



Allotments management toolkit: Managing waiting lists

Introduction

Social Farms & Gardens have worked with the Welsh Government to produce a range of resources to help ensure local authorities and others involved in the management of allotment sites in Wales maximise the potential of those sites for the local population.

With support from the Welsh Government, SF&G Wales have written a guidance document for local authorities, growers and growing groups in Wales which provides an overview of allotment site management.

This factsheet is one of a series of factsheets which expand on various topics covered in the Guidance.

The toolkit also includes a selection of tenancy and other legal document templates to assist in site management.

All of these resources are available to download from:

www.farmgarden.org.uk/allotment-site-management-toolkit



Managing Waiting Lists

In 2010, to help local authorities and allotment associations cope with growing waiting lists for plots across the UK, the Local Government Association published 'A Place to Grow', an update to the good practice guide for the management of allotments, 'Growing in the Community' (see Resources). The specific aim of 'A Place to Grow' was to identify ways to minimise the time that people who wish to rent an allotment have to wait before they can do so.

Active management of waiting lists can play an important role in making the fullest use of the existing portfolio of allotments, and in ensuring a reliable basis for estimating the demand for additional provision. This factsheet develops the guidance on managing waiting lists included in A Place to Grow, by covering the subject in greater detail and illustrating good practice with practical examples.

This factsheet has been written with the local authority allotment officer in mind, but the principles apply equally to sites under devolved management. Where responsibility for managing waiting lists is devolved to associations, the local authority should ensure that lists are managed on the same rules as apply on direct-let sites, unless there is agreement to the contrary, and should reserve the right to inspect both waiting lists and recent tenancy records to ensure compliance.

First come, first served?

Allotment waiting lists conventionally operate on the rule that newly vacated plots are offered first to those persons who have been on the waiting list for the longest period of time. This rule is inherently fair and simple to comprehend and should not be broken without good cause.

There are some circumstances, however, in which an alternative procedure might be justified. For example, an existing plotholder in good standing, whose circumstances have changed through no fault of his or her own in a way that makes it difficult to continue the tenancy, and who agrees to surrender the plot voluntarily while it is still in a good state of cultivation, so that someone on the waiting list can have a chance to garden. In these circumstances, an exception could be made to reward the plotholder for their actions by giving them the right to jump to the top of the waiting list at such time as their personal circumstances change for the better.

There are also circumstances in which people who are not on a waiting list (or not at the top of the list) claim a superior right to a specific tenancy. Family members who have shared the labour of cultivating a plot and have come to regard it as something to be passed on between generations (or between spouses or partners), may assume that the tenancy will be inherited when the current plotholder dies. There is however no basis in law for such a claim. Where a family wishes to retain a cherished plot, then the

appropriate procedure would be for the proposed successor to join the waiting list and, on reaching the top of the list, to wait with the local authority's agreement until the plot concerned becomes vacant.

A request for nomination of a specific plot by someone on a waiting list may also be appropriate where the location or access to the plot meets personal needs (e.g. vehicular access for a person with a disability), or where two friends have shared a plot by mutual agreement, but only one is the legal tenant.

Given the length of waiting lists, it would be wise for local authorities to bring issues around inheritance to the attention of tenants at the earliest opportunity, to minimise the number of families and friends that lose access to a plot under distressing circumstances later on. A register should be created and maintained of registered 'buddies' or 'sharers' of current plotholders who are eligible to take on the tenancy when the current plotholder surrenders it, and this should be made as robust as possible through periodic reminders to tenants (e.g. through newsletters or notes with the rent invoices) of what the rules are for passing plots on.

Case study: North Tyneside Council's 'Succession Policy'

North Tyneside Council developed a 'Succession Policy' to ensure a fair and manageable method to deal with plot sharing.

All tenants on direct-let sites received a covering letter with their annual allotment bill explaining the following:

- tenants need to make the council fully aware, in writing, of any individual who co-works the plot, including family;
- in the event of the death of the plotholder, this is the only information the council will use on which to base a decision about plot succession.

Tenants were reminded of the policy in the allotment services newsletter, which all tenants received and the policy was incorporated into future new lettings.

The council worked with devolved managed sites in North Tyneside to also adopt this policy and worked with a sample association to develop a system that was simple for devolved managed sites to apply.

Local authorities may also choose to structure the waiting list by geographical area. There is no obligation on local authorities to provide plots to people who live beyond their borders, although many have done so in the past when the demand for allotments was not sufficient in the locality to ensure that all plots were cultivated. Depending on the level of demand, authorities may choose to close lists to non-residents, or structure their lists to give residents priority.

Under conditions of high demand, local authorities may also wish to take into account whether someone on a waiting list already has a plot (on the same or another site) and give priority to persons who have no plot rather than create a new multiple holding.

The size of the current holding might also be taken into account, particularly where 'starter plots' have been offered on the understanding that accepting the tenancy of one of these does not preclude moving on to a larger plot at a later date.

“How long must I wait?”

It should always be possible to tell an applicant where they stand on the list at present.

