SHARLSTON
Parish Council

SHARLSTON PARISH COUNCIL ALLOTMENTS POLICY

Scope of Policy
This policy applies to all allotments managed by Sharlston Parish Council and is based on Wakefield Council's Allotments Policy to promote a consistent approach across the districts.
Any non-compliance with these policy statements will result in the termination procedure.
The termination procedure is:

- A meeting will be held to discuss any issues and to try and resolve the matter.
- This will be followed by written notice if issues have not been resolved.
- Termination of the tenancy agreement with 1 months' notice to vacate the plot will be issued.

Background
Local Authorities, Town and Parish Councils have a legal obligation to provide sufficient allotments to meet demand under the Small Holdings and Allotments Act 1908. It is however the responsibility of a Town or Parish Council to provide allotments within their boundaries in line with the Local Government Act 1972. Statutory allotments are those where the land was originally acquired specifically for this purpose. The Allotment Act 1925 stipulates that the sale or disposal of statutory allotments requires the consent of the Secretary of State.

Sharlston Parish Council manages six allotment plots, all are in use and as a result there is a waiting list of prospective tenants. The Parish Council has an Allotments Committee consisting of designated Parish Councillors, who have a number of delegated responsibilities as set out in the Committee Terms of Reference. They will carry out a range of duties set out in the terms of the Allotments Policy.

Sharlston Parish Council reserves the right to update the Allotments Policy at a time of its choosing in line with its procedures. Notice will be given of any changes and tenants will be consulted before changes are approved.

1. Site Facilities
Sharlston Parish Council will display information on the inside of every entrance to the site. This will include:

- Name of the allotments site
- Name of the site owner
- Contact details for emergencies
- Details of where to find or request a copy of the Allotments Policy

In addition, a copy of this information will be sent to each tenant and they will be asked to sign and return a statement to say they have received and understood this.

Currently there are no mains water on site and toilets are not provided at allotments sites.
The role of enforcement remains with Sharlston Parish Council.

2. Management of Allotments
2.1 Management of Allotments
Sharlston Parish Council is responsible for the management of all allotment plots.
The Allotments Committee has delegated powers to make decisions on the operation and management of the allotments and relationship with individual tenants but excluding final decisions on rents, deposits, major improvements to the site, changes to services affecting all tenants, situations where a dispute between the committee and a tenant has not been resolved by the Committee and the Parish Council's Complaints Policy is activated. The Allotments Committee may also incur expenditure on behalf of the Parish Council: on items of a routine and repetitive nature where already provided within the agreed revenue budget and excluding any items incurring capital expenditure and in accordance with Financial Regulations.

The Allotments Committee is also responsible for making recommendations on any proposed changes to the Allotments Policy.

Sharlston Parish Council has a dedicated position on the Allotments Committee for a tenant representative who acts on behalf of the tenants to work with the Parish Council in its dedication to improving and developing the site. The tenant representative also provides help and advice to tenants who rent an allotment, on behalf of the Parish Council.

3. Management of Waiting Lists

Applicants for allotment plots must be a minimum of 18 years old. An application can only be made in the name of one person, who shall be the main user of the allotment. Joint tenancies are not permitted.

3.1 – Waiting list Management

Applicants must not apply for a plot if he or she is not intending to be the main user – unless the applicant is representing a group, charity or organisation.
Waiting lists are sorted on a strictly "first come, first served" basis. New applicants will be added to the bottom of a waiting list.
No priority will be given to applicants representing a group, charity or organisation.
When a plot becomes vacant, an offer will be made in writing to the applicant who is at the top of the waiting list for that site – having first given precedence to points 3.2, 3.3, 3.4 and 3.5 - applied in this order of priority.
Evicted plot holders may not reapply for an allotment plot.
A successful applicant will be issued with a tenancy agreement and a copy of the Allotments Policy prepared by Sharlston Parish Council.
All new tenants will be subject to a 3-month probation period to safeguard both the tenant and the Parish Council. A short review will take place at the end of this period before making the tenancy permanent.
All new tenants will receive a welcome meeting and the opportunity to meet other tenants.
Any amendments or changes to the terms of the tenancy agreement will have to be agreed in writing by Sharlston Parish Council and if no agreement is reached, any violations shall be remedied by the allotment holder at their expense.
If an offer of tenancy is rejected, the applicant will be given the opportunity to join the bottom of the waiting list.

Sharlston Parish Council may periodically contact applicants on a waiting list and remove those who are no longer interested or eligible, or who do not reply.

