

BINGLEY TOWN COUNCIL



Bingley Town Council, The Hub, Myrtle Place, Bingley, BD16 2LF

Allotments Policy and Guidance

Date of review: 27th February 2024

Next review date: February 2025

This policy has been formulated to ensure that all relevant policies and procedures relating to Bingley Town Council allotments are clearly set out within a single document.

This guidance covers all allotment sites managed by the Town Council. It does not cover sites managed by private or charitable companies/organisations.

1. Policy Statement

Bingley Town Council seeks to encourage and increase the use of allotment sites for the cultivation of fruit, vegetables, herbs and flowers.

2. Definitions

Allotment Site: A Town Council owned site with allotment plots rented by individuals to grow fruit, vegetables, herbs and flowers.

Allotment Plot: A parcel of land measuring up to 150m² which is rented from the Town Council by an individual, group or other stakeholders for growing fruit, vegetables, herbs and flowers for personal consumption.

Plot Holder: The person who legally occupies an allotment plot as the tenant, under a tenancy agreement signed by them and the Town Council.

Allotment Rent: The annual rent determined by the Town Council for an allotment plot.

3. Legal Context

The Town Council has a duty to provide and monitor the level of allotments locally, although there is no legal obligation to provide anything other than identifying available land for this purpose.

All plot holders of an allotment plot must at all times observe and fully comply with national and local legislation.

4. Roles and Responsibilities

4.1 The Town Council will:

- Promote and undertake lettings of vacant plots.
- Manage essential repairs and maintenance.
- Encourage good cultivation and horticultural practice.
- Carry out site inspections.
- Manage terminations of tenancies.
- Manage income collection and prioritise expenditure.
- Deal with plot holders' issues in a fair and transparent manner.
- Develop the delivery of the allotment service to ensure that running costs are covered by income received.
- Communicate useful information about allotments.
- Support the site as a whole where necessary to reduce health and safety risks.

4.2 The plot holder will:

- Comply with the terms of the tenancy agreement and this policy and guidance
- Manage the cultivation of their allotment plot.
- Ensure the health and safety of any guests visiting their plot.
- Not to cause, or allow their visitors, to cause a nuisance.
- Report any issues to the Town Council at the earliest opportunity.
- Comply with reasonable requests to manage/improve/maintain their plot.
- Support the site as a whole where necessary to reduce health and safety risks.

5. Policy and Guidance

5.1 The Tenancy Agreement

The plot holder must comply with all aspects of the Tenancy Agreement and this Policy or risk termination of the tenancy.

5.2 Age and Residency

Bingley Town Council will only grant new allotment plot tenancies at the standard allotment rent to residents of the Bingley parish. The Town Council will not accept applications from non-Bingley residents.

New tenancies will only be granted to applicants who are over 18 years of age.

If a plot holder moves outside the parish boundary, they will be required to relinquish their allotment plot. It is the applicant's duty to ensure that their details are kept up to date at all times; the Town Council will require

evidence of home addresses every year, upon signing the tenancy agreement.

5.3 Re-Sizing of Allotment Plot

The Town Council has the right to re-size allotment plots before commencing a new Tenancy Agreement for a vacant plot.

The purpose of this is to create additional plots to cater for demand upon popular sites to reduce waiting lists, generate additional rent and to create more manageable sized plots that are suited to modern lifestyles.

Larger than average plots will be resized to create additional allotment plots which may vary in size between 50m² and up to a statutory maximum of 150m². The Town Council will determine the plot size.

The rent for each allotment plot created will be charged at the prevailing allotment rent.

5.4 Allocation

Allotments will be offered on a “first come - first served” basis using the waiting list held by the Town Council.

The Town Council holds waiting lists for each allotment site under its management. Waiting lists may be closed at the council’s discretion when waiting periods are likely to exceed five years.

It is the applicant’s duty to ensure that their details are kept up to date at all times.

When a plot becomes available it will be offered to the first person on the list by email or telephone. If more than one plot becomes available then the corresponding number of people on the list, in date order of registering the request, will be offered a plot. The Town Council will only take into account a person’s position on the waiting list when allocating plots.

A person has 10 working days within which to acknowledge the offer of a plot or it will be assumed that they are not interested and will be withdrawn from the waiting list.

