

Durham County Council

Allotments Policy

General

1. Policy objectives.

Durham County Council is committed to having allotments sites that:

- provide opportunities for residents to produce their own fresh food;
- provide spaces for residents to enhance their physical and mental wellbeing;
- contribute to the sustainability of the local environment; and
- balance the needs of tenants, non-tenants and the Council.

2. Background.

Public interest in allotments has increased over the last two decades as people's lifestyles and interests have changed to focus more on healthy eating, organic food and exercise. In addition, recent economic downturns plus the Government's ongoing austerity measures and the pandemic have led to more people wanting allotments. Collectively this has resulted in greater demand for plots and, therefore, Durham County Council needs to ensure that our allotment sites are delivering as much as possible towards meeting that demand.

3. Allotment provision.

Although Durham County Council currently owns over 160 allotment sites that provide more than 3,500 plots throughout the County, it no longer has a duty to provide such facilities in all areas. The Local Government Act 1972 and the Local Government (Parishes & Parish Councils) Regulations 1999 transferred that duty to town and parish councils where they exist. Despite this, Durham County Council will continue to operate its current sites as a significant number of them are statutory allotments that cannot be disposed of unless alternative provision exists or is created. The Council will, however, explore the potential for those sites to be taken over by town and parish councils or community organisations as local management is best placed to deliver good sites.

4. Allotment management.

To deliver the objectives of this policy, Durham County Council is committed to the effective management of its allotment sites in line with this policy and in compliance with the Allotments' Act 1908, 1925 and 1950. This commitment will be delivered

through the effective implementation and enforcement of the Council's Allotment Tenancy Agreement.

Durham County Council is also keen to encourage greater local management of its sites by allotment associations either on a self-management or lease basis. As such, the Council will be looking to establish effective, supportive partnerships with groups who either currently manage a site or who are interested in taking over the management of a site.

5. Enforcement.

Enforcement of the Council's allotment tenancy agreement will be achieved through periodic site inspections by Council staff and through the investigation of complaints made to the Council. Where Durham County Council sites are run by an association or a community group on a self-management basis, arrangements for the inspections will be agreed between the Council and the relevant organisation.

Where inspections or investigations identify that a tenant is in breach of their agreement, the following enforcement procedure will apply:

- a. Informal Warning – Tenants who fail to comply with their tenancy agreement will be contacted to request that they address issues of non-compliance.
- b. Formal Warning – Tenants who fail to respond to an informal warning within a minimum of 28 days will be issued with a formal written warning.
- c. Notice to Quit – Tenants who fail to respond to a formal warning within a minimum of 28 days will be given notice to quit their plot.
- d. Eviction – Tenants who fail to respond to a notice to quit or vacate their plot within a minimum of 28 days will be evicted.

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 the two warning stages of the procedure. The Council also reserves the right to serve a notice to quit on any tenant who is in breach of their tenancy agreement and who has already been issued with informal or formal warnings for 3 different issues within a 2-year rolling period.

The Council will attempt to support tenants who inform it that they are unable to maintain their plot due to a period of temporarily incapacitation; however, no guarantee can be given on how long such support can be provided for. Furthermore, during such periods, the tenant will be expected to make arrangements through family, friends or contractors for basic maintenance of the plot to continue to ensure its condition does not cause problems for other tenants or adjoining landowners.

Any tenant subject to enforcement action will have a right of appeal. This can be enacted through the submission of a complaint through the Corporate Complaints Process.

6. Amendment of the allotment tenancy.

Durham County Council reserves the right to amend its allotment tenancy agreement at any time. Where such amendments are made, appropriate consultation will be undertaken and existing tenants will be informed of the final changes and of any transitional arrangements.

Policies on Specific Issues

7. Eligibility to rent an allotment.

Durham County Council will only offer allotment tenancies to individuals who, on the start date of the tenancy, are living within the administrative boundary of County Durham, are a minimum of 18 years of age and who have not previously had an allotment tenancy terminated by notice to quit within the previous 5 years. Furthermore, if a tenant moves outside of the County boundary, they will be required to give up the tenancy of their allotment during the next winter season (i.e. a notice to quit for moving outside of the County boundary will only be served between the 1st September and the 28th February).

8. Waiting lists and allocation of plots.

Durham County Council maintains waiting lists for all its sites including those run by Associations under a partnership arrangement. Residents can request to join any waiting list regardless of how far they live from a site; however, individuals are only allowed to be on a maximum of two site waiting lists at any one time.

When a plot becomes available, the Council will offer it to the person who has been on the waiting list for the longest time. Waiting list applicants can decline a plot they are offered; however, if they decline a second plot on the same site, they will be removed from the waiting list for that site. Where an applicant declines the offer of a plot, the Council will then offer the plot to the next individual on the waiting list.

9. Co-workers.

The Council allows tenants to register a co-worker as a means of enabling plots to be passed on to family members and friends where there has been a joint commitment to working the plot. Once they have been registered for 5 years, co-workers will have an automatic right to take over a plot that is given up by the existing tenant. Prior to that point, the plot would be offered out to the people on the waiting list for the site.

