

Cabinet

12 September 2012



Report relating to the Introduction of a County wide Allotment Lettings Policy

Key Decision NS/16/12

Report of Corporate Management Team

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Councillor Maria Plews, Portfolio Holder for Leisure Libraries and
Lifelong Learning**

Purpose of the Report

- 1 The purpose of this report is to provide an update to members following the consultation exercise undertaken in relation to the introduction of a countywide allotment lettings policy, and to seek authorisation for the updated policy to be formally adopted.

Background

- 2 Members will recall that the report presented to Cabinet on 13 April 2011 outlined the Council's proposals to introduce a countywide allotment lettings policy. Cabinet agreed that before the proposed policy be adopted it should be subject to a public consultation. The policy applies to County Council directly managed allotments and not those managed by Town and Parish Councils or allotment associations.
- 3 The report highlighted that historically the provision of allotments within County Durham had been provided by a mixture of the former County Council, and a number of District, Town or Parish Councils.
- 4 An initial audit of allotments highlighted that in some areas of the County the management of allotment sites had been a low priority due to lack of resources. In particular this had resulted in areas receiving very little inspection of sites or enforcement of rules in line with the defined use of an allotment.
- 5 The Allotment Acts 1908-50 do not provide a comprehensive statutory definition of an "allotment." The Allotment Act of 1922 defines the term "allotment garden" as "an allotment not exceeding 40 poles [1011.72m²] in extent which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family." There is no set standard size but nationally the most common plot size is 250m² which means that most allotments are capable of falling within the definition of "allotment garden."

Consultation

- 6 The results of the consultation exercise undertaken are shown in Appendix 2 however the following is a summary of the approach taken and the key findings.
- 7 The consultation exercise was undertaken via both a postal and an online questionnaire. This was undertaken in the period October to December 2011 to ascertain the opinions of not only DCC allotment holders, those on waiting lists but also those with a vested interest in allotments along with the general public.
- 8 A total of 1,363 postal questionnaires were issued with 526 returns giving a response rate of 38.6%. A total of 290 people also responded online. Consultees included:
 1. All Allotment Associations
 2. The National Society of Allotment and Leisure Gardeners
 3. General Public
 4. Allotment holders
 5. Individuals on allotment waiting lists
- 9 All consultees were asked to respond to a series of questions that covered the following areas of interest that had been embodied into the proposed policy (Appendix 4).
 1. Waiting list arrangements and criteria to apply for an allotment
 2. Levels of rent and tenancy agreements
 3. Which areas should be classed as allotments
 4. Regulation of use
 5. Keeping of animals
 6. Enforcement of the policy
- 10 In general the proposed policy was received well by all stakeholders and it is apparent that a clearer and more robust policy framework would be welcomed by all those involved with allotments. The detailed findings are set out in Appendix 4 but the key findings of the consultation are set out below:
 - 72% agreed to harmonising rents and 75% think that the plot size approach creates a fairer relationship between plot size and rental charge
 - 86% think County Durham allotments should align with the Allotments Act of 1922
 - 89% agree with a requirement for responsible cultivation
 - 99% want specified standards of behaviour
 - 57% of respondents wished to retain the use of barbed wire

- 89% think that there should be a prohibition of vehicles
- 87% think dogs should not be kept and 74% are against the keeping of horses
- 87% also feel that tenants keeping equine animals should be transferred to new tenancy agreements specific to this activity
- 86% think that the Council should apply the enforcement procedure outlined in the proposed new lettings policy.
- 60% think that there should be an amnesty period of twelve months leading to the enforcement of the policy
- 80% want Allotments to be taken off tenants who leave the county
- 84% thought that water should be supplied, and if not 49% thought that water butts should be provided as an alternative.

Changes to original policy

11 Whilst there has clearly been support for the policy, this is not to say that the consultation process has not raised a range of issues that have influenced thinking around the policy. In particular the following issues have emerged from the consultation process, and as a result a number of changes to the original policy, presented to Cabinet in April 2011, are proposed. Namely changes to:

1. Co-worker and transfer arrangements,
2. Scope of sites to which the policy will apply,
3. Criminal and anti-social behaviour procedures,
4. Use of barbed wire
5. Use and supply of water
6. Allowing the use for large animals on sites (dogs, horses, ponies and donkeys).

12 Co-worker and transfer arrangements: The consultation response with regards to co-workers and the transfer of tenancy agreements highlighted a difference of opinion between current tenants and those on a waiting list. Not surprisingly those on waiting lists did not support the transfer of allotments to co-workers and preferred that waiting lists took priority. Current tenants however favoured the option to transfer to a co-worker.

13 It is therefore proposed to retain the policy of allowing the transfer to a co-worker, however, the policy is amended to state that the co-worker must have been registered with the Council for a period no less than 3 years, or as long as the next person to be offered a plot on the waiting list. This is a significant change from the 6 months stated in the draft policy. Any appeal with regards to the application of this policy will be dealt with by the relevant Head of Service.

14 Because of past problems with some tenants having ostensibly “sublet” their allotment without authority from the Council it is also proposed to offer up a period of amnesty, in which those who have sub let allotment plots can disclose the actual occupier of the site. Those who cooperate with the amnesty will have the sites transferred.

- 15 Scope of sites to which the policy will apply: Some sites although designated as allotments are not suitable for the growing of vegetables and therefore would not come within the statutory definition of an allotment garden as shown in paragraph 5. These sites tend to be those where horses and other animals are kept. Or indeed are used for storage by tenants. This, it is suspected is often for business purposes.
- 16 To ensure the lettings policy is applied to the correct type of sites it will be necessary to categorize those sites which fall within the policy, i.e. it would not be fair or indeed practical to attempt to apply this policy to sites which can not be cultivated.
- 17 Criminal and anti-social behaviour procedures: A number of sites can also be described as problem sites where often anti social behaviour and criminal activity takes place either on the site or in close proximity to it. In order to deal with such matters it is proposed that a multi agency approach will be adopted, this will include representation from Police, Fire, Housing Association, Town or Parish Council and include elected members. This approach has proved to be effective in dealing with such issues. The policy has also been updated to reflect concerns relating to crime, violence and intimidation by allotment holders.
- 18 Use of Barbed wire: The original policy banned the use of barbed wire, more than half of the respondents wished to retain its use and the policy has been amended to allow its use. However, it is made clear that this is entirely the responsibility of the tenant and tenant will be made aware of the legislation governing the use of barbed wire.
- 19 Use and supply of water: Although the consultation shows considerable support for the provision of free mains water, there is a need to control the usage. The original policy placed a responsibility on sites with a supply to meet the cost. It is therefore intended to retain a charge for mains water. However, in order to ensure this is done in a fair and consistent manner a further consultation will be undertaken with those sites.
- 20 Allowing the keeping of Dogs, Horses, Ponies and Donkeys on Allotment Sites: As highlighted in Paragraph 15 a number of current sites categorised as allotments are currently used to house large animals. This is in clear conflict to the definition of an allotment garden. Following legal advice it is proposed therefore that the keeping of large animals as highlighted should not be allowed on allotment gardens and any reference to allowing large animals should be removed from the councils letting policy.

Next Steps

- 21 The consultation has demonstrated considerable support for the new policy, it will be important to move forward with the implementation of the policy in a planned and timely manner. This will involve a number of phases to the implementation of the policy and will include the following.
- 22 If the new policy is adopted, all current tenants will be written to advising them of the outcome of the consultation and the planned implementation for the policy including the period and terms of the amnesty. The terms of the

Council's current allotment tenancy agreements will need to be varied. This can either be undertaken by agreement with the tenant or, if such agreement is not forthcoming, in the case of allotment gardens, the Council has the option to terminate the tenancy on giving twelve months notice ending on or before the 6 April or on or after 29 September in accordance with statutory provisions. There are no such restrictions on termination of other allotment tenancies that are not allotment gardens.

- 23 In order to address some of the resource issues around the management of allotments the Sports and Leisure Service will initially carry out a staff restructuring exercise to increase resource in this area. Secondly officers will work with ward members to confirm the sites which come within the definition of allotment garden for the purpose of this policy. See Appendix 3.
- 24 There are currently limited budgets within the Outdoor Sports and Leisure Section to be able to fund all the improvements required to the allotment stock. The identification of non allotment sites will assist in better use of resources to the most appropriate sites. The Sports and Leisure Strategy states that funding will need to be increased for services provided by the Outdoor Sports and Leisure Team. In addition capital bids will need to be made to ensure investment is carried out on allotment sites to ensure they are fit for purpose to transfer to other parties.
- 25 Those that fall outside of the policy (i.e. do not come within the definition of allotment garden) will need to be transferred into the management of the relevant department. This would result in sites used for horses, storage and general garden use being reconsidered. New licences or tenancies (where appropriate) together with fees, rents and charges would be developed for such sites which align with the usage of the site.
- 26 In addition there are twenty one single plot sites, these are often used as garden extensions and these will need to be reviewed together with their legal status as part of the implementation process. If these sites are not required for allotment use then again transfer and or disposal would need to be considered by the relevant service.
- 27 Sports and Leisure Services should only be responsible for the management of allotment gardens (including where small livestock is allowed, ie hens and rabbits only). There is a demand for sites that can be used to stable horses and other animals and it will be necessary to identify these separately to allotments.
- 28 The longer term aim is to have more allotment sites managed at a local level i.e. via Town and Parish Councils or allotment associations. This would lead to improved sites and create greater community ownership of allotments.
- 29 Problem tenants and indeed problem sites will require a clear action plan dependent upon the individual issues surrounding the site. It is intended that this is dealt with using the same multi – agency approach as set out in para.17. Officers will work with the group to agree a plan which may include the eviction of a tenant and or the clearance of a site.

- 30 With so many sites across the county it is proposed to tackle this work using ward boundaries and to approach each area in alphabetical order, officers would begin the task in Annfield Plain, working through all 63 wards to identify a plan of action for each site.

Conclusion

- 31 The consultation has provided positive feedback on the proposed policy. It shows there is support for the implementation of new rules to control the use of allotments. It also demonstrates the need to define which sites are indeed allotment gardens and fall within the policy.
- 32 There is a demand for land across County Durham for the keeping of animals, evicting these occupiers from land that has no other suitable purpose could be detrimental to the local community. This report sets out a process for tackling some of these issues in a controlled approach. It will ensure the policy is applied correctly and that fees for the use of council land are appropriate for use.
- 33 Implementing the policy will require a cross service approach and in particular the support and cooperation of asset management. Enforcement issues also need to be addressed with appropriate officers assigned to assisting the Sports and Leisure Team with the implementation of the policy.
- 34 The longer term aim must be to encourage more local management of sites, this will be either through Town and Parish Councils or Allotment Associations. Well managed sites are a community asset, however those that are not controlled are often the focus of crime and anti social behaviour.
- 35 It should be noted that this policy is intended to improve the management of the Council's existing stock of allotments through the introduction of a policy to control lettings and operation. Such a policy will need to be followed in the future with an Allotments Strategy that will attend to issues of distribution; how many sites and where they are. This will be the subject of a future report.

Recommendations and reasons

- 36 It is recommended that
1. Members agree to the formal adoption of a Countywide Allotment Lettings Policy as shown in Appendix 4.
 2. Members agree the proposed actions set out in sections 21 -30 'Next Steps'.

Background papers

Cabinet Report 13 April 2011

Contact: Steve Howell Tel: 0191 372 9178

Appendix 1: Implications

Finance

Contained within the main body of the report.

Staffing

It is proposed a staffing restructure will take place to increase resources to be able to deal with the implications of the allotment lettings policy. This will be subject to a further report to Neighbourhood Services Management Team

Risk

A full risk assessment has been carried out and a reportable risk has been identified. If the Allotment Letting Policy is not approved it may result in increased complaints from both Elected Members and residents regarding miss -use of allotments. The potential impact to Durham County Council would be reputational damage and reduced income from allotment plots that cannot be re-let. Measures to mitigate this risk will include managed comments and complaints.

Equality and Diversity/Public Sector Equality Duty

Following consultation a equality and diversity impact assessment screening has been carried out which has identified that the proposed allotment policy will largely create positive changes which will have a positive impact across the protected equality characteristics. Where reasonable, actions will be implemented to mitigate minor negative impacts. Appendix 5

Accommodation

None

Crime and Disorder

Consultation has shown that on some allotment sites instances of crime and anti social behaviour has taken place. The report sets out a procedure for dealing with sites which suffer from such instances

Human Rights

None

Consultation

The policy has been subject to a 12 week consultation process

Procurement

None

Disability Issues

None

Legal Implications

The legal implications of this policy have been discussed with the legal department and it is agreed that a harmonised Countywide Allotment Letting Policy is required following local government re-organisation.

Appendix 2: Allotment Letting Policy Survey 10 January 2012

Research and Consultation Team

Purpose of Report

- 1 This report provides an overview of findings from the survey investigating the public opinion on the harmonisation of allotment letting policy, together with its methodology and tables of results.

