Plot management

A supporting document to parts of section 5 of the management handbook covering how a plot is supposed to be managed by the tenant, plot inspections, process and letters

Under the current management agreement, the council will only look to evict under non-cultivation despite the other allotment rules as to what is the required plot standard. The current management handbook is very ambiguous, but from practical experience, this document is written to enable committees to carry out plot inspections and to identify how these are enforceable under the current regime.

It is the committee's responsibility to ensure tenants are keeping their plots in good order and are maintaining an acceptable level of cultivation. There are many different ways in which tenants choose to work their plot and it is not up to the committee to say which is right or wrong. However, there is a basic standard to which a plot should adhere which is listed below.

1. Any solid roof structures on the plot should be within the maximum size specification and within 25% of the plot area limit. Sheds (non-see-through structures) must be placed at the rear of the plot, be in a sound state of repair and have functional and adequate rainwater harvesting facilities. Any structure without a solid roof, for example, fruit cages, must be in a sound state of repair. All structures need to be a safe distance away from Pathways and roads.
2. Adhere to all rules about what is allowed/ disallowed for example number of trees, no banned materials/items. Plots are not to be used for storing non-allotment-related items.
3. The plot holder should be maintaining good health and safety not just for themselves but for any wildlife that could go on the plot, for example, nails or screws sticking out of the woodwork, broken glass being left or chemicals such as weed killer not being stored safely.
4. The surrounding area should not be used or damaged by the plot holder, for example throwing rubbish in a ditch, storing items on a plot that is empty next to yours, any damage that is done to hedgerows, fences etc.
5. Have appropriate 2-foot pathways to the side/s and rear. The maintenance of which is the responsibility of the plot holder and their neighbour. They are required to be fit for purpose, clear of obstruction and well maintained.
6. Cultivation - The majority of the plot is being used to grow*.
   *a plot holder can choose to grow whatever they like Be it flowers, fruit, vegetables, or herbs. The committee would only take issue if the plot holder had introduced an invasive species such as Japanese knotweed or if they were uni-cropping indicating that they were growing for commercial purposes.
7. The plot needs to be actively managed. Any debris needs to be cleared and composted or disposed of properly. Any finished planting needs to be removed, and perennial plants and trees should be pruned where necessary. There should be adequate weed management in place. Tenants need to be considerate of their neighbours to limit the spread of growth (through seeds, runners etc) to neighbouring plots, pathways, and roads

Currently, only items 6 & 7 are enforceable through the April letter of concern and the post-rent renewal letter of intent process. The aim is to get all site committees to carry out plot inspections consistently, so if you had two identical plots on two different sites the conclusion of the inspection would be the same for both. Some sites don't carry out inspections, ones that only do one inspection per year, and ones that have been endeavouring to carry out both inspections only to end up frustrated when there aren't any consequences other than for "non – cultivation" for the tenant.

In a lot of cases, there will be backlash from tenants, especially when historically inspections have not been done or have not been consistent. This set of guidelines will enable committees to introduce this process, giving tenants plenty of notice. Think of it as a constant cycle where the worst offenders under "non-cultivation" will be evicted within the allotment year, whilst those who need to make improvements under issues 1-5 will have biannual reminders until the point where the management agreement changes, and these can be enforced.

***** Committees are not to make it public knowledge that issues 1-5 are currently not being enforced as this will undermine the process and could lead to worse contraventions of the rules ******

So how do you assess if the plot is "well-cultivated"?

As a committee, you will know how long a tenant has had their plot and what state the plot was in when they took over the tenancy. It's difficult to enforce hard and fast rules about what percentage of the plot is being used for cultivation which could result in plot holders being penalised through no fault of their own. The committee needs to know the pros and cons of all their plots. Common issues that would affect what areas are suitable for cultivation are complete shade, flooding, lack of topsoil on heavy clay or previous contamination of soil. In cases such as these, it isn't feasible to insist on a 75% cultivation target.
It can be difficult to assess the cultivation level of a plot as most people won't have started growing by April. This is why it is important to know your tenants. Have they been coming regularly? Were there any issues last year? Have new tenants made a good start? It can be difficult to know this if you manage a large site which is where the plot inspection process is important.