3.2 – Sub-dividing Plots

A plot will be a maximum size of 25m x 10m.
When a plot becomes vacant it will be assessed for re-sizing by Sharlston Parish Council and may be split into two or more smaller plots to accommodate more applicants.
Small plots are particularly suitable for novices, some of whom may be overwhelmed by the size of a new plot. This may also offer the chance for someone to downsize if required.

3.3 – Passing Over

An applicant at the top of the waiting list will be passed over by other applicants if they are no longer a resident in Sharlston (SHAA (S23 (1)) or already hold an allotment on another site.

3.4 – Passing On

A plot can be passed on in the event of illness, disability or death to a close family member. This is restricted to a son, daughter, spouse or long-term partner - who does not already hold a plot.

An application must be sent to Sharlston Parish Council requesting to take over tenancy within 8 weeks of the plot holder becoming ill, disabled or deceased.

Where the plot holder has been representing a group, charity or organisation, the tenancy may only be passed on to another representative of the same group, charity or organisation. A request must be made in writing with details of the new representative.
An applicant must submit a request in writing to Sharlston Parish Council in order to be added to the waiting list.
If Sharlston Parish Council has decided to sub-divide the plot in line with Policy Statement 3.2, the applicant will have first choice of sub-divided plots.
Plots cannot be passed onto anyone else such as helpers or co-workers (unless they are a family member) see policy statement 3.4).
Tenants are advised that no human or animal ashes are to be scattered at allotments sites, and no memorial features are permitted.

3.5 – Changing Plots
An existing plot holder can apply to take over a vacant plot on the same site.
The plot holder would need to give up their current plot, which would need to be left in good condition.
This may be useful to plot holders who wish to move to a larger plot to grow more produce, or conversely, to a smaller plot which would be more manageable and affordable. Plot holders interested in changing plots should inform Sharlston Parish Council in writing.
In some cases, a plot holder can also down size by requesting in writing that his or her plot be split up into two or more smaller ones.

4. Allotment Tenancy
4.1 – The Tenancy Agreement
The applicant will be the main user of the allotment plot, or the representative of a group, charity or organisation, and will be the named plot holder on the tenancy agreement.
All plot holders will be required to sign the latest tenancy agreement on a yearly basis, at the same time as the annual rent is due. The tenancy agreement will give reference to the terms of this policy. This is a condition of tenancy.

Sharlston Parish Council will initiate enforcement proceedings if a plot holder, or person for whom the plot holder is responsible, fails to comply with the terms of the tenancy agreement, or if a plot holder is constantly in arrears of any agreed payment plan.

4.2 – Sub-letting of Plots
The plot holder shall not enter into an agreement, verbal or written, to sublet or reassign an allotment plot or any part of it to any party under any circumstances.

4.3 – Cultivation of Plot
A minimum of 60% of the plot area must be cultivated for growing produce - namely vegetables, herbs, fruit, other edible crops and flowers, unless otherwise agreed in writing.
A maximum of 40% of the plot area may be put to other uses such as grassed lawn, or space for livestock or structures, unless otherwise agreed in writing – which are compliant with 5.3 & 5.7.
It is not permitted to keep an allotment plot or a portion of it, which in the opinion of Sharlston Parish Council is in an untidy, overgrown, unkempt or seemingly abandoned state. Where an improvement notice has been given, which will outline the improvements needed, the plot holder will have 3 months before a re-inspection.

Weeds must be controlled to prevent seeds spreading to other plots. Pernicious plants must be reported to the PC and eradicated.

No new trees are allowed to be planted on an allotment plot or any other part of the site. If a new fruit tree is to be brought to the allotments this must remain in a pot so this can easily be removed from site when tenancy is terminated.
Children's play equipment such as swings and paddling pools are not permitted.

Business or trade use of an allotments plot is forbidden.
Organic gardening, composting, recycling and promoting biodiversity are positively encouraged by Sharlston Parish Council on all allotment sites.

4.4 – Termination of Tenancy Agreement
Enforcement proceedings will be initiated, which may result in the termination of the tenancy if the terms of the tenancy agreement have been broken in the opinion of Sharlston Parish Council.
Sharlston Parish Council will not refund any rent accrued, which will contribute towards the cost of terminating the tenancy, and will pursue any unpaid debt.
Plot holders may voluntarily terminate their tenancy at any time, by informing Sharlston Parish Council in writing, and receive a rebate for any charges accrued.
A plot holder has the right to appeal.

