

MINUTES of the MEETING of the ALLOTMENTS & CEMETERIES SUB-COMMITTEE held at THE COUNCIL CHAMBERS, THE GROVE, SWANSCOMBE on TUESDAY 13 MARCH 2018 at 10.00AM

PRESENT: Councillor B E Read (Chairman)
Councillor Mrs S P Butterfill (Vice-Chairman)
Councillor Mrs A E D Barham
Councillor P M Harman
Councillor J A Hayes
Councillor R J Lees

ALSO PRESENT: Martin Harding – Assistant Town Clerk/ RFO
Christine Abrehart - Allotment Association

ABSENT: There were none.

536/17-18. ARRANGEMENTS AND CONSTRAINTS REGARDING FILMING OR RECORDING THE MEETING.

The Chairman explained the arrangements and constraints relating to the filming or recording of the meeting.

537/16-17. APOLOGIES FOR ABSENCE.

There were none.

538/16-17. SUBSTITUTES.

There were none.

539/16-17. DECLARATIONS OF INTEREST IN ITEMS ON THE AGENDA.

Councillor J A Hayes declared a prejudicial interest in item 6 – Proposed changes to plot holder's agreements, as he resides with the Chairman of the Allotment & Garden Association.

The Chairman gave the opportunity for the meeting to be adjourned at this point to accept questions from the public.

540/16-17. ITEMS DEEMED URGENT BY THE CHAIRMAN / MATTERS ARISING FROM PREVIOUS MINUTES AND THEIR POSITION ON THE AGENDA.

There were none.

541/16-17. TO CONFIRM AND SIGN THE MINUTES OF THE MEETING HELD ON 9 MARCH 2017.

Recommended: That the Minutes of the Meeting held on 9 March 2017 be confirmed and signed as a true record.

Having already declared a prejudicial interest Councillor J A Hayes left the chamber and took no part in the discussion or decision of the following item.

542/16-17. PROPOSED CHANGES TO ALLOTMENT PLOT HOLDERS CONTRACT.

Members considered the proposed changes to the plot holder agreements, effective from April 2018, along with the guidance supplied by the National Allotment Society.

Members considered each amendment individually and following a lengthy discussion and vote agreed that:

- Changes to paragraphs 3.1 and 8.1.6 be refused and remain as per the current agreement.
- Change to paragraphs 3.2, 4.1, 8.1.8 and 11.2 be agreed as proposed.
- Changes to paragraphs 6.8 and 8.1.1 require further information before future consideration for inclusion within the document.
- Changes to paragraphs 8.1.7, 11.1, 11.5 and Schedule 5.4 be agreed subject to minor wording amendments.

Recommended: That the proposed plot holders agreement be accepted subject to the agreed amendments.

543/16-17. ANNUAL ALLOTMENT SITE INSPECTION.

Members considered the information from the site visit undertaken on 4 January 2018 by the ATC/RFO, Councillor R J Lees and the Chairman of the Allotment Association. (Ms L M Hall).

Members noted the great work being undertaken by both the Association and plot holders to ensure the allotments sites are maintained and well worked.

Recommended: That the contents of the report be noted.

544/16-17. BEST KEPT ALLOTMENT 2018.

Further to minute 419/17-18 Members were provided with the information for the upcoming Best Kept Allotment Competition 2018.

Recommended: That the item be noted.

There being no further business to transact, the Meeting closed at 11.00 am.

Signed _____
Chairman Date

(A)

AGENDA ITEM 6

A & C 4/10/22

- 4.1.5. Not cause or permit to the occupier of any other land belonging to the Council nor adjoining owners of occupiers nor the general public any nuisance or annoyance and no obstruction or encroachment shall be caused or permitted on any path or roadway set out by the Council or Association for the use of the occupiers of the Allotment Site;
- 4.1.6. Not permit any timber or other trees upon the Allotment Site to be cut or pruned unless causing danger or obstruction and not permit any mineral gravel sand earth or clay to be taken away or carried away without the written consent of the Council provided always that this clause shall not apply to fruit trees grown by individual plot holders;
- 4.1.7. Be responsible for the day to day running of the Allotment Site and shall sublet the individual plots to members of the Association and shall keep a waiting list for that purpose
- 4.1.8. Keep an up-to-date register of the names and addresses of the allotment garden plot holders which register shall contain a record of the rent payments made by the plot holders and should be available for inspection by the Council or officer of the Council at any time on request;
- 4.1.9. Make available for inspection by each allotment plot holder a copy of this Agreement and the Association rules regulations and byelaws (if any).
- 4.1.10. Maintain a list of potential allotment plot holders and let any vacant plot in accordance with the Association rules regulations and byelaws (if any) which shall include provision for a waiting list to be maintained and vacant plot offered in order of date of application. If requested to do so to provide the Council with full details of the tenancies and waiting lists;
- 4.1.11. Carry out inspections of plots every three months to ensure tenancy agreements are complied with, gather evidence where there is non-compliance, keep an evidence file in all cases, issue warning notices quoting the paragraph(s) of the agreement that have been breached where two or more members of the committee agree that it is appropriate, issue eviction notices. Any pursuant appeals to be referred to the Council with all documentary and photographic evidence.
- 4.1.12. Not offer a plot to an existing allotment plot holder for so long as there are applicants on the waiting list referred to clause 4.1.10 above;
- 4.1.13. Not assign or transfer the whole or any part of the Allotment Site save to allotment holders as individual allotments in accordance with the terms of this Agreement.
- 4.1.14. Use or permit the use of any building provided on the Allotment Site only by members of the Association and their guests in connection with the use of the allotments as permitted by this

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Agreement and not make any alteration or addition to the building except with the previous consent in writing of the Council;

4.1.15. Pay for the security and maintenance of the internal fabric of the building the cost of all heat and light provided for the building and keep the building in a clean and tidy condition at all times.