Plot inspection process

Plot inspections should be carried out in April and September of each year, with reminders being sent in February for April inspections and August for September inspections.

April inspections - It is best to do these inspections as late in April as possible for two reasons. Firstly, if it has been a prolonged winter, it gives the tenant more time to make sure their plot is ready for inspection, secondly, those that have had a Letter of Intent after September inspections will have more chance to make the necessary improvements.

If it has been a long, wet winter, leniency may be given for April inspections. You may have tenants who do not adhere to the traditional method of plot clearing in the autumn, digging over beds and closing their plot down for winter. This will mean that when you look at the plot in April it looks uncultivated. In such cases, you would mark the inspection as a monitor to see if they have actually turned up and worked during the growing season, and if not, these tenants would be possible candidates for the notice letter followed by a Letter of Intent if their tenancy is renewed****

September inspections - These are done at the end of the growing season and before the rent period starts (1st October). These inspections are a better indicator of how the plot has been used since the April inspections. If a plot fails this inspection, the tenant needs to be made aware before they renew their tenancy. This is when you send the notice letter. If the tenant then decides to renew their tenancy, once they have paid you issue the Letter of Intent.

Basic standard list	Pass	Fail	Monitor	Notes
Solid roof Structures – Within size specification, 25% rule, correct placement				
Solid roof Structures – Sound state of repair				
Solid roof Structures – water harvesting				
Other Structures – in a sound state of repair				
General rules – Carpet, tyres, number of trees etc				
Health and safety issues				
The tenant has stayed within the plot boundary and not littered or damaged surrounding area				
Cultivation				
Plot management				
Pathways				

This table can be used for both the April and September plot inspections. It may be that it is not a straightforward pass or fail and that is something you wish to pick up on the next plot inspection. For example, a shed that will need painting in the coming season, someone who is in the process of building a shed and it's not finished by the plot inspection, or in the case of a wet winter and early spring where work hasn't started on the plot by April inspections

Ponds

******If your tenant has a pond, to comply with the rules of the site liability insurance policy the plot must display a warning sign regardless of its size or depth. You must inform the tenant if they are in breach of this ruling**********

Chickens & Rabbits

You should be aware if a tenant has chickens or rabbits that they require the permission of the association committee before they are allowed to bring them onsite. Chicken keepers should be issued with conditions and guidelines from the Council before the association committee grants permission to keep them. As part of your plot inspection, you must inspect where chickens or rabbits are being kept and ensure that all rules are being followed (See supporting document). If there is a concern for the welfare of the animals, or you find that the tenant is keeping any other type of animal that is not permitted, you must report this to the Allotments officer immediately.

*** From the 1st October 2024 it is a legal requirement for anyone keeping less than 50 captive birds to register their flock. For details See https://www.gov.uk/guidance/register-as-a-keeper-of-less-than-50-poultry-or-other-captive-birds

Bees

If a tenant is keeping bees, the Committee should have already followed the correct protocol to allow this (see supporting documents)
This includes:

- checking the tenant is qualified to handle bees and has at minimum the beekeeping basics qualification
- They are a member of a beekeeping association
- They have their own liability insurance (proof to be sent to the allotments officer)
- They are not permitted more than 3 hives
- A site survey has been carried out to check there isn't objection from other tenants
- The area the bees are kept in is properly screened
- The bees have access to fresh water in this area
- The tenant displays contact details if there are any problems (swarms etc)

During plot inspection, you need to check if the following rules are being followed. Where there is a concern for the safety of tenants, the welfare of the bees or that the tenant has breached any other rules you must contact the Allotment Officer.

How does the committee decide who gets concern letters?

