



**GILLINGHAM TOWN COUNCIL**  
The Town Hall, School Road, Gillingham, Dorset SP8 4QR

**ALLOTMENTS POLICY**

**Definitions**

"The Council" means Gillingham Town Council and includes any committee of the Council or any person authorised to act on behalf of the Council.

"The Allotments Association" means the Gillingham Allotments Association.

"Allotment Site" means an area of land set aside by the Council for the purposes of growing vegetables, flowers and fruit.

"Allotment Garden" means an area of land, which may vary in size, within each allotment site that is available to rent for an annual sum.

**1 Introduction**

1.1 This document sets out:

- The eligibility criteria for renting an allotment garden
- Procedures for allocation of allotment gardens
- Allotments administration
- The relationship between the Council and the Allotments Association

1.2 The Council reviews this allotment policy annually and makes any changes known by publishing the revised policy on its website.

1.3 The legal relationship between Gillingham Town Council (The Council) as landlord and allotment holders as tenants, is defined within tenancy agreements.

**2 Eligibility criteria for renting allotments**

To be eligible to rent a statutory allotment a person must be 18 years or older and resident within the defined Parish of Gillingham. The Council maintains a town-wide waiting list for eligible persons only across all Council owned sites. The Council reserves the right not to accept applications for allotments.

**3 Allocation of Plots**

3.1 The Council supplies information regarding vacant plots as they become available to the person or persons at the top of the waiting list, to allow applicants to visit and inspect the plot before making a decision to confirm their tenancy. In making such offers the Council endeavours to take into account applicants' stated preferences for site and size of plot.

- 3.2 Where more than one plot becomes available at the same time, the Council contacts the appropriate number of people at the top of the list regarding the vacant plots and these are allocated on a “first come first served basis”.
- 3.3 Applicants at the top of the list are given first refusal for the tenancy/tenancies and four weeks to respond in writing to the offer. If no response is received within this time, their name is removed from the waiting list. If they do not wish to, or cannot take an offered plot, applicants may defer twice and retain their place in the list until another plot becomes available. If applicants wish to defer a third time, their names will be moved to the bottom of the list. If the plot is not taken by the person at the top of the list, it is offered to the next person on the list.
- 3.4 When an applicant confirms their wish to commence a new tenancy, having identified the vacant plot and clarified that they are eligible, they are required, within ten working days, to sign a tenancy agreement and to pay appropriate charges and fees before being allowed to start work on the plot.
- 3.5 All allotment plots are let on an ‘as seen’ basis. The Council is not able to carry out improvement or clearance works for new tenants beyond making the plots safe. The Council may at its discretion carry out appropriate actions to tidy any vacant overgrown plots. The Council reserves the right to divide or amalgamate plots as they become vacant at its discretion.
- 3.6 Each allotment tenancy is leased in the name of one person only, even if more than one person works on the plot. There is no automatic right of inheritance. However, the other person can make a representation to the Council before the tenant vacates the plot, seeking the Council’s agreement to take over the tenancy. The Council considers such representations on a case-by-case basis.
- 3.7 Plot allocation is restricted to one plot per tenant. Tenants cannot go back on the waiting list for additional plots. If a tenant wishes to rent a plot on a different Council owned site, they must join the bottom of the waiting list. On acceptance of another site the tenant must terminate their tenancy and vacate the current plot. Tenants may ask for their plot size to be reduced. The granting or refusal of any such requests is entirely at the discretion of the Council.

#### **4 Administration**

- 4.1 The Council provides and maintains computerised allotment waiting list and tenancy records in accordance with the Data Protection Act 1998. Tenants may visit the council offices and contact staff by telephone during its current published office hours or via the Council’s website. Any queries about this policy should be referred to the Council.
- 4.2 The Council promotes ‘best practice’ on its allotment sites and encourages sustainable environmental management. It seeks to make sites as accessible and useable for all allotment tenants as possible and considers requests for improvements where required for disability accessibility.
- 4.3 The Council may or may not provide a water supply at specific sites at its discretion, depending on local circumstances. Where a water supply is provided it is turned off during the winter months (between the beginning of November and late March each year) to protect against burst pipes. Tenants are not permitted to tamper with the main stopcock.

- 4.4 The Council assists security at its allotment site(s) by providing boundary fences and/or hedges with lockable access gates. Whilst the Council maintains third party insurance concerning its allotment sites, tenants shall maintain public liability insurance concerning their own allotment gardens. The Council accepts no liability for any loss, damage or injury to tenants or their belongings occurring on their allotment gardens.
- 4.5 Details of the Council's complaints procedure may be obtained from the Council offices and via the Council website.
- 4.6 The Tenant shall keep their Allotment Garden free from weeds and maintain it in a good state of cultivation and keep the allotment in a clean and tidy state.

From the start of the tenancy agreement the tenant will have a two-month period in which enforcement for non-cultivation is not applicable. The Council will inspect the plots between the months of April – October. In the case of non-cultivation there is only one warning given. If a plot is not brought up to an acceptable condition within the timeframe set out in the warning, the Council will serve a repossession for which there is no appeal.

If a plot is brought up to an acceptable standard but then left to fall into non-cultivation again, the Council will serve another warning. The Council will only serve two warnings in a five-year period before repossessing the plot.

## **5 Transgression of Tenancy**

Following a transgression of tenancy, a tenancy agreement will be terminated either with immediate effect or at the end of the current tenancy, depending on the outcome of an investigation by the Town Council and subsequent decision of the General Purposes Committee.

## **6. Disputes**

Disputes between tenants shall in the first instance be referred to the Town Clerk. If the dispute cannot be resolved, the matter will be referred to the General Purposes Committee and the subsequent decisions of the committee are binding on all concerned.

## **7. Bees**

Beekeeping requests will be considered. The applicant must comply with the following requirements:

- ❖ Be a member of a local beekeeping association operating under the British Beekeeping Association.
- ❖ Prove they have undertaken training with a local beekeeping association.
- ❖ Provide public liability insurance in respect of your beekeeping activities.
- ❖ Have registered the hive with the National Bee Unit.
- ❖ Inspect the bees regularly during the swarming season and advise other allotment tenants about this procedure.
- ❖ Ensure someone qualified will look after the bees in their absence.
- ❖ Place a notice on the plot with their name and contact details in case of emergencies.
- ❖ Be able to demonstrate that they have alternative site arrangements in place if they are asked by the Council to remove the beehives from their plot.

- ❖ Use 50% of the plot solely for keeping bees and not plant on any part of the allocated beekeeping area.
- ❖ Provide a plan of the site showing the position of the hive.
- ❖ Position hives to avoid bees flying towards paths or roads. Screening must be provided around the hives to direct the bees' flight path above head height.
- ❖ Provide an annual risk assessment.

## **8. Policy Review**

This Allotments Policy was reviewed by Finance and Policies Committee on 18<sup>th</sup> September 2023 minute no. 588a and ratified by Full Council on 25<sup>th</sup> September 2023.

Policy reviews will be carried out annually or when there are changes to current legislation, whichever is the sooner.

Signed by

The Mayor of Gillingham:

Date: