

Appendix 6 - Proposed approach for community management

The proposed approach

1. Local management arrangement (association) with core tenancy with options to enhance for associations
2. Leased for community management (associations) and so allows each site to become autonomous

Full lease – This would see the Council sign full responsibility of the site over to the Association on a 25 year lease and the group (association) would then become responsible for all aspects of its running including the landlord and enforcement responsibilities.

Local management arrangements (Association)

1. A new agreement between the Council and each site (Association) that includes:
 - a. A core set of tenancy clauses that will apply universally across all of DCC's allotment sites.
 - b. A supplementary set of tenancy clauses that will provide Associations with flexibility to determine major aspects of their tenancy agreement (see Annex A)
 - c. A range of support that the Council will provide to sites (see Annex B).
 - d. A set of good practice principles that sites agrees to fulfil to provide the Council with reassurance that allotment sites will be protected as valuable community assets for future generations (see Annex C).

Site Specific Tenancy Clauses

Many aspects of the tenancy agreement will be standard across all sites including those run by community groups (Associations), for example, payment of rent, not causing a nuisance, tackling weeds and vermin, etc. There will, however, be the opportunity for sites to set the requirements that their tenants must comply with in the key areas that impact on the nature of the site and the experience of being a tenant.

The questions below are designed to help sites to think about the requirements that they want to have in force on their site(s). Responses to these will be used to draft a site-specific full agreement for each one, which will then be consulted on. Once agreed with the Committee, the final draft will need to be approved at a general meeting of the community group and it will then remain in place for at least 5 years.

Cultivation & restrictions on cropping

Unless a plot has been designated as a livestock or pigeon plot, the core tenancy requirement will be that 50% of the plot must be cultivated for fruit, vegetables or show flowers.

1. Given this, what would your site like to specify the remaining part of the plot can be used for and how much of the plot should be used for each purpose?
2. Does your site wish to limit that amount of the cultivated area that can be used for fruit trees and bushes to prevent tenants having a fruit only plot that requires little regular maintenance?

Animals, livestock and dogs

The core tenancy will allow any tenant to have hens, rabbits, pigeons, ducks or geese on their plot provided they still comply with the cultivation requirements. In addition, the option exists for plots to be designated as animal only plots in consultation with the Council.

3. In line with the above, which of the following other animals would you also want your tenants to be able to have on their plot?
 - a. Dogs
 - b. Other fowl (please specify)
 - c. Other (please specify)

Beekeeping

Beekeeping will be permitted on sites directly run by the Council provided tenants comply with some basic requirements relating to training and the location of their hives; however, a different approach can be adopted for Association sites. Given this:

4. Do you want tenants to be allowed to keep bees on your site(s)?
5. What requirements would you want beekeeping tenants to comply with?

Fences & Hedges

Internal fencing can help define plot boundaries and provide security for an individual tenant; however, it can hamper the ability of the Council of your inspection of a plot, be a barrier to creating a community spirit on sites, and be visually unappealing to current and potential tenants as well as neighbouring residents. Given this:

6. Does your site wish to set a maximum height for internal fencing?
7. Does your site wish to limit the types of material that can be used for constructing fences (for example, tenants on direct let sites will be restricted to using “wood or metal but not other recycled materials like old garage or household doors, tyres, vehicle bodies, etc”)?

Drainage Ditches

Some sites and plots have specific drainage ditches which help prevent the site suffering from flooding issues and, where they exist, regular annual maintenance is vital to their effectiveness. Given this:

8. Does your site have any drainage ditches?
9. If your site has them, would you like the tenant or the site management to be responsible for their annual maintenance?

Bonfires

The council is looking to review rules around bonfires on sites. Unless you decide not to allow any bonfires on your site, all tenants will only be permitted to burn material generated on the plot and they will have to avoid causing a nuisance to other tenants and neighbouring residents. Whilst this provides some control, sites may wish to consider other options to prevent problems between tenants or with neighbouring residents; therefore:

10. Do you wish to allow your tenants to be able to have bonfires on their plots?
11. If you do wish to allow bonfires, do you wish to place any of the following restrictions on your tenants:
 - a. The months of the year they can have bonfires?
 - b. The days of the week they can have bonfires?
 - c. The times of the day they can have bonfires?
 - d. The total number of tenants that can have a bonfire at any one time?
 - e. The equipment they must use when having a bonfire (for example, "an incinerator bin or similar")?
 - f. The need for them to be present whilst the fire is burning?
 - g. Other (please specify)?

Structures

All tenants will need to seek permission from the site committees before erecting any sheds, greenhouses, polytunnels, cages for produce or animals housing on their plot. In all cases, all structures will need to be no higher than 2.5m at the lowest point of their roof and they must not prevent inspection of the plot and / or proper maintenance of the fence. Finally, the presence of any structure should not prevent the tenant from complying with the cultivation requirements in their agreement.

Outside of the above, are there any other restrictions you would want to have in place regarding structures:

12. Would you want tenant to seek permission before erecting other types of structure (for example, compost heaps)?
13. Would you want to limit the number of each type of structure that can be on a plot or the total number of structures that can be on the plot?
14. Would you want to restrict the materials from which structures can be build (for example, our direct let tenants will be restricted to structures purchased from a commercial garden / allotment manufacturer or those made using new or recycled timber, single pane glazing, horticultural PVC, and roofing felt or corrugated plastic / metal for the roof but not caravans, vehicle bodies or shipping containers)?