Letters of Concern are primarily for cultivation and plot management but can include other issues on the plot. (Plot requirements 6 & 7, but can include 1-5)
Improvement letters are for when there are infringements other than cultivation and plot management. (Plot requirements 1-5)

Letters following plot inspections

With any formal notice that is sent, the full process has to be concluded within that allotment year. This means if you issue a Letter of Concern in April, or an Intent letter after rent is paid in October, ultimately the tenant will a
A, follow the recommendations and bring the plot up to standard by 1st July
B, the tenant will decide they want to leave,
C, the tenant does not leave, does not make improvements, and so is referred to the City Council Allotments officer by 1st July for eviction proceedings to take place

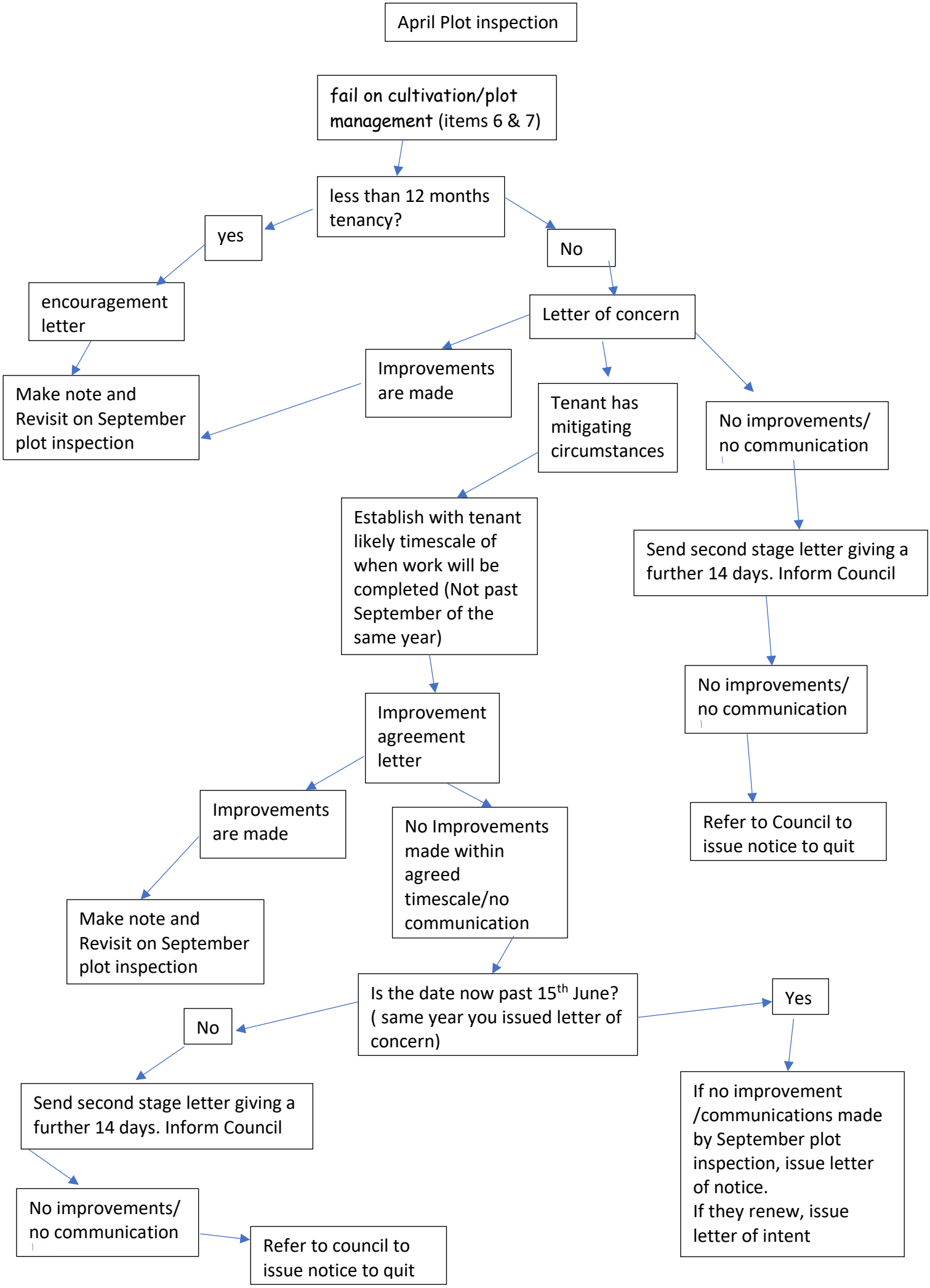
April - **Encouragement letter** – new tenants (less than 12 months) who haven't made much of a start.
April **- Letter of concern** – 12 months + tenancy to establish if any issues, if they still want the plot and to give them an improvement deadline of 28 +14 days. if no improvement eviction process will conclude by rent renewal
April – **Improvement Notice** (Plot requirements 1-5) Improvement required by September plot inspections (if no improvement see September process)