4.5 – Leaving a Plot
The following policy statement is subject to a proposed audit of buildings, fencing or other structures currently on site.
When a plot holder leaves a plot, it should be in good condition. Any buildings / structures already in place and in good / safe condition can be left and will become Sharlston Parish Council's responsibility and/or offered to new tenants.
Sharlston Parish Council will clear plots that are not in an acceptable condition and will recharge the departing plot holder for the clearing of any waste which was placed there by them. Sharlston Parish Council will not be held responsible for any losses in produce or materials arising from this action.
It is the responsibility of the plot holder to inform Sharlston Parish Council, in writing, of any change of address and update any other information relevant to their tenancy, such as illness or incapacity. Any communication will be sent to the latest address provided, and will be deemed by Sharlston Parish Council to have been delivered to the plot holder.

5. Regulations
5.1 – Nuisance
A plot holder must not cause or permit any nuisance to any other plot holder or to the owners or occupiers of any adjoining or neighbouring property.
Grass strimmer's create a noise nuisance and consideration should be given at all times for other plot holders and neighbouring properties.
A plot holder must not obstruct or encroach onto any path or roadway used or adjoining plot set out by Sharlston Parish Council or used by the owners or occupiers of any adjoining or neighbouring property.
Sharlston Parish Council will not tolerate any threatening, violent or intimidating behaviour by plot holders under any circumstances.
Any plot holder found guilty in a court of law of offences involving an allotment plot or other plot holder will be given immediate notice to terminate.

5.2 – Fires

The use of fires to dispose of waste is strongly discouraged as smoke creates a nuisance to other plot holders and neighbours. Fires are therefore only permitted at allotment sites one hour before dusk.

It is strictly forbidden to bring waste onto a plot for burning or any other reason. Compostable material or recyclable material must not be burned.
Bonfires must be built on the same day as they are lit to prevent harm to small mammals which could use bonfires as habitats.
The amount of material burned must be kept to a minimum. Where possible use alternative methods of disposal such as a household waste recycling centre.
The duration of any fire should be minimised.

Bonfires must be of a manageable size, and never left unattended.
Bonfires must be fully extinguished before the plot holder leaves the site.
In order to reduce the nuisance of smoke:

- Keep smoke to a minimum by only burning dry waste.
- Consider wind direction in so that smoke does not cause a nuisance to residents of nearby properties.
- Never burn items that produce noxious smoke such as plastics, vinyl, rubber, carcasses etc.

5.2 has been developed in consultations between Wakefield Council and the Fire Service in response to concerns about poor air quality and smoke nuisance complaints.

5.3 – Animals and Livestock
Only twelve hens and twelve rabbits are allowed per plot holder regardless of the number of plots held by the plot holder.
Cockerels are strictly forbidden under the Allotment Act 1950
Pigeons may only be kept with the written permission of Sharlston Parish Council.
No other animals or bees are allowed to be kept on allotment plots.
Plot holders must comply fully with the Animal Welfare Act 2006.
On adoption of this policy, letters will be sent out to all plot holders giving 3 months' notice to remove all non-permitted livestock.

Please also note advice in separate **ANNEX A - livestock advice sheet** which should be read and understood in conjunction with this policy if you intend to keep livestock on your plot.

5.4 – Dogs
Dogs must be kept on a short lead at all times and must never be left unattended.
Dogs must not cause a nuisance, by barking for example.
Dog fouling must be cleared up by the dog owner and disposed of responsibly off site.
Dogs must not be kept on any of the allotment plots.

5.5 – Inflammable Substances
Inflammable substances include inflammable oil-based liquids such as petrol and creosote, and all varieties of bottled gas.
Inflammable substances can only be brought onto a plot if they are required for a legitimate purpose related to tending an allotment plot.
Inflammable substances are not allowed to be stored on an allotments plot.
Where such substances are temporarily brought onto a plot, they must be handled and used strictly in line with manufacturers' guidelines and transported in containers specifically designed for this purpose – and then removed from the plot immediately after use.

5.6 – Asbestos

It is strictly forbidden to bring any asbestos, or products containing asbestos, onto a plot.

Any material that is believed to contain asbestos should be reported to Sharlston Parish Council who will arrange for it to be safely removed by qualified contractors if it is deemed hazardous in its existing condition and location.
Sharlston Parish Council will pass removal and disposal charges onto a plot holder who is known to have brought any harmful materials onto the plot.
Information about handling and disposal of some of the materials covered by 5.5 & 5.6 is available on Wakefield Council website under Environment. If in any doubt, plot holders should contact Wakefield Council after informing Sharlston Parish Council in writing.

