

Organic Orchard Vandalised in Sheffield (call Richard Clare 2686727)

At a time when there is so much interest in local and organic food, how can it be possible that:-

The current Allotments system seems to sanction the destruction of fruit and nut trees. 12 mature organic trees have been destroyed on an orchard allotment in the Rivelin Valley. This was an irreplaceable asset for the city of Sheffield and has been regularly been used to show visiting local and national groups a demonstration of Permaculture, a system of cultivation using productive perennials.

Existing allotment tenants are being evicted without their knowledge. New tenants are being allocated plots and then discovering that the existing tenants have been deprived of their allotments against their will.

The site in question was left uncultivated for at least ten years before being developed as an orchard in 1996. The site has very heavy soil with a stream running down it in the winter which makes annual cultivation difficult. Clearing and planting was carried out by groups of friends and volunteers. Another allotment next door was joined together with this by removing the hedge to create one unified site of ¼ acre. 12 fruit and nut trees were planted in 1996, paid for using money inherited after the death of a relative, intending this to be a memorial garden.

The site was used as a therapeutic garden for volunteers from the local Healthy Living Centre for 5 years. Many local and national groups have visited the site, including the Community Compost Network, one of whom, Eric Hoyland, described the allotment as the best example of a Permaculture / Forest garden he had seen.

All the trees that have been removed were 15 years old and were just reaching their mature size and productivity. The Oullin's Golden Gage alone was capable of producing 200 lb / 100 Kg of fruit in a good year! Four large trees have been cut at ground level – 2 Walnuts / a Cherry / a Gage. Eight smaller trees (Hazlenuts / Medlar) have been dug out. They would have been burnt but were saved for replanting.

No doubt there has been a huge rise in demand for allotments. The solution to this is not to evict current tenants. Within half a mile of this site, in Rivelin valley, Sheffield City Council has more than 500 empty allotments.

The tenant who has been evicted without his knowledge would very much like to maintain his 10-year tenancy. If he had been given the opportunity, he would have been able to explain that any lack of maintenance this year was because of crippling Gallstone attacks which led to his hospitalisation for a month. He was actually in hospital for surgery on his gall bladder when the orchard was being cut down.

He has reported his displeasure to the Allotments Officer, but was not informed of any systems for appeal or complaint.

The "new" tenants, who have been offered the tenancy, wanted it precisely because it had established fruit trees growing on it. The Allotments Officer justified cutting the trees down because other prospective tenants had rejected the plot (or possibly because they recognised that it was still being used).

The worker who actually chopped the trees down, who is actually part of the Ranger service, explained that he had been reluctant to remove what were obviously healthy productive fruit trees and questioned his instructions, but had been ordered to

proceed. He explained that he would only clear a site if it was untenanted and that the Allotments Officer had told him that the rent had not been paid and the eviction process had been completed, neither of which were the case. He described the position he had been put in as "political" and that it made him feel like a "nazi".

The Allotments Officer stated that the bill for the plot had not been paid. The tenant did pay his rent for the year, as he has done for the past ten years. He did not sign the card notifying the Council that a tenant wishes to terminate the tenancy. The Allotments Officer stated that there was no right of appeal and neither did he explain any complaints procedure.

Geoff Stokes of the National Society for Allotments and Leisure Gardens explained the relevant legal points: The Council is expected to have a reasonable eviction process which must take into account the tenant's personal circumstances. If the Notice of Eviction has not been received by the tenant, the procedure is not valid. For this reason, his judgement was that it sounded like 'criminal damage' had been committed in this case. The 1922 Allotments and Smallholdings Act, which is the most recent relevant legislation, states that plots should be cultivated with '*vegetable or fruit*' crops, which means that a plot which is only fruit is legal.

Sharing allotment plots is an established precedent when co-tenants co-operate. In this case, the Allotments Officer was sent a letter requesting that in the event of the death of one tenant, would it be possible for the other to have first refusal, so that the whole double plot could be kept intact. He had also visited the combined plot several times and should have understood that the two plots had been combined into one, by mutual consent of the two tenants.

This episode has been exacerbated by ineffective communication. The situation could have been avoided by a phone call or simple letter direct to the tenant or to the co-operative neighbour. The standard letter most tenants have experienced threatens eviction but does not explain what action must be taken to avoid losing the plot. For many tenants, this is the only contact they have with the Allotments Department, which creates much concern and misunderstanding.

In previous years, the established procedure included the posting of the Notice to Quit at the allotment itself. This means that if someone had moved house, they would still have the opportunity to discover that eviction proceedings were underway. That did not happen in this case.