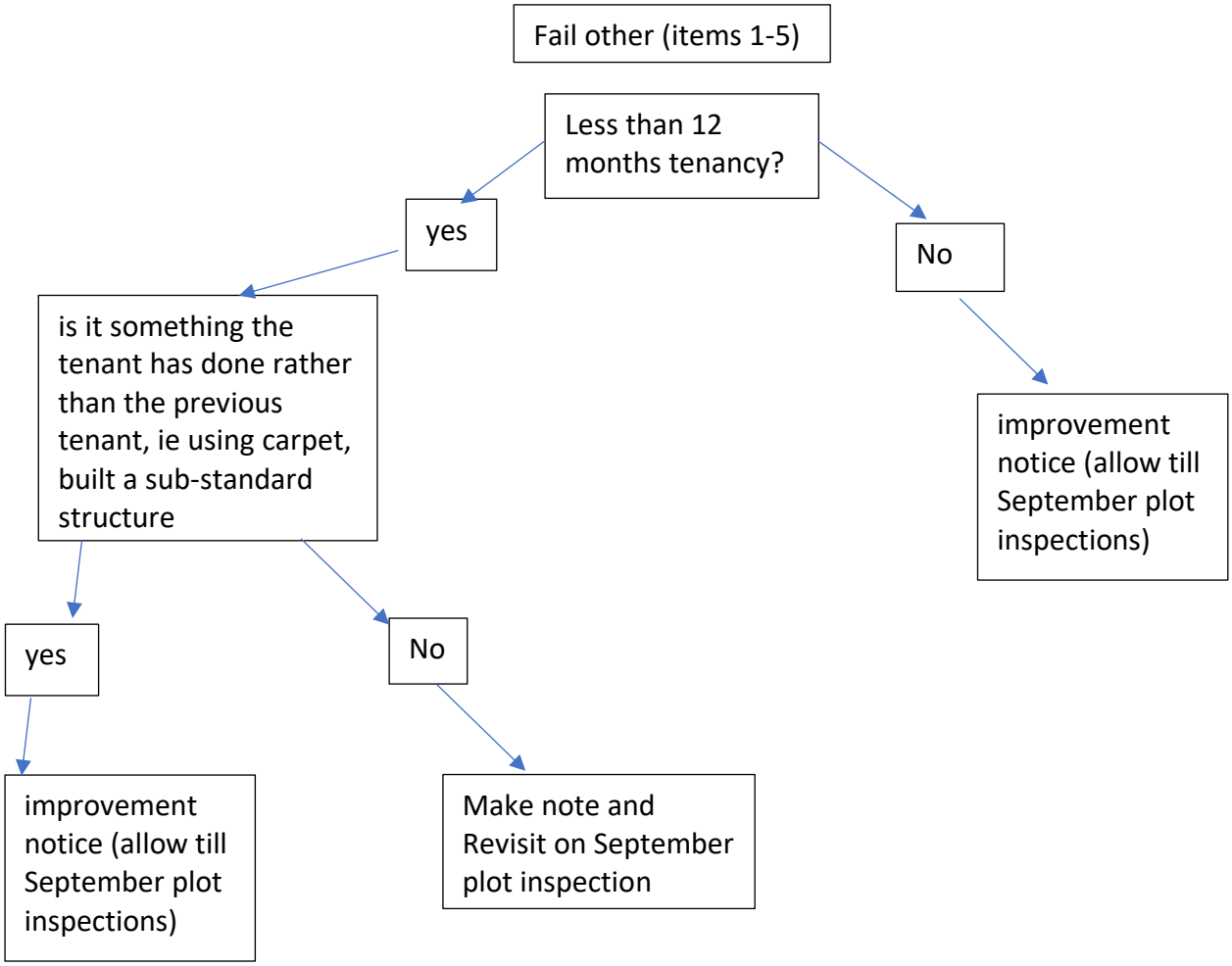
September - **Improvement Notice** (Plot requirements 1-5) Improvement required by April plot inspections (if no improvement after April as these issues are not currently enforceable you would have to issue a further improvement notice)

