

ALLOTMENTS COMMITTEE

Minutes of the meeting of the Allotments Committee held at 6.30 pm on Thursday 1st February 2007 at The Institute. Councillors Barber, Blessett, Fisk (Chairman) Helyer, and the clerk Mrs Sheila Kostyrka. Mr A Chambers attended as a representative from the Allotment Association.

024 Apologies for Absence

Cllr Thomas (illness)

025 Declarations of Interest

None

026 To adopt the minutes of the meeting held on 12th October 2006 and to discuss any matters arising not considered elsewhere on the agenda.

Cllr Fisk signed the minutes. Mr Chambers asked why the Council had asked to see a copy of their constitution.

027 To welcome the representative from the Allotments Association, and to receive and consider any enquiries from the Association.

Mr Chambers clarified that although the Allotment Association had no objection to the changes that had been made, at their request, to the tenancy agreement, in law he thought that the correct procedure had not been followed. A 'notice to quit' (Allotment Act 1908) should, in his opinion, have been sent to every tenant, and since this had not been done, the new agreement was not valid. (A notice to quit would have needed to be issued with a letter reassuring tenants that this was not really a notice to quit, and was just a formality). He said that this was a point of principle, and that the law had not been followed to the letter. It was confirmed that Mr Chambers, given a very strict interpretation of the law, was correct but only in so far as the rent increase was concerned. Moreover, where tenants agree to the increase, no such 'notice to quit' is required. Only where a rent increase is being imposed does the 12 month's notice and the 'notice to quit' become necessary. In fact, every tenant but two had signed and returned the agreement. Our legal advisers had been happy with the way, reflecting current practice, we had 'invited' tenants by letter to sign and return the agreement, especially since 13 months notice had been given of the intention to increase the rent.

Mr Chambers said he had no confidence in our legal advisers, and we should take these specific points back to them. Mr Chambers provided a copy of a Tenancy Agreement he had written which he recommended the Council adopted. He said the AA wanted the Council to take a stronger arm to enforce the terms of the contract and terminate the contact of any one who was being a nuisance to other tenants. He thought the Council should also fine departing tenants whose plots had become overgrown. Mr Chambers confirmed that there had been a high turnover of allotment tenants due to the fact that they had taken too much on. Although not yet discussed with the AA, Mr Chambers asked the Council if he could jump the waiting list to obtain an allotment to teach people how to garden properly. It was agreed that the Council would need to discuss all comments further. The Clerk asked it to be minuted that she would once again like to send everything to LALC for their written reply as it was very time consuming. The AA were concerned they did not have any Public Liability Insurance and the Committee suggested that they made enquiries to obtain insurance.

028 To discuss the Allotment Association's request to place a green house on Plot 32.

Min 14 (12.10.06) Confirmation requested from AA for the details of proposed greenhouse.

Min 74/06 (26.10.06) still waiting for confirmation. Mr Chambers asked for the greenhouse proposal to be "left on the table". Concerns were expressed that income had already been lost. Mr Chambers suggested that the plot be rented to the AA for half the rent and they would maintain it and use it as a store or an area to hold barbecues. Due to the long waiting list the committee were keen to allocate half of the plot to a new tenant. Mr Chambers said that he had photographic evidence that the entire plot had been used for waste disposal, this was disputed by the committee as it had not been previously been brought to their attention.

029 To consider the 2007-8 renewal.

This was referred to the next meeting due to the time.

030 To report on the allotment inspection and to consider matters arising.

An email received from the AA had been previously circulated to Committee Members to allow an independent inspection to take place. It was **recommended** that Plot 22 would be given one months notice as the Plot had not been worked last year, and assurances had

been given last Autumn that it would be worked. Concerns were expressed regarding unworked Plots 59, 56 and 43 with Plot 40 which had been ploughed, but remains uncultivated. Plot 12 has a large hard standing on it. These tenants would all receive letters. The AA would help the tenant on Plot 24 remove the damaged greenhouse which was considered dangerous.

031 To review the waiting list for allotment gardens.

The Clerk confirmed that we have 7 people from DSJ and 14 from MD on the waiting list with 2 DSJ residents waiting for second Plots.

032 To review the budget.

The Budget Breakdown for 2006/7 is attached at Appendix 1 to this document.

033 Date of next meeting.

5th July 2007 at 6.30pm at the Allotments in Linchfield Road for a site meeting.

There being no further business, the meeting was closed at 7.20pm

Allotment Committee Chairman
5th July 2007