5. Entry onto the Site

5.1. Any duly authorised officer or agent of the Council shall be entitled at any time to enter upon prior appointment (save in cases of emergency) and inspect the Allotment Site and the Association's records and shall inform the Association of the results of the inspection upon request;

6. Termination of Tenancy

6.1. This Agreement may be terminated;

6.1.1. By either the Council or the Association giving at least 12 months notice in writing expiring on or before 6 April or on after 29 September in any year. If the Association dissolves through a lack of volunteers the management of the allotments will revert to the council and the rents due will be recalculated at that time, or

6.1.2. By re-entry by the Council at any time after giving 6 months previous notice in writing to the Association on account of the land being required.

6.1.2.1. for any purpose (not being the use of the same for agriculture) for which the land was acquired by the Council or has been appropriated under any statutory provision, or

6.1.2.2. for building mining or any other industrial purposes or for roads or sewers necessary in connection with any of these purposes, or

6.1.3. By re-entry by the Council at any time after giving 1 month's previous notice in writing to the Association if

6.1.3.1. the rent or any part thereof is in arrears of not less than 40 days whether legally demanded or not, or

6.1.3.2. the Association has breached any of the conditions contained herein;

7. The Council Covenants

7.1. To maintain the infrastructure of the Allotment Site which shall include (but not limited to) hauling ways, boundaries of the Allotment Site (but not any individual plots) any trees not growing on plots, car parks, water mains and tanks and buildings owned by the Council and;



(B)

FELLING OF TREES NOT ON ALLOTMENT PLOTS (p)

Email from Allotment Association dated 1 June 2022

Hi Martin

Thank you for your E-Mail, sorry for the delay in replying.

I have made further enquiries and spoken to the Gentlemen concerned.

The Gentleman has felled 3 trees in the last three years.

2 of the trees that have been felled were leaning forward into the allotment and were liable to fall over and that was the reason for them being felled health and safety reasons

Yours

Linda

Email to the Allotment Association dated 25 May 2022

Good afternoon Alan

Further to the request in Linda's email below I am emailing you to ask for some clarification.

As per my attached email we received a complaint that trees had been felled within New Burial Ground Allotments. The complainant was concerned that the trees had been felled within the nesting season, which is normally avoided unless on an emergency basis.

This also highlighted a greater concern that tree works had been undertaken without prior written consent from the Town Council, which my attached email confirms is a requirement of the agreement between the Town Council and the Association:

Are you able to advise whether the felling that has recently occurred was undertaken with the consent / prior agreement of the Association Committee? If so how was this approval granted?

Can you also advise whether any other trees have been felled in this area in the last 2-3 years, as Linda has indicated in her email below that 8 trees have blown over during high winds but we would need clarity whether any have been felled (other than fruit trees).

Thanks in advance for your time on this and we look forward to receiving your response.

Yours sincerely,

Martin Harding
Assistant Town Clerk / RFO

Email from Allotment Association dated 26 May 2022

Dear Martin,

Thank you for your E-mail and photos of the above site.

I have been over to NBS this morning and have had a good look round, it was only two trees that have been felled and gives better light in that area.

There was 8 trees that have fallen over in high winds over the years and have taken photos of the felled trees and stumps.

Have spoken to the gentleman in question and he will remove the tree trunks over the next few weeks.

Will bring the photos to you at a later date.

I am writing on behalf of the Secretary as he is away on Holiday. any further correspondence on this matter could you write to the Secretary and include me

Yours

Linda Hall

Email to the Allotment Association dated 25 May 2022

Good afternoon Linda

Further to our telephone conversation this morning please find attached the x 3 pictures of the felled trees from within New Burial Ground Allotments that the Town Council have been provided.

As discussed, please could you investigate this matter further as it will need to be reported into the next appropriate meeting, as no prior consent was requested or permission granted for these tree works, as per the agreement between the Town Council and the Allotment Association (clause 4.1:6), which I have also attached.

We look forward to your response

Yours sincerely,

Martin Harding
Assistant Town Clerk / RFO

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Present:

Linda Hall (LH) – Allotment Association (Chairman)

Councillor Emma Ben Moussa (EBM) – Swanscombe & Greenhithe Town Council

Martin Harding (MH) – Swanscombe & Greenhithe Town Council (ATC)

Site name:	No of plots:	Comments or observations
Craylands Lane	8	LH raised an issue with water coming out of the water tap located at the rear of the Heritage Community Hall. MH agreed to investigate and conclude a repair.
New Burial Ground	31	<p>Two issues had been identified with the vehicle access gate leading from Gilbert Close. A section of the fence hadn't been fitted properly and the slider for the padlock was also too low. EBM agreed to take this back to Dartford Borough Council in order for the repairs to be investigated.</p> <p>A review was undertaken of the clearance work at the orchard and it indicated only one plot was left to clear until they could all be let out again.</p> <p>MH informed the Association that the issue of felled trees would be put to the Allotments & Cemeteries Sub-Committee along with the report from this site visit and any response from the Council would follow.</p>
Keary Road	41	LH showed the level of damage on the old shed block on site. MH asked how many were actually in use, LH clarified this was 4 out of 16. MH requested that those still using the block ensure that they use the few sheds that are free from damage or consider moving items to the containers located near the car park.
Lewis Road	2	Nothing identified.

LH confirmed that the current waiting list stood at 47 across all sites.

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