Background

- 2 The survey was performed from October to December 2011 to ascertain the opinions of allotment holders, those on waiting lists, those with a vested interest in allotments along with the general public into the policy which should be enforced across the whole of the county.
- 3 Although an on-line consultation with the general public took place concurrently the main indicative results came through letters sent out to all registered allotment holders in County Durham. These were supplemented with questionnaires sent to the various allotment associations.
- 4 Of the questionnaires 290 were returned online and 526 through the post, giving a total of 816 responses. A map showing the spread of respondents across the county is in Appendix 1.
- 5 The survey was unweighted as the relevant larger population dimensions are unknown (i.e. those the questionnaire was targeted at). Throughout this report, where appropriate, cross tabulations are included for age, gender, disability status and sexuality.
- 6 The questionnaire requested the respondent's opinion regarding the various aspects of allotment policy, along with any potential future changes to harmonise those services. The areas of consultation being:
 - Transfer of tenancy
 - Water supply
 - Rent
 - Land use
 - Cultivation
 - Standards of behaviour
 - Vehicles
 - Boundary maintenance
 - Buildings/structures
 - Barbed wire
 - Disposal of refuse
 - Bonfires
 - Animals
 - Enforcement

Key Findings

7 Major results emerging from the survey are:

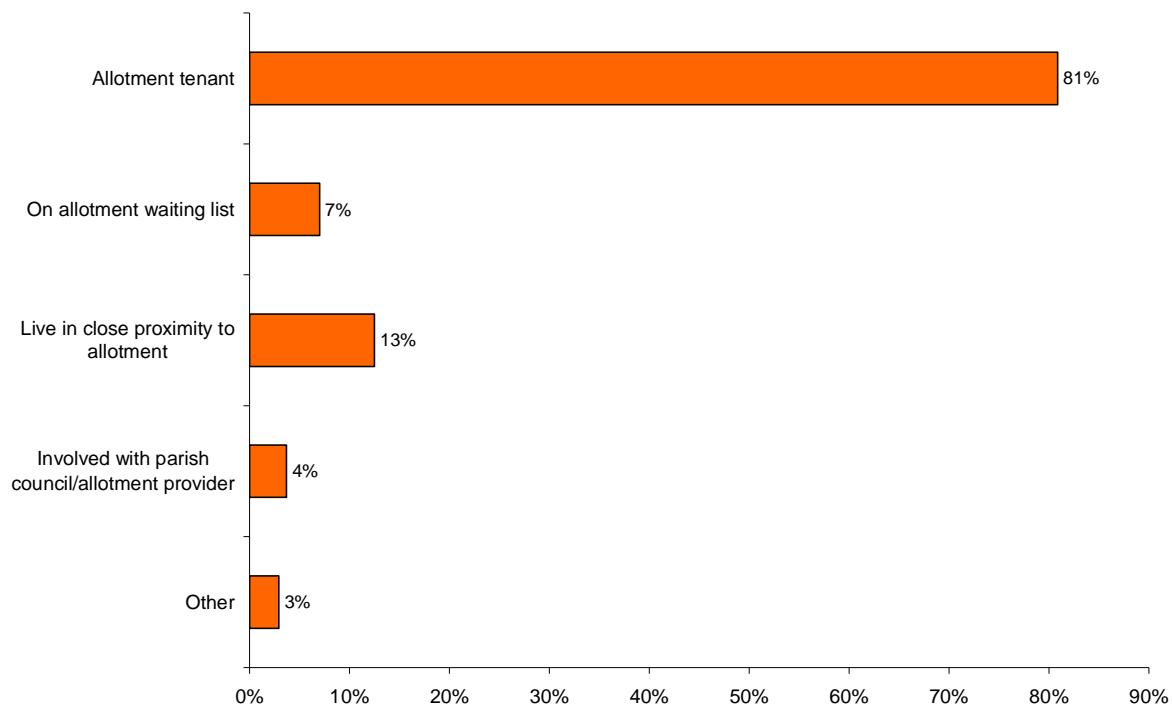
- Allotments should be taken off tenants who have left the county (74%) or who leave it (80%).
- There was a similar call for allocation of vacant plots to registered co-workers (57%) and for allocation to people on a waiting list (44%).
- A large majority thought that water should be supplied (84%), and if not 49% thought that water butts should be supplied as an alternative.
- A majority think that rent charges should be harmonised (72%) and 75% think that the plot size approach creates a fairer relationship between plot size and rental charge.
- Nearly nine out of ten (86%) think County Durham allotments should align with the Allotments Act of 1922.
- A majority think that tenancy agreements should include a requirement for responsible cultivation (89%), specified standards of behaviour (99%) and sensible use of bonfires (89%).
- A majority of respondents think that there should be a prohibition of vehicles (89%), dogs (87%) and of large animals (74%) being kept on allotments, but a minority thinking the same of barbed wire (41%).
- A majority of respondents think that the council should authorise work on internal boundaries (52%), regulate buildings and structures on allotments (66%), standards of cleanliness (91%) and the keeping of animals other than hens and rabbits (77%).
- 70% of respondents support the retention of 'animal free' allotments.
- A large majority (87%) feel that tenants keeping equine animals should be transferred to new tenancy agreements specific to this activity.
- Over four fifths (86%) think that the Council should apply the enforcement procedure outlined in the survey, and over half think that there should be an amnesty period of twelve months (60%). Of those against a twelve month period 62% thought the period should be shorter.

Results

Interest in allotments

- 8 Just short of half the respondents are allotment holders, with the next highest type of respondent being those that live in close proximity to allotments (Fig 1).

Figure 1. Respondent's interest in allotments.



- 9 Of those who had another interest in an allotment, the highest in number were waiting to apply for an allotment, with eight responses.

Residency of allotment tenancies

- 10 The majority of respondents believe that tenants already living outside of County Durham should not be allowed to retain their allotment (Fig 2). There was also a majority feeling that tenants should give up their allotment if they move out of the county (Fig 3).
- 11 The responses for the questions were tested for a difference of opinion between those living close to the county border and those living in the centre of the county (see Appendix 1 for details of the areas). This concluded that there were no significant differences between the two groups.

Figure 2. Should tenants retain their allotment if they live outside of County Durham?

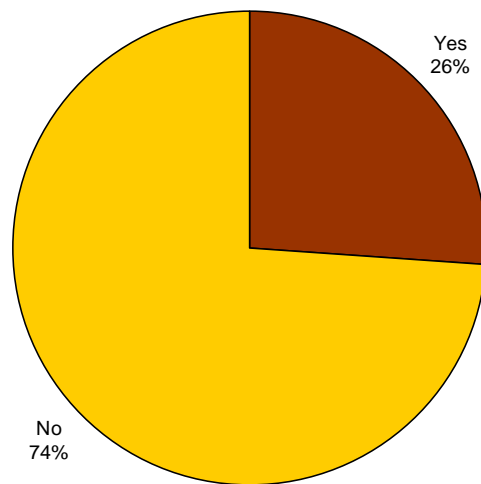
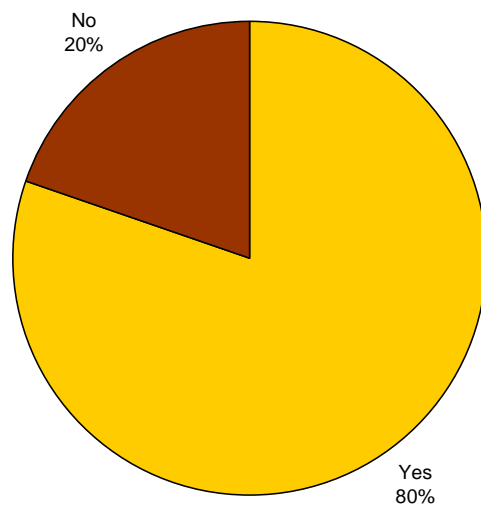


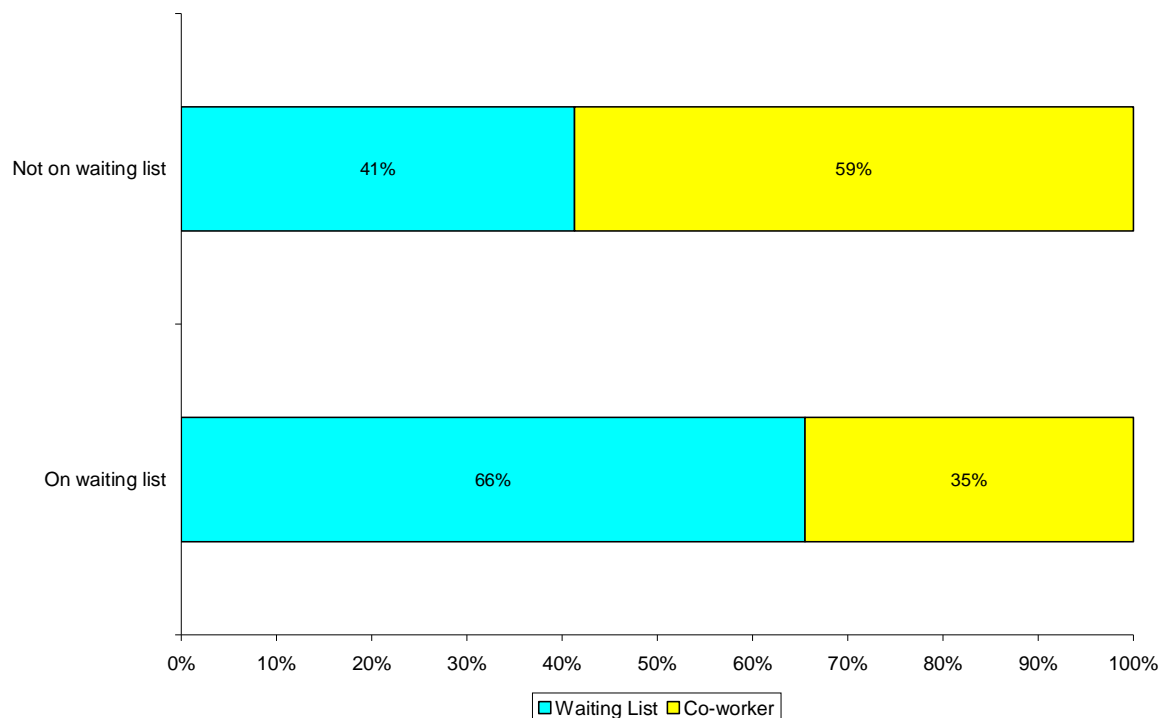
Figure 3. Should tenants give up their allotment if they move outside of County Durham?



Transfer of tenancy

- 12 A similar amount of responses were received that thought that vacant plots should be allocated to people on the waiting list (44%) and that there should be a formal registration of co-workers to inherit the tenancy (57%).
- 13 There were significant differences between allotment holders and non-allotment holders, with allotment holders having a higher percentage thinking they should be passed onto a co-workers. Those on a waiting list had a higher percentage thinking allotments should be allocated via a waiting list. Figure 4 highlights the differences between the two groups, and that due to a lack of consultation with waiting list groups, the overall figure reverts largely back to the opinion of those not on the waiting list.

Figure 4. Transfer of tenancy method by whether on the waiting list.



- 14 The most common comment about the transfer of tenancies is that the council should recognise a family's rights to an allotment, with thirty five responses.

Water

- 15 84% of respondents felt the council should provide mains water supply to allotments. Failing this, 49% thought water butts should be supplied as an alternative.

Plot size and rent

- 16 72% of respondents thought that rent charges should be harmonised. Three quarters of respondents (75%) felt that the council approach brought a fairer relationship between plot size and rental charge.
- 17 The most common comment about the alteration of rental charges is that the banding should depend upon the facilities available such as water/security/accessibility with thirty eight responses.