September – **Notice letter** – Informs the tenant that if they renew, they will receive the letter of intent. It can be sent to:

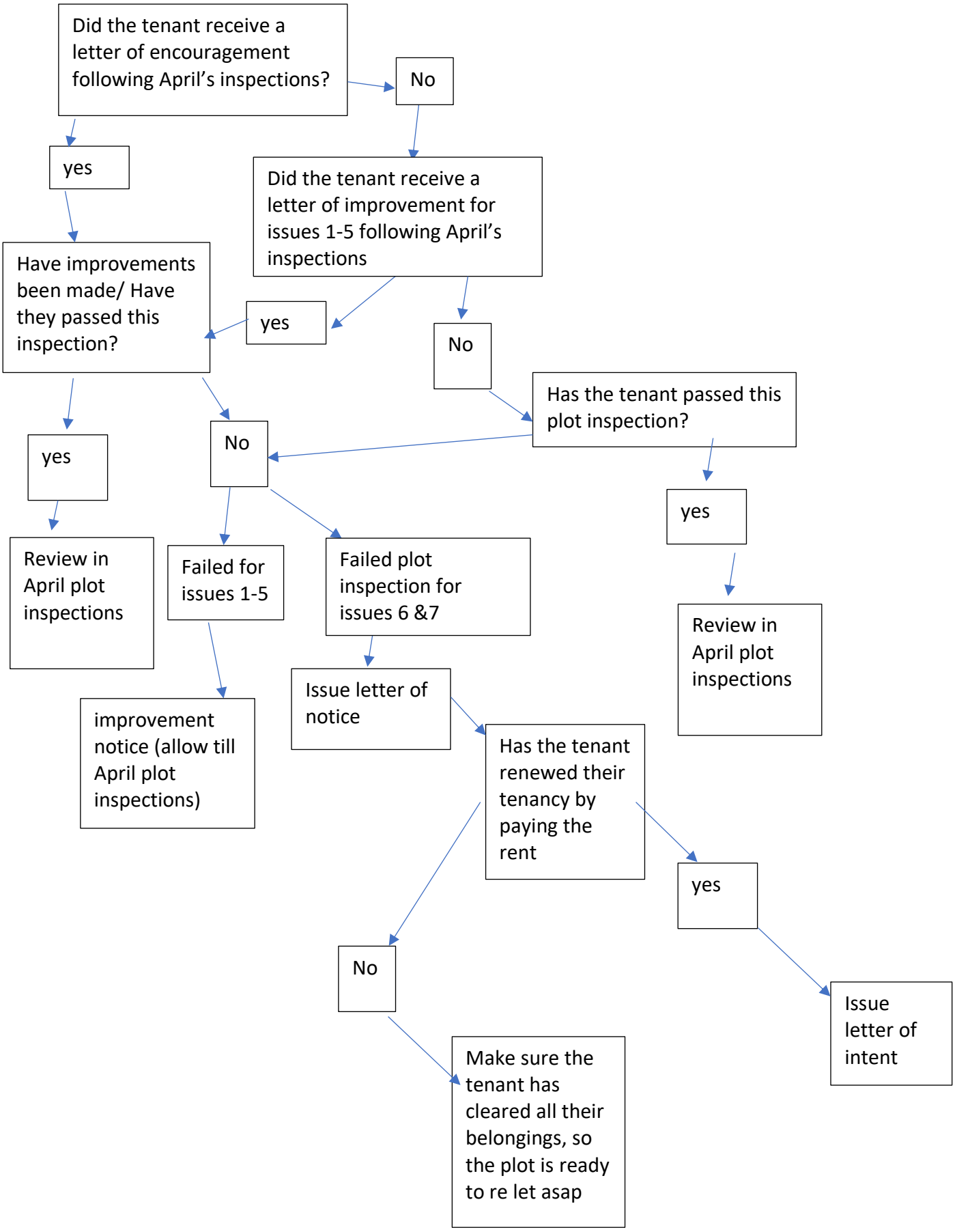
- Tenants who started the previous October received an encouragement letter and no improvements were made.
- 12 months + tenants who passed April but failed September on plot requirements 6 & 7 (but can include 1-5)