5.7 – Pest Control

Pest control on allotment sites is the responsibility of plot holders, not Sharlston Parish Council.
Sharlston Parish Council will take action against plot holders who fail to adopt good husbandry practices in order to deter rodent infestation.

Sharlston Parish Council will pass on remediation costs to plot holder at fault.

5.8 – Buildings, fencing and structures

Existing buildings, fencing and other structures must be of an appropriate design, fit for purpose and in a good state of repair. Buildings, fencing and other structures which are unsafe in the opinion of Sharlston Parish Council must be removed by the plot holder.
Tenants must seek permission from Sharlston Parish Council for any new buildings, fencing or other structures and these should be commercially-produced and must not make use of cement or other bonding materials in their construction, including bases. Asbestos materials are strictly forbidden. Plot holders are advised to submit designs and location plans of any proposed buildings, fencing or other structures for approval to avoid the risk of having to subsequently remove or relocate them. Planning permission must also be sort from the Local authority, if required, in retrospect of Sharlston Parish Council's approval.
Any new fencing used on plots should be no higher than 1.6m and should not prevent an unhindered inspection of the whole plot.
Barbed wire is not permitted for any fencing that adjoins any pathways or that causes harm to other plot holders.
It is forbidden to stay overnight or live on an allotment plot.

5.9 – Vehicles

Motor vehicles are not allowed onto an allotments site other than to access a car park area.
Storage of any motor vehicles, trailers and caravans on an allotment plot is strictly forbidden.
Removal of the wheels does not make storage of a vehicle permissible.
Tyres must not be brought onto an allotments site for any purposes (unless on equipment i.e., wheelbarrow)

5.10 – Waste Management

Plot holders are wholly responsible for correct handling and proper disposal of waste from their plot.
It is strictly forbidden to bring waste or other harmful material onto a plot.
Fly tipping, dumping of waste or adding to dumped waste on any part of an allotment plot is strictly forbidden and will result in immediate termination.
The use of old carpets as a weed suppressant is only permitted for a 3-month period when it must be removed from site and disposed of correctly after use.

5.11 – Chemicals & Pesticides

a. As part of the council's work to respond to the Climate and Nature Emergency, no chemicals or pesticides can be stored or used on the allotments. This supports the change in national policy which came into force in the UK in January 2023.

b. Useful information to support this change in policy is available at:

https://www.gov.uk/government/publications/national-pollinator-strategy-2014-to-2024-implementation-plan
https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx
https://www.nsalg.org.uk/
https://www.rhs.org.uk/advice/beginners-guide/vegetable-basics
https://rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/
https://www.nsalg.org.uk/growing-advice/12625-2/
https://nonnativespecies.org/
https://www.nonnativespecies.org/what-can-i-do/be-plant-wise/

6. Charges and Concessions

6.1 – Allotment Charges

The cost of providing allotments will be covered by the charges levied to plot holders. Annual charges to plot holders consist of allotment rent, and may include a standing charge for water if a mains supply is provided on site.

Rent collected will cover management and maintenance costs. Allotment rent is calculated by Sharlston Parish Council on a yearly basis based on the allotments running costs. Rates may rise yearly; written notice will be given before inflation & will commence in the next annual payment.

Invoices must be settled by 1st April annually. Non-payment after 40 days will be taken as an indication of cessation of tenancy. Unpaid monies will be pursued.

Full rent and water charges, if applicable, will be payable for plots taken up before the end of June each year. For plots taken up after June charges will be pro rata for the number of full quarters remaining to run up to 31 March. No charges will apply for plots taken up after 31 October for that year.

6.2 - GDPR (General Data Protection Regulations)

Sharlston Parish Council follow the GDPR and advise that the use of photography will take place at the following times:

- Every inspection
- When a Risk Assessment is carried out
- After a re-inspection
- When a new tenancy agreement is taken on

6.3 – Water Charges

Currently there is no mains water supply on site.

Policy first adopted by Sharlston Parish Council on 7th December 2020 and reviewed on 13th April 2026.

Signed: *Cllr P Belbin* *E King*
Chairman Clerk

Legislations & Regulations

- Small Holdings and Allotments Act 1908
- Allotments Acts 1922 and 1950
- COSHH: Control of Substances Hazardous to Health 2002
- RSPCA: Royal Society for the Prevention of Cruelty to Animals
- DEFRA: The Department for Environment, Food and Rural Affairs.
- Local Government Act 1972