



THORPE ST ANDREW TOWN COUNCIL

Allotment Rules

Draft 2022

Definition of Terms

The Council means Thorpe St Andrew Town Council including any committee of the Council or any Officer appointed by the Council under the Allotments Act 1908 –1950.

Allotment Officer means the duly authorised employee of the Council whose role it is to manage or undertake work on the allotment sites on behalf of the Council.

Rules means the rules defined within this document which replaces any previous versions.

Allotment Plot means the area of land used primarily for the cultivation of fruit and vegetables which is let to the tenant.

Tenant means a person who holds a tenancy of an allotment plot.

Tenancy means the act of letting an allotment plot to an individual in exchange for rent.

Site means the entire area of land owned or leased by the Council comprising allotment plots, roadways and buildings.

Tenancy Agreement means the document in the form approved by the Council, confirming the letting of an allotment plot to a Tenant.

Rent means the annual rent payable for the Tenancy of an allotment plot and all amenities including water (which is a variable charge) provided with it.

1. Application

- 1.1. These rules are made in accordance with Section 28 of the Small Holdings and Allotments Act 1908 and apply to all allotment plots including any let before these rules came into force.
- 1.2. Rules come into force on the date on which they are sealed and replace any version which came before. It is therefore advised that any Tenant or person who wishes to apply for tenancy familiarise themselves with the latest version available from the Town Hall or Town Council website.
- 1.3. Tenants must comply with all directions given by any appointed officer of the Council in relation to the discharge of these rules.

2. Tenancies and Vacant Allotments

- 2.1. All Tenants must complete and sign a Tenancy Agreement prior to undertaking any activity on the plot.
- 2.2. Each plot will be in the name of one tenant only. Joint or shared tenancies are not permitted.
- 2.3. Groups or organisations must submit a pre-tenancy application for approval by the Council. Such tenancies will be in the name of one person known as the Principal Tenant.
- 2.4. Vacant allotment plots must be offered by the Council to applicants on the waiting list for that site, except where the plot falls vacant due to the death of a tenant. In such circumstances, any member of the tenant's immediate family may be offered the plot first. If more than one family member wishes to take over the tenancy, the Council will select the individual based upon their ability to maintain upkeep of the plot.
- 2.5. The tenancy year commences on 1 October and ends on 30

September.

3. Assignment

- 3.1. Tenancy of an allotment plot represents an agreement between the Council and the named tenant. Tenants are not legally empowered to assign, sub-let or part with possession of all or part of their allotment plot. If a tenant wishes to terminate their tenancy, they should refer to section 15 of these rules.

4. Rent

- 4.1. Rent is due at the commencement of the tenancy and annually on 1 October thereafter (unless otherwise stated in the Tenancy Agreement).
- 4.2. Rent may be increased at any time provided the Council takes reasonable steps to give all tenants 12 months-notice in writing. An accidental failure to give notice to an individual tenant will not invalidate that tenant's rent increase.

5. Cultivation and use of allotment plots

- 5.1. The Allotments Act 1922, prevents any "trade or business" being conducted on the allotment plot or any part thereof and must by definition, "be wholly or mainly cultivated for the production of vegetable or fruit crops for consumption by the occupier or their family".
- 5.2. Allotment plots must be kept clean, as free from weeds as possible, and in a good state of cultivation and fertility.
- 5.3. Where a tenant fails to maintain a good standard of cultivation, the Council will serve a warning letter giving a specific period of time for improvement. Failure to improve the Plot may lead to termination of the Tenancy following a notice

issued by the Council.

