

REPORT TO FULL COUNCIL



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Date	8th June 2020
SUBJECT	Allocations Policy

PURPOSE:

1. To advise members of a request for a special allocation not currently permitted within the Councils allocations policy
2. To suggest an amendment to the Allocations policy by which the request could be accommodated should the Committee so wish.

BACKGROUND:

3. On the 5th May a request for clarification on the Allocations Policy was made by a plot holder who intended to place their house on the market in the coming weeks.
4. The plot they currently held was located immediately adjacent to their residential property and was accessed via their garden.
5. There was a gate to an adjacent plot but that plot also had restricted access and was currently vacant.
6. The plot holder requested that once the property sale had gone through, the new property owner be given first refusal on the plot should they wish to take it on.
7. There is no provision within the current Allocations Policy for a plot adjacent to a residence to be offered to a new property owner unless they had previously applied for an allotment and the date order of their application resulted in them being next on the waiting list.
8. The absence independent access to this plot makes its future allocation problematic. As a consequence of the issues with access, allocations on the site had previously been suspended by the Committee.

RECOMMENDATION:

9. It is recommended that the Allocation Policy be amended to enable the Allotment Committee to approve at its discretion, a recommendation from the Allotment Officer to make a special allocation of a plot to the new owner occupier of a property immediately adjacent to a plot to be offered the plot where it had previously been held by the outgoing property owner.
10. It is recommended that the Allotment Allocations Policy be amended such that Section three, subsection 2 "Special Allocations" be amended to read as follows:

Special Allocation.

The allocating officer may ask at the Allotment Committee, to consider at their sole discretion, a request for the assignment of a plot to:

- a) *A close family member where the vacancy arises due to the death or ill health of the previous allotment holder, provided:*
 - i. *The request is received within fourteen days of the notice to terminate the existing plot holders' interest.*
 - ii. *The applicant has until recently shared the management of the allotment plot with the previous plot holder.*
 - iii. *The applicant lives within the Colne Town Council boundaries.*
 - iv. *The allotment has in all respects been kept in good order and in accordance with the allotment conditions.*
- b) *To the purchaser of a plot holders' primary residence where the following conditions are satisfied:*
 - i. *The purchased property is adjacent to or within 15 meters of the plot boundary.*
 - ii. *The outgoing property owner held both the property and the plot for ten or more years prior to the sale of the property.*
 - iii. *The outgoing plot holder complies with the allotment conditions in that they agreed not to sublet or assign or part with possession of the plot or any part thereof but to hand the plot back to the Council in a fit and proper condition.*
 - iv. *The allotment has in all respects been kept in good order and in accordance with the allotment conditions.*
 - v. *The request is received from the purchaser within fourteen days of the notice to terminate the existing plot holders' interest along with a completed application form.*

11. At present the Allotment Allocations Policy Section three, subsection 2 "Special Allocations" reads as follows:

Special Allocation.

Where the vacancy arises due to the death or ill health of the previous allotment holder, the allocating officer may without prejudice, choose to consider a request for an assignment to a close family member of the allotment holder where:

- a) *The request is received within fourteen days of the notice to terminate the existing plot holders' interest.*
- b) *The applicant has until recently shared the management of the allotment plot with the previous plot holder.*
- c) *The applicant lives within the Colne Town Council boundaries*
- d) *The allotment has in all respects been kept in good order and in accordance with the allotment conditions.*

REASONS FOR RECOMMENDATION

12. There are a limited number of plots which are held by property owners who live adjacent to them.
13. In some instances, it would be difficult to establish independent access to the plots.

SUMMARY OF KEY POINTS:

14. In the majority of cases allocations are made from the general waiting list in date order of application.
15. The Special Allocations provision is to enable the allocations of plots where a person may have a recognised interest in a specific plot but may not have been able to established the required time on the general waiting list.
16. The Special Allocations category already recognises that a third party may have a special intrest in a plot that has become vacant as a result of the death or ill health of the previous occupant.
17. This amendments seeks to extend the recognition of a special interest to include a vacancy resulting from the plot holders house sale where the plot is adjacent to the residence.
18. In a limited number of cases it may be appropriated to give greater priority to an application from the new owner of an adjacent property. Where a plot has restricted access or is in close proximity to a residence and where an allocation to a third party is likely to intrude significantly on the peaceful enjoyment of the property.

POLICY IMPLICATIONS:

19. Any increase in the number of Special Allocation will result in fewer plots being available to those on the general waiting list.

DETAILS OF CONSULTATION:

20. There has been no consultation with plot holders or legal services in relation to this matter.

SUPPORTING PAPERS:

- None

FURTHER INFORMATION, PLEASE CONTACT:

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