

WIRRAL COUNCIL

A GUIDE TO THE ALLOTMENT PROCESSES: HOW IT ALL WORKS

**FINAL VERSION
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1 How to Become a Tenant:

- 1.1** In order to become a tenant on one of Wirral's Allotment Sites, applicants must be over the age of 18, and a permanent resident of Wirral. Applications from members of the public who do not meet the stated criteria will not be accepted.
- 1.2** Applications can be made to become a tenant of an allotment site by completing the on-line application, available via the Wirral Council website.
- 1.3** There are separate waiting lists for each individual site, and an applicant may choose to join a maximum of two waiting lists for Wirral's allotment sites.

2 Waiting List:

- 2.1** When an application is received the applicant's name is entered onto the Council's allotment administration database. The date listed for the applicant on the waiting list will be the date that the application was received by the Council. This determines an applicant's position on the waiting list.
- 2.2** Wirral Council will liaise with each Site Secretary to ensure that listings are accurate and are being adhered to in order to make sure that the integrity of the waiting lists are never compromised.
- 2.3** Once an applicant has been added to the waiting lists for their chosen site(s), if they wish to delete an application, and join the waiting list for a different site, the date that they joined the waiting list for the new site will determine their position in that site's waiting list, not the date of their original application.
- 2.4** In the interests of sustainability, we encourage applicants to apply to allotment sites within a 3-mile radius of their residence (where possible).

3 Allotment Allocation Process

- 3.1** When a plot on any of the allotment sites becomes available, the Site Secretary will contact the Parks, Allotments & Countryside Team to inform them of who is vacating (please see Termination of Agreement).
- 3.2** The Parks Allotments & Countryside Technical Support Administrator will check the waiting list and make contact with the applicant at the top of the

list by email (or post if the applicant does not have an email address). This contact will be followed up by phone/in person by the site secretary to encourage the applicant to provide a speedy response to the offer of a plot. The site secretary will offer to show the applicant the plot if this is helpful.

- 3.3** All forms of communication with the applicant, be it by telephone, email or letter will clearly state that the offer will be withdrawn within 21 days of the offer being made if there is no response. The applicant will accept or decline the offer in writing to the Parks, Allotments and Countryside Technical Support Administrator. If after 21 days there has been no response from the applicant then the process will begin again with the next applicant on the waiting list.
- 3.4** Should an applicant refuse an offer of an allotment on 3 separate occasions, they will be removed from the allotment waiting list.
- 3.5** Once an applicant has become a tenant of one site, they may choose to remain in their current position on a second waiting list, if the second site is preferable to them. Should the second site become available, and they choose to accept that plot, they will relinquish their original plot and move to the second site. This is to ensure as many people as possible are able to take part in allotment gardening, and to ensure fairness that everyone is only allowed to hold tenancy on one plot, especially whilst the demand for allotments exceeds the supply of available plots.
- 3.6** Due to the current demand for plots, tenants that currently hold tenancies for more than one plot will not be offered additional plots. The new Allotments Partnership Strategy and Improvement plans will take into account historical situations, and will not be retrospectively enforced: tenants who currently hold multiple plots will not be asked to surrender any of their allotments.

4 The Agreement:

- 4.1** Once an applicant has viewed the available plot and decided that they wish to accept, then a tenancy agreement will be completed.
- 4.2** The applicant will be sent two copies of the agreement which will state:
- The applicant's personal details
 - The commencement date of the tenancy agreement
 - The terms and conditions of the agreement

- 4.3** The applicant will keep a copy of the agreement and send a signed copy back to the Parks, Allotments and Countryside team for their records.

5 Allocation of Key:

- 5.1** Once the agreement has been received, Wirral Council will issue a key to the new tenant in order for them to gain access to their allotment site.
- 5.2** No tenant may enter the allotment until they are in possession of a key that has been officially issued by the Parks, Allotments and Countryside team.
- 5.3** A suitable returnable deposit may be required for the key. The purpose of the deposit will be to ensure keys are returned when plots are vacated.

6 Tenancy

- 6.1** The tenant is required to regularly attend their plot and keep it in a cultivated or tidy state, depending on the time of year.
- 6.2** Wirral Council recognises that allotments are a family friendly activity, and friends and family are welcome assist in the work and cultivation of the plot alongside the tenant.
- 6.3** If members of family/friends are assisting with the plot when the tenant is not present (i.e. the tenants partner is also involved with the cultivation of the plot), they should be introduced to the site secretary prior to these visits.
- 6.4** The tenancy agreement is limited to the tenant only. Plots cannot be transferred or sub-let to family or friends (other than as set out in Paragraph **7.5**). Breaches of this rule will result in a termination of tenancy.
- 6.5** If a tenant has found that a full plot is too much work, they may ask to have their plot size reduced to a half plot by contacting the Parks, Allotments and Countryside Local Team Leader responsible for their site, who will alter their records in the database and adjust their rent for the plot accordingly.
- 6.6** Tenants who move out of the Wirral Borough area will be required to surrender their allotment tenancy.

7 Inability to tend plot due to sickness or personal issues:

- 7.1** In order to ensure that plots do not become overgrown because a tenant is unable to tend the plot due to sickness or personal issues, Wirral Council have developed a short term tenancy agreement.
- 7.2** The short term tenancy agreement allows the tenant to nominate one person (must be 18 years of age or over) to legally enter the tenants plot for an initial three months, which may be extended to 6 months should more time be required by the original plot tenant.
- 7.3** The person nominated will be expected to keep the plot free from weeds and continue good horticultural practice as far as is practical but will not be expected to cultivate to the levels required of the original tenant. The short term tenancy is not an offer of permanent tenancy and is non-negotiable.
- 7.4** Due to previous issues, to guarantee fair allocation of plots and to ensure as many people as possible in Wirral are able to benefit from allotment gardening, a plot tenancy will not be transferred to someone who has been helping a tenant on a plot as this could result in people 'jumping the queue'.
- 7.5** An exception will be made if a plot tenant dies (or becomes medically incapacitated on a long term or permanent basis). In this circumstance the plot holder's legal partner can be allocated the tenancy of the plot if they request it, as long as they do not already hold a plot tenancy in their own right and have advised the council previously that they are an active partner in the cultivation of the plot. Plots will not be transferred to the children of a deceased tenant.

8 The Enquiry / Complaints Process:

- 8.1** Allotment enquiries and complaints may be made by plot holders, site secretaries, site society representatives, neighbours, other residents, Councillors and MPs.
- 8.2** Enquiries, service requests and complaints can be made via the Council's website (www.wirral.gov.uk). Councillors should use CouncillorNet so that their enquiry is logged appropriately.
- 8.3** Responses to enquiries will be made by the most appropriate Parks, Allotments and Countryside Officer. In most cases, this will be the Parks, Allotments and Countryside Local Team Leader, responsible for the

Allotment site in question. The enquiry or complaint will be investigated as necessary (this may require contact with a plot holder or site secretary) and responses to the person who raised the enquiry will be made within fifteen working days (members of the public) or ten days (Councillors and MPs) in line with the Council's complaints procedure standards.

- 8.4** If the enquiry is not dealt with or answered to the satisfaction of the enquirer, they can raise a stage one complaint. The complaint will be investigated and a response given within the corporate timescale for responses to complaints (fifteen working days), or an explanation given as to why a full reply will take longer (for example if a complainant needs to be contacted to investigate the issue further and they are currently on holiday).
- 8.5** If the enquirer is not happy with the findings of a stage one complaint, they can escalate the complaint. The complaint will be investigated by a senior officer from the service (stage 2) and a response will be provided within fifteen working days.
- 8.6** If the enquirer is not happy with the findings provided at stage two, they can ask for the issue to be reviewed by a senior officer from a different department. In this case, a senior officer will be allocated to investigate and a response will be provided within fifteen working days. If the complainant remains dissatisfied, they may raise the matter of concern with the Local Authority Ombudsman.

9 Investigation/Audit Process:

- 9.1** If an enquiry/complaint requires an investigation then the Parks, Allotments and Countryside Team will ensure that they clarify the facts through interviews, which will be documented.
- 9.2** When the investigation has been completed and findings discussed with all parties involved then relevant actions will be identified, communicated and monitored within the timescales that have been agreed.

