

Allotment Rules and Regulations – Axminster Town Council

October 2022

1) Assignment and Sub-letting

- 1.1 All tenants must reside or work in the Axminster parish.
- 1.2 The Tenancy of an allotment is personal to the tenant(s) named on the agreement.
- 1.3 The tenant may not assign or sublet all or part of their allotment or structures thereon.
- 1.4 The tenant may share the use of the allotment and or structures by prior agreement and consent of the Town Council.
- 1.5 The tenant or their visitors may not enter onto or cross another allotment without the express permission of the tenant of that allotment or (in the case of a vacant allotment plot) the prior agreement of the Town Council.
- 1.6 Allotments will be allocated only to those persons who have previously registered their interest with the Town Council and whose names are recorded on the waiting list held by the Town Council for this purpose. No allotment holder may claim any vacant plot, nor offer it to another, without the Council's prior written agreement.

2) Rent

- 2.1 Rent for each plot shall be paid to the Council immediately upon taking up occupation of a plot. The standard allotment tenancy year is 1st October to 30th September.
- 2.2 The annual allotment fee will be advised by email/letter and will be sent out in October for payment due on or before the 1st December. If a demand is sent to tenants after the start of the tenancy year, the fee requested will cover the full tenancy period of one calendar year.
- 2.3 Any tenant who has not paid their rent by 1st December will receive a reminder followed by a 7-day termination notice if no payment or response is received.
- 2.4 Rental free increases (if applicable) for the following year will be identified in the annual newsletter or by way of a separate communication from the Council to tenants.
- 2.5 Rent, once received, are not refundable. If a plot is surrendered after payment of the annual rental fee, no refund of that fee (either in full or pro-rata) will be made.
- 2.6 Any new tenancies issued by the Council will require the payment of an Allotment Holding deposit of £100 to be held by the Council against any future costs being incurred. This deposit will be returned to the plot-holder upon termination of their tenancy once a formal inspection of the plot has been undertaken to the Council's satisfaction.
- 2.7 All new tenancies will be subject to an initial 12-month "probationary period" during which time the allotment tenant and an employee/member of the Council will meet periodically to assess use of the plot in accordance with these regulations and to ensure compliance and adherence.

3) Cultivation, maintenance and weed control

- 3.1 New tenants must commence cultivation within one month of taking on the tenancy.
- 3.2 The allotment plot is let on the condition that it is maintained in a state of proper cultivation for vegetables, fruit and flowers.
- 3.3 Only dwarf, cordon and espalier fruit trees may be grown and these must be kept to a maximum height of eight feet.
- 3.4 The cultivation of large, invasive or illegal plants is prohibited. Any such plants which are observed to be growing on the allotment site must be reported to the Town Council without delay.
- 3.5 It is the tenant's responsibility to keep their allotment plot free of seeding weeds that may cause a nuisance to neighbours; failure to do so will result in a warning letter and, if no action is taken by the tenant within a reasonable period, possible eviction.
- 3.6 Any areas of the tenanted allotment plot not in use for cultivation must be kept in good order.
- 3.7 Tenants are responsible for the safety and maintenance of any hedge or fence on their allotment.
- 3.8 No unlawful or illegal crops, plants or produce must be cultivated on the allotment site.

4) Structures Paths and signage

- 4.1 All structures should be temporary and no concrete bases or tyres to be used. They must be secure and maintained in safe condition. (dry laid slabs are permitted). Any broken glazing must be removed from site at tenant's expense and replaced as soon as the breakage becomes evident.
- 4.2 Applications for consent to erect sheds (maximum footprint 8ft x 6ft), greenhouses or polytunnels (maximum footprint 12ft x 8ft) must be made in writing to the Town Council prior to the erection or installation of the structure or any base intended to support the same.
- 4.3 The Town Council accepts no responsibility for structures left on the allotment at the termination of the tenancy and these should be removed within 28 days of the end of the tenancy if no prior agreement with the incoming tenant or the Town Council has been negotiated or agreed upon.
- 4.4 All paths between allotments must be maintained at a minimum of 2ft wide and be cut to the nearest half width by each adjoining tenant.
- 4.5 Principal paths must not be obstructed or parked on by vehicles.
- 4.6 All plots must be clearly marked with the plot number. The Town Council will provide such a marker as an amenity for site users and such markers must not be removed or replaced or re-located without the Council's prior agreement.
- 4.7 Any tenant whose plot adjoins the brook or drainage ditches must ensure that they are kept clear of debris from their allotment.

4.8 Any structure or item within an allotment plot that falls into disrepair must be repaired or removed at the plot-holders expense; if the plot-holder fails to comply with this condition, then the Council may undertake such works and re-bill the plot-holder for any costs incurred.