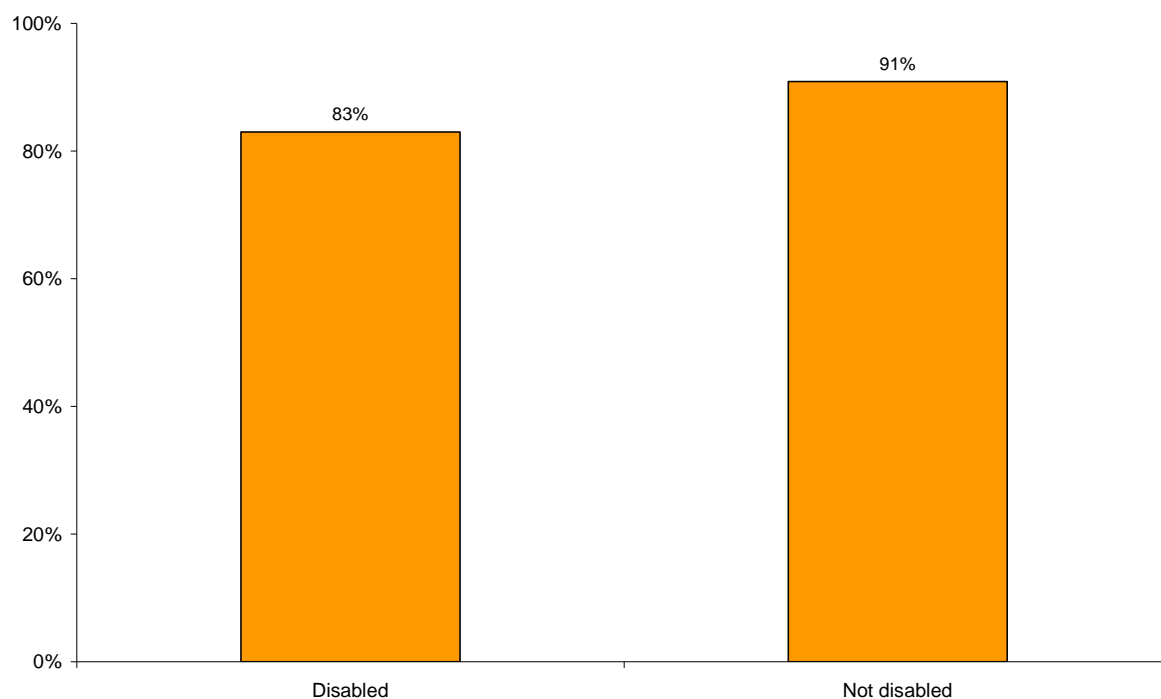
Use of Land

- 18 Over four fifths of respondents (86%) thought that the use of allotments in County Durham should align with the definition as established by the Allotment Act of 1922.

Cultivation

- 19 Nearly nine out of ten respondents (89%) thought there should be a requirement for responsible cultivation to be included in tenancy agreements.

Figure 5. Requirement for responsible cultivation to be included in tenancy agreements by disability



- 20 There were significant differences between those over 65 and those under 65, with the elderly having a higher percentage who think there should be a requirement. There were a lower percentage of those with a disability thinking a requirement should be included (Fig 5).
- 21 The most common comment about the requirement for responsible cultivation to be included in tenancy agreements is that this should be enforced at all times, with twenty two responses.

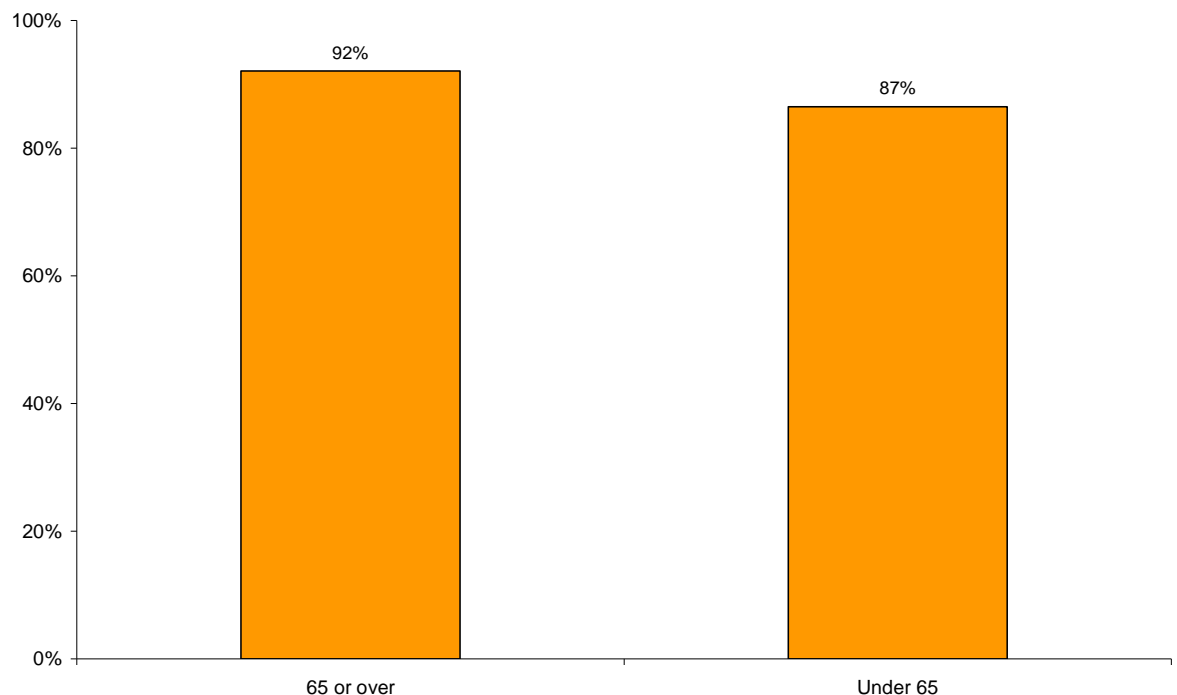
Tenants Standard of Behaviour

- 22 99% of respondents think that tenancy agreements should specify reasonable standards of behaviour.

Vehicles

- 23 Nearly nine out of ten respondents (89%) thought that the unauthorised storage of vehicles should be prevented on allotment sites.
- 24 There were significant differences between those aged 65 or over and those under 65, with the elderly having a higher percentage who thought unauthorised storage of vehicles should be prevented (Fig 6).

Figure 6. Prevention of unauthorised vehicles by aged over/under 65



Maintenance of Boundaries

- 25 Just over half of respondents (52%) think that maintenance of internal boundaries should require authorisation from the county council first.

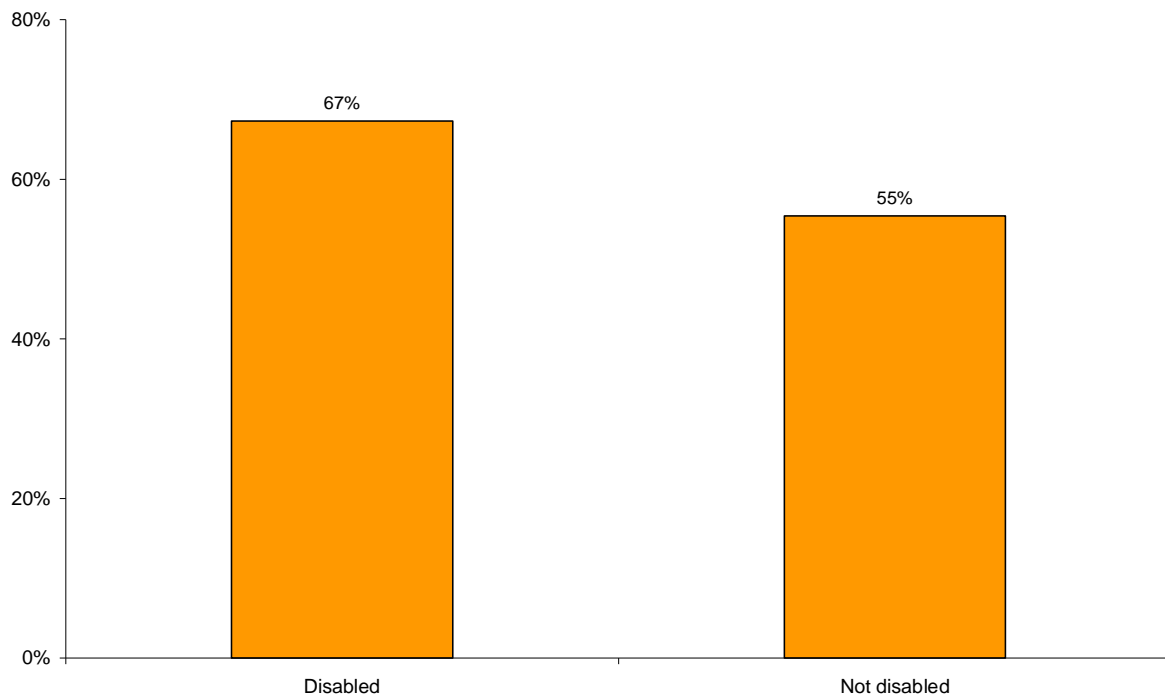
Buildings and Structures

- 26 Nearly two thirds of respondents (66%) thought that buildings and structures should be regulated by the council on allotments sites.
- 27 The most common comments about the regulation of buildings and structures within allotments are that there should be more than two buildings allowed or that there should be more than one allowed of one particular structure with thirty nine responses.

Barbed Wire

- 28 Over half of respondents (59%) think barbed wire should continue to be allowed to be used. A higher percentage of disabled people think that the use of barbed wire should be allowed, compared to those not disabled (Fig 7).

Figure 7. Allow continued use of barbed wire by disability status



Depositing Refuse/Disposal of Rubbish

- 29 91% of respondents thought the council should use enforcement to improve standards of cleanliness on allotment sites. To help encourage people to keep the allotments tidy, the provision of skips was the most common comment with sixty three responses.

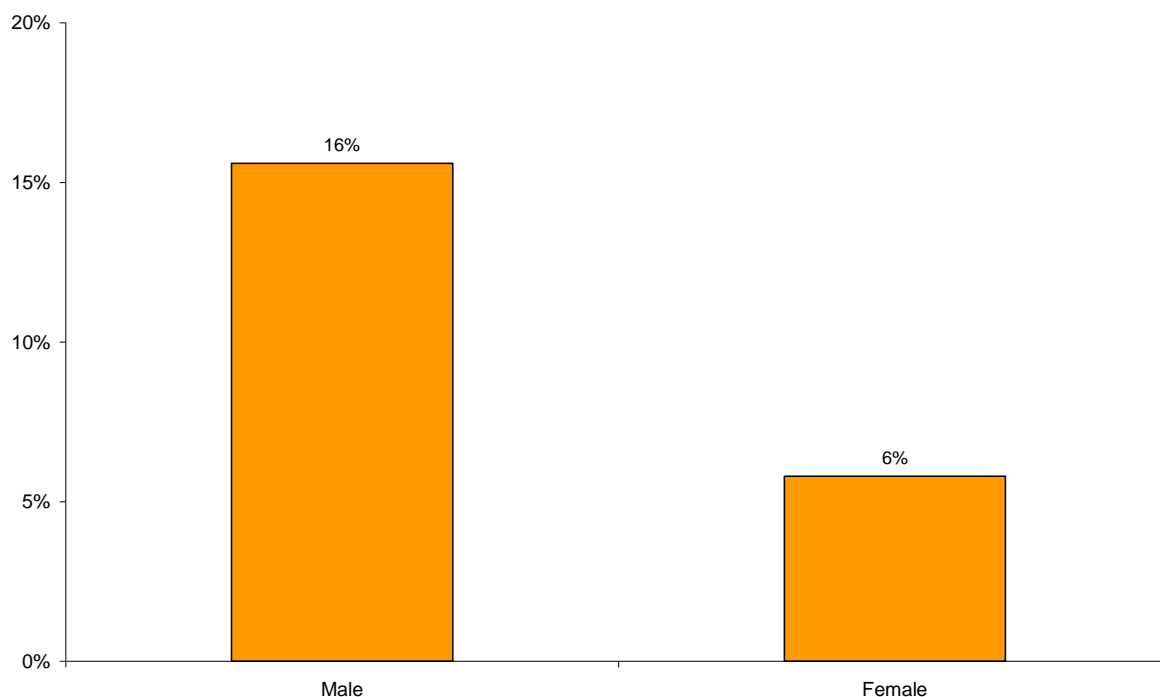
Bonfires

- 30 Nearly nine in ten respondents (89%) think tenancy agreements should be used to enforce the sensible use of bonfires.

Dogs

- 31 Over four in five of respondents (87%) think that dogs should not be allowed to be kept on allotments.
- 32 There were significant differences between genders, with a higher percentage of males believing dogs should be allowed to be kept on allotments (Fig 8).

Figure 8. Allowance of dogs kept on allotments by gender

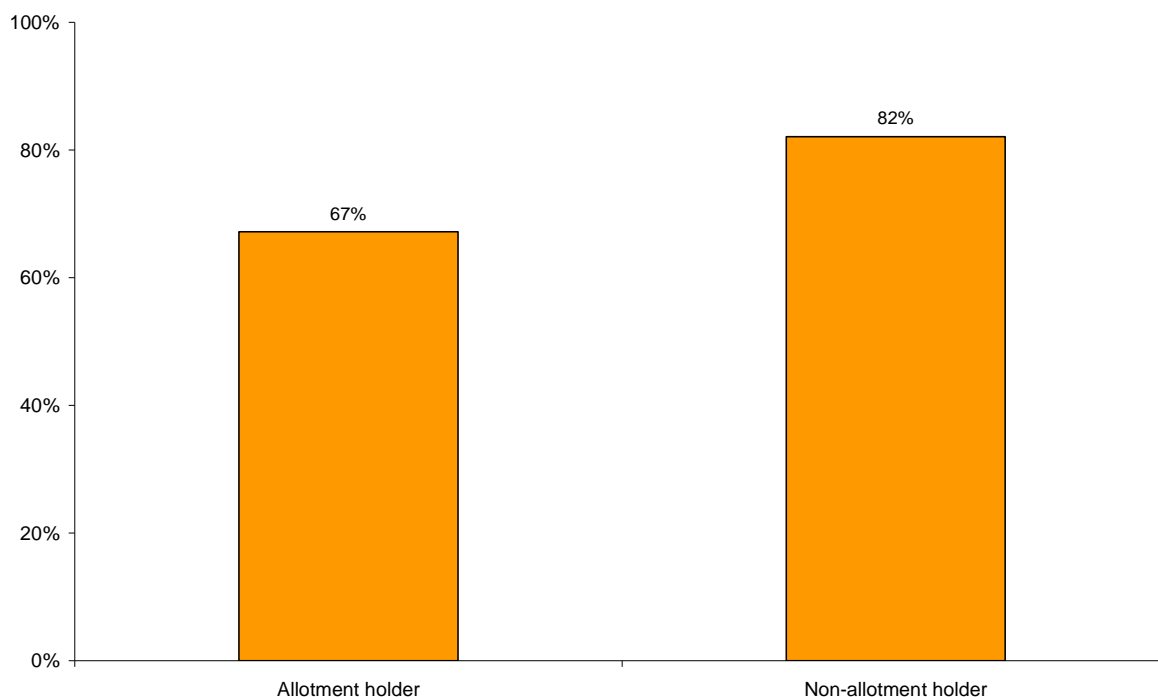


- 33 The most common comments regarding the keeping of dogs on allotments were that this should be okay if they are well kept with twenty responses.

Small Animals and Bee Keeping

- 34 77% of respondents think the county council should have a procedure for authorising the keeping of animals other than hens or rabbits. However, 70% support the retention of 'animal free' allotments (with the exception of hens or rabbits). There were significant differences between those who are allotment holders and those who are not, with a higher percentage of allotment holders disagreeing with the retention of animal free allotments (Fig 9).

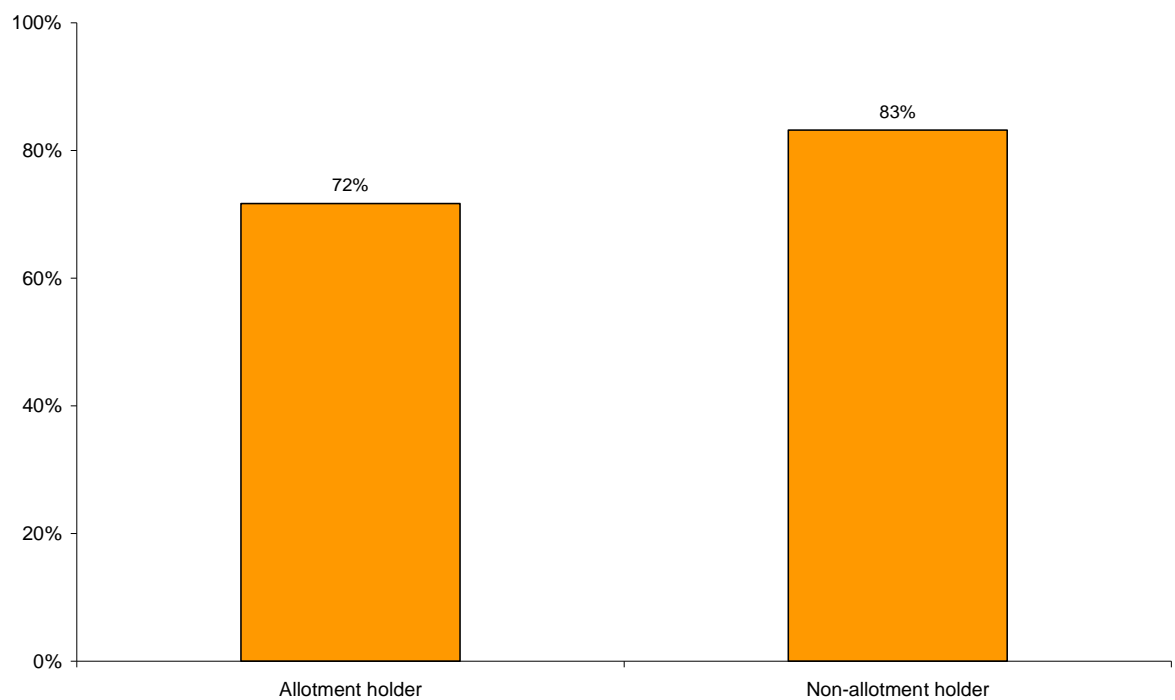
Figure 8. Retention of 'animal free' allotments by holdership



Large Animals

- 35 Nearly three quarters of respondents (74%) think that the keeping of large animals should be phased out. There were significant differences between those who are allotment holders and those who are not, with a higher percentage of allotment holders disagreeing with the phasing out of large animals on allotment plots (Fig 10).

Figure 10. Agreement with phasing out large animals on allotments by holdership



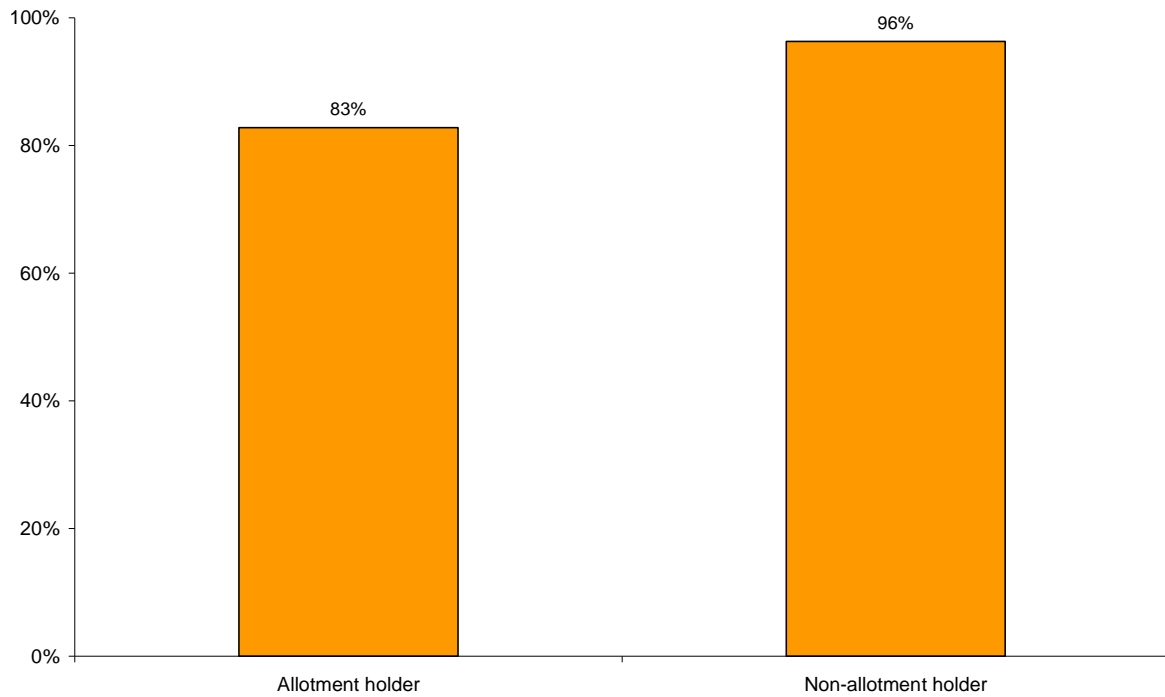
Horses, Donkeys, Ponies and Asses

36 87% of respondents think that the tenancy agreements of allotments keeping equine animals should be transferred to new tenancies agreements specific to this activity that specify animal welfare standards. The most common comments regarding the keeping of equine animals on allotments were that these types of animals are not suitable for allotments with twenty four responses.

Enforcement

37 86% of respondents think that the enforcement policy put forward by the county council should be applied. There was a significantly lower percentage of allotment holders thinking the council should apply the enforcement policy (Fig 11).

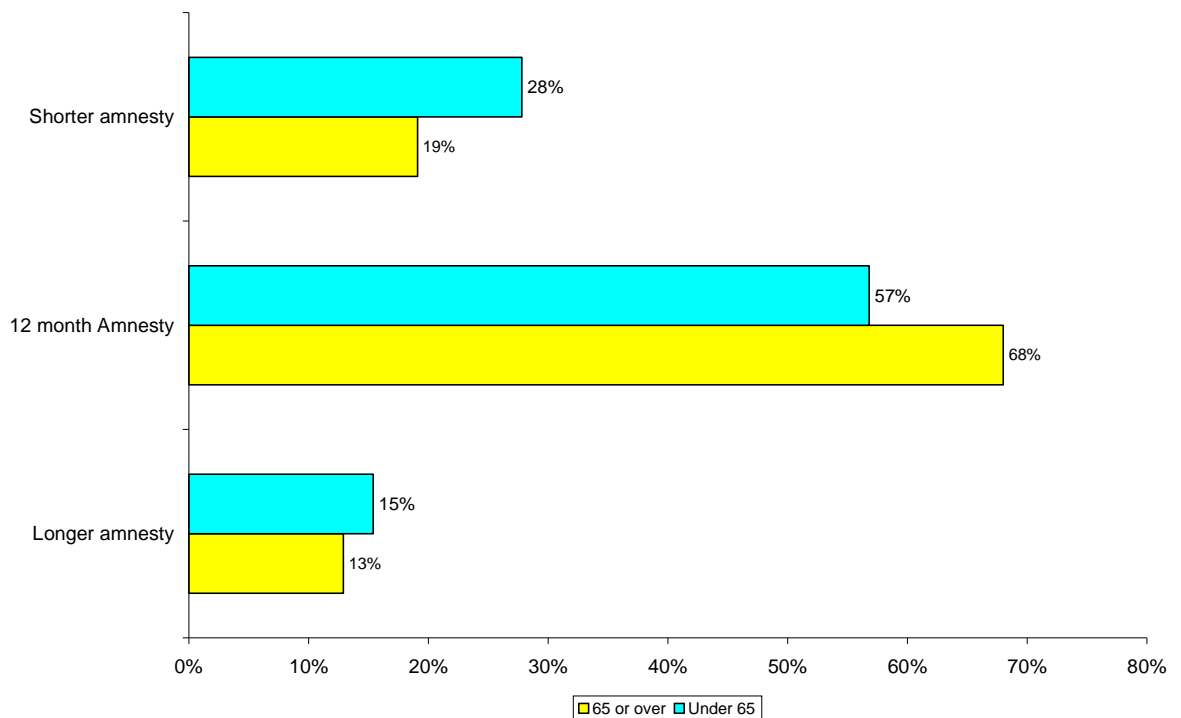
Figure 11. Agreement with the council using the suggested enforcement policy



38 Over half of respondents (60%) believe a 12 month amnesty to enable compliance with revised tenancy agreements prior to the instigation of enforcement procedure should be introduced. Of those that think there shouldn't be a 12 month amnesty, 62% think it should be a shorter amnesty.

39 A significantly higher percentage of those over 65 believe that the twelve month amnesty should be enforced and a lower percentage feeling the amnesty should be shorter (Fig 12).