- 5.4. If the plot is left in a poor state of cultivation or requires the removal of materials, property or rubbish, then the vacating tenant may be required to re-imburse the Council for reasonable costs.
- 5.5. Allotment plots must not be used to grow any crops for which compensation may be payable at the end of the Tenancy.
- 5.6. Tenants must not cut or prune any trees adjoining their allotment plot but should undertake regular, routine pruning of their own trees and hedges.
- 5.7. A maximum of 6 dwarf fruit trees are allowed per plot, which must be kept in good condition. No other trees may be planted.
- 5.8. Tenants must leave a minimum gap of 2' (0.6m) between the rear of their plot and any adjoining boundary fence to allow access for maintenance.
- 5.9. Tenants are not to cause damage to other tenants' property or crops, nor to the infrastructure of the site e.g. roadways, paths, fences, gates etc.
- 5.10. The tenant must not deposit any matter in the hedges, ditches or water course situated within the site. The tenant is expected to compost all waste plant material except for pernicious weeds (e.g. Japanese Knotweed, plants infected with fungal disease such as Club Root, Downey Mildew or White Rot) which should be burnt, when dry during permitted periods (Rule 6.3), or taken to an approved disposal facility.

6. Hoses, Bonfires and Other Restrictions

- 6.1. Hoses or sprinklers are not allowed. In filling a container tenants must have consideration for others who wish to use water. Hosepipes or siphoning devices are not to be used to

remove water from any water trough, except with written permission from the Town Council. Tenants must take every precaution to prevent contamination of water supplies. Water may only be extracted from a water course with the approval of the Council and subject to the appropriate licence.

- 6.2. Where 1200l water containers are used, they can only be used for water harvesting, and must not be filled via hosepipes except with written permission from the Town Council.
- 6.3. Bonfires are only permitted during the months of March and November for the burning of diseased plant material. Fires must not be allowed to cause a nuisance to neighboring residents and under no circumstances should be left unattended. Where local circumstances necessitate, bonfires may not be permitted at any time.
- 6.4. Tenants must not:
 - bring or use corrugated or sheeted iron (or similar metal objects) or barbed wire (or similar material) on the allotment plot.
 - use any carpet and underlay on the site.
 - deposit rubbish refuse or decaying matter (except for a reasonable amount of manure or compost required for cultivation) on the allotment plot or instruct anyone else to do so.
 - Remove any mineral, gravel, sand, earth or clay from the site unless they have written permission to do so from the Council.
 - cause or allow any nuisance or annoyance to the Tenant of any other allotment plot (see also Rules 14.1 – 14.4)
 - use the allotment for any illegal or immoral purpose and must observe all relevant legislation or Codes of Practice

relating to activities they carry out on the allotment.

- park a vehicle anywhere on the site other than within defined parking areas. Loading and unloading vehicles is allowed, but vehicles must be returned to the main parking areas as quickly as possible. No vehicle, trailer, caravan or similar equipment is to be left on the site overnight.
- bring or use any weapons (e.g. air rifles) on to the site.
- access any other plot than their own unless invited to do so by the tenant of that plot

6.5. Tenants must ensure that:

- any manure on the site that has not been dug in or spread on to the allotment plot is covered.
- tools and other personal equipment are kept safe and secure when not in use. The Council accepts no responsibility for the loss of or damage to such items nor does the Council accept any responsibility for any injury caused by such items.
- where the Council's title to a site requires certain conditions to be observed, that these are followed.
- when using any sprays or fertilizers,
 - take all reasonable care to ensure that adjoining hedges, trees and crops are not adversely affected, and must make good or replant as necessary should any damage occur, and
 - so far as possible select and use chemicals, whether for spraying, seed dressing or for any other purpose whatsoever, that will cause the least harm to members of the public, game birds and other wildlife, and

- comply at all times with current regulations as notified by the Council.
- 6.6. No toxic or hazardous substances or contaminated waste or tyres should be stored or brought onto the site.
- 6.7. Any pesticides must comply with current legislation regarding their use and storage. The storing of materials other than for direct and prompt use on the Plot is prohibited. All such materials must be stored in a safe manner and must not be allowed to become a hazard or nuisance to others.

