of the Parish Council	5 March 2019
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### **Change History**

Version:	Date:	Reason for change:
DRAFT C	February 2019	Pending transfer of Smith Road allotments

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## **1. Introduction**

1.1 The objectives of this Policy are:

- a) To have clear and transparent processes for the operation of the Allotment Gardens.
- b) To provide equitable access to the Allotment Gardens for residents of Elsenham.
- c) To ensure fair and consistent treatment of all allotment Plot-holders.

1.2 Allotments are important as they:

- a) Play a key role in strengthening community cohesion.
- b) Provide opportunities for people to grow their own produce and become part of the long-term promotion of sustainability and healthy living.
- c) Help improve people's quality of life by promoting healthy food, exercise and community interaction.

1.3 At present, Elsenham Parish Council (the Council) operates and has responsibility for two allotments sites within the village, these being:

a) **St Mary's Church Allotment Gardens**

These are private allotments that belong to the Church, but are under the management of Elsenham Parish Council, on behalf of the Elsenham Parochial Church Council (the Church authorities).

b) **Smith Road Allotment Gardens**

These are allotments that are owned and managed by Elsenham Parish Council.

1.4 Due to the different types of land ownership for the above mentioned Allotment Gardens sites, the policies and procedures relating to the management, maintenance and ongoing improvements for each of the sites differ.

1.5 Bees

The Council is keen to support bee keeping and believes that honey bees play a critical role in the bio-diversity of allotment sites. However, any Plot-holder wishing to keep honey bees must first obtain the permission of the Council and will be subject to the conditions set down by the Council in its Allotment Gardens Conditions of Use and Tenancy document, and any other associated documents relating to the keeping and management of honey bees.

1.6 Related Documents

This Policy & Procedures document should be read in conjunction with the following other Council documents:

- Allotment Gardens – Conditions of Use & Tenancy Agreement
- Data Protection Policy
- Retention of Records & Documents
- Conditions and Procedures for the Keeping of Honey Bees

Copies of these documents may be found on the Council's website, or obtained directly from the Clerk.

## **2. Responsibility**

2.1 The Council and its officer(s) have a collective and individual responsibility to ensure that this policy is implemented and to promote the Council's commitment to providing allotments that are accessible to all.

2.2 The Parish Clerk, together with the Council's Allotments Working Group, has overall responsibility for ensuring that this policy is applied consistently and fairly.

## **3. Management**

- 3.1 In managing the Allotment Gardens, the Council will:
- a) Communicate with Plot-holders on issues that affect all allotment Plot-holders.
  - b) Communicate with individual Plot-holders on issues relating to their own plot.
  - c) Provide fair and consistent treatment of all Plot-holders.
  - d) Maintain the Allotment Gardens to a high standard consistent with the budget of the Council.

#### **4. Annual Charge**

- 4.1 The annual charge for the use of the Allotment Plots shall be paid yearly in advance, by 1st October in each year.
- 4.2 The income derived from the annual charge accrues to the Council will be set against the costs of provision of water, maintenance and any ongoing improvements.
- 4.3 The annual charge will be reviewed from time to time by the Council. Any decision to increase the charge will be notified to Plot-holders six months (6) before the increase will be implemented. It is anticipated that any increase in the annual charge shall be comparable to the Consumer Price Index (CPI) applicable at that time.
- 4.4 The annual charge period commences on 1st October of each year.

Unless otherwise agreed:

- a) In the first year of use of a plot, the Annual Charge will be on a pro-rata basis for each complete calendar month the allotment plot is occupied.
- b) In the final year of use, a refund of the Annual Charge will be made on a pro-rata basis for each complete calendar month after the allotment plot has been vacated.

#### **5. Eligibility Criteria**

- 5.1 The Council will endeavour to offer allotment plots to applicants who meet the following criteria:
- a) Are 18 years of age and above.
  - b) Are 16 or 17 years of age and a parent or guardian sign to agree to the Conditions of Use on their behalf.
  - c) Are resident within the Parish of Elsenham.
- 5.2 Allotment Plot-holders who move out of the Parish will be required to surrender their allotment plot.

#### **6. Applications for Allotments**

- 6.1 Persons wanting an allotment should apply in writing to the Parish Clerk, Elsenham Parish Council to register their interest.
- 6.2 A waiting list of people wanting an allotment plot or wanting to change their existing plot will be maintained by the Parish Clerk.
- 6.3 The positions of applicants on the waiting list are determined by the date of their application and are in date-order. The Council will advise those on the waiting list of their position on the list and ask them to renew their registration of interest each year.
- 6.4 Should an applicant refuse an offer of an allotment on three separate and successive occasions, they will be removed from the allotment waiting list. Any applicant who is removed can re-apply and their position on the list will be determined by the date of their re-application.

#### **7. Allotment Allocation Procedure**

- 7.1 When an allotment plot becomes available, it will be offered in the following order of priority to existing Plot-holders and applicants on the waiting list:
- 1st: The existing Plot-holder of the other part of the plot, if the available plot is a part-plot.

2nd: The first name on the waiting list of any existing Plot-holders who wish to change plots and have applied in writing for the change.

3rd: The first name on the waiting list of prospective new Plot-holders.

7.2 If there are no people already on a waiting list, an advert will be placed in the Elsenham News, on the Council's notice boards and web-site to invite applications by a given date. The plot will then be offered to the first name drawn in a ballot of those valid applications received.

7.3 Subsequent to an allotment plot being allocated, the Council will provide a letter of confirmation and a copy of the Conditions of Use of the Plot. The Plot-holder will be requested to sign a copy of the letter to indicate that they accept the Annual Charge and Conditions of Use. The Plot-holder shall be provided with a copy of the signed letter together with any other associated information.