The overall claim on officer time in dealing with such inquiries can be reduced, however, by making the waiting list itself publicly available, subject to data protection safeguards. One way this can be achieved by allocating applicants a file number (known only to the applicant and the allotments office) so that names are not included on a publicly available list. The file number can be listed along with the date on which their application was accepted and, for the past year, the dates on which new tenancies were actually assigned.

Estimates can also be made of how many new plotheolders are likely to be accommodated each year based

Case study: City of York Allotments waiting list policy

Each of the sixteen directly managed sites had a waiting list maintained by the volunteer site secretary. Lists were kept on a standard form – either paper or electronic. Site secretaries were asked to supply copies of their list to the Allotment Administrator in March and September each year. The one self-managed site maintained its waiting list in a similar fashion but only supplied a total figure twice yearly.

New applicants were added at the bottom of each list and plots were offered to prospective tenants as they reached the top of the list, in the order in which they joined the waiting list.

If a prospective tenant reached the top of the list at a time when personal circumstances meant that they were not in a position to work the plot, they kept their position on the list and contacted the site secretary when they were able to take a plot. They were then offered the next available plot.

If a tenant was unable to cultivate their plot for some time because of personal circumstances, for example a new baby or a dependant elderly relative, they were able give up the plot and rejoin the waiting list. Once they reached the top of the list, they could keep that place until they were in a position to take on a plot again.

on the number of tenants who gave up their plots in the previous year.

Applicants can become frustrated by a perceived lack of progress, particularly when they have the mistaken view (occasionally fed by the media) that they have a right to a plot on demand and when they see that there are plots around that are not fully cultivated.

Concern over non-cultivation can be addressed by making publicly available the local authority's policy on the issue, which should make it clear that at any one time there are always likely to be plots which are uncultivated because the current tenant is being given notice to quit, or a new tenant has only just started.

Reliability of Waiting Lists

While some applicants may be very specific about the site they prefer, others may be happy to accept a plot on any site and, if separate lists are maintained, will put their names down on several lists. Where an applicant hopes to secure more land

than the maximum on offer to new tenants, multiple applications may be lodged in the names of different family members.

Meanwhile, other people on the waiting list may have moved away, or lost interest in allotment gardening, or their circumstances may mean that they can no longer hope to achieve their gardening ambitions.

These factors mean that waiting lists are inherently unreliable, which can lead to difficulties:

- The process of allocating a newly vacated plot can be time consuming, given that the person currently at the top of the list may be unwilling or unable to accept the offer, thus wasting officer time and lengthening the period of non-cultivation while a plot awaits a new tenant.
- The argument for creating additional capacity by adding new sites is weakened because the figures derived from waiting list data, which constitute the principal evidence to support the claim for additional resources,

are insufficiently robust. This problem is compounded when devolved management sites are under no obligation to report their waiting lists to the local authority.

Measures to improve the reliability of waiting lists are therefore to be welcomed, provided they do not impose excessive costs on the local authority.

As with non-cultivation, these might commence at the time of initial application to join the list, for example by providing potential new ploholders with information on the demands that a plot is likely to make in terms of time and effort, coupled with an invitation to visit a site for those whose only exposure to allotments has been through the media.

Once on the list, applicants should be encouraged to keep their record up to date and be required to inform the allotments office of any change of address. An annual renewal can be solicited in writing to the applicant's last known address. This can be an opportunity to provide feedback on the progress the allotments service is making in reducing waiting times, and information on any alternative 'meanwhile' gardening opportunities that may be available while people are waiting for a plot. Figures from the London Borough of Bexley, which operates an annual renewal system, suggest an annual drop-out rate (through voluntary withdrawal or failure to return the renewal form) of around 10%.

Where lists are long, progress is slow and inquiries from people on the list take up a large amount of time, the temptation exists to close the waiting list temporarily until the backlog has cleared – which may take a considerable time. The problem with closing lists is that it generates latent but unmeasured demand, undermining the robustness of the aggregate figures and thus exposing authorities to allegations that they are seeking to evade their duty to provide sufficient allotments. It is

Case study: A 'meanwhile alternative' in Yorkshire

The vicarage of St. Peter's Church at Rawdon, Leeds is adjacent to a very popular statutory allotment site, Victory Garden Allotments.

Although the committee at this devolved management site acquired land to create a further thirty plots, these were all immediately rented out, leaving a substantial waiting list. On hearing of this, the vicar of St Peter's offered temporary use of the vicarage garden for people on the waiting list, who were offered small starter plots while they waited for a traditional full-sized plot to come available at Victory Garden Allotments.

The starter plots were not 'prepared' in advance of the new gardeners' arrival: they were given an area of lawn or border and asked to make their own plans and decisions. It is an informal arrangement: no rent was paid and no formal agreement was entered into.

The meanwhile garden was a great success, and the church used its own networking opportunities to share its good practice with other places of worship in the city.

preferable, therefore, to keep lists open, while improving the efficiency with which inquiries from people on the list are handled and reducing the pressure of inquiries by making lists and associated information publicly available.