7. Dogs, Animals and Bees

- 7.1. Any dog (including Guide Dogs) brought onto the Site must be kept on a lead at all times.
- 7.2. Animals or livestock (except hens or rabbits) must not be kept on allotment plots. Cockerels are not permitted.
- 7.3. Hens or rabbits must not be kept in such a place or in such a manner as to be prejudicial to health or a nuisance. Tenants must obtain prior permission from the Council and must comply with any husbandry conditions laid down by (and obtainable from) the Council. A current contact phone number must be displayed on the plot.
- 7.4. Any part of the allotment plot used for keeping hens or rabbits must be securely and adequately fenced to the satisfaction of the Council.
- 7.5. Beehives are not allowed on the allotment plot except with the prior agreement of the appropriate Officer of the Council. Tenants must have valid insurance cover preferably through membership or affiliation of the British Bee Keeping Association. A copy must be filed with the Council. Any recommendations made by an appropriate Council Officer must be implemented by the tenant.

8. Non-tenants and Children (under 16)

- 8.1. Only the tenant, or a person authorised or accompanied by the tenant is allowed on the site. Access is not permitted to any plot(s) other than that let to the tenant.
- 8.2. The Council may order any person wrongly allowed onto the site in breach of these rules to leave immediately.
- 8.3. The Council may take action for breach of their Tenancy Agreement against any tenant who the Council reasonably believes was responsible for allowing an unauthorised person to be on the site.
- 8.4. Tenants are responsible for the safety and conduct of any visitors that they allow onto the site.
- 8.5. Children (under age 16) must be supervised at all times by the tenant and / or a responsible adult.

9. Paths

- 9.1. Paths provided by tenants must be within the boundaries of their own allotment plot and kept reasonably free from weeds.
- 9.2. Paths between two allotment plots must be a minimum of 600mm (2') in width where possible and must be kept reasonably free from weeds up to the nearest half width by each adjoining tenant.
- 9.3. Paths must be kept clear of obstructions at all times except for paths provided by tenants only for use on their own allotment plot.
- 9.4. The tenant must not leave any tools or other equipment unattended on common pathways or other such areas of the site nor in any other way that may cause accident or injury and must ensure that such tools and other equipment are used carefully and with due regard to the safety of others.

10. Sheds, Buildings and Structures

- 10.1. No buildings, walls or permanent structures may be put up on the allotment plot by tenants. Sheds, greenhouses or polytunnels must comply with the Council's specifications and conditions and any planning conditions. No more than 25% of the plot should be assigned for structures.
- 10.2. Any shed, greenhouse or polytunnel erected on the allotment plot must be maintained in a good state of repair and condition to the satisfaction of the Council and if the Council is not satisfied with the state of repair it may order the tenant to remove the structure. Glass greenhouses are not permitted.
- 10.3. A tenant may only have one shed and either a greenhouse or polytunnel. The maximum dimensions of a shed (or greenhouse) are 8' x 6' and a height of 8'6" (2.6m). Sheds and greenhouses may be erected without the need for prior consent from the Council. Such structures must have guttering connected to a water container (e.g. butt, barrel).
- 10.4. In the absence of any other suitable structure, a lean to structure not exceeding 8' x 6' may be erected to harvest rainwater.
- 10.5. A polytunnel may not be erected without the prior permission of the Council.
- 10.6. Structures should be sited at the rear of the plot or as directed by the Council. No permanent footings or bases may be constructed.
- 10.7. Tenants may not plant hedges or erect fencing or other barriers on or around their plot. Tenants whose allotment plot contains, or is bounded by, an existing hedge, fence or gate permitted by the Council are responsible for maintenance. Ditches within the boundary of the allotment plot must be properly cleared and maintained

- 10.8. Temporary structures and compost containers must be kept in a good and safe condition.
- 10.9. No toxic or hazardous materials or contaminated waste or tyres should be stored or brought onto the Site. Any pesticides must comply with current legislation regarding their use and storage. The storing of materials other than for direct and prompt use on the plot is prohibited. All such materials must be stored in a safe manner and must not be allowed to become a hazard or nuisance to others.
- 10.10. No fixed play equipment may be installed anywhere on a plot or on the site.
- 10.11. From 1 July 2007 smoking is not permitted in any communal building on the site.
- 10.12. The sale of alcohol is not permitted in any Council building or allotment site unless it is licensed for such use.

