

**BLYTH TOWN COUNCIL
ENVIRONMENT COMMITTEE**

21 May 2026

Decision Report – Out of Area Allotment Tenants

Recommendation that the Council consider one of the following approaches to tenants who move out of the Blyth parish area:

a) No change.

Tenant can move any distance out of area without giving up tenancy, though must still inform the authority of their change of address.

b) Tenancy terminated.

Moving greater than 1 mile out of area triggers termination of tenancy after a specified period following change of address. Time period to be determined, minimum 28 days' notice.

Tenant can move out of area up to 1 mile distance from the boundaries of the parish without a need to give up tenancy.

In either case, the Council are then asked to resolve:

- Whether to delegate to officers to explore the feasibility of a discretionary additional charge to be levied on those who wish to keep their tenancy while being out of area, with the decision to be brought back to a future meeting.

Ward(s)

All (no allotments are within the Plessey Ward)

Risk Management

No cost implications.

Objective

Promoting the environmental, social, and economic wellbeing of the town and its community.

Crime & Disorder Prevention

None.

Public Sector Equality Duty

No implications.

Report

It will occasionally be the case that the holder of an allotment plot moves out of the Blyth parish area. In most cases, the person gives notice and gives up their plot, due to practical considerations of being out of area.

There is a legal basis for terminating non-residents, however this is not enforced. We currently have no policy/agreement covering scenarios where people might suggest they are able to retain their plot despite being out of area, or are found to have moved out of area without notifying the managing authority of the site.

While the main concern is that plots are cultivated and maintained, it is reasonable to have regard to the fact that persons residing out of the parish are not eligible to request an allotment. It is also relevant that there is high demand for allotments and the current waiting list is approximately 400 people. A person residing out of area may also find maintenance more difficult due to travel time, which leads to greater Officer/Association time spent on management of uncultivated plots.

A person moving out of the parish no longer contributes to the precept which maintains the town including allotments. In the past, the precept has supported any shortfall in the allotment budget, and balances might reasonably be used in future for shortfall. In this way, allotments are supported by parish taxpayers, though ~~more recently~~ allotment income through rents ~~has covered~~ also supports capital and revenue spending.

To offer a balanced view, this would only apply to a very small number of people and has not so far caused issues. The usual mechanism of plot inspections by Blyth Town Council Officers or Association highlight any deterioration and the usual reminder letter, warning letter and termination process will be applied if necessary.

References

Small Holding and Allotments Act 1908

Allotments Act of 1908, s23(1)

[...] the council [...] shall let such allotments to persons [...] resident in the borough, district, or parish, and desiring to take the same.

Allotments Act of 1908, s.30(2)

if it appears to the council that the tenant of an allotment not less than three months after the commencement of the tenancy thereof [...] is resident more than one mile out of the borough, district, or parish for which the allotments are provided, the council may serve upon the tenant, [...] a written notice determining the tenancy at the expiration of

one month after the notice has been so served or affixed, and thereupon the tenancy shall be determined accordingly

Interpretation of these acts in line with *The Law of Allotments*, 5th Edition by Paul Clayden:

Allotments should be let only to persons resident within the district, parish or community of the allotments authority, and the allotment holder's address should be stated in the agreement. It may be desirable to require the tenant to surrender his allotment in the event of his moving away from the district, although this is not often done. *Chapter 6, Section 2 Identity of tenant*

Tenancy agreement

The tenancy agreement does not currently outline any particular terms around out-of-area tenants, but relevant sections are quoted below:

5.1 The Tenant shall not underlet, assign or part with possession of the Allotment Garden or any part thereof. This shall not prohibit another person, authorised by the Tenant, from cultivation of the plot for short periods of time when the Tenant is incapacitated by illness or is on holiday, the site representative to be informed of the other person's name.)

10.1 The Tenant must immediately inform the Council of any change of address.

National Allotment Society

The position of the National Allotment Society is that decisions around out-of-area tenants falls to a local decision.

To summarise:

- Tenants residing out of area cannot be allocated a new plot.
- Tenants may retain a plot if they move out of area.
- If tenants move further than one mile out of area, there is specific legislation to uphold termination, if the council chooses to enforce this.
- It may be desirable to require the tenant to surrender his allotment in the event of his moving out of the district.

Timeframe

If the decision is made to terminate tenancies, a timeframe should be agreed. The Allotments Act of 1908, s.30(2) specifies 1 month after notice is served.

Mitigation

If the decision is made to terminate tenancies or increase prices, we might recommend there is some consideration to personal circumstances.

- If the move is intended to be temporary, the council might want to consider permitting this but instating a time limit. Some provision for the tenant nominating another person to tend the plot can be made, permitted under the tenancy agreement section 5.1
- If the move is not of the person's choosing (i.e. housing allocation) then some leniency might be applied. However, a time limit should still be considered.

Regarding exploring the option for increased rents

This option requires further exploration within law and with the guidance of the National Allotment Society to ensure there is a basis for this decision. It is suggested as this is a model applied to cemetery plots, and could offer a way of balancing a person's desire to keep a plot they have worked hard on and feel their can still maintain, despite being out of area, with the fact they are no longer contributing to the precept and that the plot might be more reasonably allocated to a person resident in the parish. It also offers the options for additional income, but the number of people this would apply to would be very low.

Communication

Whichever approach is resolved, the council and Associations should consider how the policy (unchanged or amended) is communicated to tenants so that they are able to take the right course of action. We would suggest this comes as an email/written update, occasional email/written reminders throughout the year, and either an addition within the tenancy agreement/conditions or an Out of Area policy separate to the tenancy which is agreed alongside it when a tenancy is taken on.

Hannah Jenner
Principal Officer
13 May 2026