Other

Are there any other issues or aspects of running the site that you would have expected to fall within the list of flexible clauses?

Support that will be provided to Community Run Sites by Durham County Council

Recognising that a well-run community run site can deliver a better allotment site and the time commitment and pressures that can be involved, the Council will provide the following support:

For all sites (leased and community run)

1. Regular voluntary training courses on core site issues / tasks (for example, running an effective site, managing finance, dealing with conflict and complaints, data protection, etc).
2. Access to green waste compost, woodchip and road planings (it is hoped that an amount of compost per plot can be guaranteed; however, woodchip and road planing volumes are more variable so requests will be met on a first come first served basis as the product becomes available).
3. Advertising of vacant plots through to social media accounts of the nearest AAP.
4. Information regarding further funding opportunities as and when the Council become aware of them.

For DCC sites run by the community

1. A good practice guide that, amongst other things, will include templates of the following that can be adopted as is or be amended to suit specific site needs:
 - a. A constitution.
 - b. A financial procedure and template for annual accounts.
 - c. A 5-year financial plan template.
 - d. A complaints procedure.
 - e. A template for meeting minutes.
 - f. A template for recording site inspections.
 - g. Warning letter templates for use with tenancy breaches.
 - h. A draft GDPR privacy statement.
2. Free public liability insurance cover (subject to sites providing information required by the Council's underwriters).
3. Two complementary log-ons to the Council's allotment software package, which will provide instant access to the information we hold about the site(s) including tenant details, co-worker details and waiting lists. Additional log-ons will be available at cost price.

4. Managing the administration process of letting out vacant plots and tenancy terminations – This would include maintaining site waiting lists and co-worker details, offering out vacant plots and ensuring the completion of tenancy documentation
5. A pot of grant funding scheme that sites can apply to for capital works (for example, fence replacements, track resurfacing, the purchase of machinery, etc).
6. Regular liaison meetings from an Allotment Officer

Good Practice Principles

Allotment sites are valuable community assets that the Council has an obligation for future generations. The way sites are run also impacts on tenants, current and future waiting list applicants and neighbouring residents, all of which the Council has a responsibility for.

Well run sites are very well placed to support the Council in these duties; therefore, we are asking our sites to sign up to the following basic principles of good practice.

1. Be formally constituted, and its business will be conducted in line with that constitution.
2. Have appropriate insurance in place to cover its activities, which will include £5 million of public liability cover as a minimum.
3. Prepare and maintain a 5-year financial plan, which will be used to determine the required plot rent.
4. Have a written policy regarding its procedures for managing the public money it collects in and spends.
5. Written procedure for dealing with complaints that is legal, fair and reasonable and that includes a right for the complainant to request a Council review of any decision.
6. Hold at least one general meeting per year where the elected committee will present a report on the activities of the past year, the accounts for the year and the forward plan before a vote is held to elect a committee for the forthcoming year.
7. Advertise and hold at least four committee meetings per year where their members can submit items for consideration / decision.
8. Provide its members with open access to the minutes of all general meetings and committee meetings (less issues relating to individual tenants, which will need to be redacted).
9. Operate within the Council's procedures for waiting lists, co-workers and plot allocations.
10. Keep a written record of all requests submitted by their members for matters in the tenancy agreement requiring prior approval and:
 - a. will only approve requests that are in-line with the tenancy agreement; and
 - b. in the case of requests to use plots solely for animals, will consult with the Council before granting approval.
11. Ensure its members comply with the requirements of the tenancy agreement that exists for their site(s) including by conducting two full site inspections per year and then seeing through appropriate enforcement action for any identified breaches (pictorial and written records of these should be maintained and action must be fair, reasonable, consistent and timely).
12. Refer relevant cases to the Council for Notice to Quit (NTQ) action in a timely manner.
13. Where tenants are granted permission to temporarily not comply with their agreement (for example, for health reasons), the Association will maintain a written record of this and ensure that basic arrangements are in place care for the plot so it is not detrimental to other tenants and neighbouring properties / land.

14. Join two Council liaison visits per year that will:
 - a. Consider the condition of the site and all plots.
 - b. Provide an opportunity for a two-way discussion about site issues.
 - c. Review compliance.
 - d. Result in an agreed timetable for action for any issues identified during the visit.

Note, requirements 1, 2, 3, 4, 5, 6, 8, and 11 can be fully or partially met through the support provided to sites by the Council.

The Council hopes that sites will operate in accordance with these principles and, therefore, be able to go on running their site(s) indefinitely.

Sometimes this is not the case, in these circumstances, we propose the following approach unless the seriousness of the issue justifies a quicker response:

- a. Referral to the site committee for consideration through the appropriate committee and feedback to the Council
- b. A meeting will take place between the Council and the Committee to allow the Council to highlight its concerns and provide at least 4 weeks for the Committee to take action to address the matters.
- c. The Council will arrange a meeting for all plot holders to allow the ongoing concerns to be highlighted and to provide at least 4 weeks for them to ensure their committee is addressing the matters (note, this is not a general meeting of the group so no decision can be made at it to change the committee); and
- d. A decision to terminate the partnership arrangements and so have the site return to direct management by the Council for a period of at least 3 years.