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Allotment Policy Consultation

Historically, allotments within County Durham have been provided by the former county council and a number of district, town and parish councils. When Durham County Council inherited all district sites in April 2009, it became clear there was a range of tenancy agreements and resources dedicated to allotment inspection and maintenance.

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 the plot holder or their family including the keeping of small livestock as agreed by the allotment authority."

An initial audit of allotment sites conducted by us identified the following issues:

1. Lack of site inspections and no enforcement of rules.
2. Non-cultivation and misuse of sites/storage of materials/rubbish.
3. Erection of inappropriate structures on sites.
4. Some tenants operating businesses from sites.
5. Allotments being used to house large animals, such as dogs, pigs and goats and breaches of the Animal Welfare Act 1996.
6. Water provided on some sites by the council that is being used by others.
7. Mixture of very large and small plot sizes all paying the same rent.

To ensure all tenants are subject to the same rules and enforcement procedures, we are now consulting on a revised letting policy. This consultation is to make sure all residents with an interest in allotments have the opportunity to have their say.

In the longer term, we will be developing an allotment strategy which will consider the transfer of allotments to community ownership and find ways to reduce current waiting lists.



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Helpful hints for completing this questionnaire

Please use black ink throughout the questionnaire.

Please read each question carefully and place a cross in each box to indicate your answer.

In each case you will only have to place a cross in one box. If you make a mistake, then simply colour in the box selected and cross the box you wish to select.

Some questions invite a 'further suggestions or comments' response. If you would like to make a comment please write your answer within the space provided.

Thank you in advance for your time. Once you have completed the questionnaire please return by Friday 9th December 2011 in the FREEPOST envelope supplied (no stamp is required). If you cannot find or did not receive the envelope or require the questionnaire in another format please contact Sandra Howes, Outdoor Sport and Leisure Assistant, on 0191 3729184 or by email on ns.sportadmin@durham.gov.uk

Please ask us if you would like this document summarised in another language or format.

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polski (Polish) ਪੰਜਾਬੀ (Punjabi) Español (Spanish)
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Postcode

Please provide us with your postcode.

Your Interest in Allotments

Q1. Why are you interested in allotments?

I'm an allotment tenant

I'm on the waiting list for an allotment

I live in close proximity to allotments

I'm involved with a parish/town council or other allotment provider

Other reason, please specify

Residency for Allotment Tenancies

Currently allotments are available to residents of County Durham only. Some existing tenants already live or have since moved outside of the county but have retained their plot.

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

Yes

No

Don't know / no opinion

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

Yes

No

Don't know / no opinion



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Transfer of Tenancy

Previously a tenancy agreement was usually between the provider and one named individual even if he/she chose to share the allotment with a co-worker. Tenancy agreements were non-transferrable and therefore could not be inherited by a co-worker upon the death of a tenant.

The council is considering formalising the registration of co-workers. This would mean a co-worker registered more than six months prior to the death of a tenant would be entitled to inherit the tenancy. However, there are concerns that introducing a system of this nature may prevent those on waiting lists from gaining an allotment.

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?

Formal registration of co-workers

Allocated to people on the waiting list

Don't know / no opinion

If you have any comments about the transfer of tenancies please make them here.

Water

Water is supplied at some sites and the cost shared between all allotment tenants. Where it is not, some tenants have piped a supply of water to their plot from the communal mains supply. There have also been instances of water being taken off the allotment and used for various unrelated purposes.

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

Yes

No

Don't know / no opinion

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

Yes

No

Don't know / no opinion



Plot Size and Rent

There is a wide variation between the rents charged across the county.

We are considering changing the allotment rents to a banded system based on the average size of allotments on a site.

(total area of allotment site ÷ number of allotment plots = average plot size per site)

The allotment rents would then fall into six size bands, as listed below:

Allotment Site Band	Average Site Plot Size	Proposed Rent Charge for 2012/13
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

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

Yes

No

Don't know / no opinion

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

Yes

No

Don't know / no opinion

If you have any suggestions for an alternative approach for creating a fairer relationship between plot size and rental charge please write them here.



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Use of Land

Currently, many allotments across the county are not cultivated in compliance with the Allotment Act of 1922 (as set out in the definition below).

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 the plot holder or their family including the keeping of small livestock as agreed by the allotment authority."