10 Inspection Process:

- 10.1** There will be two strands of monitoring:
- Inspections of plots that are not being maintained in line with required standards
 - 6 monthly/yearly overall inspections of each site

- 10.2** Any plot that, at any time, is identified to not be being maintained in line with required standards (both horticultural and animal plots) will be subject to monitoring visits and appropriate follow up actions.
- 10.3** A six monthly inspection of every allotment site classified as a 'Council-managed' Wirral Council asset, will take place to monitor whether required standards are being maintained. This inspection will be carried out by a member of staff from the Parks, Allotments and Countryside team (for example, the Local Parks, Allotments and Countryside Team Leader). The site secretary and a nominated representative of the site's allotment society (where one exists) will be invited to take part in the inspection. Any necessary follow up actions will be identified, agreed and implemented.
- 10.4** An annual inspection of self-managed allotment sites, listed as Wirral Council assets, will also take place. This will be undertaken by a member of staff from the Parks, Allotments and Countryside team and a nominated representative of the self-managed allotment group. The inspection will include checking whether the terms of the lease are being followed. Any necessary follow up actions will be identified, agreed and implemented, in accordance with the terms of the lease agreement.

11 Improvement Notices/Action Planning:

- 11.1** If a tenant allows their plot to fall below the required standard and is deemed not to be adhering to the tenancy requirements, they will receive an improvement notice, known as a "Dirty Plot Notice", which will clearly state the work that needs to be addressed and the timescales that will be permitted for this to be completed. The timescale for improvements to be made will be 28 days.
- 11.2** If a tenant receives two improvement notices within a two year period they will receive a warning notice (which will be called a 'yellow card' notice). If a tenant receives a third improvement notice within a two year period they will receive a final warning (which will be called a 'red card' notice).
- 11.3** Any further failure to maintain the required standards within a 2 year period will result in the termination of the plot holder's tenancy agreement. If the plot is not left in a satisfactory condition, the Council will carry out the necessary work to return the plot to a satisfactory condition (taking into account the state it was in when the tenant took on the plot). The vacating plot holder will be billed the cost of this remedial work.

12 Financial Processes:

- 12.1** The Parks Allotments and Countryside team will identify through the financial year which allotment site maintenance issues have required the most attention. A summary of Wirral's allotment related income and expenditure will be provided on an annual basis to both site secretaries and the Wirral Allotment Society.
- 12.2** With financial implications likely to impact upon the yearly budget for allotments it will be imperative to ensure that forecasting is applied so that a schedule of required works can be drawn up and prioritised based on the issues of the previous six/twelve months.
- 12.3** If a plot is not left in a satisfactory condition when a tenant vacates, the Council will carry out the necessary work to return the plot to a satisfactory. The vacating plot holder will be billed the cost of this remedial work, taking into account the state it was in when the tenant took on the plot.

13 Site Secretaries, Meetings and the Chair of the Secretaries Group:

- 13.1** The role of site secretary is an important voluntary role which helps ensure the smooth running of each allotment site.
- 13.2** Site secretaries are required to adhere to the rules and regulations of the tenancy and site secretary agreements.
- 13.3** Subject to satisfactory performance of the role, each August/September site secretaries will be asked to confirm whether they wish to continue in this voluntary role for the coming allotment year (October to September). If they do not wish to continue in the role, they will revert to being a plot holder, required to pay the annual fee for their allotment.
- 13.4** Where a vacancy arises, appointments to the role will be made following an advert for the role being placed at the Allotment site requiring a new site secretary. Interested plot holders will be asked to put their name forward to the Parks Allotments & Countryside Team. Interviews based on the requirements of a site secretary, will be held by a member of the Parks Allotments and Countryside Team with input from the Chair of the Site Secretaries. The most suitable candidate will be appointed.

- 13.5** The Parks, Allotments and Countryside Team will invite all site secretaries of non-self-managed allotment sites to a quarterly meeting (to be held in the following quarters: January/March, April/June, July/September and October/December) regarding issues related to their role as site secretaries. The meeting will be chaired by the Chair of the site secretaries group. A site secretary who is unable to attend may ask a fellow plot holder from their site to attend the meeting as an observer to feedback any main points from the meeting to the site secretary. Any observers at site secretary meetings are not, however, in a position to speak on behalf of the site secretary or vote on any issue. Site secretaries of self-managed sites may also attend but are not eligible to vote on any issues.
- 13.6** A note of the site secretary meetings will be taken (a site secretary may volunteer to draft the note), this will be forwarded to the Parks, Allotments and Countryside Team for finalising and will then be circulated to all site secretaries, including the site secretaries of self-managed sites in case it is of interest/use.
- 13.7** An attendance record of those site secretaries attending will be taken. If a site secretary fails to attend 3 of the site secretary quarterly meetings in a row, it will be taken as evidence that they no longer wish to/are not able to undertake the voluntary role of site secretary and an advert will be placed on site inviting plot holders to express interest in applying for the role. This process is necessary due to the importance of the site secretary role within the effective functioning of Wirral's non-self-managed allotment sites.
- 13.8** The role of Chair of the Allotment Site Secretaries group is a voluntary position, the purpose of which is to assist the council in the running of site secretary meetings. The post will be held for 3 years. The election of the Chair of the Site Secretaries Group for the period November 2017 to October 2020 will take place in October 2017, all site secretaries of non-self-managed sites may stand for election. Site secretaries wishing to stand for election will be asked to nominate themselves to the Parks and Allotments Team in September 2017. The election will be by secret ballot, using forms provided by the Parks, Allotments and Countryside Team to those site secretaries present at the autumn meeting of Site Secretaries. Only those site secretaries that attend the autumn meeting may vote. The votes will be counted by the Parks, Allotments and Countryside Team and the result of the election will be announced at that autumn meeting. The elected chair of the Site Secretaries Group will commence their term in office from the end of that meeting.