October/November **- Letter of intent –** Once rent is paid at renewal – it states improvements that are to be made by the April plot inspections. If improvements aren't made, they can be referred to the Council for eviction without having to go through the letter of concern April process. This is for those tenants who received the notice letter and renewed their tenancy.


April Plot inspection
fail on cultivation/plot management (items 6 & 7)
less than 12 months tenancy?
yes
No
encouragement letter
Letter of concern
Make note and Revisit on September plot inspection
Improvements are made
Tenant has mitigating circumstances
No improvements/ no communication
Establish with tenant likely timescale of when work will be completed (Not past September of the same year)
Send second stage letter giving a further 14 days. Inform Council
Improvement agreement letter
No improvements/ no communication
Improvements are made
No Improvements made within agreed timescale/no communication
Refer to Council to issue notice to quit
Make note and Revisit on September plot inspection
Is the date now past 15th June? (same year you issued letter of concern)
Yes
No
If no improvement /communications made by September plot inspection, issue letter of notice.
If they renew, issue letter of intent
Send second stage letter giving a further 14 days. Inform Council
No improvements/ no communication
Refer to council to issue notice to quit


Fail other (items 1-5)
Less than 12 months tenancy?
yes
No
is it something the tenant has done rather than the previous tenant, ie using carpet, built a sub-standard structure
improvement notice (allow till September plot inspections)
yes
No
improvement notice (allow till September plot inspections)
Make note and Revisit on September plot inspection

September Plot inspections



Mitigating circumstances

If a tenant has received a letter (intent, concern, improvement) it asks if there may be genuine reasons of which the Association is not aware (illness, family or work commitments) as to why the plot isn't up to standard.

If the tenant, then advises you that there are mitigating circumstances as to why they cannot act on the issues highlighted in the letter how do you proceed?

Short-term – Issues that are likely to be resolved within the allotment year

- April plot inspections, the plot will be improved by September.
- September plot inspections (if tenancy renewed) plot to be improved by April inspections.

Long term – Issues that will not be resolved within the allotment year

- April plot inspections, the plot will not be improved by September
- September plot inspections (evident that the plot has not been worked since the April inspection) The tenant insists they want to renew the tenancy, but the plot is not going to be improved by the April inspection.

If the situation is likely to be a short-term issue, then you would agree on a date with the tenant which is agreed between both parties for when the improvements can be reasonably made. It must be pointed out that if any time in this period circumstances change, and this is no longer feasible they are to inform the committee straight away.

If the tenant indicates that the issue is long-term or if the issue they originally was short-term that has resulted in being long-term, they must understand their obligation. When they signed their tenancy agreement, they agreed to abide by all the allotment rules which include 5.2 & 5.3

> 5.2 Allotment Gardens must be kept clean, free from weeds, well manured and maintained in a good state of cultivation and fertility
>
> 5.3 Where a Tenant fails to maintain a good standard of cultivation, the Council or Association will serve a "Letter of Concern" giving a specific period for improvement. Failure to improve the Plot may lead to termination of the Tenancy following a Notice of Re-Entry being issued by the Council.