Jumping the queue

Where waiting lists exist, so also does the temptation to evade them or to try to jump the queue. Allotment officers and devolved managers should be alert to this problem and robust in their response, with the full support of the local authority. Bullying behaviour by applicants seeking advancement on the list should not be tolerated and should be subject to the local authority's policy on dignity at work.

Applicants sometimes appear on site and bully site representatives and devolved managers. It should be stressed to such persons that, while their complaints have been listened to and will be acted on where found to have merit (e.g. regarding the management of non-cultivation), all plots coming vacant will be allocated strictly in waiting list order, so they have little to gain from such behaviour.

The most common evasion technique is plot sharing, which can be benign (for example when a volunteer agrees to help out a ploholder with a disability with heavy physical tasks) but can also be a means to establish a presence on site and assume an illegal sub-tenancy when the legal ploholder departs (quite possibly as the result of bullying).

It is difficult to police plot-sharing, particularly on direct-let sites without site representatives to keep watch on who is actually cultivating the plots, and there is a fine line between list evasion and simply helping out a friend as a sociable act. It is essential, however, that all plot-sharers (and the tenants whose land they are sharing) are made aware that plot-sharers have no right to assume a tenancy other than via the waiting list, that the ploholder bears responsibility for the behaviour of any guests on site where these are permitted, and that plot-sharers be asked to leave the site if ploholders alone have right of access.

It is essential that local authorities keep a robust register of plotsharers and others who have expressed an interest in a specific plot, which they will be eligible to take over if they have reached the top of the waiting

list by the time the tenancy becomes vacant.

Applicants may be interested in engaging in a 'meanwhile' alternative while waiting for a plot to come vacant, such as participation in a 'community gardening' scheme. Others may be willing to garden temporarily on a less convenient allotment site on which there are vacant plots in need of attention. Such activities should be encouraged, and to that end people who accept these options should be allowed to retain their positions on the waiting list until such time as a plot comes vacant for them. Some applicants may well find these alternative activities congenial, of course, in which case they may opt to withdraw from the waiting list.

Making the offer

It is important that local authorities have in place procedures for offering newly vacant plots to people on the waiting list that achieve quick decisions and minimise the time during which plots are left untended, but which are also fair to applicants.

Where the plot concerned is deemed to be in compliance with cultivation standards at the time it is offered, then the first person on the waiting list should be asked in writing to make a quick decision as to whether they wish to take it, with fourteen days being a reasonable response period.

There is a risk of unfairness at this point, if the person concerned is absent from home (on holiday for example), and the risk is compounded if the period is shortened. Where a response is not received within the period given,

then it would be appropriate to offer the plot to the next person on the list, leaving the applicant who did not respond at the top of the list when the next plot comes vacant, provided that a satisfactory explanation for non-response is provided.

When an applicant decides not to accept a tenancy on a well cultivated plot, this may be the result of a transient difficulty rather than bad faith, so it is important to request an explanation and, where this is satisfactory, to protect the applicant's place on the waiting list with an invitation to get in touch when circumstances are such that they can reactivate their request for an allotment, at which point they will become eligible for the next plot on offer.

Where the newly vacant plot is deemed not to be in a cultivated condition, then it may be appropriate to allow applicants to refuse it without penalty, or if they accept it, to set generous conditions for the levels of cultivation expected at three and twelve months based on a realistic assessment of what can reasonably be achieved given the initial state of the plot.

When an offer of a plot is not responded to or refused without good reason, however, it would be appropriate to remove the applicant's name from the waiting list, until such time as they re-apply.

The offer process can be accelerated by the use of telephone and e-mail. Care should be taken, however, to ensure that the immediacy afforded by these communication methods does not over-ride the need for applicants to have a fair opportunity to be contacted and to consider their response, so that they are not

pressurised into accepting a tenancy whose conditions they have no reasonable chance of meeting.

Resources

Social Farms & Gardens (SF&G)

Tel: 0117 9231 800

Email: admin@farmgarden.org.uk

Website: www.farmgarden.org.uk

A registered charity which supports, represents and promotes community-managed farms, community gardens, care farms, allotments and other green spaces, creating opportunities for communities to grow.

National Society of Allotment and Leisure Gardeners (NSALG)

Tel: 01536 266 576

Email: natsoc@nsalg.org.uk

Website: www.nsalg.org.uk

The national representative body for the allotment movement in the UK.

Growing in the Community – A good practice guide for the management of allotments 2008 (2nd Edition)

Free to download: www.local.gov.uk/growing-community-second-edition

A Place to Grow, 2010

A supplementary document to Growing in the Community (above), aimed to identify ways to minimise the time that people have to wait to rent an allotment.

Free to download: www.local.gov.uk/place-grow-supplementary-document-growing-community



Llywodraeth Cymru
Welsh Government

Social Farms
& Gardens
Ffermydd a Gerddi
Cymdeithasol

Contact us: Tel: 02920 225 942 / **Email:** wales@farmgarden.org.uk
Website: www.farmgarden.org.uk