

Minutes of the Meeting of the **ALLOTMENTS AND ENVIRONMENT COMMITTEE** held in the Four Clocks Centre, Bishop Auckland on **TUESDAY, 21ST OCTOBER 2014 AT 5.30 P.M.**

Present: Councillor Anderson, (in the Chair) and Councillors Blackburn and Fleming.

Also Present: David Anderson (Town Clerk).

A&E.9/14 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor S. Zair.

A&E.10/14 DECLARATIONS OF INTEREST

Councillor Blackburn declared an interest in respect of item no 4(2), Request to Sell Allotment Produce'.

A&E.11/14 PUBLIC PARTICIPATION

There were no members of the public in attendance.

A&E.12/14 REVIEW OF ALLOTMENT RULES AND REGULATIONS

Members considered a report regarding a review of the allotment rules and regulations which had been undertaken with the aim of making them clearer and more comprehensive. In addition the Committee had been requested to consider a policy relating to the keeping of larger animals on allotments, particularly at Woodhouse Close, which has been the subject of complaints due to the proximity of residential housing. (Minute A&E.13/13 refers).

The proposed Allotment Rules and Regulations had been based on Durham County Council's policy to ensure a degree of uniformity, but had been tailored to reflect local circumstances. They were in line with the Allotment Acts 1908 to 1950 and would apply to all Town Council owned allotments including those managed by an association.

Particular attention was drawn to the following:

Tenancy Agreement (Rule 1)

As the allotments were rented on an annual basis it was proposed that tenants would be required to sign to confirm that they would abide by the tenancy agreement when the tenancy was renewed each year. (Rule 1.2)

It was explained that joint tenancies could be a problematic as the responsibility for the allotment and any misconduct was not always clear. It could also present difficulties if joint tenants ended their partnership arrangements with each party claiming tenancy of an allotment, produce, sheds etc. There had also been instances where requests for joint tenancies had been used as a means of selling or assigning an allotment to another person, which was against the rules.

For these reasons it was proposed that all new tenancies should be in a single name. (Rule 1.4). However it was proposed that co-workers arrangements be formalised as an alternative. (Rule 4).

Allocation (Rule 3)

It was proposed that an applicant should be removed from the waiting list if they refused more than one offer. They could reapply, but their position on the list would be determined by the date of the new application. (Rule 3.4)

It was also proposed that an application would be refused where, in the view of the Council, there was evidence of previous plot misuse or a history of enforcement action for such matters as non-payment of rent or cultivation issues.

Signed:
Chair

The new rules were also to state that the Council could suspend the allocation rules in order to manage allotments sites. (Rule 3.6)

Co-Workers (Rule 4)

Arrangements were proposed to allow a tenant to register a co-worker, i.e. someone who regularly assisted with the maintenance of an allotment. A co-worker would have no legal tenancy rights and would not be responsible for any of the allotment rent. The tenant would be responsible for the conduct of a co-worker.

The transfer of tenancy to a co-worker would only be considered if they had been registered for at least three years or longer than the next person to be offered a plot.

Only one co-worker could be registered on a plot at any one time. A person could only be registered as a co-worker on one plot at a time.

Livestock

Consideration was given to the Council's policy regarding the keeping of livestock on allotments.

It was noted that the legal position was that, with the exception of hens and rabbits, which consent could not be reasonably withheld - subject to appropriate animal husbandry, public health and nuisance considerations, the Council had discretion whether to permit livestock to be kept on allotments. Larger animals were being kept on Woodhouse Close, West Mills and Mill Race.

Of particular concern were the larger animals, (horses and goats) which were currently kept on Woodhouse Close allotment site and had been the subject of ongoing complaints and an MP's enquiry. There did not seem to be any animal welfare issues on the site but complaints were received due to the proximity of nearby houses.

It was noted that Mill Race and West Mills allotments sites were generally used to keep livestock as the ground conditions made them difficult to cultivate. These sites were not close to housing and therefore were not subject to the type of complaints received about Woodhouse Close. It therefore seemed that Mill Race and West Mills were suitable sites for larger animals. It was proposed that only West Mills and Mill Race be designated as suitable for keeping larger animals, e.g. horses, ponies, goats etc.

Consideration was given to transitional arrangements necessary to achieve the proposed policy. Members considered a 'wither on the vine' policy. Under such a policy larger animals that were being kept at Woodhouse Close with the written consent of the Council would be logged and be allowed to continue to be kept on that particular plot until they were sold, disposed of or reach the end of their lives. No new animals would be allowed. With the life expectancy of a horse being up to 25 years it could take a considerable time to achieve the policy aims.

Alternatively Members considered the termination of the tenancies of plots at Woodhouse Close such animals were being kept. Within this policy a notice to quit expiring on 31st March 2016, would be issued to affected in accordance with Rule 8b (current rules), Rule No 33.5 (new rules). Tenants could renew their tenancies from 1st April 2016 but only for cultivation. No larger animal would be allowed to be kept on the plot.

Where possible alternative plots would be offered at sites which have been designated for the keeping of larger animals, i.e. West Mills, Mill Race. It was suggested that the allocation of plots at West Mills and Mill Race be suspended to facilitate the relocation of larger animals.

Signed:
Chair

Bee Keeping (Rule 14)

New rules were proposed in relation to the keeping of bees. (Rules 14.1 and 14.2)

Enforcement (Rule 31/32)

The following enforcement procedures were proposed:-

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

(Rule 31.1)

In the event of a serious breach of the Tenancy Agreement an immediate notice to quit would be issued. (Rule 32)

Amendment of Rules (Rule 35)

It was proposed that a statement be included in the rules to acknowledge that the Council reserves the right to amend the rules at any time.

- RECOMMENDED:**
1. That the proposed Rules and Regulations be adopted
 2. That only West Mills and Mill Race allotment sites be designated as suitable for keeping larger animals, i.e. horses, ponies, goats etc.
 3. That notices to quit expiring on 31st March 2016 be issued to all other plots where larger animals were being kept.
 4. That, where possible, alternative allotments be offered to allotment holders affected by 3 above
 5. That the allocation of plots at West Mills and Mill Race be suspended as necessary to accommodate 4 above.

A&E.13/14 EXCLUSION OF PRESS AND PUBLIC

In accordance with the provisions of Section 1 of the Public Bodies (Admission to Meetings) Act 1960, as amended by Section 100 of the Local Government Act 1972, the Council do now exclude the press and public for the remaining item on the agenda by reason of the confidential nature of the business to be transacted since publicity would be prejudicial to the public interest.

A&E.14/14 APPLICATION TO SELL PRODUCE FROM AN ALLOTMENT

N.B. As a result of Councillor Blackburn’s declaration of interest in this item the meeting became inquorate. As the item had been deferred at the previous meeting for the same reason it was agreed to submit it to the next meeting of Council.

Signed:
Chair