Figure 12. Agreement with the council using the suggested enforcement policy

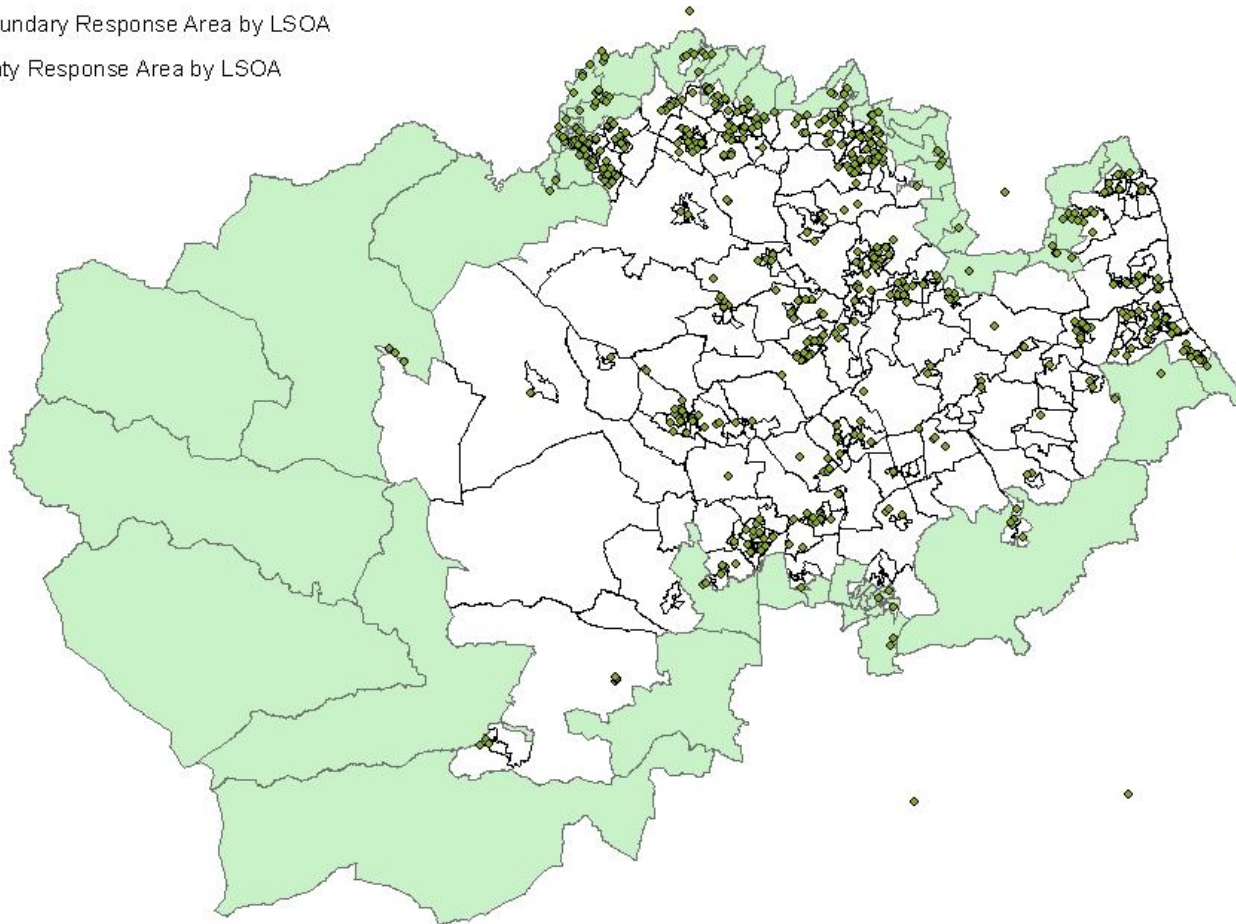


- 40 Of those that disagreed that the council should regulate buildings, that they should allow dogs, were against animal free allotments, and thought that barbed wire and large animals should be allowed – *each group* had a higher percentage thinking the amnesty period should be longer and a lower percentage thinking it should be shorter.

Appendix 1 Map of Responses by Postcode

Key

- ◆ Responses by Postcode
- County Boundary Response Area by LSOA
- Core County Response Area by LSOA



Appendix 2: Methodology

- 41 The Allotment Survey was distributed to County Durham allotment holders during October through to December 2011. The returns consisted of those that were sent to allotment holders and allotment associations through the post, collection points in public buildings and Internet returns. The survey was widely advertised including in Durham County News and through the County Durham Citizens' Panel.
- 42 Of the questionnaires returned 290 were done so online and 526 through the post, giving a total of 816 responses. The survey was unweighted as the relevant larger population dimensions are unknown (i.e. those the questionnaire was targeted at).
- 43 Throughout this report, where appropriate, cross tabulations were carried out for age, gender, disability status, allotment holdership and sexuality
- 44 The questionnaire is available in PDF format from the Research and Consultation Team on 0191 3727693 or email mark.lawson@durham.gov.uk.

Appendix 3: Frequency Tables

Q1: Why are you interested in allotments?

Interest	Frequency	Percentage
I'm an allotment tenant	634	80.9%
I'm on the waiting list for an allotment	55	7.0%
I live in close proximity to allotments	98	12.5%
I'm involved with a parish/town council or other allotment provider	29	3.7%
Other reason	23	2.9%
TOTAL	784	100.0%

If other, please specify

Interest	Frequency	Percentage
Waiting to apply for an allotment	8	0.9%
Allotment Association Chairman/Member/Secretary	5	0.6%
Interested in allotments	4	0.5%
TOTAL	789	100.0%

Q2: Do you think tenants who already live outside of County Durham should be allowed to retain their allotment?

	Frequency	Percentage
Yes	193	26.2%
No	543	73.8%
TOTAL	736	100.0%
Don't know/no opinion	49	

Q3: Do you think tenants who move out of County Durham should give up their allotments?

	Frequency	Percentage
Yes	591	80.3%
No	145	19.7%
TOTAL	736	100.0%
Don't know/no opinion	46	

Q4: Do you think vacant plots should be strictly allocated to people on the waiting list or should there be a formal registration of co-workers?

	Frequency	Percentage
Formal registration of co-workers	421	56.5%
Allocated to people on the waiting list	324	43.5%
TOTAL	745	100.0%
Don't know/no opinion	29	

If you have any comments regarding the transfer of tenancies, please state.

Comment	Frequency	Percentage
Recognise family rights to allotments	35	21.7%
Co-workers efforts should be recognised	33	20.5%
Co-worker policy is open to abuse	13	8.1%
Co-worker should be dependant upon their using the allotment	13	8.1%
TOTAL	161	100.0%

Q5: Do you think we should provide a mains water supply to allotments?

	Frequency	Percentage
Yes	619	84.0%
No	118	16.0%
TOTAL	737	100.0%
Don't know/no opinion	35	

Q6: Do you think we should provide water butts as an alternative to a mains water supply?

	Frequency	Percentage
Yes	344	48.9%
No	359	51.1%
TOTAL	703	100.0%
Don't know/no opinion	57	

Q7: Do you think that rent charges should be harmonised?

	Frequency	Percentage
Yes	507	71.9%
No	198	28.1%
TOTAL	705	100.0%
Don't know/no opinion	69	

Q8: Do you think this approach creates a fairer relationship between plot size and rental charge?

	Frequency	Percentage
Yes	526	74.6%
No	179	25.4%
TOTAL	705	100.0%
Don't know/no opinion	66	

If you have any suggestions for an alternative approach for a fairer relationship between plot size and rental charge, please state.

Comment	Frequency	Percentage
Band depending on facilities/water availability	38	23.2%
Suggested is an excessive rental rise	27	16.5%
Charge by the square metre	21	12.8%
TOTAL	164	100.0%

Q9: Do you think the use of allotments in County Durham should align with the definition as established by the Allotment Act, 1922?

	Frequency	Percentage
Yes	623	86.0%
No	101	14.0%
TOTAL	724	100.0%
Don't know/no opinion	51	

Q10: Do you think a requirement for responsible cultivation should be included within the tenancy agreements?

	Frequency	Percentage
Yes	661	89.0%
No	82	11.0%
TOTAL	743	100.0%
Don't know/no opinion	34	

If you have any comments about the cultivation of allotments, please state.

Comment	Frequency	Percentage
This should be enforced at all times	22	12.7%
Allotment circumstance need to be taken into account	21	12.1%
Should be less than 75%	15	8.7%
TOTAL	173	100.0%

Q11: Do you think tenancy agreements should specify reasonable standards of behaviour?

	Frequency	Percentage
Yes	765	99.2%
No	6	0.8%
TOTAL	771	100.0%
Don't know/no opinion	7	

Q12: Do you think we should prevent unauthorised storage of vehicles on allotment sites?

	Frequency	Percentage
Yes	659	88.5%
No	86	11.5%
TOTAL	745	100.0%
Don't know/no opinion	26	

Q13: Do you think that a system should be introduced where work on internal boundary fencing has to be authorised by the council?

	Frequency	Percentage
Yes	373	51.9%
No	346	48.1%
TOTAL	719	100.0%
Don't know/no opinion	52	

Q14: Do you think we should regulate buildings and structures on allotments?

	Frequency	Percentage
Yes	477	65.5%
No	251	34.5%
TOTAL	728	100.0%
Don't know/no opinion	35	

If you have any comments about buildings and structures, please state.

Comment	Frequency	Percentage
Allow more than two buildings/more than one shed/polytunnel/greenhouse	39	18.2%
Buildings/containers should just be in good condition	22	10.3%
Security issues	16	7.5%
TOTAL	214	100.0%

Q15: Do you think the continued use of barbed wire should be allowed?

	Frequency	Percentage
Yes	430	58.7%
No	302	41.3%
TOTAL	732	100.0%
Don't know/no opinion	37	

Q16: Do you think we should use enforcement to improve standards of cleanliness on allotment sites?

	Frequency	Percentage
Yes	672	91.2%
No	65	8.8%
TOTAL	737	100.0%
Don't know/no opinion	28	

If you have any alternative suggestions about how tenants can be encouraged to keep allotments tidy, please state.

Comment	Frequency	Percentage
Skips need to be provided	63	37.5%
Tidy sites should be enforced vigorously	21	12.5%
Incorporate remove of waste with (green) bin collections	16	9.5%
TOTAL	168	100.0%

Q17: Do you think we should use tenancy agreements to enforce the sensible use of bonfires?

	Frequency	Percentage
Yes	658	88.7%
No	84	11.3%
TOTAL	742	100.0%
Don't know/no opinion	28	

Q18: Do you think that dogs should be allowed to be kept on allotments?

	Frequency	Percentage
Yes	101	13.4%
No	651	86.6%
TOTAL	752	100.0%
Don't know/no opinion	22	

If you have any other comments regarding dogs on allotments, please state.

Comment	Frequency	Percentage
As long as they are well kept	20	16.1%
Guard dogs are required	17	13.7%
Not under any circumstances	14	11.3%
TOTAL	124	100.0%

Q19: Do you think we should have a procedure for authorising the keeping of animals other than hens and rabbits?

	Frequency	Percentage
Yes	575	77.4%
No	168	22.6%
TOTAL	743	100.0%
Don't know/no opinion	28	

Q20: Do you support the retention of 'animal free' allotments (with the exception of hens and rabbits)?

	Frequency	Percentage
Yes	505	70.2%
No	214	29.8%
TOTAL	719	100.0%
Don't know/no opinion	50	

Q21: Do you think the keeping of large animals on allotment plots should be phased out?

	Frequency	Percentage
Yes	529	73.5%
No	191	26.5%
TOTAL	720	100.0%
Don't know/no opinion	52	

Q22: Should tenants keeping horses, donkeys, ponies and asses on allotment be transferred to new tenancy agreements specific to this activity that specify animal welfare standards?

	Frequency	Percentage
Yes	629	86.5%
No	98	13.5%
TOTAL	727	100.0%
Don't know/no opinion	43	

If you have any other comments regarding equine animals on allotments, please state.

Comment	Frequency	Percentage
Equine animals are not suitable for allotments	24	22.0%
Allotments are for growing food	16	14.7%
If animals are not ill treated/are kept correctly	9	8.3%
TOTAL	109	100.0%

Q23: Do you think we should apply the above mentioned enforcement procedure?

	Frequency	Percentage
Yes	607	85.6%
No	102	14.4%
TOTAL	709	100.0%
Don't know/no opinion	56	

Q24: Should we introduce a 12 month amnesty to enable compliance with revised tenancy agreements prior to the instigation of enforcement procedures?

	Frequency	Percentage
Yes	415	60.4%
No, longer amnesty needed	104	15.1%
No, shorter amnesty needed	168	24.5%
TOTAL	687	100.0%
Don't know/no opinion	72	

What is your gender?

	Frequency	Percentage
Male	571	79.6%
Female	146	20.4%
TOTAL	717	100.0%

What is your age group?

	Frequency	Percentage
16-24	8	1.1%
25-34	30	4.2%
35-44	81	11.2%
45-54	125	17.3%
55-64	219	30.4%
65+	258	35.8%
TOTAL	721	100.0%

What is your religion or belief?

	Frequency	Percentage
Christian	540	81.7%
Hindu	1	0.2%
Sikh	1	0.2%
Jewish	3	0.5%
Buddhist	5	0.8%
None	102	15.4%
Other	9	1.4%
TOTAL	661	100.0%

What is your sexuality?

	Frequency	Percentage
Heterosexual/straight	613	98.2%
Gay woman/lesbian	2	0.3%
Gay man	5	0.8%
Bisexual	4	0.6%
TOTAL		100.0%

What is your ethnicity?

