



COLNE TOWN COUNCIL Allotment Allocation Policy

(UPDATED **DECEMBER** 2023)

Commented [LB1]: Changed from Sept to Dec

1. Aims and Objectives:

The Council manages twenty-one allotment sites totaling over 140 individual plots in various locations around the town. There is considerable demand for these allotment plots when they come available with consistently around 50 people on the waiting list at any one time.

The Council makes allotment plots available with the objective of providing space for the growing of fruit and vegetable crops for households within the town who might not otherwise have space to grow them. It recognises the benefits of providing space for cultivation in reducing household food costs and improved health and wellbeing.

The Council aims to provide a framework by which residents can apply for an allotment plot and gain an understanding of how their application will be managed. The principles behind allocations being that: -

- Allotments are provided for Colne residents wanting to grow fruit and vegetable crops for personal consumption.
- Applicants must fulfil qualifying criteria to be considered for an allotment.
- Applicants receive offers only for the allotment areas they have chosen.
- Applications are normally considered in date order of receipt.
- Applicants may have their application suspended and potentially removed from the waiting list if they refuse or fail to respond to a reasonable offer of an allotment or renew their application.

This allocation policy sets out the basis on which the waiting list will be maintained, vacancies managed and offers of plots made.

2. The Waiting List:

The Council operates separate waiting lists for each of the sites it manages. Applicants may select one or as many sites as they wish. They may also specify the general size of the plot they would prefer and any specific requirements they may have.

To qualify to be placed on the waiting list the applicant must;

- Submit a signed and completed Allotment Application Form to the Allotments and Contracts Officer of Colne Town Council.
- Be over the age of 18 or above the age of 16 with a guarantor,
- Provide on request satisfactory evidence that they have a current, permanent UK residence/abode for which they are assessed for Council Tax within the Colne Town Council boundary.

On receiving a completed application, the officer will:

- Record the date of application,
- Place the details of an approved application on the allotment waiting list,
- When requested, an applicant maybe sent a notification of being placed on the list.

To maintain their application on the waiting list applicants must:

- Provide truthful and complete information.
- Advise the Council of any changes of address or contact details.
- Provide documentation to support their application if asked to do so.
- Renew their application by 30th January each year.

3. Suspension and Removal of Applications from the Waiting List.

Suspension from the Waiting List

An applicant may be recorded on the waiting list but have their application suspended for an agreed period of time at the applicant's request.

The Contracts Officer may at their discretion suspend an application for a period of up to sixty days prior to the application being reinstated or removed from the waiting list where the applicant is or has:

- Provided misleading information or made untruthful statements in support of their application.
- Failed to renew their application each year by 30th January.
- Failed to keep their application up to date or provide documentary evidence to support their application when asked to do so.
- Refused a reasonable offer of an allotment, meeting the location and size requirements specified in their application.
- Been in breach of an agreement or undertaking to Colne Town Council including, failing to:
- Pay money owed to the Council or
- Cultivate an allotment in accordance with the allotment agreement to the satisfaction of the Contracts Officer or

- Respond in a timely manner to an offer of an allotment (i.e. generally within five working days of an offer being made).

Where the application has or is likely to be suspended from the waiting list, they will be sent an appropriate notification to the registered home address.

An applicant may appeal against a decision to suspend their application from the waiting list in accordance with the Allotment Appeals Procedure. An appeal must be lodged within 14 days of being notified by letter, that their application is to be suspended or is likely to be removed from the waiting list.

Removal from the Waiting list

Subject to a further review by the Allotment Officer, an application may be removed from the waiting list after a 60-day period of suspension has concluded where:

- no appeal has been lodged against the suspension or removal of the application from the waiting list, or
- where an appeal has been heard and confirmed that the application should be removed from the waiting list.

4. Allocation of Plots

Allotments are to be allocated by the officer on behalf of Colne Town Council. Plot holders may not assign or sublet plots and on termination of their tenancy, they must return them to the Town Council with vacant possession.

When the Town Council is informed that a vacancy has or is likely to arise, the officer will arrange for the plot to be inspected and determine its optimal letting potential.