Tenants are not treated as customers. They have experienced a culture of fear and discrimination in their dealings with the Allotments office for many years. Innumerable tenants have complaints against the Department, but are either intimidated by the threat of retribution or are sceptical that anything can be achieved by pursuing this option. The Local Authority need to acknowledge that allotments are primarily a HUMAN system, which should be managed in a humane way. In the most recent survey of allotment provision in Sheffield, 75% of tenants defined themselves as either disabled or disadvantaged. There is a very real danger that Sheffield could be perceived as having discriminated against this vulnerable community.

The Council should make a formal policy statement that growing productive perennials is permitted on allotments and that there will be no more destruction of existing fruit. This would reassure all the other many hundreds of tenants who have fruit growing on their allotments. Tenants who have been evicted without due process should be reinstated and apologised to at the very least.

12 / 05 In January 2004, I cut down a 15 foot long stretch of the internal hedge on plot 54 Hagg Lane. I had been responsible for cutting it for the past 12 years because the neighbouring plot had not had a tenant for that period. I cut the hedge using loppers down to about 4 foot, so that future maintenance, when the hedge regrew, would be easier for myself and/or my neighbour.

I was shocked to receive a letter from the Allotments Department instructing me that I had cut the hedge too low and should erect a fence. I fully accept and abide by the rule that external hedges should be cut down to 5 foot to allow inspection (e.g.by police), but had never heard of a case where hedges had to be kept up to 5 foot. Many hedges on surrounding plots have been 8-10 foot high for years. I complied with this request within 2 days to the best of my abilities to avoid further action by the Allotments Dep't.

On the 19th January, I was on this plot when the Allotments Officer entered the plot and began haranguing me for having cut the hedge too low. I explained that the hedge would re-grow and I had responded swiftly to the instruction to erect a fence. The Allotments officer told me I had 'gone too far and would not get away with this'. I asked him to leave my plot as he had entered without my consent. He said he had a 'right to enter any plot at any time' and raised his fists in an aggressive manner, which I backed away from. He then said that he could 'evict me from these plots whenever he liked because I had planted fruit trees'. I explained that there was no prohibition on planting fruit in allotments law and left the site.

To me this illustrates the Allotments Officer intervening to create a dispute between neighbours where none existed before. Shortly after this, an 8 foot high wooden fence was erected on my neighbour's side of the fence, paid for and erected by the Council, which is still there and makes it hard to cut the hedge at this point. The whole of this internal hedge is now at 5 foot.

I hoped that this was the last I would hear about this – the hedge would obviously regrow and surely the Officer had better things to do. But two years later, he has now carried out his threat to evict and used tax-payers money and valuable allotment resources to destroy part of this once beautiful orchard allotment.

19th January 2004



12 / 05 Points for councillor Dr Jillian Creasey

- The orchard allotment had been in existence for 10 years.
- All the plants on site had been there for that long.
- This plot was not cultivated for ten years prior to our taking it in 1995.
- It is very boggy and a very difficult soil to grow annuals in, fruit most appropriate.
- Maintenance. Most of the site was covered with ground-covering perennials, such as Strawberries, Blackcurrant, Loganberries, Boysenberries, Artic Raspberry, Creeping Comfrey, Sage.
- The tenant found it hard to do his usual maintenance because he was suffering from gallstone attacks and was actually hospitalised for two weeks in April.
- The tenant was recovering from an operation to remove his gall bladder when he found out about the destruction of the fruit trees. When he called the Council office to complain, he was told that he had been evicted and therefore had no rights in the matter. He was not informed of a complaints procedure.
- The intention was to put the trees down to lawn to enhance their fruiting. Other people have lawns on their plots.
- Allotment law states that tenants may grow vegetables OR fruit.
- There were and still are fruit trees growing on both the neighbouring plots.
- The system for informing tenants that they need to do something to improve the state of their plots is anarchic.
- Letter is unclear about what needs doing.
- In this case, that letter was sent more than a year before action was taken, during which time the tenant paid the rent.
- It was a reasonable assumption that the actions taken that year (cutting internal and external hedges and weeding) were sufficient to satisfy.
- The tenant was not contacted to improve his plot in 2005.
- The tenant did not receive Notice to Quit or Notice of Eviction.
- No notice was posted on the gate at the plot.
- No effort was made to contact the tenant, who lives at the same address with the same phone number as he has done for the past ten years.
- There must be an appeals procedure available for decisions made by an individual.
- The plants which were dug up and chopped down were the property of Richard Clare and he has receipts to prove it. The Council is legally obliged to compensate tenants evicted without good reason. Compensation should be due for the replacement value of the fully grown trees.
- The two tenants of these two plots (for ten years) had notified the Allotments office in writing, in 1999, that they wished it to be understood that they were effectively sharing both plots. The Council officer was fully aware that the two tenants had collaborated. Council policy is to accept that people share plots, as when a husband and wife share, but this needs to be formal, not arbitrary.
- Other long-term tenants have been evicted without a reasonable process.
- If the allotments officer is trying to teach some particular individual or individuals "a lesson", what is it?

I have found it necessary to create a diary record of events, so that I can develop a clear picture of what's going on.

My first comment is on the level of mental stress entailed, which would be 20 % of the time I am conscious of the issue and distressed by it...

Mike Taylor sent two very similar letters one week apart, presumably in response to:

1. meeting counsellor Jillian Creasey and
2. my Feedback to the Council, which requested protection from the threat to "evict me and vandalise" the other half of the orchard allotment.

- Mike says first that he is responding to letters I have written to him.

I have had NO communication with him and have made NO complaint at this stage

- The letters claimed that there were willows, which there categorically were not. This is an established obsession of the Allotments Officer, but he is wrong in this case and his manager has just accepted what he has been told.

- These letters state in black and white that the Council proceeded to evict John Mortimer AFTER they had established that he was ill. This makes the Council seem rather soul-less, but is again UNTRUE.

- The Allotments Officer was shocked when Mr Mortimer phoned him to complain and had obviously been unaware that Mr Mortimer had only just been in hospital to have his gall-bladder removed.

Mike quotes the 1908 Allotment Law prohibiting tenants from growing anything which occupies the soil for more than one year. As a response to my request for protection from the allotment officer's threat, this simply confirms that I have a Sword of Damocles hanging over my head. If Council policy is applied consistently, a large proportion of present tenants should be living in fear of the same action!

On Sunday 29th January 2006 I had a very pleasant and constructive meeting with Kim McMaster, the new Chair of the Allotments Federation.

Her attitude seemed to be that she was the democratic representative and that the Allotments Officer should be fully accountable to the Fed.

She specifically reassured me that the Federation was not happy with what had happened to the orchard allotment and would continue to pursue the matter since it was obviously not yet concluded.

I phoned the office of the Head of Department to request to be able to make a short presentation about Permaculture in Sheffield. This was meant as a positive way to rise above the immediate issue and focus on the future.

On Thursday 2nd Feb at 4.30, I received a call direct from Mary Bagley. She insisted that she was well-versed in Permaculture and was keen to promote community orchards. I was impressed because she knew of the Ponderosa.

She did concede at one point that managing 3000 tenancies was a big job for one person and explained the financial allocation (c. £ 6 per plot).

I explained that SOFI had attracted £20,000 into allotments for the Green Gym and the Womens' Organic Community allotment. I also mentioned that I had helped LEAF to become a £30,000+ community project and Greenfingers a £300,000+ investment in allotments. I did not mention the problems I know LEAF has had nor the allotment officer's suggestion to Greenfingers to buy their own piece of land nor the 9 month delay for the Sure Start allotment on Firth Park, just to mention a few recent issues...

She was keen to resolve the orchard vandalism issue and explained that according to reports from her officers, the matter was now at a close. I pointed out that the reality on those allotments was that the matter was far from closed and that Council officers communications had, if anything, exacerbated the problem.

She then mentioned that I was still tenant of two allotments, as if this was some kind of consolation. I did not remind her that there is no limit on the number of allotments one individual may hold.

She also enquired about my relations with neighbours, to which I explained that I have more than 100 friends and allies who have allotments.

I did not say that this sounded like an attempt to smear my character and why would officers who had acted properly need to convince their line manager that I am somehow guilty of something. At the very least this is an admission that they are defending themselves by attacking me.

I have been in situations where the victim has been criminalized by the offender to justify the offence, but surely this appears obvious to anyone.

She understood that the version of events she had been presented with was not accurate, because I told her that there were no willows as stated, and because she had been told that the Allotments Federation had accepted that the matter was resolved, which Kim McMaster had specifically contradicted only 4 days before.

Mary had been informed by her officers that I had mounted what sounded like some kind of media and political campaign. In fact, in the absence of any established appeals procedure, I had gone to the Green

Party councillor who agreed to represent me, understanding how upset I was by the matter. Radio Sheffield contacted me in response to a letter from someone who'd heard about the vandalism. Lucy Ashton from Sheffield Star was very interested and thought there was a story, until the Council told her that because I wasn't the tenant, there was no story.

I tried to reassure her that I was currently and had been very restrained and had not contacted any further media so far.

I explained that I had worked in collaboration with the allotments officer and the Council for ten years and had consistently contributed to allotment culture and the community sector.

She said she would get back to her officers for further clarification.

I had to request and then insist on being permitted to send my papers describing events, so that my side of the story would be represented by my own words, rather than relying on the imperfect version presented by the Council officers. Mary told me that she was very ecological and would prefer if I did not waste any more paper sending her my version of events. This seemed cruelly ironic, trying to save 12 sheets of A4 paper when those fruit trees would have produced hundreds of pounds of fruit. However it was also a very gentle attempt to deny me a fair hearing.

At the end of the conversation, which lasted approximately 40 minutes, I blurted out that as an individual, I was still fearful of what may happen next. Then I explained that this was partly founded upon the threat of physical violence that the officer had displayed on 29th Jan 2004, when he was telling me off for cutting an internal hedge too low and also when he issued the original threat to evict and cut down fruit trees on the orchard allotments.

I knew this was a mistake as soon as I said it, because she suddenly became very decisive and stated that this was something she would have to investigate. I explained that I had no evidence and requested that she should not take this issue any further.

If she does, she will simply be met by more accusations against me, and may be joining in with the option of criminalizing the victim to try to gag me.

In one sense, I believe this would be a breach of confidentiality, because in the other sense it makes me more fearful of further vindictive action simply to justify the previous offences.

Now I want to send all this to Bob Kerslake, partly as some kind of insurance in a paranoid bureaucratic world that I don't really (want to) understand. I want to ask him if he can save Nicky Campbell and the Watchdog team the effort by intervening and revising the Council's policy to approval rather than butchery of fruit trees.

Surely this original fact of biocidal vandalism still stands and would be an obvious scandal to anyone. It's still a potential PR time bomb.

Grant application – March 2006

VOLUNTEER ACTIVITIES

- Members of the general public who are interested in the health benefits of organic food growing will be offered the opportunity to visit the allotment sites of active SOFI members to find out more about the subject. This will operate as a signposting and networking service to promote allotments and the health and therapeutic benefits available.
- They will also be informed about the visiting speaker programme, which will extend their interest and knowledge of the subject and related issues.
- If visitors are willing to join in with practical activities, they will be able to arrange to volunteer to do practical activities on these allotments. Many people are excluded from participating in allotments culture because it can take several years to obtain an allotment. This scheme will provide the chance for prospective allotmenters to find out more about the practical realities of food growing on allotments and hopefully lead on to them taking up tenancies on empty allotments.
- Established and regular volunteers will act as guides and mentors to new visitors, explaining the nature of the activity and encouraging them to participate in exercise and nutritional activities. SOFI has an existing base of volunteers qualified in care work and mental health, who will be available to mentor new volunteers.



Publicity / Information Costs – itemised list

SOFI already possesses computer and printing facilities which will be used to reproduce publicity and information materials for distribution to visitors and volunteers.

ITEM	COST £
Printer Cartridge for Brother Lazerjet	60
Stationery - Paper x 4 Reams + Envelopes	20
Postage – Stamps	20

Speakers and Tutors

SOFI has access to a variety of experts who are interested in contributing to a programme of talks and presentations. This would be publicised and used as a means of encouraging more people to attend the visiting and volunteering opportunity on Sunday afternoons. This element has been budgeted for at £50 per speaker, but we should be able to extend the range of speakers, by requesting that they accept a £30 fee and some may be willing to waive their fee.

Speaker Name	Area of interest
1. Janet Alton	Medical Herbalist
2. Darrell Maryon	Horticulture tutor at Heeley Farm
3. Sally Goldsmith	Singer (did Plotters CD about allotments in Sheffield)
4. Matt Black	Poet
5. Stephen Watts	Local food foraging
6. Diane Cocker	Support worker at LEAF project Parsons Croos
7. Helen Warburton	Manager of the Greenfingers Therapeutic Gardening project at Burngreave
8. Georgia Litherland	Yoga teacher
9. Brane Zilovich	Biodynamic Nutritionist at Freeman College, Merlin Theatre
10. Matt West	Beanies Wholefoods
11. Sue Bodnar	Runs Meersbrook Community allotment

Submission to Scrutiny Board 20 / 7 / 06
Item 7 3.45 – 4.30 pm

Allotments:

Devolution of Management & Community Development

Would it be possible to draw members attention to the existence of the charitable and community sector on allotments. The Council has a record of working with, supporting and co-operating with these initiatives.

There are many and varied projects whose activities are based on allotments in Sheffield. These projects provide social and therapeutic horticulture. Some also deliver courses in horticulture.

These projects employ more than a dozen workers.

They have a combined turnover in six figures.

(Details available from Smartwork study for Sheffield
Community Economic Development Unit - December 2005)

Also, there is a fully self-managed allotment site in Sheffield at Infield Lane, which could provide a model for other sites.

Richard Clare
Sheffield Organic Food Initiative
C/o 41b Burns Road
S6 3GL

1st August 2006

Dear Mary,

I am writing to enquire about your progress in investigating the complaints I made earlier this year and to inform you of further problems.

As you will recall, we last talked after you phoned me to try to resolve the issues arising after the illegal eviction and destruction of fruit trees on an allotment rented by John Mortimer, a trustee of SOFI charity. Mr Mortimer does not want to pursue a private legal action for criminal damage, but has expressed that he would be willing to be reinstated as rightful tenant. This allotment has now been left vacant and derelict for 8 months. Two mature Walnut trees which were cut down have now re-grown. I would like you to consider reinstating the displaced tenant a means of resolving this situation.

Our last phone-call ended when I mentioned that I had been threatened with physical violence by the relevant officer. You seemed more concerned by this than by the original complaint about the destruction of trees. I was left with the impression that you intended to investigate this matter, but have heard nothing further.

I have had to stay silent about this, because I was phoned at 4.20pm on 16th April by the line manager, Mike Taylor, who informed me that if I continued to talk about the

orchard allotment issue, I would be "evicted from all the allotments in Sheffield". This response seemed disproportionate, but in the absence of any complaints procedure in this department, I decided to keep quiet although the issue is obviously not yet concluded.

I wish now to inform you of further developments, where established council policy has either been disregarded or directly contradicted.

In March I applied for a small Healthy Living grant of £500 to support an Allotments Access project, intended to introduce new participants to allotment culture and introduce them to good organic food-growing practice. There were no other applications for allotments and this bid was turned down because the new License has not been ratified, because the new tenancy has not been accepted. I have been running groups and volunteering opportunities on allotments for more than ten years, and have proceeded to run a group this year, funded by the charity without the support of the grant or any hope of collaborating with the Council department

On the 15th July 2006, I was told that the Council's Scrutiny Board would be considering Self-management of allotments at its meeting on 20th July. I requested a copy of the papers for this meeting from Jason Deitsch and was surprised to find that information about the community sector's activities had been completely omitted. I was also amazed to hear that Kim McMaster, Chair of the Federation, had not been informed by the Allotments Officer about this review.

As a public duty, I submitted the following to the committee:

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Also, there is a fully self-managed allotment site in Sheffield at Infield Lane, which could provide a model for other sites.

Unfortunately, the Allotments Officer subsequently found out that I had submitted this information, which has resulted in him pursuing the following retribution against me. On Monday 31st July, a nice young man called Patrick approached me on an allotment I have tenanted for 18 years to tell me that he had been told that this was the only allotment available on the site and that he had been told by the council that he was the new tenant. This action was directly and causally linked to my submission of information to the Scrutiny Board. I have reported these events to the Scrutiny Board.

It also shows complete disregard for the proper legal process of eviction and makes a mockery of the waiting lists (reportedly 40 people on this site).

I'm sure that if you enquire, you will be told that this is just an administrative error, but you can understand the message that is being sent. John Martin is on record as expressing his jealousy of funding going into the community sector and suggested that the Greenfingers group in Burngreave should buy their own site instead of using allotments.

I know that you are aware of my commitment to the community sector in Sheffield for more than 15 years and my ongoing connections to many horticultural therapy groups based on Sheffield's allotments. I have worked closely with the Allotments department, co-ordinating the Healthy Gardening Grants scheme and raised £ 8000 funding for allotments from Joint Finance in 2001.

I hope that you will be impartial in your consideration of these matters, since I know that I have been grossly misrepresented and not had any kind of fair hearing.

I am dedicated to this sector because I have experienced and provided high quality care and educational services to the people of Sheffield.

I would like to extend an invitation to you to visit the allotments that SOFI has been using for more than ten years to experience some of the joy which has helped us gain public funding and win national awards for our work.

Yours Sincerely,