Under the 2010 Equality Act adjustments only have to be made if it's **reasonable** to do so. Communal areas including toilet facilities should be accessible and if possible, your site should have provision for people with disabilities for example raised beds.

If it were the case that the tenant was unable to manage their plot due to age or infirmity it wouldn't be reasonable to expect their plot to be modified by the association, so they were still able to maintain it. However, offering them a raised bed or a smaller plot may be an option.

It is important we also consider mental health in this scenario. It may be whilst they are physically capable of tending a plot, external factors such as not wanting to come into contact with other people can cause them to feel restricted in when they can access their plot. In cases such as these, it would be reasonable to offer then a change of plot (if available).

To summarise, in the event of mitigating circumstances, both parties' expectations must be managed to get the best outcome. Reasonable efforts must be made on behalf of the association to accommodate the needs of the tenant whilst the tenant needs to be realistic about their capabilities.

Generally speaking, allotments are communal sites which do require a physical commitment and although considerations are made to communal areas and specially built raised bed areas to accommodate people with additional physical needs, it would not be reasonable for a tenant with additional physical or mental health needs to demand physical changes to plots to accommodate their needs.

Enforcement procedure

1. **Plot Inspection**

   The Allotment Committee will undertake plot inspections in April each year.

2. **Letter of concern**

   When a tenant is considered to have breached points 6 and or 7 of the plot requirements, the secretary will issue a **Letter of Concern** to the tenant by email or letter explaining what rules have been breached and indicating what is required to bring the plot up to the required standard. The tenant will be given **28 days** a timescale in which to rectify the breach or provide a satisfactory explanation e.g. illness.

3. **Final Warning Letter**

   If, in the opinion of the Committee, after 28 days there has been no satisfactory explanation or remedial action, the secretary will send a final warning email or letter giving the tenant 14 days to provide a satisfactory explanation e.g. illness or rectify the breach. The Council will be informed.

4. **Notice to Quit**

   If there has been no satisfactory explanation or remedial action within 14 days of the final warning letter being issued, the Council will be notified and will request the Allotments officer to send a Notice to Quit

Standard letters

Letter of encouragement

Letter of concern

Final warning letter

Letter of intent

Letter of notice

Improvement notice

Improvement agreement following mitigating circumstances

Encouragement letter

Site letterhead

Plot ……. Date

Dear ……..

The site has now had its April plot inspections and it has been noted that your plot has not been prepared ready for the coming growing season.

There may, of course, be genuine reasons of which the Association is not aware (illness, family or work commitments).
Nevertheless, it would be helpful to know whether you expect to resume/start cultivation, whether you need help or advice or
if, in fact, you no longer wish to rent the plot.

Please can you contact the committee by e-mail at …… to advise.

Thank you for your co-operation.

Yours sincerely

…….Committee

Letter of concern (28 days)

Site letterhead

Plot……. Date

Dear ……..

The April plot inspections have taken place, and it has been noted that the condition of your plot is giving cause for concern. The reason/s is/are as follows.

- ……
- ……
- …….
- …….

There may, of course, be genuine reasons of which the Association is not aware (illness, family or work commitments).
Nevertheless, it would be helpful to know whether you expect to resume cultivation, whether you need help or advice or
if, in fact, you no longer wish to rent the plot.

Please can make the required improvements or contact the committee by e-mail at …… within 28 days to clarify the situation.

The Allotment Rules do require plots to be well cultivated and I am obliged to point out that in the absence of any
communication, or of an adequate improvement in your plot within this period, Council will serve a Notice of Re-entry which could result in the termination of your Tenancy.

I do hope that we can resolve this situation without the need to involve formal procedures.

Thank you for your co-operation.