If an individual does not provide a contact number or email address a letter will be sent via post to make the offer of a plot. If no response is received within the allotted time-frame then the vacant plot will be offered to the next person on the waiting list.

If an offer is declined for a valid reason then the person will remain on the list and the next available plot will be offered. This will be at the discretion of the Town Council.

If a person declines the offer of two allotments, or the Town Council believes there is no justification for the decline, then the Town Council has the right to remove the person from the waiting list. Persons removed from the waiting list may re-apply however it will be the new date of application that will determine the position on the list.

In areas of high demand, the Town Council has the right to only allocate one plot per household.

The Town Council reserves the right not to allocate a plot and to remove an applicant from the waiting list where there is evidence of previous plot misuse or a history of enforcement action for such matters as non-payment of rent or cultivation or causing a nuisance either to the Town Council or other plot holders.

New plot holders will be provided with a gate key which must be returned at the end of the tenancy. Lost keys will incur a charge for their replacement.

5.5 Sole Tenancy

New plots will be let as single tenancies only; no joint or shared tenancies will be permitted. However existing joint and shared tenancies will continue to be permitted. For existing joint tenancies both tenants' names will appear on the lease and they will have joint responsibility for all matters relating to the plot. In the event of the death of one tenant, the tenancy can be retained by the joint tenant. For existing shared tenancies, plot holders are sharing a plot with someone they are not married to, in a civil partnership with or are married to and did not want to form a joint tenancy with, and may have, at the council's discretion, have an individual recorded as a registered sharer at the time they take on the plot. In this case, the registered plot sharer will not appear on the lease and the tenant will have full responsibility for all matters relating to the plot including payment of rent. However, should the tenant decide to give up the plot and it meets satisfactory cultivation standards, the plot can be transferred into the name of the registered sharer. Unless an individual is a registered sharer they will not be able take over a plot that they have been helping with in the event that the plot becomes vacant.

5.6 Use of Land

The plot must be used solely as an allotment garden to grow fruits, vegetables, herbs and flowers for personal use/consumption in line with the tenancy agreement. The plot must not be used for storage of materials unrelated to the plot's primary use. No new ponds are permitted (existing ponds are acceptable).

Any commercial business use is strictly prohibited.

5.7 Cultivation and use of Plot

Plot holders must keep their plots clean and tidy, substantially weed free, and in a reasonable state of cultivation and fertility.

Plot holders must not use a plot or any building on it for any illegal or immoral purpose or for the consumption of intoxicating drink or gambling. All health and safety requests by the Town Council must be complied with such as providing safety covering over any form of water container. Sites shall be inspected at regular intervals all year round. Failure to meet the required standards could result in a notice to improve/quit being served.

Cultivation standards

New tenants (less than 3 months)

New tenants are required to have prepared at least 20% of the plot for cultivation within 4 weeks of their tenancy commencing and 75% cultivated after 3 months. Extensions may be granted at the Town Council's discretion where a plot is taken on in a poor condition, the plot is allocated outside the growing season or in exceptional personal circumstances.

Established tenants (more than 3 months)

Once the new tenant period has ended plots must be 75% cultivated.

During the growing season cultivation must include the growing of suitable plants.

The Town Council encourages tenants to replant throughout the year and to use green manures on empty areas to avoid nutrients being washed away in the winter months. However, outside the growing season the required cultivation standards can be achieved by the preparation of the soil for future planting, removal of weeds and the application of organic mulches.

Plot holders will normally be contacted informally in the first instance to advise them of any areas that require improvement.

If satisfactory improvements are not made a first notice giving the tenant 21 days to bring the plot to the required cultivation standard will be issued.

Tenants may request additional time in the case of exceptional personal circumstances. However, the granting of additional time will be at the Town Council's discretion.

Should there be no satisfactory/significant improvement within the agreed specified timescale a second notice giving notice to quit the allotment plot

will be served by the Town Council under the terms and conditions of the tenancy agreement.

A notice to quit will also be issued if the plot requires a further improvement notice and 2 improvement notices have already been issued in the last 12-month period.

The Town Council will not normally clear overgrown plots; cultivation is the responsibility of the plot holder under legislation and under the terms of the tenancy agreement.