14 Wirral Council Partnership

- 14.1** Wirral Council recognises the importance of allotments and the contribution to health it provides, as well as being an enjoyable and positive activity, and intends to work to promote the positive relationship between the Council and its managed and self-managed sites.
- 14.2** To help this, the Council will work with site secretaries who fulfil an important role on a voluntary basis, which helps to support the Council with the management of their particular sites by being a first point of contact and helping the Council promote the use of allotments for tenants and the wider allotment community.
- 14.3** The Council will also encourage and the establishment of Allotment site societies and work with them to promote the betterment of their allotment site, recognising the positive contribution they can make through fund raising and practical self-help such as organising work parties.
- 14.4** To prevent a conflict of interest and recognise that individual plot holders may not wish to be a member of an allotment society, the role of site secretary and allotment site associations should remain separate (i.e. a site secretary role and the chair of an allotment site society must be held by different people).

15 The Wirral Allotments Competition:

- 15.1** The annual allotments competition plays an important role in the allotment year in Wirral because it provides plot holders with an opportunity to showcase their work and encourages friendly competition. It also encourages everyone to help care for and maintain the allotment sites in line with good standards of horticulture and allotment upkeep.
- 15.2** The judging criteria will be made available to all plot holders and site societies. The date of the final judging week will be advertised on all site noticeboards.
- 15.3** There will be a number of awards for individual plot holders and for allotment sites. All Wirral council allotment sites will be visited during the assessment period (June/July) and awards will be presented at the Allotment Competition awards annual event. Sponsorship of the competition prizes and of the awards evening will be encouraged.

- 15.4** Each year, two local judges, drawn from the allotment community, will carry out the final judging; they will be accompanied by a member of the Council's Parks, Allotments and Countryside Team. Any member of the Wirral allotment community wishing to be considered as a judge for the following year should make their interest known to the Parks, Allotments and Countryside Senior Manager in December each year. Judges will be selected in January each year.
- 15.5** The annual allotment awards event will be run by the allotments community in partnership with the Council's Parks, Allotments and Countryside Team, offers of support and assistance from members of Wirral's allotment community will be encouraged. The Mayor of Wirral will be invited to present the awards.

16 Insurance and Liability:

- 16.1** Plot holders may wish to take out insurance as they are entirely responsible for their allotment plots and any liabilities relating to them.
- 16.2** The infrastructure of non-self-managed allotment sites, such as boundary fences and paths is the council's responsibility and will be inspected, maintained or improved by an officer from the Parks, Allotments and Countryside Team in liaison with the site secretary and representative of the allotment site's society (if one exists). If allotment holders volunteer their time to assist Wirral's Parks, Allotments and Countryside Team in its upkeep, then liability arising from such approved activity, can be covered by the Council's Liability policy, as long as the work is carried out with the approval of the nominated officer, namely the Parks, Allotments and Countryside Local Team Leader responsible for the allotment site in question.
- 16.3** Considerations that apply to 'Parks Friends Groups' are also relevant to allotment plot holders and societies. For example, allotment site volunteer work needs to be planned with and sanctioned by the relevant council officer (the Parks, Allotments and Countryside Local Team Leader) and the Council's volunteer registration process can be applied. Please note that no cover is available from the Council if an allotment site's society is a registered charity, and in these cases an allotment site society should arrange insurance cover for their activities.

17 Equality and Diversity:

- 17.1** Wirral Council's Parks, Allotments and Countryside team are committed to ensuring equal access to the allotments' service and understand the diversity of our communities. We seek to respond appropriately to the differing needs of all of our tenants and applicants.