Each tenant will be allowed to register only one individual as a co-worker for each plot they lease. There are no restrictions on who can be registered as a co-worker; however, co-workers must meet the general tenant eligibility criteria at the time they are offered the plot.

Co-workers will be added to the waiting list for the relevant site and will be treated in the same manner as all other waiting list applicants; however, they will not be removed from the list if they decline other plots that become available (thus enabling them to remain at the top of the waiting list until their desired plot becomes available).

10. Tenancy limits.

Durham County Council only permits allotment tenancies to be issued to one named individual or organisation. New tenants will only be permitted to lease one plot during their first 12 months as a tenant; however, after that qualifying period, tenants will ordinarily be allowed to lease a maximum of two plots (which could be on the same site or on different sites). The exception to this will be where there are vacant plots on a site and there is nobody on the site waiting list; however, where a tenant leases three or more plots, they will automatically be served with a 12-month termination notice on the last plot taken whenever a new applicant joins the waiting list for that site.

11. Change in circumstances.

Durham County Council requires tenants, waiting list applicants and co-workers to keep it informed of any changes in their contact details. If the Council is not kept informed, any communication sent to the last provided email address or postal address will be deemed to have been delivered to the individual it was intended for.

12. Rents.

Durham County Council's allotment rents are calculated on a banded system based on the average size of allotment plots on a site (i.e. total area of allotment site ÷ number of allotment plots). This places each site into one of six size bands and means that all tenants on a site will pay the same rent regardless of individual plot size. Allotment rents will be reviewed each year and tenants will be given at least 6 months prior notice of changes. Details of current rent levels will be published on the Council's website or will be provided in paper form on request.

Annual rents cover the period from 01 November to 31 October. Tenancies starting during the year will be charged a pro-rata amount. Partial refunds will not be given when tenancies are terminated prior to the end of the rent year.

Where a site is run by an allotment association, they are responsible for setting the rent level and deciding the date that rents are charged. In making such decisions, they must ensure they raise sufficient funds to allow them to fulfil their responsibility to maintain the site in a good condition.

13. Plot boundaries and fencing.

Durham County Council or its authorised agent is responsible for the maintenance of external fencing; however, decisions regarding maintenance will be taken based on the funding available. The maintenance of internal fencing is the responsibility of the tenant; however, the Council may agree to take on that responsibility in exceptional circumstances.

Tenants are not required to fence their plots; however, any fence or similar that they do have around their plot must be constructed and maintained in accordance with their tenancy agreement.

14. Animals and livestock.

Durham County Council is committed to ensuring that animals being kept on its allotment sites are correctly cared for and do not suffer. To this end, the tenancy agreement sets out specific requirements for tenants who have animals on their plots; however, tenants should also ensure they understand their overarching legal and moral responsibilities in relation to any animals on their plot. In doing this, tenants should carefully consider whether they can adequately care for the animals in all eventualities before applying for permission. There are many animal centred organisations that can help tenants to ensure they have considered all such issues and tenants are advised to seek out their advice and recommendations before submitting an application. In line with this, Durham County Council will engage with and support such organisations when animal welfare concerns come to light.

Any tenant wishing to bring an animal onto their plot must seek written permission from the Council prior to taking ownership of the animal. All such requests will only be considered where the animals can reasonably be contained on no more than 50% of the overall plot area and usually only for hens, rabbits, pigeons, ducks and geese. Permission to keep cockerels with hens will generally not be granted; however, an exception may be made for individuals who actively show poultry and require a cockerel for that purpose. Requests to keep any other type of animal will normally not be granted unless there are extraordinary circumstances to justify it. Tenants should note that the keeping of animals on a plot does not override the need to cultivate at least 50% of the plot.

Permissions previously granted for a tenant to keep animals may subsequently be withdrawn if it is determined that the animals or the way they are being kept is detrimental to their welfare, prejudicial to health, or causing a nuisance. In such

circumstances the tenant will be expected to remove the animals from the site within a maximum of 3 months.

15. **Beekeeping.**

Durham County Council is supportive of allotments being used for beekeeping; however, there is a need for the Council to consider several wider factors before it will allow a hive to be installed. Regardless of other factors, Durham County Council will not grant a tenant permission to keep bees on their allotment unless they are a trained member of the British Beekeepers Association.

16. **Water.**

Durham County Council encourages its tenants to use rainwater capture to meet their needs and, as such, it generally does not supply water on allotment sites. There are, however, several sites that have previously had water supplies installed to them. The rent paid for plots on such sites does not currently include a charge for water; however, the Council reserves the right to levy such a charge. This would be levied at a standard amount per plot on the site regardless of usage and would be based on the average cost of supplying the site with water over the previous 3 years or an estimate for supplies that have not been in place for 3 years.

17. **Reuse.**

Durham County Council recognises that the re-use of materials is an important and beneficial aspect of how many tenants operate; however, this cannot be an excuse for tenants to store waste on their plots. Given this, the Council does permit tenants to store re-use materials on their plots provided:

- they do not prevent compliance with cultivation requirements;
- they are stored in a tidy manner; and
- they do not cause a nuisance to other plot holders or neighbouring residents.