There may be times when personal circumstances mean that a plot holder is unable to tend to a plot. Please notify the Town Council immediately and a workable solution on a case by case basis can be discussed. However, allotment plots are provided by the Town Council for cultivation and should a workable solution not be found, a notice to quit may be issued and the plot re-allocated.

5.8 Inspections

The plot holder will permit any officer of the Town Council, or appointed agent, to enter the allotment at any time to inspect its state and condition. The Town Council has made a commitment to formally inspect allotments during the main growing season, and on an ad hoc basis throughout the year. The Town Council will notify the plot holders of the formal inspection date by email and by placing a laminated notice on the board at the allotment site.

Plot holders are invited to submit any issues they would like to raise about particular plots to the Town Council who will ensure that those plots are examined at the next inspection.

The Town Council has sole responsibility for determining the inspection grade allocated for plots and issuing any warnings to improve cultivation or a notice to quit where the plot has not been adequately maintained or cultivated to the required standard.

The Town Council has sole responsibility for issuing a notice to quit and retains the right to exercise discretion under certain circumstances.

The Town Council will then arrange to re-let plots following legal termination in accordance with this policy.

5.9 Termination of Tenancy

The Tenancy will terminate as per the tenancy agreement upon:

- Notice from the plot holder.
- Death of a plot holder (please see section on existing joint or shared tenancies if appropriate).

- Notice by the Town Council.
- Default by the plot holder.

Upon termination of the agreement, the plot holder must return the plot to the Town Council in the condition stated within the tenancy agreement and return any site keys to the Town Council office.

The Town Council will inspect the plot prior to termination and notify the plot holder of any issues that need to be addressed to return the plot to a satisfactory standard. For example, removal of rubbish, cutting hedges, tree removal or pruning, or removal of unauthorised structures.

The Town Council reserves the right to recover any costs from the plot holder for undertaking such works, including legal fees, upon vacation.

5.10 Livestock

The Town Council will allow certain livestock to be kept on the allotments provided that the tenant complies with all legislation.

The only livestock permitted on allotments are chickens or rabbits as laid down in the Allotments Act 1908 - 50. The Town Council has a restriction of 2 rabbits (of the same sex) and 5 chickens (female only). Plot holders must have prior consent from the Town Council before keeping livestock on an allotment site. Beekeeping is not permitted on the site.

Hens or rabbits must not be kept in such a manner or conditions that may have a detrimental effect on their health or be a nuisance to other plot holders. They must be kept safely and securely to prevent them from being attacked by other animals e.g. foxes.

Plot holders must ensure that they comply with any livestock husbandry conditions laid down by the Town Council or other government agencies and do not neglect or mistreat their livestock.

The Town Council will take action if the staffing team or Councillors with responsibility for allotments believes that any plot holder is neglecting the animals or if the animals are found to cause a nuisance.

5.11 Pigeons

Plot holders are not allowed to keep pigeons on allotment sites.

5.12 Dogs

The plot holder must not permanently keep or kennel any dogs on the land. Any dogs temporarily brought on to the allotment by the plot holder must be securely held on a lead and remain within the perimeter of the owner's plot and away from pathways. Dogs must not be allowed to go on other plot holders' plots.

Dog owners must comply with dog fouling bye-laws and pick up and appropriately dispose of dog waste off site.

5.13 Children

The Town Council welcomes children onto allotment sites as it values the educational opportunities and health benefit such visits can bring.

Plot holders bringing children on site must ensure that they are supervised at all times by an appropriate number of responsible adults so there is no risk to their health and safety whilst on site. They must not be allowed onto other plots or harvest/eat produce without the plot holder's permission.

5.14 Erection of Sheds/Greenhouses/Temporary Structures

The erection of pigeon lofts on allotments is expressly forbidden by the Town Council.

A shed/greenhouse may be erected in line with the tenancy agreement if it is well constructed and meets any necessary safety standards (especially for glass) and:

- Prior permission has been granted from the Town Council following initial request along with outline details of the nature, method and extent of construction proposed.
- Any planning permission has been obtained (if required).
- The structure should not cover in excess of 30% of the plot or be in excess of 10ft x 8ft for a greenhouse and 8ft x 6ft for a shed.
- The structure should not be affixed to an existing building, boundary wall or adjoining wall.