11. Notice Board and Advertisements

- 11.1. All Tenants must clearly display the number of the allotment plot and maintain it in good condition.
- 11.2. Only notices issued or approved by the Council may be posted on the site. Tenants may not display any personal or commercial advertising.

12. Inspection

- 12.1. The allotment plot (and any structure on it) may be entered and inspected by an appropriate Officer of the Council, including members of the Council's Allotment Committee, at any time, and therefore plots must be accessible.

13. Disputes

- 13.1. Any disputes are to be referred to the Council.
- 13.2. All disputes are subject to right of appeal with the Council. They will be dealt with in accordance with the Council Complaint Procedure. The decision of the Council will be made in writing and will be binding on all the Tenants involved in the dispute.

14. Hate Crime

- 14.1. Thorpe St Andrew Town Council has a commitment to eliminating unlawful or unfair discrimination and to achieving an environment free from harassment for both tenants of our allotment plots and members of staff.
- 14.2. All tenants and members of staff should be aware of the Council's Equality Policy and Complaints Policy (see Town Council website or contact the Town Hall for information) which provide direction on what is and what is not acceptable behaviour.
- 14.3. A hate incident/crime is any incident or crime that is motivated by hostility, prejudice or hate on the grounds of race, religion, sexual orientation, disability or transgender identity. Tenants may also wish to familiarise themselves with Stop Hate in Norfolk [Stop Hate in Norfolk \(SHiN\) | Norfolk Constabulary](#), which aims to create a common standard for tackling hate crime across the county. Any tenant who has experienced hate crime should contact the Police in the first instance using the link above.

15. Termination

- 15.1. The Council may terminate Allotment Garden Tenancies in any of the following ways:
 - twelve months written Notice to Quit expiring at any time

between 29 September to 6 April inclusive;

- or three months written Notice to Quit:
 - if the Council requires the allotment plot for building, mining or any other industrial purpose, or for roads or sewers necessary in connection with building, mining or an industrial purpose; or
 - where the Council acquired the allotment plot for a purpose other than letting as allotments or has appropriated them to another purpose, or
- one months written Notice To Quit if:
 - Rent is in arrears for 40 days or more (whether formally demanded or not); or
 - the Tenant is in breach of these rules, or
 - the Tenant has become bankrupt or compounded with his or her creditors, or
- automatically on 30 September following the death of the Tenant.

15.2. Tenants may terminate allotment plot tenancies by giving the Council one month's written notice.

15.3. To yield up the allotment plot at the termination of the tenancy in such a condition that complies with these Allotment Rules and the Council may dispose of any building structure or other item(s) left by the Tenant on the allotment plot after 28 days from the date of termination.

16. Change of Address and Notices

16.1. Tenants must immediately inform the Council in writing of changes of address.

16.2. Notices to be served by the Council on the Tenant may be:

- Left on the allotment plot, or
 - Sent to the Tenant's address in the Tenancy Agreement (or notified to the Council under these rules) by post, registered letter, recorded delivery or hand delivered, or
 - Served on the Tenant personally.
- 16.3. Notices served under sub-paragraph 2 above will be treated as properly served even if not received.
- 16.4. Notices to be given to the Council should be sent to the Town Hall, Pound Lane, Thorpe St Andrew, NR7 0UL or such other address as the Council notifies in writing to the Tenant.

17. Interpretation and Repeal

- 17.1. The headings of these rules are not to affect their interpretation.
- 17.2. The Allotment Rules made in September 2013 (as amended) are repealed.
- 17.3. The Common Seal of
- 17.4. Thorpe St Andrew Town Council
- 17.5. was hereunto affixed to these Allotment Rules in 2022

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