



BLYTH TOWN COUNCIL

Minutes of the Meeting of the Allotments Committee held in the Council Chamber at Arms Everytne House on Tuesday 7th October 2014 at 6.30pm.

Present: Councillor K Ellis (Chair), Councillor J R Potts and Councillor A Turnbull.

Officers:

Stephen Rickitt – Town Clerk (Democratic Services)

Sean Robinson – Assets Officer

David Clough – Assistant Assets Officer

Liam Forsyth – Committee Clerk

048/14/01: APOLOGIES FOR ABSENSE

Apologies for absence were received from Councillor D Rutter, Councillor L Rickerby , Councillor O Potts and Councillor C Bruce.

049/14/02: DISCLOSURE OF INTERESTS AND GRANT OF DISPENSATIONS

None.

050/14/03: MINUTES OF THE ALLOTMENTS COMMITTEE MEETING HELD ON THE 11TH SEPTEMBER 2014

The Town Clerk (Democratic Services) commented that the issues arising are to be dealt with during the Assets Officers report however commented

that he had actioned the associated items related to the 10th Avenue/Dig for Victory allotment sites. **Action: SER**

Councillor J R Potts wished to note that these Minutes had been adopted by the last Meeting of the Full Council.

The Minutes of the Allotment Committee Meeting held on the 11th September 2014 were **AGREED** by the Committee and signed by the Chair.

051/14/04: BUDGET PROPOSALS

(Please find the Assets Officers Report attached)

Further to the information contained within the report, the Assistant Assets Officer commented that Allotment holders on the Bolam Avenue site had forwarded their concerns, outlining that they were unhappy with the road plainings due to siting and associated effect upon the height of the lanes.

Regarding the Bolam Avenue site, Councillor K Ellis enquired as to how the planings had been advertised. The Assets Officer commented that this has been completed by Blyth Small Holdings Allotment Association.

With relation to on going issues relating to the development of the Beatrice Avenue Site, the Town Clerk (Democratic Services) sought delegated powers to pursue any legal action which may arise from the development of this site.

The Committee **AGREED** that such delegated authority be granted to the Town Clerk in consultation with the Chair and Vice Chair of the Committee.

The Town Clerk (Democratic Services) commented that the item discussed under Laverock Place would be seeking delegated authority subject to the Committees view on the Allotment Eviction Policy.

The Committee then held discussion regarding Plot 53.

It was **AGREED** that the Assets Officer's recommendations are to be endorsed regarding clearing the site, subject to the outcome of the eviction process.

Discussion was then held regarding the cost code proposal from the Assets Officer. Councillor J R Potts provided further information regarding this item, noting that the cost codes assist in the auditing and monitoring of spending.

It was **AGREED** that the cost codes are to remain as currently set.

The Town Clerk (Democratic Services) also enquired as to whether potential flexibility with the viament of funds between allotment sites could be investigated. It was **AGREED** that this is to be investigated.

The Assets Officer provided an update regarding the site survey. It was noted that upon agreement, an above ground survey would be conducted and the results would be shared with Allotment Holders and Associations via the Council's media platforms.

052/14/05: EVICTION PROCESS

(Please find circulated document attached to the Minutes)

The Town Clerk (Democratic Services) provided an outline for this document and commented that he was in discussion in order to ensure that the document covered all the necessary and appropriate bases.

Councillor J R Potts commented that upon completion that he would like to see this document attached to tenancy agreements.

Discussion was held regarding the need to ensure that the appropriate care and consideration be provided for any livestock involved within the eviction process.

It was therefore **AGREED** a revised document is to be generated with the aforementioned considerations and present to the Meeting of Blyth Town Council in November.

053/14/06: ANY OTHER BUSINESS AND ITEMS FOR URGENT ATTENTION

None.

054/14/07: DATE OF NEXT MEETING

It was **AGREED** that the next meeting of the Allotment Committee is to be held on Tuesday 3rd February 2015 at 6.30pm in the Council Chamber at Arms Everytne House.

055/14/08: ALLOTMENT TENANCY

For consideration of this item the Council **RESOLVED** to consider the remaining business in private with the press and public excluded pursuant

to the Public Bodies (Admission to Meetings) Act 1960 on the basis that the business involves the consideration of staff related matters.

The Town Clerk (Democratic Services) provided an outline for this item. It was noted that a letter had been submitted to the Committee Chair* and this letter was circulated to the Councillors in attendance. It was further commented that Councillor B W Elliott had been assisting the Allotment Tenant and wished to pass on his passionate support in lieu of his absence due to unforeseen circumstances.

The Committee then held discussion regarding this matter, which included the need to stick to the rules as, set out within our Policy but also show sympathy to the extraordinary circumstances presented.

In order to inform the Committee as to the background of this case, the Assistant Assets Officer provided a timeline detailing the communications issued by Blyth Town Council and lack of response. It was also outlined that this issue has escalated with the previously uncultivated 'almost vacant' site having a lock and livestock placed on the plot.

Following lengthy discussion it was **AGREED** by two votes to one that the tenant is to be allowed to continue in tenancy subject to the agreement of the following conditions: that the outstanding payments plus a holding amount in advance for next years payment be received within 14 days and that the allotment is to be inspected in 28 days in order to ensure that cultivation has begun.

MEMBERS OF THE ALLOTMENTS COMMITTEE:

Councillor K Ellis (Chair)
Councillor C Bruce
Councillor B W Elliott
Councillor J R Potts (Vice Chair)
Councillor O Potts
Councillor L Rickerby
Councillor D Rutter
Councillor G Thompson
Councillor A Turnbull

* This document is available for inspection by Councillors upon request

BLYTH TOWN COUNCIL
Allotments Committee
07 Oct 2014

Report of the Assets Officer

Bolam Avenue

The re-sitting of the stop cock will commence on 03 Oct 14. This should be complete in one day. D Lyons has been contracted to carry out the work. A second quote was requested from the Committee at the last Allotment Meeting with authority to go ahead with the lowest quote.

Rents: Blyth Small Holdings & Allotment Association (BSHAA) is now in the process of collecting the rents from the Allotment holders for Bolam Avenue, South Farm & 20th Avenue. This has taken place over the weekends 21/22 & 27/28 Sep 14. Of the 266 tenants only 31 have yet to pay their yearly rent. BSHAA are now in the process of issuing reminder letters with an additional £10 administration fee in accordance to the rules and regulations of BSHAA. If any of the tenants who are in arrears fail to pay within the 28 day limit and tenancy termination letter will be issued in accordance with the Allotment Act 1908 Section 30 Sub-Section 3.

Road scalping have now been delivered to the Bolam site and deposited in the car park at the Sports Centre entrance. This is for allotment holders to take away and fill in pot holes surrounding their own gardens.

Beatrice Avenue

A meeting has been arranged with Smith & Sons (01 Oct 14) with regards to the date for the work to commence on installing the double gates to the rear fence. This will enable BTC Officers to gain access in order to carry out the planned construction of the new allotment gardens. Presently as of w/c 22 Sep 14 there are still horses grazing on our land.

Side Club

Nothing to report

10th Avenue

NCC/HFN has been on site to repair external fences from their properties that back on to the allotment site.

A start date for the permanent road resurfacing repairs and the installation of the raised beds has been provisionally set for 20 Oct 14.

Laverock Place

Plot 4: Two letters (1 posted, 1 hand delivered (09 Sep 14) have been sent to the tenant with regards to non cultivation of the garden in accordance with the tenancy agreement. Tenant has not responded so far and steps are now been taken to issue a termination of tenancy.

Plot 3: Will be discussed in part II

South Farm

Nothing to report

20th Avenue

Nothing to report

Bebside

Nothing to report

Wensleydale

Awaiting start dates for work to be carried out on projects approved from the last Allotment Committee meeting (11 Sep 14)

Installation of raised beds in the disabled gardens

Clearance of plot 29 (awaiting quote to erect fencing to split garden into 3 plots)

Plot 54: Additional quote now received for the clearance of the garden and the following work to be carried out;

Option 1: Clear allotment

Supply plant and labour to remove rubbish and dispose of

Remove trees

£2160.00 + vat

Option 2: Dig hole and bury rubbish on site

Remove trees

£760.00 + vat

Plot 53: Whilst carrying out the initial assessment of plot 54 we have observed from the plot the dilapidated state of plot 53. The garden has become overgrown, the sheds are in a dangerous condition and there is a lot of debris scattered throughout the plot. We have yet to gain access to the plot as the allotment holder is reluctant to meet. We have subsequently sent a letter and have had a telephone conversation in relation to our concerns. The plot holder has indicated that he is/has suffered from ill health and is of advancing years. We have suggested that we could clear his plot at the same time as plot 54 and as it is a large site it has the potential to be split into 4 gardens giving the plot holder a more manageable garden. As he has livestock we will arrange a temporary plot as and when the work will be carried out.

Since the initial telephone conversation with the plot holder we have been contacted by Cllr A Cartie stating that he has received a complaint from the plot holder alleging that we have broken into his garden and broken his lock. I have instructed Cllr A Cartie to send the complaint in via email. As it stands with the state of the plot we have grounds to evict the tenant as the plot does not meet our standards of cultivation and observed from the adjacent plot it is in a dangerous state of repair and it could contravene health & safety regulations.

Quote received for the clearance of the above plot;

Clear site of sheds, rubbish and trees
Dig over site when finished

£7960.00 + vat

If approval is given to go ahead and do both plots 54 & 53 the price for plot 54 will be reduced to £1760.00 + vat

Recommendation: That approval is given for the above work to be carried out.

Budget Proposals

With regards to the budget spreadsheet and all work carried out in financial years 2013/2014 and 2014/2015 I would like to propose the following amendments to the spreadsheet and alter some of the cost codes.

To delete cost codes 602, 612, 622, 632, 642, 652, 662, 672, 682, 692 (ongoing maintenance of each allotment site) and merge it into cost 698 (Emergency & Non Site Specific Work).

Site Survey:

We have been authorised to commence the survey of each Allotment site. A meeting has been arranged (01 Oct 14) with Faithful & Gould. Northumberland County Council has a framework with Faithful & Gould for a range of consultancy services (quantity surveying, project management, condition surveys etc.). A verbal update on the progress made will be given at the Allotment Committee meeting.

Future Planning:

The Allotment Committee is to consider the short, medium and long term planning of all the allotment sites;

Short Term (within the given financial year):

To redevelop repossessed non cultivated plots and to bring them up to an acceptable standards ready to re-let to new tenants thus reducing our waiting list.

To initiate an inspection plan of two inspections per year commencing March and October of each non association allotment site.

To review the water meters on all sites and to put in place a more robust system of monitoring the water consumption and managing it more effectively.

Medium Term:

To redevelop the Beatrice Avenue Allotment site and construct new gardens in the adjacent field. N.B The project has already commenced with the installation of the gates on the rear fence.

Resurfacing of internal roads of all our allotment sites

Long Term:

To replace all external fencing

To develop further allotment sites within Blyth. This will be monitored from the allotment waiting lists.

Sean Robinson
Assets Officer

ALLOTMENT EVICTION PROCESS

This process will start once the Assets Officer and/or Asst. Assets Officer consider there is a realistic prospect of a need to terminate an allotment tenancy. It does not apply to initial routine initial payment reminders. If there is an Allotment Association for the site, they are responsible for evictions from that site.

Briefing emails and reports should contain photographs showing the condition of the plot

1. Officers prepare a briefing note (normally an email) to the Chair and Vice-Chair of the Allotments C'tee.
2. Any correspondence is to be addressed to the person recorded as the tenant in our records. There may be occasions when it is appropriate to send a copy to a family member. The envelope should be marked "Important – This communication affects your allotment tenancy"
3. A formal letter is sent to the tenant detailing the required actions. The letter should contain a copy of their tenancy agreement. A carbon copy of the letter should be initialled to show dispatch on the day stated in the letter. A proof of posting should be obtained from the Post Office.
4. If no response is received, a second formal letter should be sent to the tenant detailing the required actions and setting a deadline for compliance. This letter should

normally be hand-delivered to the tenant's recorded address with the carbon being noted as to date and time of delivery. The other delivery option is to use Recorded Delivery but I am aware of times when these are returned as "not called for". If appropriate efforts should be made to obtain a receipt.

5. If the tenant fails to take the required action by the deadline, subject to any agreement to extend the time in special circumstances, the Officers should prepare a further briefing note for the Chair and Vice-Chair of the Allotments C'tee.

6. Subject to the Chair or Vice-Chair having the right to refer the issue to a panel of the Allotments C'tee, officers shall prepare a formal notice to quit. Service should be in the same way as paragraph 4 above. The panel will be three members of the Allotment Committee selected by the Town Clerk in consultation with the Chair on a cross-party basis but not necessarily proportional because of the need for availability. The Panel will have full authority to deal with individual cases of possible eviction from an allotment.

7. If the plot has been abandoned, officers shall inspect and take photographic records of any tenant's belongings and write giving a deadline for their removal. Service should be in the same way as paragraph 4 above.

8. Special care must be taken if there is livestock on an apparently abandoned plot. In such cases, the County Council's Animal Welfare Officers and/or the RSPCA must

be consulted before any action is taken to deny access to the plot.

9. If a tenant fails to comply with the requirements and remains in possession of the plot, a formal report must be prepared and considered by a special meeting of the Allotments C'tee to authorise legal action to regain possession of the plot.

These are guidelines and can be varied in special circumstances with the agreement of the Chair and Vice-Chair of the Allotments C'tee.

November 2014

Stephen Rickitt

Town Clerk (Democratic Services)