The plot holder will be responsible for any costs of removal and reinstatement upon vacation or termination of the lease, including the costs of any legal action that may be taken.

The plot itself and all sheds should be used solely for storing materials for use on the allotment garden and not as a place of dwelling, for sleeping in or as a workshop. Because of the risk of break-ins, it is not advisable to store any valuable items in wooden sheds.

All sheds and greenhouses installed post 1 April 2022 should include guttering that allows for the collection of rainwater. A suitable lid should be placed on the container collecting the rainwater.

5.15 Use of Chemicals/Sprays/Peat-Free Compost

Whilst the Town Council encourages all plot holders to try and use more organic or environmentally sound methods of pest control it recognises that it is not always possible to do so.

Therefore, plot holders are advised to take proper precautions when using sprays or fertilisers to avoid (or minimise) any adverse effects on the environment or on neighbouring allotment gardens. They must comply at all times with current legislation.

Spraying should only take place when conditions are still and calm.

Tenants are encouraged to use peat-free compost or growing mediums at all times. Tenants will be made aware of the Town Council's Biodiversity Policy and will be encouraged to cultivate their plots in adherence to this.

5.16 Use of environmentally unfriendly materials

Plot holders should minimise the use of plastic on site and utilise eco alternatives where possible.

Plot holders should not introduce asbestos to the site and should be aware that prefabricated garages often include this material.

Tyres must not be brought onto allotment sites.

The use of old carpets as a weed suppressant is prohibited on any Town Council allotment site. As a temporary measure, polythene sheeting or cardboard may be used.

5.17 Vehicles

Plot holders or their visitors must not bring or place any vehicle, caravan, trailer or vehicle parts onto the allotment site, apart from deliveries. If deliveries are necessary, a time must be agreed with the Town Council beforehand.

5.18 Trees, Shrubs and Bushes

The plot holder may not plant any trees, shrubs or bushes which, when mature, will or may grow to a height of more than six feet. The plot holder may not plant any trees, shrubs or bushes etc which have the potential to be significantly invasive.

The Town Council expects all fruit trees to be grafted on to appropriate dwarfing rootstock.

Careful thought must be given to the planting of any trees, shrubs or bushes so that branches do not extend onto footpaths or cause unreasonable shade to neighbouring plots, and this should certainly not be on a boundary.

A regular programme of pruning must be undertaken to ensure that trees, shrubs or bushes do not exceed the maximum height allowed.

On termination of a tenancy the tenant will be asked to remove any over-height trees, shrubs and bushes they have planted. All costs associated with the removal of trees, shrubs or bushes planted by the plot holder will be borne by the plot holder.

Any self-sown sapling scrub trees should be removed as necessary by the plot holder. Failure to do so may result in the tenant bearing the costs of removal including those of obtaining planning permission.

5.19 Hedges, Fences and Boundary Features

Plot holders must not obstruct any road or path or tip rubbish, soil or manure on any road or path, nor to use barbed wire for a fence adjoining any road or path, nor encroach upon any road or path or other allotment garden.

The plot holder will keep every hedge on the boundary of the allotment garden properly cut and trimmed to a maximum height of 1.5m and not encroaching on pathways, keep all drainage ditches properly cleansed and maintained and keep in good repair any existing boundary fences and gates on the allotment garden. The plot holder will be responsible for maintaining the path surrounding the allotment garden.

The plot holder must not, without the written consent of the Town Council, remove/erect any fence whatsoever.

Allotment garden plot boundaries are permanent fixed features, so plot holders must not alter or move boundary fences on any plot(s).

Rubbish must not be piled against fences as this can cause them to lean and/or rot; it impedes any maintenance.

Any boundary disputes should be referred to the Town Council to determine.

5.20 Restrictions on Cropping

Plot holders 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.

5.21 Depositing Refuse/Fly Tipping/Disposal of Rubbish

The plot holder is responsible for disposing of all rubbish from their allotment garden. This includes disposing of both green waste and other non-compostable items.

Green waste should be composted wherever possible.

The plot holder must not deposit, or allow anyone else to deposit/fly tip, rubbish anywhere on the allotment garden site with the exception of manure and compost (in such quantities as may be reasonably required for use in cultivation). Neither must they place, or allow to be placed, any refuse or decaying matter in hedges or ditches adjoining the land.