The allocation of plots will be considered in the following order:

- Special Allocations
- Management Transfers
- General Waiting List Allocations

Special Allocations

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 the following apply:

- The request is received within fourteen days of the notice to terminate the existing plot holder's interest.
- The applicant has until recently shared the management of the allotment plot with the previous plot holder.
- The applicant lives within the Colne Town Council boundaries.
- The allotment has in all respects been kept in good order and in accordance with the allotment conditions.
- The applicant is not from a household which already holds an allotment (except in areas determined as areas of low demand for allotment plots or where the applicant has requested a transfer to this allotment).

Management Transfers

The officer may consider allocating a plot to an existing plot holder where such a transfer would enable either:

- works to be carried out by the Town Council, or
- release a larger plot in an area of high demand which can be split into several smaller plots, or
- to assist an existing allotment holder of good standing, who has requested a move to a smaller plot or one with better access.

In addition, a Management Transfer may be undertaken where the Council has previously agreed to the transfer as part of an interim plot allocation. In such cases, the transfer applicant must have previously indicated a specific preference for the currently vacant plot but had agreed to work an alternative plot until such time as their preferred plot became available. Entering such an agreement is at the discretion of the Contracts Officer and must be entered into prior to the allotment holder taking up their initial tenancy and evidenced by an agreement signed at the time of taking up their initial tenancy.

General Waiting List Allocation

Priority will be given to applicants who are ordinarily residents in a dwelling that is registered for council tax within the Colne Town Council geographical boundaries. Applicants not fulfilling this requirement may be added to the bottom of the waiting list but will only be considered where:

- There is no applicant currently fulfilling the criteria, registered on the waiting list for the plot to be allocated and,
- The total percentage of non-resident plot holders is less than 10% of all town council plot holders.

Applicants from outside the Colne Town Council boundaries will be required to pay plot fees at 120% of the standard charge rate in recognition of the contribution made by Colne residents from the precept cost of providing the allotment services.

To be considered for an offer of a plot, the candidate's application must be registered on the waiting list for the allotment site on which the plot is situated, and neither be:

- suspended at the time the offer is due to be made, or
- excluded by the applicants existing preferences requesting a general location, size, or other reasonable requirement, or
- selected to receive an offer for an alternative plot until that offer process has concluded, or
- from a household which already has a Colne Town Council Allotment unless:
- in areas of low demand for allotment plots, or
- where the applicant has applied to transfer to a different allotment plot and is giving back their current plot as part of the transfer arrangements.

The Contracts Officer will make arrangements for the plot to be offered to a qualifying candidate who has been registered on the waiting list for the longest period of time, in date order.

Split Sites

The splitting of a plot will be at the discretion of The Allotment Committee however in areas where parking is limited, the applicant must live within 0.1 miles of the plot.

Commented [LB2]: Additional comment re: split plot

5. Offers of Allotment Plots

Where an applicant is selected to receive an offer, they will normally be given five working days in which to reply indicating their intention to either accept the offer or refuse it. In exceptional circumstances, such as holiday periods or where the applicant has extenuating circumstances, a longer period may be negotiated, but this will not extend beyond ten working days provided this is negotiated before the initial offer period expires.

Where the offer of an allotment is accepted, the applicant will be invited to sign an allotment agreement once an appropriate start date has been agreed. The corresponding application will then be removed from the waiting list unless a management transfer request has been agreed and signed.

Should the offer be rejected the next appropriate applicant will be selected from the waiting list.

Allotment plots are to be offered "as is" and in most cases will require extensive work by the incoming plot holder to clear and bring the plot back to an acceptable level of cultivation. Any required clearance or cultivation is to be undertaken by the new plot holder. Any sheds, greenhouses or polytunnels, tools, pathways, and partition fencing along with any general rubbish left on the plot at the commencement of the allotment agreement are the responsibility of the new plot holder to maintain or remove unless otherwise agreed by the Allotment Officer. The Council will remove items it considers to be hazardous to health such as asbestos, barbed wire etc, and this will normally be done prior to the commencement of the Allotment Agreement.

The condition of a plot, the provision of sheds greenhouses or other such facilities, whilst significant to the incoming plot holder, would not normally be considered reasonable grounds for refusing a plot.

6. Refusal of Offers

Applicants may refuse an offer if it does not comply with the plot location preferences or specific requirements indicated by the applicant prior to the offer being made.

Where applicants refuse more than one reasonable offer, their application will be suspended for 60 days, after which the applicant will be required to re-apply to go on the general waiting list.

