



Allotments management toolkit: Resolving disputes

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 sample 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

About this factsheet

This factsheet includes general guidance intended to assist with resolving disputes on allotment sites as amicably as possible, along with a sample allotments dispute resolution procedure that can be adapted to suit the circumstances on your site.



Resolving disputes

It is essential to recognise that there are many different groups and individuals who inevitably hold diverse opinions about allotments in general or on what happens on a particular site. There may be long-established plotters who appear resistant to change; recent tenants and other voluntary groups keen to introduce new facilities and a wider range of activities; local residents with concerns about security or traffic congestion; and different council departments with very different views of allotments. Often these different views only surface when changes, however well-intentioned, are proposed or introduced.

Things can then easily descend into conflict around issues, with groups taking positions from which they will not be budged — much pointing of fingers and not enough listening. A breakdown of trust ensues leading to a general ‘them and us’ culture of conflict and suspicion in which it can be very difficult to achieve anything positive.

Getting the process of communication and consultation right is a skilled and time-consuming business. It is not just the responsibility of the allotment manager, but of everyone concerned to ensure a positive future for allotments. Here are just a few ideas to help you along the road of effective communication:

- identify all the ‘stakeholder groups’ who might have a view, in advance of any particular issue surfacing
- try to build trust and rapport with all groups by meeting key individuals on an informal basis outside ‘set-piece’ meetings
- provide regular communication to all stakeholders through newsletters (see below), posters and meetings
- understand the history behind a

particular site or issue. Memories can be long and scars slow to heal and this may provide clues in finding new solutions to old problems

- seek to understand groups’ underlying needs and concerns that are likely to be genuine, rather than getting stuck on any particular stated position that may appear unhelpful or antagonistic
- try to identify and build on shared hopes and needs between stakeholder groups, like ‘we all want the land to stay as allotments’ or ‘we all want somewhere that minimises the nuisance to local residents’ rather than the specific issues that divide such as ‘we don’t want the new car park there’
- focus discussion around issues not personalities
- if you want to make a change, then design a process to engage all groups at the earliest planning stage, rather than when ideas are set in stone.

At times of major change, or when you are developing an allotments strategy, you could consider employing independent specialists to help design and facilitate a dialogue process. The use of an independent facilitator enables everyone to be part of the process and builds trust as it ensures that the dialogue is genuinely non-partisan.

In situations of open conflict between factions where there appears no prospect of moving forward, independent mediation may be an effective way of trying to resolve disputes in a constructive way.

At individual level, a dispute can arise when a plotter is judged to be in breach of his or her tenancy agreement or the allotment rules in some particular. As the demand for allotments increases such disputes may well become more frequent, as tenants who are judged to be ‘bad’

are accused of blocking the way into gardening of others who would do a ‘better job’ and ‘improve the site’. Fifty years ago there was a uniform view of what ‘good cultivation’ might consist of, but with the development of organic methods, the expression of different gardening cultures from around the world, and the recognition of multiple benefits from allotment gardening, it has become much harder to define the limits of acceptable practice, or to be certain that complaints framed around poor cultivation are not actually masking unacceptable attitudes towards difference and hidden forms of discrimination.

Tenancy agreements should spell out the circumstances under which termination is justified. It is essential, however, to have in place a system for independent appeals (such as an appeals panel) to ensure that due process has been followed. Any termination must be based on an interpretation of the tenancy agreement that is informed not only by the Allotments Acts, which are very prescriptive in parts, but also by local codes of customer care. Plotters must be treated fairly and reasonably and with due regard for their rights under the Human Rights and Disability Discrimination Acts. This responsibility applies equally to allotment associations acting on the local authority’s behalf under a devolved management scheme.

The National Allotments Society offers a mediation service to its members: www.nsalg.org.uk

Source: Growing in the Community, Second edition. 2009

www.local.gov.uk/growing-community-second-edition

Sample Allotments Disputes Procedure

Disputes involving individual plotholders will be dealt with in the following manner.

1. If a plotholder is found to be in breach of any of the terms of the Tenancy Agreement, Site Specific Rules or if a dispute arises between plotholders, the Site Secretary will firstly approach those involved to establish the reasons for the problem and make every effort to find an amicable resolution.
2. If, in the opinion of the Site Secretary, the plotholder is at fault and is unwilling to agree to a resolution, the Site Secretary has the authority to issue a first warning letter. The first warning letter will outline the reasons and give 28 days for the plot holder to rectify the problem. The Site Secretary will inform the site committee of the situation.
3. If the plotholder has not conformed to the requirements of the first warning letter within 28 days, the Site Secretary will issue a second (final) warning letter referring to the first letter giving a further 28 days and highlight that failure to comply by the second date will result in the issuing of a Notice to Quit.
4. If the plotholder has not conformed to the requirements of the second (final) warning letter within 28 days, the Site Committee will be informed and a Notice to Quit will be issued. The Association must be informed when a Notice to Quit is issued.
5. A Notice to Quit will instruct the plotholder to vacate the plot and remove all items within 28 days. The Site Secretary has the right to distribute or dispose of any items which have not been removed after the 28 days. No individual plotholders are allowed to remove anything from the vacant plot without the authorisation of the Site Committee.
6. If a plotholder disagrees with the decision of a Site Secretary in relation to either a first or second (final) warning letter or a notice to quit, he or she can ask for the case to go before the Site Committee.
7. If the Site Committee finds in favour of the Site Secretary and the plotholder is still not satisfied, he or she has the right to request the case be put to the Association Committee.
8. The Association Committee will look at the evidence from all parties and form an independent decision which will be confirmed to all relevant parties in writing. The decision of the Association Committee will be final.

A warning letter will remain in force for a period of five years from the date of issue. Any subsequent breach will result in a second (final) warning letter or notice to quit (as appropriate) being issued.

Other than in exceptional circumstances (to be determined in the absolute discretion of the Site Committee) non-payment of rent or refusal to sign a Tenancy Agreement will result in the immediate termination of a Tenancy without the necessity of following the above procedure.

In cases of a more serious breach the Site Secretary may in his absolute discretion proceed directly to either the second (final) warning letter stage or to the issuing of a Notice to Quit. A non-exhaustive list of examples of more serious breaches includes:

- wilful disregard of a warning letter
- verbal abuse
- physical abuse
- any other conduct which in the reasonable opinion of the Site Secretary places the use of the Allotments or other plotholders or officials at risk.

The various stages set out in the above Procedure may cover more than one financial year.

Source: Based on extract from Torfaen County Borough Council's Allotment Site Secretary's Handbook:

<https://www.torfaen.gov.uk/en/Related-Documents/Allotments/Allotment-Site-secretary%27s-Hand-book.pdf>



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