Plot holders must not add to any illegal rubbish dumped on the site. Kitchen waste such as cooked food, meat, cheese or similar will attract vermin. This must not be brought onto the allotment site or placed on any allotment garden compost heap.

5.22 Bonfires/Burning of Rubbish

Under the Environmental Protection Act 1990, it is a fineable 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.

The Town Council only permits bonfires for the burning of materials from the allotment gardens i.e. diseased plants and dried out organic matter that will burn without smoke or hazardous residue. All fires must be attended at all times and not cause a nuisance to other plot holders or neighbouring property. All fires must be fully extinguished before leaving the site. Plastic must not be burnt.

Causing a nuisance by having or frequent bonfires on an allotment could lead to the termination of a tenancy.

Please contact the staffing team if you require further advice on bonfires on allotments.

5.23 Nuisance

The plot holder 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 obstruct or encroach on any path or roadway used or set out by the Town Council or used by the owners or occupiers of any adjoining or neighbouring property. Nuisance includes permitting significant seeding and spread of weeds and failure to maintain/repair paths.

Any plot holder found guilty in a court of law of offences involving the allotment garden or other plot holders will be given **immediate** Notice to Quit.

The same will apply if, in the reasonable opinion of the Town Council, the plot holder has, or has permitted someone, to threaten, use violence and or intimidation against other allotment garden plot holders or the owners or occupiers of adjoining or neighbouring property.

5.24 Advertisements

Plot holders must not use the plot for the display of any commercial or political advertisement.

Advertisements may be displayed for a temporary period for community or charitable events by prior consent of the Town Council.

5.25 Power of Eviction

Allotment garden sites and plots will be regularly inspected by the Town Council, and plot holders who fail to comply with this policy or the tenancy agreement will be contacted and requested to address any issues raised with them.

Failure to comply with any such notice may result in the Town Council exercising its power to give plot holders Notice to Quit and terminating the agreement.

Evicted allotment plot holders (for any reason) will not be allowed to apply for another Town Council allotment plot within 12 months from the date of eviction (as a minimum).

5.26 Insurance

All sites are covered by the Town Council's Public Liability Insurance however this only covers claims that are deemed to fall under the Town Council's responsibility i.e. infrastructure and boundary fencing.

The Town Council strongly recommend that plot holders take out their own insurance to cover incidents or losses on their plot.

Plot holders are entirely responsible for the security of sheds and their contents as well as for providing any insurance cover for those items.

Tenants must not leave the site unlocked, even for short periods, unless others are still present.

5.27 Health and Safety

The Town Council will seek to ensure that only safe practices are being carried out.

The Town Council will maintain all areas not tenanted, keeping such areas free from hazards and ensuring no nuisance occurs as in 5.23.

It is the plot holder's responsibility to keep their children (under 16) under constant close supervision and not leave them to roam the site or enter other plots.

It is the plot holder's responsibility to keep any chemicals/equipment secure when not in use and to use them as per the manufacturer's instructions.

The plot holder will ensure that all water containers are safely covered.

The plot holder is required to comply with the Town Council's risk assessment of the allotments.

Tenants are also requested to review the site with any water leaks or broken taps being reported to the Town Council immediately.

5.28 Rent

The allotment rent is the rental value of an allotment plot.

The plot holder is to pay the rent and other charges in relation to the use of the plot as per the tenancy agreement.

The Town Council reserves the right to increase the allotment rent in line with inflation, or to reflect changes in the rental value of land for allotments, or to reflect other running costs to provide allotments.

The Town Council will advance collect rental payments for plots on 1st April each year or on the first day of tenancy.

5.29 Concessions

The Town Council will give a plot holder a concession on their rent when they are in receipt of means tested benefits. Tenants will be required to provide proof of benefits annually. It is the tenant's responsibility to advise the Town Council if they no longer receive benefits.

Whether a plot holder wishing to rent an overgrown plot is eligible for a second year rent free prior to letting a plot is at the discretion of the Town Council.

The Town Council reserves the right to review the level of concessions available.

6. Review

This policy and guidance will be reviewed on an annual basis (or when there is a change in legislation) by the Town Council.