#### 7.4 St. Mary's Church Allotments

a) The St. Mary's Church Allotment Gardens comprise twenty two plots each of approximately 125 square metres in area. In all cases, allocation will be subject to the following conditions:

- i) One person may have the use of a maximum of one allotment plot.
- ii) One household may have the use of a maximum of one allotment plot.
- iii) The decision of Elsenham Parish Council shall be final.

**However:** Provided there is no waiting list, no Plot-holder as at 30th September 2013 will be obliged to relinquish an allotment (unless they are willing to do so voluntarily) if they currently exceed the maximum under (i) or (ii) above.

b) As stated above, the use of St Mary's Church Allotment Gardens will revert to the Church authorities in due course. Notice of at least (12) twelve months will be given by the Church authorities of the area of allotment land it requires to be taken back. It is likely that the allotment land will be taken back in sections, probably four in number, over a period of years.

c) For Plot-holders affected by the closure/taking-back of allotment land and plots by the Church authorities, the Council will endeavour to offer to the Plot-holder a new Plot at the Smith Road allotments site. However, the availability of new plots at the Smith Road site cannot be guaranteed by the Council.

d) In circumstances whereby Plot-holders from the St. Mary's allotments site cannot be offered a plot at the Smith Road Allotment Gardens site due to a lack of vacant plots, then the Council will add the Plot-holder's name to the Smith Road allotments waiting list, if requested to do so.

#### 7.5 Smith Road Allotments

a) The Smith Road Allotment Gardens comprise sixty plots each of approximately 125 square metres in area. In all cases, allocation will be subject to the following conditions:

- i) One person may have the use of a maximum of one allotment plot.
- ii) One household may have the use of a maximum of one allotment plot.
- iii) The decision of the Council shall be final.

### 8. **Plots Held Solely or Jointly**

8.1 Plots will normally be allocated solely, i.e. to one named person. However, in certain cases, the Council may consider that a jointly held plot is acceptable or appropriate. Furthermore, if a Plot-holder's circumstances change they may request that a plot be held jointly.

8.3 If a Plot-holder requests that a plot be held jointly, the Council will investigate the circumstances and decide if it is deemed appropriate. Only the Plot-holder's spouse or partner will be accepted as a joint Plot-holder.

8.4 For existing Plot-holders who are the sole Plot-holder, should they die, or become incapable of managing the plot for whatever reason, their partner or spouse (only) may request that they succeed as Plot-holder. Only one such 'succession' will be granted.

## **9. Allotment Inspections**

- 9.1 All plots will be inspected on a quarterly basis to ensure there is adequate cultivation and maintenance in accordance with the Conditions of Use. Should any plots fall below the required standards, the following process will be instigated:
- a) An initial communication with the Plot-holder to establish any issues and/or personal circumstances that offer reasons and mitigation for the lack of proper cultivation and/or maintenance. Should satisfactory reasons be given to, and accepted by, the Council, appropriate remedial actions/solutions will be agreed between the Plot-holder(s) and the Council.
  - b) A formal letter will be sent confirming the remedial action to be taken, and advising that the plot may have to be vacated if the action is not carried out, giving an appropriate timescale (typically four weeks) in which to bring the plot to the required standard.

## **10 Cessation of Use of the Plot**

- 10.1 The Plot-holder may terminate the use of their plot by giving the Council written notice of not less than one (1) calendar month.
- 10.2 In the event of the death of the Plot-holder, use of their plot shall terminate after a period of three (3) calendar months, unless otherwise agreed in writing with the Council.
- 10.3 St. Mary's Church Allotments  
If the Plot-holder has not observed the Conditions of Use of their plot, the use of the plot may be terminated by the Church authorities, as owners of the St. Mary's Allotment Gardens, by giving the Plot-holder written notice of at least one (1) calendar month.
- 10.4 Smith Road Allotments  
If the Plot-holder has not observed the Conditions of Use of their plot, the use of the plot may be terminated by the Council, as owners of the Smith Road Allotment Gardens, by giving the Plot-holder written notice of at least one (1) calendar month.

## **11. Monitoring and Review**

- 11.1 To ensure effective monitoring, the Allotments Working Group will produce regular reports to the Council regarding:
- a) The management of the allotments and any issues arising.
  - b) The provision of allotment plots, the levels of demand for allotments and the waiting list.
- 11.2 This policy will be reviewed at least once a year to ensure that it complies with the relevant current legislation, and continues to promote good practice.

## **12. Personal (Plot-holder) Data Privacy**

- 12.1 When a (potential) Plot-holder applies for an allotment plot, the information that the Council requests to be provided (i.e. personal information such as name, address, email address, phone number) will be processed and stored so that it is possible to contact the potential Plot-holder, respond to their correspondence, provide information, and send invoices and receipts relating to the allotment tenancy. Personal information will not be shared or provided to any other third party.
- 12.2 In accordance with the Law, the Council only collects a limited amount of information about you, the Plot-holder that is necessary for correspondence and information and service provision. The Council does not use profiling, sell or pass your data to third parties, nor use your data for purposes other than those specified. Your data is stored securely and all information deemed to be no longer necessary is deleted. The Council's Privacy Policy is constantly reviewed to keep it up-to-date in protecting your data.
- 12.3 Should you have a complaint regarding the way your personal data has been processed, you may make a complaint, in writing, to the Clerk, details of which may be found on the Council's web site, together with full information regarding the Parish Council's Data Protection Policy. Information may also be obtained directly from the Clerk.

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