	Frequency	Percentage
White	702	99.2%
Black and Minority Ethnic (BME)	6	0.8%
TOTAL	708	100.0%

Appendix 3: Durham County Council Sport and Leisure Managed Allotments 2012

Allotment Site	No. Plots	Allotment	Other Uses	To be Confirmed
Balmoral Terrace, Number One	11	Yes		
Blanche Terrace, Tantobie	4	Yes		
Bradley Cottages	25	Yes		
Craghead Poultry Scheme	9		Yes	
Crookhall Compounds	14		Yes	
Farbridge Crescent, Ebchester	7	Yes		
Fell Side, Delves Lane (1-28)	28		Yes	
Fell Side, Delves Lane (29-32)	4		Yes	
Fines Park, Annfield Plain	2		Yes	
Fines Road, Medomsley	20			Yes
Fourth Street Stables	7		Yes	
Fourth Street, Quaking Houses	26	Yes		
Garden Crescent, Ebchester	6	Yes		
Greencroft, Loud Hill	8		Yes	
Jubilee, Ebchester	6	Yes		
Knitsley Terrace, Knitsley	1		Yes	
Larch Street, Consett	3	Yes		
Loud Terrace, Greencroft	15		Yes	
Mortimer Street, Blackhill	16	Yes		
North Terrace, Oxhill	12			Yes
Oxhill, Stanley	29		Yes	
Pavilion Terrace, Burnhope	23	Yes		
Percy Terrace, Delves Lane	7		Yes	
South View, Burnhope	7	Yes		
South View, Tantobie	14	Yes		
St. Ives Road, Leadgate	16	Yes		
Stobbilee, Langley Park	33	Yes		
Sunny Terrace, Stanley	8	Yes		
The Dene, Medomsley	6	Yes		
Thornfield Road, The Grove	3			Yes
West Kyo, Catchgate	3		Yes	
West Terrace, Burnhope	14		Yes	
West View, Medomsley	3		Yes	
West View (Terrace), Medomsley	5		Yes	
White-le-Head, Nos. 2 & 3	2			Yes
Annfield Place, Greencroft	1		Yes	
Bradley Bungalows, Leadgate	1		Yes	
Lambton Terrace, Craghead	1	Yes		
Leybourne Cottage, Medomsley	1		Yes	
Oliver Street, S/Moor. Plot No.1	1		Yes	
Oliver Street, S/Moor. Plot No.2	1		Yes	
Provident Terrace, Craghead	1		Yes	
Selby Gardens, The Grove	1		Yes	
Shotley Bridge Station	1		Yes	
Tinmill Place, Blackhill	1	Yes		

Allotment Site	No. Plots	Allotment	Other Uses	To be Confirmed
White-le-Head, No.1	1			Yes
Black Road, Langley Moor	6		Yes	
Broomside Lane, Carrville	9		Yes	
Burn Street, Bowburn	7	Yes		
Edward Street, Gilesgate	6	Yes		
Fir Terrace, Esh Winning	9	Yes		
Hazel Avenue, Brandon	12	Yes		
Onslow Terrace, Langley Moor	18	Yes		
Rear of Durham Road, Ushaw Moor	3		Yes	
Crichton Avenue, Chester-le-Street	8		Yes	
Little Lumley	7	Yes		
New Lambton, Fencehouses	4		Yes	
Newcastle Bank, Chester-le-Street	13	Yes		
Park Road South, Chester-le-Street	11	Yes		
Red Rose, Chester-le-Street	11	Yes		
Station View, Chester-le-Street	9	Yes		
Stella Gill	20	Yes		
The Race, Chester-le-Street	16		Yes	
Broad Road, Blackhall	1		Yes	
Cleansing Depot, Shotton	1		Yes	
Corry Close, Blackhall	1		Yes	
Gray Avenue, Hesleden	8			Yes
Hillsyde Crescent, Thornley	3	Yes		
James Street, South Hetton	19		Yes	
Moore Terrace, Shotton Colliery	9		Yes	
Oak Road, Easington	15	Yes		
Office Buildings, Deaf Hill	1		Yes	
Pithead Baths, Horden	22	Yes		
Railway Cottages, Blackhall	1		Yes	
Rear 32 Porter Terrace, Murton	1		Yes	
Salters Lane, Haswell	1		Yes	
Station Town, Hutton Henry		Yes		
Thompson Street, Horden	8	Yes		
Victoria Street, Shotton Colliery	33	Yes		
'Waverley' Garden Extension, Blackhall	1		Yes	
Coronation Gardens	15	Yes		
The Green, Watery Lane, Cockfield	2			Yes
Canney Hill	23	Yes		
Churchfield	27	Yes		
Grange Hill	14	Yes		
Helmington Row	13	Yes		
Howlish	79		Yes	
Leazes Lane (Part)	33		Yes	
Leeholme	20		Yes	
Middlestone	6			Yes
North Bitchburn	9	Yes		

Allotment Site	No. Plots	Allotment	Other Uses	To be Confirmed
Sunniside	17	Yes		
Tennyson Terrace	35	Yes		
Bowburn, Durham	6	Yes		
Brandon Colliery, Durham	10	Yes		
Chester Moor, Durham	6	Yes		
Cornsay Colliery, Cornsay	6		Yes	
East Hedleyhope, Deerness Valley	1		Yes	
Esh Winning, Durham	11	Yes		
Etherley Lane, Bishop Auckland	2	Yes		
Fishburn School, Fishburn	7		Yes	
Low Hill House Farm, Ferryhill	5		Yes	
New Brancepeth, Durham	12	Yes		
Quebec, Lanchester	18	Yes		
Sherburn Complex, Sherburn	15		Yes	
Thrislington, West Cornforth	33	Yes		
Waldridge Fell, Chester-le-Street	3		Yes	
Waterhouses, Deerness Valley	8			Yes
Totals	1138	51	48	9

Appendix 4: Durham County Council Allotment Gardens Letting Policy

Durham County Council Allotment Gardens Lettings Policy

1) **Age and Residency for Allotment Tenancies**

Durham County Council will only grant new allotment garden tenancies to people living within the administrative boundary of County Durham and who are a minimum of age 18 years or older. The allotment garden can only be held in one name at a time, and joint tenancy agreements will not be allowed. (But see Co-workers heading below).

Once a tenant permanently moves out of the County boundary s/he will be required to give up the tenancy of their allotment garden. Existing tenants who already live outside of County Durham will be allowed to retain their allotment garden until they vacate in the future.

Allocation

Allotments will be offered on a “first come, first served” basis and where required a waiting list will be held by the Council for each site. Applicants may be placed on the list for more than one site.

Individuals will be placed on the list in date order upon receipt of a completed application form.

When a plot becomes vacant it will be offered to the person at the top of the list. Should the person at the top of the list decline more than one offer of a plot they will be removed from the list. Such a person will be entitled to re apply to be placed on the list for that particular site. However it will be the new application date that subsequently determines their position on the list.

It is the responsibility of all applicants to keep the council informed of any change in their personal details. Durham County Council will periodically write to those on waiting lists to ensure details are correct and that an individual wishes to remain on the list. Failure to respond to these requests will result in the applicant being removed from the list.

The Council reserves the right not to grant an allotment garden tenancy where there is evidence of previous plot misuse or a history of enforcement action for such matters as non-payment of rent or cultivation issues.

2) **Co-workers / Plot Partners**

A co- worker is someone who assists the allotment garden tenant with the maintenance of an allotment garden. However co- workers have no legal tenancy rights and are not responsible for any part of the annual rent. Subletting to co-workers is not permitted and the tenant must still have a regular involvement in the maintenance of the allotment garden. The tenant will always be responsible for the maintenance of the plot even if he or she chooses to nominate a co-worker

The council will allow the tenant of a garden allotment plot to register another County Durham resident as an “allotment garden co-worker” with the Council’s allotment service. The tenant is responsible for the co-worker and must inform the Council’s allotment service of co-worker arrangements by submitting an Allotment Co-worker Agreement; this must be signed by both the tenant and the co-worker. A tenant may register up to two co-workers.

Co-workers are obliged to abide by the Allotment Rules and Conditions. Any breaches of the Allotment Rules and Conditions will result in a review of the tenancy. The tenant therefore is responsible for the co-worker’s actions at all times and both tenant and co-worker would have to vacate the plot if the tenancy was terminated by the Council. It is the responsibility of the co-worker to make themselves aware of, and comply with, the allotment tenancy rules.

Transfer of tenancy to co-workers will only be considered if the co-worker has been registered for a period of no less than three years or longer than the next person to be offered a plot on the waiting list.

A co-worker can only be registered as a co-worker on one Durham County Council allotment garden tenancy.

The tenant is allowed to terminate a co-worker agreement at anytime.

3) Rent

Allotment garden rent is payable in advance to the Council on the first day of April each year without any deduction, (except as provided by law), and throughout the continuation of the allotment garden tenancy. The rent invoice must be paid in full within 40 days of receipt after which period the Council can legally give 30 days notice to quit for non-payment or any shortfall in payment.

Allotment garden rents will be reviewed each year and may be adjusted immediately without prior notice.

Allotment garden Rents will be based on a fairer banded system based on the average size of allotment gardens on a site (total area of allotment site ÷ number of allotment garden plots = average plot size per site). The allotment gardens will then fall into six size bands, as listed below.

Allotment Site Band	Average Site Plot Size	Rent Charge £ for 2013/14
1	1m ² – 150m ²	42.00
2	151m ² – 200m ²	44.00
3	201m ² – 250m ²	46.00
4	251m ² – 300m ²	48.00
5	301m ² – 350m ²	50.00
6	351m ² and above	52.00

These charges do not include any extra for water where it is supplied. This will be charged extra at the appropriate rate for a metered water supply.

Pro-rata Rents

Full rent will be payable up to and including June in each year. For plots taken up after June rents will be pro-rata based on the remaining full months left to run to 31 March. (Allotment garden rent ÷ 12 months x remaining full months to end of March). No charges will apply for plots taken after the 30 November for the final four months of the year.

4) Use of Land

The land is to be used solely as an allotment garden in accordance with the relevant Allotment Acts and this lettings policy. Any business use is strictly prohibited.

5) Cultivation

Tenants must keep their plots clean and tidy and in a reasonable state of cultivation and fertility and in good condition. This is taken to mean that a minimum of 75% of the plot area is either in readiness for growing, well stocked with produce (relevant to the time of the year) or being made ready for crops or being prepared for the following season. The remaining 25% of the allotment area is to be kept tidy. The tenant must take all reasonable steps to eradicate weeds such as thistles, ground elder, nettles, ragwort, and brambles and ensure that they do not spread to other plots. Tenants must not cause a nuisance to other plot holders by allowing weeds to seed. The tenant will be responsible for dealing with any moles which enter their plot. The tenant is also responsible for maintaining the half width of any paths / tracks adjacent to the allotment garden.

6) Use of Chemical Sprays and Fertilisers

The tenant will take proper precautions when using sprays or fertilisers to avoid or minimise any adverse effects on the environment or on neighbouring allotment gardens, and comply at all times with current legislation. Spraying should only take place when conditions are still and calm.

7) Nuisance

The tenant must not cause or permit any nuisance or annoyance to the occupier of any other allotment garden or to the owners or occupiers of any adjoining or neighbouring land nor to obstruct or encroach on any path or roadway used or set out by the Council or used by the owners or occupiers of any adjoining or neighbouring property.

Any allotment garden tenant found guilty in a court of law of offences involving the allotment garden or other tenants will be given immediate notice to quit. The same will apply if in the reasonable opinion of the Council the tenant has threatened, used violence and or intimidation against other allotment garden tenants or the owners or occupiers of adjoining or neighbouring property.

8) Restriction on Assignment.

The tenant may not assign, charge, sub-let or part share the possession, occupation or use of the allotment garden or any part or parts thereof or allow any person to occupy the allotment garden or any part or parts thereof as a licensee.

9) Vehicles

The allotment garden tenant must not bring or place any vehicle, caravan, trailer

or vehicle parts onto the allotment garden. Tyres must not be brought onto allotment garden sites.

10) Trees, Shrubs and Materials

The tenant may not, without the written consent of the Council, cut or prune any timber or other trees or take, sell or carry away any mineral, sand, earth or clay. Please contact the allotment garden officer if any mature trees need attention. No ornamental or forest trees or shrubs should be planted on the allotment garden. See restrictions on Cropping below for advice on fruit growing.

11) Hedges, Fences, and Boundary Features

The tenant will keep every hedge on the boundary of the allotment garden properly cut and trimmed to a maximum height of 1½ metres, keep all drainage ditches properly cleansed and maintained and keep in good repair any existing boundary fences and gates on the allotment garden. The tenant must not, without the written consent of the Council, erect any fence whatsoever subdividing any allotment garden. Allotment garden plots are permanent fixed features, so tenants must not alter or move the boundary fences on their plot(s). Rubbish must not be piled against fences as this can cause them to lean or rot, and impedes any maintenance. Any boundary disputes should be referred to the Council to determine

12) Buildings and Structures

Please see attached – **Rules for the construction of sheds and other structures.**

13) Barbed Wire

The tenant of an allotment garden must not use barbed wire or razor wire for a fence adjoining any path set out by the Council on the Allotment Gardens.

14) Restrictions on Cropping

Tenants may grow any kind of vegetables, flowers, soft fruit, herbs or longer-term edible crops. Fruit trees or bushes may be planted only if they are of dwarf stock, and should be sited where they will not create an obstacle or nuisance to others as they grow. No more than 30% of a plot holder's total land (by area) may be given over to fruit trees and they must ensure that the surrounding areas are kept weed free and neatly mown.