4.9 Barbed (or razor) wire must not be used on the site.

5) Water supply

5.1 The Town Council provides mains water to the allotment plots via series of taps. Presently, no additional charge is levied for the supply of water to the allotment sites.

5.2 Wherever possible the council encourages the use of water butts. Where hosepipes must be used this should be kept to a minimum. The hosepipe should be in a sound condition and not connected to any part of a sprinkler or irrigation system. Do not leave hosepipes out along the tracks. The Town Council will not be responsible for any hosepipes damaged whilst grass cutting.

5.3 The water is turned off 1st October and 30th March annually.

6) Bonfires

6.1 See Appendix one (attached)

7) Allotment use and Storage and Waste

7.1 Tenants must use their allotment and any structures on it for their own personal use and must not carry out any business thereupon nor sell produce from it within the site boundary.

7.2 Only materials and equipment for use on the allotment plot may be stored there. Tenants are not permitted to use the allotment plot/site as a storage area for external equipment, materials, waste or vehicles.

7.3 Waste material from off-site gardens, homes or building sites including green waste may not be brought onto the allotment site for storage or composting.

7.4 No flammable, corrosive, noxious (or otherwise hazardous) chemicals or materials may be brought onto the allotment site, nor stored thereon. The only exception to this regulation is a limited quantity of petrol in a clearly marked container for use with power tools which require such liquid as a fuel source. No more than 5L of petrol may be brought onto the site (and stored) at any one time.

7.5 Carpet (or underlay) must not be used as a weed suppressor or used on the allotment in any way.

7.6 Compostable material originating from the allotment must be stored in a composter or purpose-built enclosure. No food-waste (or green-waste) may be brought onto the allotment site for composting as this attracts vermin.

7.7 Although not prohibited, the use of chemicals containing glyphosates and neonicotinoids is actively discouraged. The Garden Organic Association provides helpful information regarding organic alternatives to these products. Please show respect and consideration for other users who may wish to grow organic produce.

7.8 The use of concrete for shed bases, glass houses or for paving is not permitted. Dry laid slabs are permitted.

7.9 Tenants must not cut or prune and timber or trees on the communal areas of the site and must not take away, sell or dispose of any minerals, sand, gravel or clay from the site.

8) Dogs

8.1 Dogs are permitted on the site but must be kept on a lead or otherwise restrained at all times.

9) Livestock and Bees

9.1 Tenants may keep chickens on their allotments providing written permission has first been obtained from the Town Council. The keeping of chickens is subject to separate additional rules. Cockerels are not permitted.

9.2 Any requests for the keeping of other animals (such as [but not limited to] rabbits, pigs, birds, bees etc) must be made to the Town Council prior to their purchase to ensure that correct and adequate animal welfare provision can be considered.

10) Wildlife and biodiversity

10.1 The Town Council encourages biodiversity across their sites and remind tenants that any animals such as foxes, badgers and slow worms are protected. The intentional harm or destruction of habitat of protected species is not permitted and will be taken seriously.

Small areas on plots can be used to promote wildlife and will not be considered neglect.

11) Conduct on the site

11.1 Tenants shall not do anything to cause nuisance, annoyance or obstruction to other allotment holders.

11.2 It is not permitted to make prolonged excessive noise which disturbs others. This includes excessive and prolonged use of power tools and garden equipment. Radio/music players are permitted for recreational enjoyment but we respectfully ask tenants to be mindful of their neighbours and to keep the volume at a level that it does not disturb or cause nuisance to others.

11.3 Fly tipping waste (including garden waste) from your plot into other communal areas such as verges, banks and vacant plots is not permitted. Any breach of this condition will result in a first warning letter and, if the behaviour is repeated, an eviction notice.

11.4 Members are expected to drive carefully and slowly and park responsibly.

11.5 The removal of any items from another's plot without consent is theft and will not be tolerated under any circumstances. Where theft is proved, the tenant responsible will have their tenancy terminated without notice and prosecution may be considered.

11.6 The consumption of alcohol and/or recreational drugs on the allotments site is not permitted.

11.7 The use of sheds, greenhouses and polytunnels on the site is for the cultivation of produce and for the storage of materials, tools and equipment commensurate with that activity. No such structure shall be used for any other purpose. No overnight sleeping on the site is permitted nor shall any such structure be used for habitation.

11.8 The Council reserves the right to withdraw permission to rent a plot for misuse, non-payment of fees, or disregarding any of the regulations contained herein, including where a tenant's behaviour is deemed by the Town Council to be unreasonable, unacceptable or abusive (this also includes the persistent use of language that others find offensive, obscene and upsetting, or misbehaviour involving physical violence).

12) Right of entry and inspection

12.1 Any officer or councillor (representing the Town Council) shall be entitled at any time to enter, re-measure any allotment plot and inspect the allotment site without prior notice.