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

Yes

No

Don't know / no opinion

Cultivation

Non-cultivation of allotment plots causes problems for neighbouring tenants as harmful weeds quickly colonise the neglected plot. To address this problem, we are considering introducing the requirement that at least 75% of the plot should always be either:

1. in readiness for growing
2. well stocked with produce (relevant to the time of the year) or
3. being made ready for crops for the following season.

Also, tenants would be required to keep pathways/cart-tracks adjacent to their plot reasonably free from weeds and rubbish. The remaining 25% area should be kept tidy and free from harmful weeds. Tenants must also take responsibility for dealing with any moles which enter their plot.

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

Yes

No

Don't know / no opinion

If you have any further comments about the cultivation of allotments please write them here.



Tenants Standards of Behaviour

We are frequently asked to address incidents of inappropriate behaviour such as playing loud music, aggressive and anti-social behaviour, excessive drinking of alcohol and obstruction of access. We are considering promoting reasonable standards of behaviour by tenants by specifying their requirement in tenancy agreements.

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

Yes

No

Don't know / no opinion

Vehicles

Vehicles such as caravans, cars, vans and trailers are occasionally stored on allotment sites. This is in breach of the Allotment Act 1922 and considered by us as an inappropriate use of allotment sites.

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

Yes

No

Don't know / no opinion

Maintenance of Boundaries

Deterioration of boundaries is a significant issue in allotments across County Durham.

Whilst the council has responsibility for maintenance of external boundary fences, we would not wish to discourage tenants from making their own improvements. Tenants currently have responsibility for internal dividing fences, and unfortunately fences that have become dilapidated are often replaced with inappropriate materials using poor construction techniques.

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

Yes

No

Don't know / no opinion



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Buildings and Structures

Current tenancy agreements vary with regards to regulations around buildings and structures. Consequently, these range from small wooden sheds to metal containers. In addition, buildings are often hazardous and occasionally constructed from materials that may contaminate soil including roofing felt and corrugated asbestos.

We are considering implementing a procedure which would enable tenants to erect a single shed and either a greenhouse or a poly tunnel, subject to the appropriate planning permission. Chimneys, large wagon bodies or big metal containers would no longer be allowed.

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

Yes

No

Don't know / no opinion

If you have any further comments about buildings and structures please write them here.

Barbed Wire

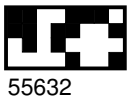
Barbed wire is currently used throughout allotment sites and we recognise its use for improving the security of plots. However, occupiers of allotment plots have a duty of care established by the Health and Safety at Work Act 1974, which extends to those making inappropriate access to the plot. Consequently, tenants risk receiving claims for damages in the event of an injury associated with barbed wire.

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

Yes

No

Don't know / no opinion



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Depositing Refuse / Disposal of Rubbish

The accumulation of litter including non-composted green waste and other items unrelated to the cultivation of allotments is a county wide problem. For example, old carpet can transfer chemicals into the soil.

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

Yes

No

Don't know / no opinion

If you have any alternative suggestions about how tenants can be encouraged to keep allotments tidy please write them below.

Bonfires

Tenants regularly burn rubbish and non-compostable vegetation on allotments. However, allowing smoke to drift over nearby roads may lead to prosecution under the Highways (Amendment) Act 1986 if it endangers traffic. In addition, under the Environmental Protection Act 1990, it is an offence to emit smoke, fumes or gases which are a nuisance.

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

Yes

No

Don't know / no opinion



Dogs

Currently, dogs are kept on allotment sites in the county, chained within kennels and sometimes locked within sheds. All of these practices contravene the Animal Welfare Act 2006 as they prevent dogs from exhibiting normal patterns of behaviour and may cause undue suffering. We are considering phasing out this practice to ensure compliance with the act.

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

Yes

No

Don't know / no opinion

Do you have any other comments on this matter?

Small Animals and Bee Keeping

Section 12 of the 1950 Allotment Act states:

"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."

The keeping of small animals may cause conflict with tenants growing produce as livestock may be inadequately fenced, and their feed may attract rats. We are considering introducing a procedure to formally authorise the keeping of small animals other than hens and rabbits to ensure this does not conflict with other uses of the allotment. Such a procedure would also ensure that small animals were kept in compliance with the Animal Welfare Act, 2006.