15) Depositing Refuse / Disposal of Rubbish

The tenant is responsible for disposing of all rubbish from the allotment garden. This includes disposing of both green waste and other non-combustible items. The tenant must not deposit, or allow anyone else to deposit, rubbish anywhere on the allotment garden site, (except manure and compost in such quantities as may be reasonably required for use in cultivation), or place any refuse or decaying matter in the hedges or ditches adjoining the land. Tenants must not add to any illegal rubbish dumped on the site. The use of old carpets as a weed suppressant is prohibited on any Council allotment garden. As a temporary measure, polythene sheeting or cardboard may be used. Kitchen waste such as cooked food, meat, cheese or similar will attract vermin and must not be brought onto the allotment garden or put onto an allotment garden compost heap.

16) Bonfires / Burning Rubbish

Under the Environmental Protection Act 1990, it is an offence to emit smoke,

fumes or gases which are a nuisance. Allowing smoke to drift over nearby roads may also lead to prosecution under the Highways Act 1980 if it endangers traffic. Smoke from bonfires can be annoying to neighbours, ruining their enjoyment of their garden. Bonfires can damage the health of children, the elderly and those with asthma and other breathing problems. Causing a nuisance in this way could lead to the termination of a tenancy. Please contact the Allotments Officer for further advice.

17) **Dogs**

The tenant must not permanently keep or kennel any dogs on the land, and any dogs temporarily brought on to the allotment by the tenant must be securely held on a leash. Dog owners must comply with Dog Fouling By-Laws and pick-up and appropriately dispose of dog waste off site.

18) **Live Stock**

The tenant must not, without the written consent of the Council's Allotments Officer, keep any animals, hive bees or livestock of any kind on the land, except for hens and rabbits to the extent permitted by the Allotments Acts 1908 - 1950. Hens or rabbits must not be kept in such a place or in such a manner as to be prejudicial to health or a nuisance. Tenants must comply with any animal husbandry conditions laid down by the Council and government agencies. Further details are available from the Department of Environment, Food and Rural Affairs (DEFRA) website.

Any part of the allotment garden used for keeping hens or rabbits must be securely and adequately fenced to the satisfaction of the Council's Allotment Officer.

Please see attached – **Rules Applicable to the keeping of hens on Allotments Gardens**

19) **Bee Keeping**

Although the keeping of honey bees cannot be granted automatically, the Council will support beekeeping on its allotment sites wherever it is appropriate. Applications must be made in writing using our beekeeping application form and we will then carry out limited consultations on site. Each application will be determined on its own merits. Durham County Council recognises the ecological importance of all bee species and wishes to support initiatives to increase the number of bee colonies.

20) **Not to Display Advertisements** – The tenant is not to display or permit to be displayed on any part of the allotment garden, any sign, notice, placard, advertisement or writing of any kind, other than the plot letter or number.

21) **Inspection**

The tenant will permit any officer of the Council, or other Council appointed agent, to enter on to the allotment garden at any time to inspect its state and condition.

22) **Termination of Tenancy**

The tenant must hand back to the Council vacant possession of the allotment

garden on the determination of the tenancy, in a condition consistent with the due performance by the tenant of the provisions of these rules.

23) Service of Notices.

Any notice may be served on a tenant either personally or by leaving it at their last known address or by registered letter or by recorded delivery addressed to the tenant.

24) Change in circumstances

The Council must be kept informed of any change of address or other contact details. If the Council is not kept informed of a change of address, any communication sent to a previous or out-of-date address will still be deemed to have been delivered to the tenant. Tenants who are unable to work their plot as a result of illness or have other reason for a long absence are advised to keep the Council informed. Failure to do this may result in an allotment garden appearing to be neglected and so leading to the issuing of non-cultivation letters and potentially a notice to quit.

25) Wells

Tenants who have a well on their allotment garden are responsible for the safe maintenance of it and for providing and maintaining a strong, raised well surround and cover. No new wells may be dug at all.

26) Children

Children are welcome on allotment garden sites but must be carefully supervised by a responsible adult at all times.

27) Failure to Comply

Allotment garden sites and plots will be regularly inspected by the Council, and tenants who fail to comply with this lettings policy will be contacted and requested to address any issues raised with them. Failure to comply with any such notice may result in further warnings and ultimately the Council has the power to give tenants Notice to Quit as per the allotment garden tenancy agreement between the Council and allotment garden tenant

28) Legal Obligations

The tenant of an allotment garden must at all times observe and comply fully with all laws / regulations.

29) Special Conditions

The tenant of an allotment garden must observe and perform any other special conditions the Council considers necessary to preserve it from deterioration of which notice is given to applicants for the allotment garden in accordance with these rules.

30) Enforcement

The following enforcement procedure will apply:

- a) Informal Warning – Tenants who fail to comply with their tenancy agreement will be contacted and requested to address issues of non-compliance.
- b) Formal Warning – Tenants who fail to respond to an informal warning within 30 days will be issued with a formal written warning.
- c) Notice to Quit – Tenants who fail to respond to a formal warning within 30 days will be given notice to quit.

31) Power of eviction

In the event of a serious breach of the Tenancy Agreement, the council reserves the right to serve immediate notice to quit, without progression through stage a and b of the procedure.

32) Amendment of these rules

The County Council of Durham reserves the right to amend these rules at any time.

Durham County Council

Rules Applicable to the Erection of Sheds, Greenhouses and other Structures on an Allotment Garden

1) **Approved Specification for Sheds, Greenhouses, Temporary Structures and Compost Containers.**

2) **Sheds, Greenhouses and Polytunnels**

A plot holder is allowed to erect a single shed and either a greenhouse or a polytunnel on their plot, but only if they meet the following guidelines. Large wagon bodies or big metal containers are no longer allowed to be brought onto allotment gardens. Where clear evidence can be provided by existing owners that containers have been on an allotment garden for some years previously the Council will consider granting an exemption, but this will be entirely at the Council's discretion based on the location, plot history and any evidence provided. Any existing pigeon lofts may remain, but no new ones may be constructed without seeking prior approval from the Council. Written advice should be sought prior to any planned major refurbishment of existing pigeon lofts. The allotment garden holder will be entirely responsible for seeking planning permission where required and any associated costs involved. Sheds should be used solely for storing materials for use on the allotment garden. Because of the risk of break-ins, it is not advisable to store any valuable items in wooden sheds. Tenants are entirely responsible for the security of sheds and their contents as well as for providing any insurance cover.

3) **Dimensions**

The maximum size of shed (or greenhouse) permitted is 10' x 8' (approx 3m x 2.5m) and for polytunnels is 20' x 10' (approx 6m x 3m).

Polytunnels may not be erected without the prior written permission of the Council's Allotment Officer.

Allotment holders should apply to the allotment service for permission to erect a shed (or greenhouse) in excess of the permitted size of 10' x 8'. A planning application may be required subject to tenant taking initial planning advice.

4) **Construction**

a) **Metal** - Approved manufactured design

b) **Timber** - Approved manufactured design. Self constructed of clean sawn woods. Cladding of planed soft wood, cedarwood, shiplap or weather boarding.

c) **Glazing** - Glazing in greenhouse must be with glass or horticultural P.V.C. materials. Thin polythene sheeting is not permitted.

d) **Roof** - To be laid on purlins. Rigid corrugated plastic is permitted on sheds. Proper guttering may be fitted, leading to a water butt or tank which must be sunk into the ground for stability.

e) **Finish** - To be painted mid-green or treated with a suitable wood preservative at three yearly intervals. The greenhouse may be painted white and aluminium paint may also be used.

5) **Siting**

- a) Where possible at the rear of the plot or as directed by the Council or allotment association.
- b) No permanent foundations are to be laid. The shed or greenhouse may be supported on temporary foundations not exceeding 9" (0.229 metres) in height and laid dry.
- c) No additions or extensions are permitted without prior approval. The roof, sides and surrounding areas must be kept clear and tidy at all times.
- d) All sheds, greenhouses and water containers must be kept in good condition at all times.
- e) A gap of at least 2' (60cm) should be left between any structure and the boundary fence of any private garden abutting the allotment garden.

6) Restrictions

- a) Felt covering on shed sides is not permitted
- b) No chimneys are permitted

7) Temporary Structure (1 June - 31 October)

- a) Maximum Permitted Size - 600sq.ft / 55.74 sq metres
- b) Maximum Permitted Height - 7 foot / 2.13 metres

8) Construction of Temporary Structures

- a) Framework of clean sawn timber, metal or approved manufactured design
- b) Covering of clean heavy gauge polythene sheeting

9) Compost Containers

- a) Maximum permitted area - 4' x 6' x 2'6"
- b) Construction - Wood or mesh or of an approved manufactured design.
- c) Siting - Where possible at the rear of the plot or as directed by the Council

Durham County Council
Rules Applicable to the
Keeping of Hens on Allotment Gardens

1) **General**

Durham County Council Allotment Rules only permit hens and rabbits to be kept on allotment gardens. For the purpose of these guidelines, poultry specifically means hens. However allotment garden holders who currently keep other types of fowl, such as ducks, geese, quail etc., may be allowed to keep them on site if they can provide evidence to the Council that they have been on site for some years without complaint, or they have documentary evidence that they have previously been granted permission from the Council to keep them.

The Allotment Acts 1908 – 1955 only refer to the keeping of hens, (but excluding cockerels), and rabbits. Section 12 of the 1950 Allotment Act states that “it shall be lawful for the occupier of any land to keep, otherwise than by way of trade or business, hens or rabbits in any place on the land and to erect or place and maintain such buildings or structures on the land as are reasonably necessary for that purpose: Provided that nothing in this subsection shall authorise any hens or rabbits to be kept in such a place or in such a manner as to be prejudicial to health or a nuisance or affect the operation of any enactment.”

Situations where we may refuse to allow hens to be kept would include within 50m of a dwelling.

Poultry may be kept in a wide variety of conditions ranging from “free-range” to environmentally controlled systems.

Whatever the system, the most important factor is the welfare of the animals themselves;

- Comfort and shelter;
- Readily accessible fresh water and a diet to maintain full health and vigour;
- Freedom of movement;
- The opportunity to exercise normal behavioural patterns;
- Light during the hours of daylight and a means of inspecting the birds at any other time.
- The prevention, diagnosis and treatment of lice, injury, parasitic infection and disease; and
- Emergency arrangements in the event of fire, flood, electrical failure.

2) Allotment Garden Sites

The following conditions will apply;

a) **The Allotment garden Tenant**

This person will be experienced in the overall keeping and management of poultry. The larger the flock of birds the greater the skills required, particularly in respect of recognising distress or disease and taking appropriate remedial action. The allotment garden tenant is encouraged to read the '**Code of Recommendations for the Welfare of Livestock – Laying Hens**' from the Department of Environment, Food and Rural Affairs (DEFRA) website.

Animal Welfare Act 2006

Not only is it against the law to be cruel to an animal, you must also ensure that all the welfare needs of your animals are met.

These include the need:

- For a suitable environment (place to live)
- For a suitable diet
- To exhibit normal behaviour patterns
- To be housed with, or apart from, other animals (if applicable)
- To be protected from pain, injury, suffering and disease

Anyone who is cruel to an animal, or does not provide for its welfare needs, may be banned from owning animals, fined up to £20,000 and/or could be sent to prison.

b) **Accommodation**

This should provide proper shelter from the elements and, as appropriate, a means of exercise which may be extended by the provision of wire fenced well drained runs. A means of access to the shelter must be available to the poultry at all times, except where cleaning and disinfection etc., is being carried out. Any shelter should permit the allotment garden tenant to stand and inspect the birds. The accommodation will require regular cleansing and disinfection and all litter etc., needs to be disposed of in secure containers or located well away from any shelter or run. Nest boxes, roosting areas and perches must be properly located. Floors shall be provided of wooden construction. All exercise runs shall be escape and predator proof.

c) **Ventilation**

Circulation of fresh air should be provided by means of doors or other apertures. Birds should be protected from draughts and it is recommended that the accommodation/shelter entry faces due south. During hot weather, particularly warm humid conditions, all birds must have access to a well drained exercise area. In certain cases shading may be required.

d) **Lighting**

Poultry must have access to a minimum of 8 hours daylight during any day.

e) **Feeding and Watering**

Fresh water must be available at all times and all equipment kept clean and in good order. Feed should be kept in vermin proof containers. Any diet must be properly balanced for the type of bird and given in sufficient amounts to ensure the proper well being of the animals. The risk of drinking water freezing during winter months must be considered.

f) **Stocking Rates**

All poultry must be able to stand, turn round and stretch their wings, and have sufficient space to perch or sit down without interference from other birds. The stocking rate will not only be dependent upon the ability of the allotment garden tenant, but also the type of poultry kept. The following rate shall apply:-

Hens – not more than 7 birds per single allotment garden.

All poultry must have access to a free draining exercise area.

g) **Fire Precautions**

Plans for dealing with fire should be made. All inflammable materials i.e. straw, waste litter and empty bags must be stored well away from poultry accommodation and exercise areas. A means of controlling any small fire should be available and the allotment garden tenant's (or deputy) emergency telephone number and contact address known to the Council or Allotment Association.

h) **Frequency of Inspection**

All birds must be inspected at least twice daily. The allotment garden tenant must allow the Council's animal welfare representative to inspect the poultry at any time.

i) **Contact**

The name and telephone number of the allotment garden tenant or his/her contact details must be made known and kept up-to-date to the allotment association / Council.

j) **Disease Control**

Any sick or injured birds must be removed immediately and treatment provided.

The cause of any disease or injury will be identified and appropriate remedial action taken.

Any national disease prevention and/or control programmes must be adhered to.

k) **Cleansing and Disinfection**

The accommodation and associated equipment should be regularly cleaned and disinfected. It is advisable to de-stock sites and allow a minimum seven

days rest period. Only good quality litter originating from premises where poultry are not kept should be used.

l) **Transport**

Any container used to transport poultry should be clean, in good repair and of a type suitable for the type of bird to be moved. All birds must be handled with due care. **The Welfare of Animals (Transport) (England) Order 2006** lays down provisions with regard to the loading, transport and unloading of poultry.

m) **Improvement Notice**

Where it is deemed necessary, in the interest of the welfare of any bird kept, to effect improvements to the accommodation or overall management of a site, Notice will be served accordingly. In certain circumstances immediate rectification may be directed.

n) **Other General Points**

Land on which birds are kept may become 'fowl-sick'. The time this may take will depend upon stocking rates, soil type and drainage. Muddy conditions will lead to ill-health and discomfort for the birds.

In addition;

- precautions to protect against foxes, dogs, cats, rodents and other predators must be taken.
- no poultry may be kept for the purpose of fighting
- no poultry may be kept within 50m of a dwelling
- no poultry shall be a nuisance to residents and others who seek enjoyment from the environment in which they live or work
- dead birds must be disposed of in accordance with the **Animal By-Products Regulations 2005**.

Advice on the construction of buildings and general management is available from the Community and Animal Health Team, Environment Health and Consumer Protection, Neighbourhood Services, Durham County Council

For further information or queries please contact:

Allotment Letting Officer
Sport and Leisure
Neighbourhood Services
Tel 0191 3729184
Email sportandleisure@durham.gov.uk

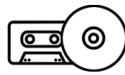
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Appendix 5

Equalities and Diversity Impact Assessment

Introduction of a County wide Allotment Lettings Policy



Durham County Council – Altogether Better equality impact assessment form

NB: Equality impact assessment is a legal requirement for all strategies plans, functions, policies, procedures and services. We are also legally required to publish our assessments. Section one: Description and initial screening

Section overview: this section provides an audit trail.	
Service/team or section: Outdoor Facilities - Sport and Leisure Service, Neighbourhood Services	
Lead Officer: Outdoor Facilities Manager, Sport and Leisure Services, Neighbourhood Services Planning and Policy, Neighbourhood Services	Start date: 14/02/2011
Lead Officer: Outdoor Facilities Manager , Sport and Leisure Services, Neighbourhood Services Planning and Policy Team Leader	Review date: 8/03/2012
<p>Subject of the Impact Assessment: (please also include a brief description of the aims, outcomes, operational issues as appropriate)</p> <p>Allotment Lettings Policy</p> <p>The Allotment Act of 1922 defines the term “allotment garden” as “an area which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family including the keeping of small livestock as agreed by the allotment authority” This description remains important because it defines the permitted use of an allotment plot. Allotments across County Durham had been managed previously by a mixture of the former County Council, and a number of District, Town and Parish Councils. After the former District Councils and County Council became one unitary authority, responsibility for managing allotments owned by the former County Council and District Councils was passed to the Sports and Leisure Service, Neighbourhood Services on 1 November 2010. This policy deals with the harmonisation and rationalisation of the numerous procedures and regulations from the former responsible authorities in County Durham. An allotment is historically defined as a plot of land, rented to individuals so that they can grow fruit and vegetables for themselves and their families to eat. There is no set standard size but nationally the most common plot size is approximately 250m²</p> <p>The aims of this policy link to the Corporate priorities:</p> <ul style="list-style-type: none"> • Altogether healthier- improving health and wellbeing • Altogether greener- ensuring an attractive and ‘liveable’ local environment, and contributing to tackling global environmental Challenges <p>It is generally recognised that allotment gardening is a pursuit that provides wide ranging benefits to local communities and can make a positive change to the quality of people’s lives. In addition to the advantages of producing good quality, low cost food, gardeners gain the benefit of healthy exercise that is active, socially inclusive and reflects the ideals of sustainability and wellbeing</p> <p>EqIA Reviewed 8 March 2012</p> <p>A report presented to Cabinet on 13 April 2011 outlined the Council’s proposals to introduce a new countywide Allotment Lettings Policy. Cabinet agreed that before the proposed new policy could be adopted the key issues to be addressed should be subject to a 12 week</p>	

consultation process. The policy now recommended for adoption has been informed by this consultation exercise, and future tenancy agreements will be re-issued to reflect the Allotment Letting Policy. Previous Tenancy Agreements were largely made by the District Councils prior to Local Government Reorganisation and the policy will enable harmonisation of agreements across the County. Key changes that will be made to Tenancy Agreements as a result of the proposed harmonised policy include:

- Setting a minimum age for an allotment tenant of 18
- Cross county rental bands that relate to the plot size with annual charges ranging from £42 to £52
- Requirements for the maintenance of trees, shrubs, hedges, fences
- Rules relating to buildings and structures on the site
- Restrictions on planting of fruit trees and shrubs
- Rules governing the disposal of rubbish
- Intention to disallow / regulate keeping of dogs, horses, ponies, donkeys and other large animals on plots

Who are the main stakeholders: **General public** / Employees / Elected Members / Partners/ Specific audiences/Other (please specify) –

- residents living adjacent to allotment plots,
- direct Council tenants,
- people on waiting lists,
- allotment associations,
- parish / town councils and
- other allotment providers.

Is a copy of the subject attached? **No**

If not, where could it be viewed? Please contact the Outdoor Facilities Manager, Sport and Leisure Services

Initial screening

There are just over 175 allotment sites containing 3630 individual allotment plots spread across the county that are managed by the County Council. They cover all the former district areas other than Sedgefield where this responsibility sits entirely with the Town and Parish Councils that operate in that area. In other areas allotments are provided directly by County and Town/Parish Councils as well as management being delegated to allotment associations. Following an initial audit of allotment sites it has become apparent, primarily due to a lack of resources, that management of allotment sites in some areas of the County has been a low priority, hence the need for this new policy. Particular issues that have been highlighted are as follows;

- Lack of inspection of sites and no enforcement of rules
- Non cultivation and misuse of sites
- Erection of illegal structures on sites (e.g. storage containers, stable blocks)
- Some tenants operating businesses from sites

- Allotments used to house animals, such as dogs and horses
- Allotments used to store materials/rubbish
- Water provided on some sites by the Council that is being used by others.
- Mixture of very large and small plot sizes all paying the same rent.

The Allotments Letting Policy aims to provide a policy ensuring fair and equal access for all applicants, with residents of County Durham having priority. Criteria used for applicants will not discriminate against any of the equality characteristics and will improve overall enforcement of current rules and regulations or inspection of allotment areas.

- **All Characteristics**

There will be no negative impact as the harmonisation of regulations and the enforcement of the policy across the whole of the county will benefit all residents, workers and visitors by providing a safer environment, fairer access to allotments and increased health benefits.

- **Disability**

The Council currently do not provide allotments suitable for disabled persons however an applicant who has a disability will not be discriminated against.

- **Age**

The age limit has been determined because of historical issues with youths on allotments sites; the age of 18 is common practice in letting allotments. There is no upper age limit.

- **Socio Economic**

Allotment rents across the county have been kept historically low; part of the harmonisation work is to review and set rents at a realistic level. The NS Debt Management Policy will be followed. A 12 week consultation period with present allotment holders will be carried out and the EqIA screening will be reviewed at this time.

Review of EqIA 8 March 2012 (after Consultation period)

Most previous tenancy arrangements specified a minimum age of 18 for allotment holders, and therefore it is not considered that standardisation of this requirement significantly affects young people, as it is considered that most young people under the age of 18 are not at a stage in life where they can take sole responsibility for the maintenance of a plot. Rental payments currently vary considerably across the County ranging through 50p to £40 a year. Results of consultation demonstrated a high level of support for harmonised rental bands in particular by female tenants and tenants over the age of 55. The proposal will introduce a greater degree of fairness into rental arrangements with some rents increasing and others reducing. It is recognised that this will result in some tenants paying a higher rent and that this may disproportionately affect older and disabled tenants who may have less financial resources, however the impact is marginal and not considered significant. The proposed requirements for maintenance of trees, shrubs, fences, structures, together with requirements for clearance of rubbish and refuse should dramatically reduce the level of clutter and obstruction on the site, and it is

considered that this will benefit tenants with mobility difficulties and visual impairment. Results of the consultation also showed that the intention to disallow keeping of dogs on allotment sites received very high levels of support, in particular from women and disabled people.

Prompts to help you:
 Who is affected by it? Who is intended to benefit and how? Could there be a different impact or outcome for some groups? Is it likely to affect relations between different communities or groups, for example if it is thought to favour one particular group or deny opportunities for others? Is there any specific targeted action to promote equality?

Is there an **actual positive impact** on specific groups within these headings?
 Indicate :Y = Yes, N = No, ?=Unsure

Gender	Y	Disability	Y	Age	Y	Race/ethnicity	Y	Religion or belief	Y	Sexual orientation	Y
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There may be a **potential negative impact** on specific groups within these headings?
 Indicate :Y = Yes, N = No, ?=Unsure

Gender	N	Disability	Y	Age	Y	Race/ethnicity	N	Religion or belief	N	Sexual orientation	N
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How will this support our commitment to promote equality and meet our legal responsibilities?
 Reminder of our legal duties:
 Eliminating unlawful discrimination & harassment
 Promoting equality of opportunity
 Promoting good relations between people from different groups
 Promoting positive attitudes towards disabled people and taking account of someone's disability, even where that involves treating them more favourably than other people
 Involving people, particularly disabled people, in public life and decision making

What evidence do you have to support your findings?

Audit of allotments in County Durham
 There is a need to harmonise rules/regulations and charges relating to the letting of allotments as previously all former districts managed allotments differently
EqIA review 8 March 2012
 Results of community consultation disaggregated by age, gender, disability, race / ethnicity and religion / belief.

Decision: Proceed to full impact assessment – No Date: 15/02/2011 Reviewed 09/03/2012

If you have answered 'No' you need to pass the completed form for approval & sign off.

Section two: Identifying impacts and evidence- Equality and Diversity

Section overview: this section identifies whether there are any impacts on equality/diversity/cohesion, what evidence is available to support the conclusion and what further action is needed.

	Identify the impact : does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
Gender			
Age			
Disability			
Race/Ethnicity			
Religion or belief			
Sexual Orientation			

How will this promote positive relationships between different communities? N/A

Section three: Review and Conclusion

Summary: please provide a brief overview, including impact, changes, improvements and any gaps in evidence.

EqIA Review 8 March 2012

The harmonisation of allotment lettings regulations and the enforcement of the policy across the whole of the county will benefit all residents, workers and visitors by providing a safer environment, fairer access to allotments and increased health benefits. In conclusion, it is considered that the changes that will be made to Tenancy Agreements as a result of this policy will be largely beneficial to the equality groups. It is recognised that changes to pricing structures will result in some tenants paying a higher rent and that this may disproportionately affect older and disabled tenants who may have less financial resources, however the impact is marginal and not considered significant. None-the-less, allotment officers will monitor the impact of this change following implementation of the revised pricing structure.

Action to be taken	Officer responsible	Target Date	In which plan will this action appear
Monitor the impact of changes to pricing structures following implementation	Outdoor Facilities Manager	August 2013	NS Equalities Monitoring
When will this assessment be reviewed?			Date: August 2013
Are there any additional assessments that need to be undertaken in relation to this assessment? This EqIA screening will be reviewed at the end of the consultation Period			Reviewed 8/03/2012

Lead officer - sign off: Head of Sport and Leisure Service	Date: 15/02/2011 Reviewed 08/03/2012 Signed: 25/05/2012
Service equality representative - sign off: Customer Relations, Policy and Performance Manager Neighbourhood Services	Date: 15/02/2011 Reviewed: 08/03/2012 Signed: 25/05/2012

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