13) Termination

13.1 A tenant will be given one month's (31 days) written notice to quit if:-

- The rent is in arrears for 60 days after the start of a tenancy or after receipt of an annual rent notice.
- The tenant is in breach of any of these regulations and conditions (following the issue of a "breach" warning letter; other than in respect of 11.5.
- The tenant no longer resides or works in the Axminster parish (the tenancy may be completed up until the end of the agreed tenancy period).

13.2 On the death of a tenant, a relative or friend may take on the allotment with the prior written permission of the Town Council.

13.3 Any costs incurred by the Town Council in respect of the condition of the allotment at the termination of tenancy will be recharged to the outgoing tenant. (s4 Allotments Act 1950).

13.4 If a tenant wishes to terminate their tenancy, 3 months' notice in writing is required. This may be lessened if there is a waiting list for plots at the discretion and agreement of the Town Council.

14) Liability

14.1 The Town Council does not accept responsibility for any loss or damage to tenant's property, implements, tools, goods, materials or crops on or around the allotment site however such loss or damage was incurred.

14.2 The Town Council strongly recommends that each allotment tenant joins an allotment association in order to obtain Public Liability Insurance cover for their plot and the activities thereupon.

14.3 In the case of any injury, accident or incident on the site being sustained/arising, the plot-holder involved must notify the Town Council within 48 hours.

15) Compensation

15.1 The tenant shall, on determination of the tenancy, be entitled to compensation only in the event that, *and to the extent of*, Section 2 sub-section 2 and 3 of the Allotments Act 1922 (as extended by the Allotments Act 1950) shall be applicable to that particular tenancy, but not further or otherwise.

The Town Council reserves the right to amend the wording of these Allotment Regulations from time to time and the Regulations are subject to annual review by the Town Council's Operations Committee.

If you have any concerns about activities or management of this allotment site, please contact the Clerk to the Town Council:

Paul Hayward - Tel: 01297 32088

clerk@axminstertowncouncil.gov.uk

The Guildhall
West Street
Axminster
EX13 5NX

These regulations were amended by resolution of the meeting of the Town Council's Operations Committee held 27/09/2022, minute reference OC22/180i) and ratified by a meeting of the FULL Town Council held on 10th October 2022.

Appendix One

Bonfires

Bonfires will be permitted from the **1st October to the 30th April only**. No bonfires are permitted in the summer period, 1st May to 30th September.

The Do's and Don'ts of Bonfires: How to have a bonfire without causing a nuisance

Bonfires are not the best disposal method for waste and having a bonfire should be a last resort. If you have ruled out all other disposal methods and the only way is to have a bonfire, please consider the following:

Please do:

- Inform your neighbours beforehand.
- Burn only during the day.
- Locate the bonfire as far away from your neighbour(s) as possible.
- Have a small fire – it must be controllable and hot enough to burn with minimal smoke.
- Consider the weather – ideally no wind or a light breeze, blowing away from nearby houses. Monitor changes in the wind/smoke direction.
- Only burn suitable materials – Materials must be dry – this will burn quickly and give off minimal smoke and smell. You may be able to burn dry garden waste, clean wood, paper or card.
- Supervise the burning of waste – do not leave a bonfire unattended.
- Have water available to extinguish the fire quickly if necessary.

Please don't:

- Have too many bonfires – neighbours are more likely to complain if you often have bonfires.
- Burn the following: Household rubbish, rubber, oil, green garden waste, animal bedding, plastic, tyres, foam, or paint – these can produce potentially toxic dark smoke which is unacceptable and might be an offence.
- Leave a fire unattended or leave it to smoulder – douse it with water if necessary and make sure it is out and will not continue to smoke once left.
- Use an accelerant to light a fire – oil, petrol or methylated spirits could cause harm to yourself and the environment.
- Burn furniture – it is likely to emit significant dark smoke and toxic pollutants.
- Burn during foggy conditions – the smoke will not be able to disperse.

General Advice

- We receive many enquiries about bonfires, both from people affected by them and from people wanting to do the right thing.
- Bonfire smoke can be very irritating and it may cause temporary local air pollution issues and also cause a nuisance to those washing clothes/sheets and enjoying their garden.
- Some people can be sensitive to smoke on health grounds and we therefore discourage any burning that may cause smoke drifting onto properties nearby.
- There are no laws prohibiting bonfires altogether, or specifying times when you can burn, but there are laws which might apply if the smoke causes a nuisance.

- There are specific regulations which apply to waste generated as a result of a commercial activity, or waste that will cause dark or black smoke. None of these materials can be disposed of by burning.
- If you need to report an incident relating to the burning of commercial or agricultural waste, please contact the Environment Agency directly not the Town Council.
- Anyone lighting a fire and allowing smoke to drift across a road faces a fine up to £2000; concerns about highway safety should be reported to the police.