

Allotment Agreement Briefing Paper

ITEM 8.11

This is an edited and slightly updated version of the confidential briefing paper sent to all committee members in an email on 9 June 2019

The confidential element has been removed so that this paper can be uploaded. I believe there is sufficient information for us not to need to go into confidential session which I would be very reluctant to do.

I think we can just say here and in the meeting that in addition to the other reasons articulated here, there are a couple of defects with the existing agreement which need to be addressed. Please refer back to the email if you need to remind yourself what they are.

Introduction

You will see from the background section and the next steps section that a decision is needed as to whether to give notice before 29 September. We have no meeting in August so the decision needs to be made at the July or September meetings.....

Background

There is a new allotment tenancy agreement approved by the last council which all the current allotmenters signed up to recently and which covers the current year and then runs on from year to year unless and until terminated. Supporting Paper.

Any new agreement requires a long lead in time because the Allotments Act requires at least twelve months' notice to terminate the existing agreement, with such notice expiring on or before 6 April or 29 September. Only if the existing agreement is terminated can we impose a new one. This means that if we give notice before 29 September 2019 the new agreement can commence on 1 October 2020. If we miss the 29 September date for giving notice then the new agreement cannot commence before 7 April 2021.

Reasons for new agreement being required

Defective Agreement

Redacted. The information here is now restricted to the confidential email

Ongoing Changes

Roger Brown is preparing a paper suggesting a "green agenda" for the allotments which may mean that changes in the regulations from time to time become desirable. We do not want to have to give the 12 months' notice and draw up a new agreement every time. We need to be able to change the regulations on an ongoing basis.

Redacted. The information here is now restricted to the confidential email

There has also been a request that we make the allotments no smoking zones. That is obviously for us to discuss and agree after consultation with the Allotment Association I suggest, though personally I would be in favour. That requires a new regulation which then hits the problem over clause 8 and the lack of a mechanism referred to in the previous paragraph.

Others Working the Plot

This tends to come up from time to time in any allotment with a waiting list. I have suggested a solution lifted from Hartlepool.

New Agreement

Attached is the draft new agreement endorsed in red as an edited version of the existing agreement so that the changes are clearish. Supporting Paper. Also attached is that draft agreement as a clean stand alone version as it is easier to read. Supporting Paper

The principle changes are:-

Date to which tenancy runs. I think it should end on the 29 September statutory notice expiry date, not 31 August.

I have put in the Hartlepool arrangement for joint working of a plot

I have sorted out the termination provisions and the provision for changing the regulations

I have added some extra regulations. The suggested ban on most bonfires needs particular looking at. So does the provision over weed suppressants as the time may have come to ban plastic for this purpose.

There are quite a lot of other minor or incidental changes. The document really needs a full read through...

NB Since this was first prepared we have had Roger's document and a response from the Allotment Society.

Assuming we agree to give notice we have about a year to sort out what will go in the new agreement, so perhaps a discussion limited to broad principles at this stage?

Next Steps

I recommend that the Committee passes a resolution in the following terms

The committee authorises and requests the clerk's office to give notice of termination to all tenants before 29 September 2019 to take effect on 29 September 2020.

The Notice to Quit being accompanied by a suitably re-assuring letter that the aim is to allow everyone to renew when the notice expires so that none need be unduly concerned. The letter to explain that the termination is to enable the new council to update the agreement over the next year in consultation with the Allotment Association and allotmenters generally. The aim of the consultation is to reflect a new green agenda and some changes requested by the Association and others which will involve thinking about the use of plastics and chemicals.

We have a year to finalise the document in consultation with others but hope to have everyone assured and happy with the new agreement long before that.

Paul