

Approach by residents for advice and assistance of the Charity Commission concerning the Steep Allotments

Mr Tony Hanlan wrote to the Commission on the 23 March 2010 setting out areas of concern including allegations of breach of trust. So far as I am aware, this letter has not been the subject of a substantive response from the Commission.

A Steep resident wrote to the Commission by letter dated 3 April 2010 to which the Commission replied (Mr Hughes-Jones) by letter dated the 6 April 2010 (Steep Allotments CC:00700062) in which the Commission wrote:

“It is plain that there is local demand for the allotments and, separately, that there is considerable local opposition to the proposed sale and development of the land”.

By a letter dated 14 April 2010 from the Charity Commission, (part only of which has been read out in public on the 1 February 2020) the Commission decided that the 18 applicants for allotments were not labouring poor thereby ruling in effect that in order for a person resident in the Parish of Steep to obtain an allotment, such person had to show that they were poor and fell within the definition of “labouring poor”. It is to be noted that there had been since April 1819 and there were only 11 plots at the Church Road allotments for which there were 18 applicants: the only problem was that none of them could show poverty so as to come within the term “labouring poor”.

The Commission provides advice and assistance in matters concerning Charitable Trusts as it did indeed in this case. Without having the benefit of seeing the full decision contained in that letter of the 14 April 2010, it appears that the Commission failed to point out to those residents who had approached the Commission that there were many charitable trusts, the governing document of which are based on awards made under an inclosure act, including the Inclosure Act 1845.

Those within the Commission dealing with the allotments were familiar with the fact that there were charities arising from the Inclosure Acts where were registered with the Commission as appears from the letter dated 10 October 2014 from the Commission to Steep in Need in which this appears:

“We would also point out (and it may reassure the trustees) that there are a number of allotment charities currently registered with an Inclosure Award as their governing document (please search our Register using the key word “allotments” at Advanced search)”.

335 results were shown when this was done on the 27 April 2021 (“the list”).

The result of an analysis is set out in the Table below. Some of the allotment charities appearing in the list have as a governing document an inclosure award arising from the Inclosure Act 1845 which had the identical wording as that contained in the Inclosure Commissioners award of September 1866 for Steep. I have allotted a letter for each charity in this analysis. It shows that these charities operated in the same way that Steep Parish Council had operated over decades. Having read the minutes lodged by Steep Parish Council with the Hampshire Record Office, I found little or no mention of the persons requesting an allotment being required to show that they poor or within the description of “labouring poor”. After the abolition of this restriction by the Land Settlement

(Facilities) Act 1919, there was similarly no mention of an applicant having to show that he or she was poor. It is fair to say that for the period from the creation of the Church Road Allotments in April 1819 until the implementation of the Local Government Act 1894¹, even with villages such as Steep, the Overseer of the Poor and the Churchwarden would probably have known as to who in the Parish was poor and of the class “labouring poor”: and the work of those persons would have been carried on by the Parish Council. Nevertheless, it is of note that in the minutes so lodged at the Hampshire Record Office, there is no mention of a request of an applicant for an allotment being required to show poverty. It appears to be the case that such qualification was no longer necessary as the 1919 Act was applied - as is found with the allotment charities mentioned in the Table below.

The need for allotments to be available to those living within $\frac{3}{4}$ of a mile of their dwelling is shown by the location of Bowyers Common allotments (the Steep Marsh allotment which served the hamlet of Steep Marsh); and of the Church Road allotments (which served the hamlet of Steep Common – the name used in the 1841 census and 1851 census); and the allotments which served the hamlet of Steep Stroud (now called Ridge Common Lane allotments). This notion was the reason for the entry in the Council minutes of the 16 August 1925 which reads:

“Bowyers Allotments. No 2 allotment had been given up by Mr Bowell. Mr G Canneaux of Steep made application for this plot. This, however, was not granted, as the Council was of opinion that Bowyers Allotments should be reserved by people living at that end of the Parish, if possible.”

The Parish of Steep is wider than the width of Petersfield with Steep Marsh at one end having its own allotment and Steep Stroud at the other having its own allotment. Steep Common lies between these two extremes and it too has its own allotment at Church Road. All the three allotments were within walking distance of the centre of habitation of each of them.

In another minute the clerk reported that “he had received two applications for vacant allotments, one from Mr H W Lawrence of Catherington, who was shortly to take up residence in Steep, and another from Mr H Watts, of Sussex Road, Petersfield and it was resolved to let a plot of allotments to both applicants, but to point out to the latter applicant, that should the demand for allotments by parishioners exceed the number vacant that this tenancy would have to be terminated”. The Allotment Rent Ledger available at the Hampshire Record Office shows many examples of persons not resident in the Parish holding allotments at Church Road.

The letter dated 14 April 2010 shows that the Commission decided that a person resident in the Parish of Steep also had to show that he or she was poor and came within the description of “labouring poor”: and yet other charities (also registered with the Charity Commission) operated on the basis that the only qualification needed for a least of an allotment was that of residency within the Parish: in some cases, this qualification was not insisted upon.

The Table below the responses of those who manage the allotments in question: those responses show that those charities operated the same restriction as to whom could have an allotment, none of which required applicants to show poverty: this shows that these Charities performed in the same way as Steep Parish Council did for decades.

¹ The First meeting of the Steep Parish Council was held at Steep School on the 4 December 1894 at which “Mr Jas Chalcroft Overseer opened the meeting by inviting nominations for Chairman”.

Email	Charity		Have to be poor	Waiting list	Have to be resident
	A	The Council considers the allotments to be a community amenity and aims to ensure that they are run in such a way that they are accessible to any resident of XXX parish, so there is no further requirements needed.	No	Yes	Yes
	B				
	C	Hi Ian - had to laugh. No, you do not need to be poor to have one of our allotments! We are totally open to all races, creeds and ages with no discrimination on income levels	No	Yes	No
	D	... no, you do not need to be resident in the parish	No mention of this requirement	Yes	No
	E	You only have to provide a residential address within our parish to qualify for an allotment.	No	Yes	Yes
	F	No, in response to your email you do not have to be poor in	No		

		order to have an allotment at the XXX Allotments			
	G	... you do need to be a resident before you can be considered for a plot. Allotments are allocated to applicants when available, based upon them residing within the Parish.	No mention of this requirement	Yes	Yes
	H	I don't think that you have to prove your status in order to get an allotment here	No mention of this requirement	Yes	Yes
	I	You have to be resident in XXX and you do not have to show that you are poor. ²	No		Yes
	J	Q: Do I have to show that I am poor and come within the definition of labouring poor? A: No this isn't a requirement!	No		
	K	Whilst it is preferred if allotment holders live within the parish it is not a strict requirement nor do you need to demonstrate that you are poor.	No		Residency within Parish is preferred but is not insisted upon

² Per telephone conversation with the daughter of the Parish Clerk (who was ill) at 10.47 on 16 July 2021.

	L	Q: "Do those who request allotments have to show that they come within the description of the "labouring poor"? A: Nope	No	Yes	
	M	Allotment for Labouring Poor is a registered charity and when it was set up it was and still is, restricted to providing allotments to persons living in XXX Parish only. That is the only qualification.	No		Yes
	N	You are right that residents of the parish naturally have priority over tenancy of the allotments. There is no other qualification - just to keep the allotment cultivated and to follow the rules.	No		Residents of the Parish have priority over others
	O				
	P				
	Q	There is no requirement for you to provide proof of anything to have one of our allotments.	No		No
	R	All we need from you in order to be	No	Yes	Yes

		placed on our allotment waiting list is confirmation that you are a resident of XXX and the following information.			
	S	... both of the Parish allotments are for residents of the Parish. In the past we have permitted non-parishioners to take on plots when they weren't in short supply. Now that they are so popular we cannot do this.	No mention of this requirement	Yes	Yes
	T	... the Allotments were still governed by the Inclosure Commissioners award of 1890's. The only qualification was to be a resident in the Parish. There was no requirement to show that you were poor. Persons of all incomes had applied and obtained allotments.	No ³		Yes
	U		No ⁴		
	V				

³ As per the conversation on 3 May 2012 with the Clerk to XXX Parish Council and on the same day with the XXX Allotments Association by Mr XXX.

⁴ As per a conversation with the Parish Clerk on XXX at 9.36am on 16 July 2021.

	W				
	X				
	Y				
	Z				
	AA				
	BB	As long as you are a resident of XXX or YYY and you would fancy a bit of digging then you are welcome to join us there are no special requirements.	No		Yes
	CC				
	DD	... did not give your address, this is required to confirm your eligibility to have one.			
	EE	Q. I see that these allotments are for the benefit of the "labouring poor". If a resident wishes to apply for an allotment, does that resident have to show poverty in order to come within the description of "labouring Poor"? A: No they were set up as that when the	No		

		land was gifted to the parish council in 1890 some time.			
	FF	There is no requirement for you to provide proof of anything to have one of our allotments.	No		
	GG				
	HH				
	II	You are supposed to live in the Parish, I think we've lost the requirement for anyone to be poor	No		

From a date not later than the 3 June 2010, Mr Robert Venables acted for and on behalf of the Steep Parish Council in and around the matter of the allotments in the Parish of Steep.

The published minutes of the Parish Council of 14 June 2010 show:

"The Chairman then welcomed Robert Venables to the meeting, he had been working closely with her and Jenny Hollington [Clerk of the Parish Council] and had provided advice on this matter.

The minutes of the Trustee meeting for the land held in trust by the Steep Parish Council on 2 September 2010, at Steep Village Hall, show:

"A question arose as to whether the land should be kept for allotments? Robert Venables explained that the word "allotment" in this context was used as in "an allotment of shares" or "that which is allotted". He added that many of the other plots of land distributed by the Enclosure award were listed as "allotments".

It was pointed out that precedent has been set for a Charity, originally set up to benefit the Labouring Poor, being changed to benefit the local community – an example of such being the allotments at Lavant – and it was queried whether the wishes of the local community should be taken into account in this instance? Robert Venables stressed that the duties of the Trustees were to act at all times in furtherance of their trusts, which were for the relief of the poor and not the advancement of the interests of the residents".

The allotment garden at Mid Lavant is numbered 335 on The Return of all Inclosure since the Inclosure Act 1845 published by the House of Commons on 1 July 1870; that at East Lavant is

numbered 330 on the same document. Accordingly, the wording of the two Lavant allotments are the same as those governing the Steep Allotments.

A search of the Charity Commission website for the Lavant allotments (Charity No 256695) shows the entry for the "Governing Document":

"ANCIENT ORIGIN ...

Charitable objects ALLOTMENTS FOR THE LABOURING POOR OF THE PARISH OF LAVANT. ...

Area of benefit The area the charity can operate in, as set out in its governing document PARISH OF LAVANT

ALLOTMENT GARDENS – 256695".

The response by email dated 12 May 2021 to an enquiry of the Charity Commission asking for the governing document said this:

"RE: ALLOTMENT GARDENS : 256695

Thank you for your email requesting a governing document for the above charity.

Unfortunately, we do not hold any governing document for this charity on our system".

From this, I deduce that in regard to the Charity numbered 256695, there has been no change of the original scheme as set out by the award made under the Inclosure Act 1845 of the allotments gardens at Lavant: there is only one entry with the name "Lavant" in the Charity Commission website with the search words "allotment".