In the first instance, the determination of reasonableness will be made by the officer appointed to let the allotment plot. If after consideration the officer finds that the offer was appropriate, they will contact the applicant informing them of their decision and advising them of their right to lodge an appeal against the suspension within fourteen days by writing to the Town Clerk of Colne Town Council at the Town Hall in accordance with the Council's Appeals procedure.

On receipt of a written appeal, the Town Clerk will have thirty working days in which to review the details of the offer that has been made and inform the applicant of their decision. The Town Clerk's decision will be final.

If no reply is received to an offer from the applicant within the time given, the offer will be withdrawn, and their application suspended from the waiting list. The plot will then be offered to the next appropriate person from the waiting list.

The Council will keep a record of all offers made and the responses given.

7. Terminations and Transfers

An allotment plot holder on termination of their interest, may in limited circumstances, request for their original application for an allotment to be reinstated. Requests will only be considered where they, or a close family member are experiencing ill health making it difficult for them to continue to maintain their existing plot at that time and:

- A request to assign the plot had not been made.
- The allotment had in all respects been kept in good order and in accordance with the allotment conditions.

Such reinstatement will be at the discretion of the Contracts Officer. The reinstatement of the original application would only take place once the allotment holder had terminated their interest in their current allotment.

Generally, transfer applications will be managed through the normal allocations procedure and considered in date order of application. Allotment holders wishing to transfer will be required to give back their existing plot with vacant possession on the agreed date for the transfer to the new plot.

Allotment holders are not permitted to exchange or assign their allotment plots.

In exceptional circumstances the Town Clerk may arrange a management transfer where the existing plot holder agrees, and such a transfer would:

- Facilitate improvement works to the allotment site,
- Make better use of allotment plots.

8. Appeals Procedures

The three main stages in the letting of allotment plots are:

- Submission of an application and the management of the waiting list

- The selection and allocation of allotment plots
- The letting of an allotment plot

An applicant may appeal matters relating to the detail of their application as recorded on the waiting list, and the grounds on and period for which their application may be suspended and subsequently removed from the list.

Once an offer is made, it cannot be withdrawn until the offer expiry. If an offer is accepted within the offer period, the offer or the resulting Allotment Agreement cannot be set aside. These constitute a legal and binding contract between the Council and the new plot holder and is governed by contract law.

Where the applicant has reasonable concerns over the allocation of an allotment, they may request a formal review of that allocation by the Town Clerk. Such a review will not affect the outcome of the plot allocation and must confine itself to the soundness of the allocation being reviewed.

The Town Clerk will, where possible, undertake a review of the waiting list at the time of allocation. They will then review the process that was followed and determine if the allocation was in line with the Council's Policies and procedures. They may, if necessary, make recommendations to the Allotments Committee in relation to any changes in policy or procedure that may prove necessary.

Any review of an allocation or the offer process is likely to include consideration of confidential matters related to other applicants on the waiting list. On concluding the review, the applicant may only be given information relating to their own application and a determination as to whether there had been any irregularities in the administration of the allocation/letting process.

Appeals and Reviews

An appeal or a request for a review must be lodged by writing to the Town Clerk at Colne Town Hall. Appeals should be lodged in a timely manner and generally no more than 14 days after an applicant had been sent a letter advising that their application was to be suspended or removed from the waiting list.

The appeal should include details of what the applicant wishes to appeal against and why, along with any supporting evidence or documentation.

Appeals and reviews will be undertaken by the Town Clerk and will commence within 14 days of receiving a written request from the applicant. The application will normally remain suspended until the outcome of the appeal or review has been decided.

- In considering a review of an allocation the Town Clerk must first satisfy themselves that:
- The applicant had applied to be on the waiting list prior to the vacancy being allocated, and
 - They have reasonable grounds as to why their application should have been considered in allocating the plot.

The Allotment Committee Chair will be advised when an appeals or review has been requested.

The Chair and the applicant will be advised at the conclusion of this process along with a summary of Town Clerks findings.

Related Documents

- i. Allotment Waiting List Application Form
- ii. Vacancy Offer Record Sheet. iii. Application Assessment Process Flow Chart iv. Allocation of Allotment Plots Flow Chart

FURTHER INFORMATION PLEASE CONTACT: Leah Berry, Contracts Officer