Yours sincerely

…….committee

Final Warning Letter (14 days)

Site letterhead

Plot……. Date

Dear ……..

Following the letter of concern which was sent to you on …… we have received no communication from you and have not seen any improvement to the concerns that were raised in the letter.

To reiterate the issues are as follows

- …….
- ……..
- ……..
- ……..

There may, of course, be genuine reasons of which the Association is not aware (illness, family or work commitments). Nevertheless, it would be helpful to know whether you expect to resume cultivation, whether you need help or advice or if, in fact, you no longer wish to rent the plot.

You Now have till …….to make the improvements or to contact the committee by e-mail at ……..

The Allotment Rules do require plots to be well cultivated and I am obliged to point out that in the absence of any communication, or of an adequate improvement in your plot within this period, the Council will serve a Notice of Re-entry which could result in the termination of your Tenancy.

I do hope that we can resolve this situation without the need to involve formal procedures.

Thank you for your co-operation.

Yours sincerely

…….committee

Letter of notice

Site letterhead

Plot……. Date

Dear ……..

The September plot inspections have taken place, and it has been noted that the condition of your plot is giving cause for concern. The reason/s is/are as follows.

- …….
- ……
- …….
- …….

There may, of course, be genuine reasons of which the Association is not aware (illness, family or work commitments).
Nevertheless, it would be helpful to know whether you expect to resume cultivation, whether you need help or advice or if you intend to give up your plot at renewal this October.

Please can you contact the committee by e-mail at …… before 1st October to clarify the situation.

The Allotment Rules do require plots to be well cultivated and we are obliged to point out that if you do intend to renew your plot you will receive a letter of intent which will give you till next year's April plot inspection to rectify the above issues

I do hope that we can resolve this situation without the need to involve formal procedures.

Thank you for your co-operation.

Yours sincerely

…….committee

Letter of intent

Site letterhead

Plot……. Date

Dear

The Association committee has noted that the condition of your plot has been deteriorating recently and that the scale of cultivation this season and condition of the plot are now falling short of the standard generallyexpected.

The Council's Allotment Rules 5.2 and 5.4 require the plot to be kept tidy and a good standard of cultivation to be maintained.

I am therefore writing to advise you that your plot is causing concern and to ask that over the forthcoming winter period, you take steps to prepare the ground ready for full cultivation next year.
[set out any specific issues – e.g. removal of rubbish, maintenance of pathways etc]
If, during the committee's inspection of plots in April, it is felt that you have not done sufficient to bring your plot to the required standard, The association will be asking the Council to issue a Notice of Re-entry.

If there are any issues regarding the plot or your circumstances that you wish to bring to our attention then please contact the committee by email at…….

Yours sincerely

…….committee

Improvement Notice (plot requirements 1-5)

Site letterhead

Plot……. Date

Dear ……

Following the April/September plot inspection, the following issues have been identified

- ……..
- ……
- ……..
- ……

You will now have till the plot inspections in September/April to rectify this situation.

If there are any issues regarding the plot or your circumstances that you wish to bring to our attention then please contact the committee by email at…….

I do hope that we can resolve this situation without the need to involve formal procedures.

Yours sincerely

……..Committee

Improvement agreement (mitigating circumstances)

Site letterhead

Plot……. Date

Dear ……

Following the ….. plot inspections and the issue of the ……..letter, you contacted to us to advise that the reason for the deterioration in the standard of your plot/lack of cultivation/etc is due to ……

Following our discussion regarding when you expect to resume work on your plot, it has been agreed to allow you till ……. to rectify the issues/to decide if you are still able to work your plot/to decide if you wish to take on a more manageable plot.

If at any time your circumstances change, and you are no longer able to make improvements by this date you must contact the committee straight away.

The Allotment Rules do require plots to be well cultivated and I am obliged to point out that in the absence of any communication,/adequate improvement in your plot by this date, the Council will serve a Notice of Re-entry which could result in the termination of your Tenancy.

I do hope that we can resolve this situation without the need to involve formal procedures.

Yours sincerely

……..Committee