

Consultation on revised allotment tenancy agreement

9th March – 13th April 2020

Additional Information Sheet

Shildon Town Council is currently reviewing its allotment tenancy agreement

In particular, we would like to draw your attention to the following:

- Eligibility – Must be 18 or over and reside within the Parish of Shildon
- Animals on plots – Reminder only hens and rabbits allowed. No Cockerels
(in force from 1st April 2009)
- Vehicles – there will be a ban on vehicles being kept on plots.
- Criminal activities and/or aggressive actions – the tenancy could be ended if the tenant is involved in such activities
- Vermin – the tenants will be responsible for vermin control on their plots.
- Bonfires/burning - no burning during the period 1st April to 30th September inclusive.

Have your say - The closing date for comments is 13th April 2020

There are a number of ways to have your say:

- a. Contact us by email: council@shildon.gov.uk
- b. Individual tenants – drop-in from 9.30am – 3pm on 17th March 2020 at the Town Council Offices
- c. Allotment Society representatives - by appointment only

What happens next?

Your responses will be considered as part of the final review of the tenancy agreement
We will write to all plot holders informing you of any proposed changes following this consultation.

Your Questions Answered

You may have some questions about the proposals. We have listed some below with an answer for your assistance.

1. How will decisions be made?

The feedback that we receive through this consultation will be reviewed by senior staff and councillors to determine if and how the proposals should be changed or updated. Once that has been done, the final tenancy agreement will be presented to the Town Council for formal approval.

2. When will the changes be implemented?

The exact date that this will be put into practice is not yet known, as it will depend on the need to examine any feedback from the consultation, and to allow the proposals to be updated and agreed. It is expected that this will be completed and the final tenancy agreement approved within the next 12 months. At that point, all new and existing tenants will be asked to sign up to the new tenancy agreement; however, existing tenants will be given 6 months to comply with the terms of the revised agreement.

3. Why are the changes needed?

Allotments are defined by the law as areas of land that residents can use to grow fruit and vegetables to help feed themselves and their families. The best way to achieve this is by having a clear, appropriate tenancy agreement. We are also proposing a set of transition arrangements to provide the current tenants with a reasonable time to make the necessary adjustments.

5. What if my plot can't be used for growing?

Whilst there are plots that may not have been cultivated for many years, this usually does not mean they can't be brought back to use. Bringing such plots back into use for growing could require significant amounts of hard work and it could take some time for the plot to achieve its full productive potential. The Council will take this into consideration on such plots when applying the new tenancy agreement.

6. Why are some animals not allowed?

The law specifies that allotments are to be mainly used for growing fruit and vegetables (and not keeping animals) so residents can feed themselves and their families, and as such delivers several benefits that the Council is keen to support. In addition, the size and location of most of our allotments means they are unsuitable for keeping animals, in terms of the welfare of the animals, the potential impact on the community living nearby and the allotment environment.

7. Why are hens, rabbits and pigeons going to be allowed?

The right to keep hens (not cockerels) and rabbits on an allotment is set out in law; therefore, the Council could not stop tenants from doing so. Although there is no similar right to keep pigeons on an allotment, the Council recognises that there is a long, historic association between pigeon racing / fancying and allotments; therefore, it is being proposed that they should continue to be allowed on our allotments subject to the Council's written prior consent and only on certain identified sites.

Where a tenant had an allotment plot prior to April 2009 and animals were present at that time they are allowed to remain until a change of tenancy.

8. Why are vehicles being banned from allotments?

The presence of vehicles on plots can cause several issues. Firstly, they take up part of the plot and prevent it from being used for true allotment purposes, which deprives other residents of the chance of benefiting from that land. Vehicles can also damage the future use of the land either through the leaking/spilling of fluids or via them being left for very long periods and rusting or otherwise breaking down and getting into the soil.

9. What if I can't find anywhere else to keep my animals or my vehicles?

The length of time proposed to remove animals and vehicles from the plots has been selected to provide what we consider a reasonable length of time, given the likely difficulty of finding another place for your animals or vehicles.

10. Why do tenants need to live with the Parish of Shildon

Providing allotments costs the Council money. Given this, the Council feels it is right that our allotments are available to people who are resident in Shildon.

11. What will happen if how I use my plot doesn't comply with the new policy and tenancy agreement?

You will be expected to act to bring the plot in line with the new policy and tenancy agreement. The length of time you have to make such changes will depend on what part of the policy/tenancy agreement you don't currently comply with. The length of time for each of these is set out in the transition arrangements.

Explanation of key terms used

- **Allotment plot** – Defined by the Allotment Act 1922 as a plot of land leased to an individual so that it can be mainly used for growing fruit and vegetables to help the person to feed their family.
- **Allotment site** – A group of allotment plots located next to each other and often securely fenced off from the surrounding area.
- **Tenant / plot holder** – An individual who leases an allotment plot and uses it in accordance with the relevant policy and tenancy agreement.
- **Tenancy agreement** – The legal document that Shildon Town Council has produced which sets out the rules that both the tenant and the Council must follow in relation to an individual allotment plot.

- **Transition arrangements** – The document that Shildon Town Council has produced which sets out the different periods of time that current tenants will have to change the way they use their allotment plot to ensure that they are meeting each of the requirements of the tenancy agreement.

- **Allotment Society** – A community group set up by the plot holders on an allotment site. Such groups are run on a day-to-day basis by people elected by the plot holders and they aim to undertake activities that benefit the plot holders and the allotment site. In many cases the Society will take over the local management of the allotment site