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

Yes

No

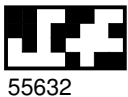
Don't know / no opinion

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

Yes

No

Don't know / no opinion



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Large Animals

Large animals include goats, pigs (including pet pigs), sheep, turkeys and similar large animals. As mentioned above, the Allotment Acts 1908 - 1955 only refer to the keeping of hens (excluding cockerels) and rabbits.

Currently, the keeping of large animals on allotments across the county is frequently in breach of the Animal Welfare Act, 2006 and the council is considering phasing out this practice to ensure compliance with the act. However, we recognise that keeping large animals on allotment plots is considered as accepted in numerous locations.

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

Yes

No

Don't know / no opinion

Horses, Donkeys, Ponies and Asses

Currently, horses, ponies, donkeys and asses are kept on allotment sites which in general have poor soil, are uncultivated and support pasture. Consequently, these plots are inaccurately classified as allotments.

However, the council is currently considering continuing the letting of pasture for grazing of horses, donkeys, ponies and asses and is looking at transferring allotment tenants currently renting pasture to a tenancy agreement suited to the keeping of these animals on pasture. The agreement would require tenants' compliance with the Animal Welfare Act, 2006 and EU Horse Passport Regulations 2009 (England) requiring that all horses, ponies, donkeys and asses have a passport which will identify the animal and its owner.

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

Yes

No

Don't know / no opinion

Do you have any other comments on this matter?



Enforcement

This consultation will inform the development of a revised Allotment Letting Policy. We hope to transfer all tenants to revised tenancy agreements based on this policy by April 2012. Following transfer to revised tenancy agreements, allotment sites and plots will be regularly inspected and tenants who fail to comply with their tenancy agreement will be subject to enforcement procedures.

We are considering the following enforcement procedure:

1. Informal Warning - Tenants who fail to comply with their tenancy agreement will be contacted and requested to address issues of non-compliance.
2. Formal Warning - Tenants who fail to respond to an informal warning within 30 working days will be issued with a formal written warning.
3. Notice to Quit - Tenants who fail to respond to a formal warning within 30 days will be given Notice to Quit.

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 1 and 2 of the procedure.

We recognise that tenancy breaches relating to animal welfare may be difficult to quickly resolve without causing additional animal welfare issues. For example, it may not be possible to quickly find alternative accommodation for dogs or horses. We also appreciate that it may be difficult to quickly remove structures judged as inappropriate. Therefore, we propose the use of a 12 month amnesty from enforcement in relation to the keeping of animals and the removal of inappropriate structures following tenants' transfer to new tenancy agreements. This will enable transition to full compliance with revised tenancy agreements without exacerbating animal welfare problems or causing widespread breach of tenancy agreements.

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

Yes

No

Don't know / no opinion

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

Yes

No, longer amnesty needed

No, shorter amnesty needed

Don't know / no opinion



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Equality and Diversity Monitoring

Our aim is to be fair and we want to make it easy for everyone to tell us what they think. Your answers to the following questions will help us to find out if we have heard from a wide range of people and to understand any differences in the answers of particular groups of people. Your answers will be confidential and we will only use the information for this consultation.

You only need to answer if you feel happy to do so.

What is your gender?

Male Female

What is your age group?

16-24 25-34 35-44 45-54 55-64 65+

Do you consider yourself to be a disabled person?

(This may include any long-standing illness, disability or infirmity which has a substantial effect on your day to day life. Long-standing means that it has lasted, or is likely to last, for over a year.)

Yes No

What is your religion or belief?

- Christian Jewish
 Muslim Buddhist
 Hindu None
 Sikh Other, please state

If other, please state.

How would you describe your sexuality?

- Heterosexual/straight
 Gay woman/lesbian
 Gay man
 Bisexual
 Other, please state

If other, please state.



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To which of these groups do you belong?

White

English

If other White, please state:

Welsh

Scottish

Northern Irish

British

Irish

Any other White background

Asian or Asian British

Indian

If other Asian, please state:

Pakistani

Bangladeshi

Chinese

Any other Asian background

Black or Black British

Caribbean

If other Black, please state:

African

Any other Black background

Mixed

White & Black Caribbean

If other Mixed, please state:

White & Black African

White & Asian

Any other Mixed background

Travelling Community

Gypsy/Roma

If other Traveller, please state:

Traveller of Irish descent

Other member of the Travelling Community

Other Ethnic group

Other Ethnic group

If other Ethnic group, please state: