

THATCHAM TOWN COUNCIL



POLICY FOR THE MANAGEMENT OF HENLEYS ALLOTMENTS

Reference	Adopted by
Prepared by Naomi Mildenhall	Adopted date
	Minute reference
	Review date

1. Purpose

This policy sets out the roles, responsibilities and procedures in place for the effective and efficient management and administration of the site.

Henleys Allotments is governed in accordance with the following legislation:

- The Small Holdings and Allotments Act 1908
- The Land Settlement (Facilities) Act 1919
- The Allotments Act 1922
- The Allotments Act 1925
- The Law of Property Act 1925
- The Small Holdings and Allotments Act 1926
- The Agricultural Land (Utilisation) Act 1931
- The Allotments Act 1950
- The Local Government Act 1972
- Local Government Planning and Land Act 1980
- The Town and Country Planning Act 1990 (as amended)
- The Local Government Act 1992

Thattham Town Council is the Allotment Authority and is responsible for the management of Henleys Allotments. The day-to-day management is delegated to the Administrative Officer who reports to the Services Manager who reports to the Recreation and Amenities Committee.

2. Aims and Objectives

To confirm the Council's commitment to the provision of land for the use of gardening, and the growing of vegetables.

To develop and implement an effective management and administration process in relation to allotments.

To improve tenant satisfaction and participation in the management of sites.

The Council maintains the register of tenants and a waiting list of Thatcham residents who have expressed a wish to be allocated a plot at Henleys Allotments. All new tenants are required to sign a tenancy agreement. The agreement details the rules in relation to the maintenance of the allotment. Tenants are not permitted to sub-let, assign or part with the possession of the allotment garden.

3. Waiting List

The waiting lists are maintained on a first come, first allocated basis. An application form can be downloaded from the Town Council Website and submitted by mail or e-mail. The form must be returned to the Town Council at the address shown on the form. At the time of application, if a waiting list exists the individual's details will be added to the list.

If the plot is refused as the prospective tenant wishes to wait for a different sized plot, they will remain on the waiting list until such time as a plot of the appropriate size becomes available.

If the plot is refused, citing an acceptable mitigating circumstance, the prospective tenant will remain on the waiting list until such time as the mitigating circumstances expire, at which time the prospective tenant will be offered the next plot available.

If the plot is refused, citing an unacceptable mitigating circumstance, the prospective tenant will be moved to the bottom of the waiting list. If a prospective tenant refuses two plot offers, for unacceptable mitigating circumstances, they will be removed from the waiting list.

The allocation of any additional plots will be at the discretion of Thatcham Town Council and will be limited to one whole, or two halves, per tenant.

4. Concessionary rent

Tenants or prospective tenants will need to apply for concessionary rent by filling out an Application for Concessionary Rent Form. Tenants will not be entitled to a rent concession until the first day of January following the date of qualification, this cannot be backdated.

A rent concession will be allowed on one allotment plot (maximum of one full plot) only. Subsequent plots will be charged at the normal price.

Concessions that qualify for 50% reduction are as follows;
Attendance allowance, Carers Allowance, Constant Attendance Allowance, Disability Living Allowance, Employment and Support Allowance, Full Time Education, Housing Benefit, Incapacity Benefit, Income Support, Industrial Injuries Disablement Benefit, Job Seekers Allowance, Lone Pensioner Allowance, Pension Credit, Personal Independence Payment, War Disablement Pension.

Any benefit introduced by the Work and Pensions which supersedes or replaces any of the above listed benefits.

Concession that qualify for 20% discount;
State Pension.

Proof of receipt of above mentioned benefits will be required on application, copies and details will not be retained.

5. Responsibilities

The Town Council will;

Maintain a waiting list, issue invoices, issue keys and collect deposits, appoint a site Steward, review and fix annual rents, carry out site inspections, manage and maintain common areas, monitor compliance with the tenancy agreement, issue notices of non-compliance, carry out repairs and maintain adequate public liability insurance.

Tenants will;

Adhere to the terms and conditions of the tenancy agreement and site rules, Dispose of waste, comply with H&S of the site and keep the site secure at all times.

6. Termination process - rent arrears

1. If a tenant is not less than 40 days overdue paying their rent they are served with one month's notice that their tenancy is to be terminated.
2. Thatcham Town Council will take possession of the terminated plot on the day after conclusion of the notice period and the Site Steward will be advised that the plot may be re-let to the next person on the waiting list.

7. Termination process – non-compliance

The procedure for tenants not complying with the terms of the tenancy agreement and site rules:

1. The Site Steward will advise the Administrative Officer of plots that are not being maintained in accordance with the tenancy agreement and site rules.
2. The Services Manager will inspect the plot, take photographs and, if in agreement, authorise that an initial letter be sent to the tenant advising that their plot is not being adequately maintained. Tenants are given 14 days to respond to discuss reasons why they have been unable to maintain the plot.
3. If no communication has been received after 14 days a second letter is sent advising that the tenant has a further 7 days to contact the Town Council to discuss the situation or their tenancy will be terminated.
4. If still no communication is received the tenant is served notice that their tenancy agreement will be terminated in one month.
5. Thatcham Town Council will take possession of the plot on the day after conclusion of the notice period and the Site Steward will be advised that the plot may be re-let to the next person on the waiting list.

8. Retention of Maintenance deposit

When a tenant decides to relinquish an allotment, the plot will be inspected by the Site Steward who will advise the Administrative Officer of the condition of the plot. The Maintenance deposit will be retained if the plot has not been maintained in accordance with the terms of the tenancy agreement and site rules. Photographic evidence will be recorded for all maintenance deposit retentions.

9. Retention of key deposit

A key deposit will be refunded to a tenant relinquishing a plot, or upon termination of a tenancy agreement, subject to receipt of the original key/s issued to the tenant by Thatcham Town Council.

10. Mitigating Circumstances

The following mitigating circumstances will be taken into account when considering reasons for non-compliance. This list is not exhaustive and each situation will be considered by Thatcham Town Council, in collaboration with Thatcham Allotment Gardening Club, on its own merits.

- Hospitalisation
- Bereavement
- Maternity / Paternity
- Personal Injury
- Significant changes in personal circumstances
- Health Issues

Mitigating circumstances lasting longer than 12 months will be considered at the discretion of the Town Council, taking into consideration the wider impact.

11. Disputes and Complaints

All disputes and complaints regarding the management of Henleys Allotments should be directed to Thatcham Town Council and will be dealt with in accordance with Thatcham Town Council's complaints procedure.