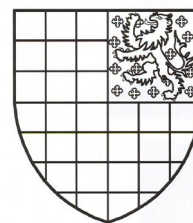


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**LEWES  
TOWN  
COUNCIL**

## *MINUTES*

of a meeting of the **Allotments Working party** held on **Tuesday 2nd February 2021** online via Zoom Meetings at **7:00pm**.

**PRESENT** Cllrs Bird; Burrows; Catlin; Lamb (*Chair*); Makepeace; Dr Maples and Sains.

**In attendance:** S Brigden (*Town Clerk [TC]*); Emma Tingley (*Customer Services Officer*); Brian Courage (*Town Ranger*)

**AllotsWP2020/08** **APOLOGIES FOR ABSENCE:** There were none

**AllotsWP2020/09** **DECLARATIONS OF INTEREST:** Cllr Dr Maples declared an interest in that she is a Council allotment tenant, and Cllr Bird advised that his home borders and overlooks an allotment site

**AllotsWP2020/10** **QUESTIONS:** There were none.

**AllotsWP2020/11** **MINUTES:** The Minutes of the meeting held on 13<sup>th</sup> January 2021 were received and agreed as an accurate record.

**AllotsWP2020/12** **REMIT of the COMMITTEE**

Members noted the remit of the working party as defined by Council:

- To consider proposals for changes in allotment policy and management, *eg* revision of policy and rules; introduction of eco-friendly practices; wider tenant responsibilities; allocation of tenancies and potential to reduce the nett cost of the service.
- The Working Party to focus upon rules and guidance that accord with the Council 'visioning' priority of environmentally-sound practices (and wider Government policy); that address current 'work-around' anomalies, and that create a positive environment for allotment holders wishing to engage more fully with sound environmental practices. Further; to consider potential for additional low or zero-cost activities to promote good ecological practice on allotments.

**AllotsWP2020/13** **BUSINESS OF THE MEETING:**

*Policy Statement & guidelines for tenants:* The meeting briefly reviewed progress and resumed the work adjourned at its previous meeting. This entailed a detailed review of a discussion document which covered a broad range of aspects and features of the Allotments service and suggested various policy elements and detailed proposals for new conditions. The original document had been analysed in three contexts: Policy elements, specific tenancy conditions, and general guidance for tenants. Areas covered included:

- > Tenancy regulation and options for action in breach
- > Permitted activities and produce
- > Restriction of tenancies to parish residents.
- > Restriction on permitted groundworkers
- > Site security and tenant behaviour
- > Structures (*eg fencing/sheds/toolstores/ponds*)
- > Permitted/prohibited materials.
- > Composting
- > Wildlife and biodiversity

- > Pesticides; herbicides and fertilizers
- > Disposal of waste
- > Water supply and charging
- > Rental fees
- > Encouragement for adoption of eco-friendly practices

Members considered these elements in detail and reached agreement on the content.

*Reduction of water consumption:* There followed some discussion on reduction of water consumption, and Members were interested to investigate the feasibility of replacing water taps with valve-controlled water troughs, and possibly offering large water butts at favourable prices, while remaining alert for opportunities to encourage frugality by tenants.

*Rental charges:* The ability of the Council to increase rents for allotment plots was discussed. TC explained that there had, until recently, been a legal restriction which limited increases to no more than the overall increase in other charges for leisure facilities. Due to the historic origins of the allotment principle, rates were traditionally nominal and the base values therefore remain low. Recent case law had altered this limitation, to some extent, and the position now was that rent can be fixed in one of three ways:

- a. by agreement *ie* the Council giving notice of an increase and the tenants agreeing to pay. A tenant may, and probably would, refuse to pay an increased rent.
- b. a specific term could be inserted in the tenancy agreement permitting the Council to vary the rent upon notice. This would be the preferred option but the Council's current tenancy agreement does not provide for this and would need to be amended to, in effect, give one year's notice of the option.
- c. By giving notice to quit and reissuing the tenancy at the higher rent. This would be open to legal challenge.

The principles in arriving at a reasonable rent were complex and there are few legal authorities upon which to rely. It would be sensible to have sites professionally valued, but this in itself would not be straightforward and likely expensive. The Council must determine the rent that a notional tenant rather than a particular tenant might reasonably be expected to pay. In assessing this it must take into account all relevant circumstances in a common-sense way, but the level has to have regard to local circumstances. The terms of tenancy restricting use of the land for leisure gardening only; the prohibition on commercial growing and the annual term were relevant factors affecting valuation. Other factors might include, location, demand, size of plots, services provided or available on site or nearby.

AllotsWP2020/14

**CONCLUSIONS:**

TC undertook to revise various technical and legal elements of the Policy Statement and noted that there were elements that might usefully be added (*eg* covering existing policy on items such as beekeeping and bonfires), and Cllr Dr Maples agreed to research and prepare an advice section on ponds.

A Draft would be produced for consideration by Council at its 4<sup>th</sup> March meeting which, if adopted, could be issued with 2021 tenancy renewals.

It was agreed to recommend that 2021 tenancy agreements should include a clause which will allow for focussed rental increases in future, and that a small pilot experiment be conducted to offer water butts and rain harvesting kit to tenants at cost price. It was proposed that valve-controlled water troughs should be considered whenever taps were replaced or water services updated.

*The meeting closed at 8:40pm*

Signed.....

Date .....