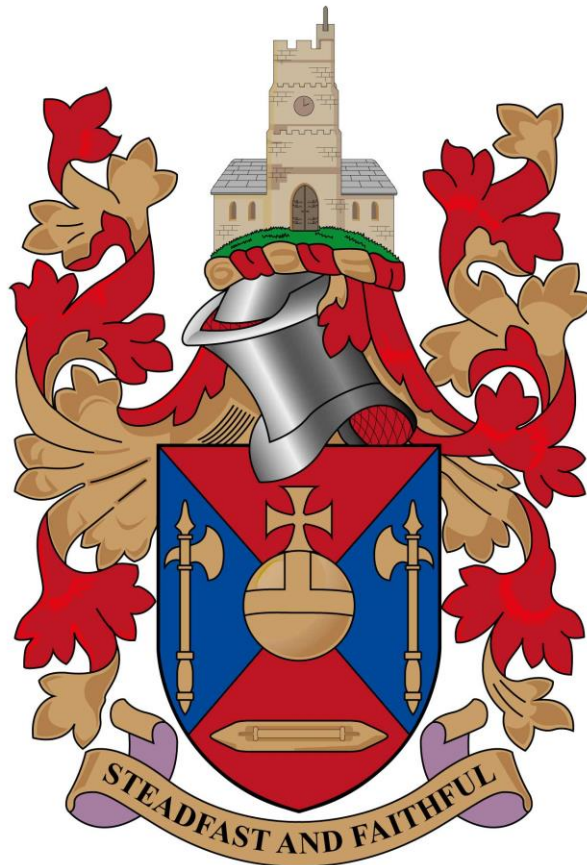


AXMINSTER TOWN COUNCIL



ALLOTMENT RULES & REGULATIONS

Revised August 2024 and approved by
OPSComm on 5th August 2024

Allotment Rules and Regulations – Axminster Town Council

August 2024

1) Assignment and Sub-letting

- 1.1 All tenants must reside or work within the Axminster parish when taking on an allotment tenancy. If the tenant subsequently moves/ceases working in the parish of Axminster, they must notify the Council immediately, but will be allowed to retain their plot until the end of the current allotment tenancy year if they so request (see 2.1).
- 1.2 The Tenancy of an allotment is personal to the tenant 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. Plots will be allocated solely at the Town Council's discretion.
- 1.7 A maximum of two allotment tenancies may be held by any one household. Priority for plots will go to new tenants who are officially registered on the Council's waiting list.

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 new tenancy is issued at any point prior to the annual renewal date, the fee charged will be calculated at pro-rata the standard rate payable (see 2.1).
- 2.3 Any tenant who has not paid their rent by 1st December will receive a non payment termination notice; however, a payment reminder will be sent seven days prior to this notice.
- 2.4 Rental fee 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 The tenancy rent, once received, is 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, including those for a second plot and for tenants who wish to move plots, will require the payment of an Allotment Holding deposit of £100 to be held by the Council against any future costs 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 condition will be assessed more regularly to ensure compliance and adherence with these regulations.

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 or forming the boundary edge of their allotment.
- 3.8 Additional tree, hedge and boundary maintenance may be undertaken by the Council following professional advice. If this additional maintenance will affect your plot, you will be notified by us prior to any work commencing.
- 3.9 If the Council undertakes site works, the tenant must remove any chattels from the affected area so that the works can proceed unimpeded.

4) Structures, paths and signage

- 4.1 All structures should be temporary, and no concrete bases or tyres should be used. They must be secure, maintained and kept in a safe condition. (dry laid slabs are permitted). Any broken glazing must be removed from site at tenant's expense as soon as the breakage becomes evident. Replacement of any glazing is at the discretion of the plot-holder.
- 4.2 Applications for consent to erect sheds or covered work areas/shelters (open on sides) [maximum footprint 8ft x 6ft] and 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. Structures should be removed by the last day of the tenancy if no prior agreement with the incoming tenant or the Town Council has been reached. If an agreement with the incoming tenant has been reached, the Town Council must be notified by the outgoing tenant. Failure to do so may result in the structure being removed by the Council without further notification or notice.

- 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. If you hold two plots that are side by side, the path between them must not be removed.
- 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 a marker as an amenity for site users. Markers installed by the Council must not be removed, replaced, or relocated 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.
- 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.
- 4.10 Fencing of any description is not allowed on or around any allotment plot. Access across your plot must not be impeded by any barrier; this is to enable allotment inspections and easy access for emergency services.

5) Water supply

- 5.1 The Town Council provides mains water to the allotment plots via series of taps and/or troughs. Presently, no additional charge is levied for the supply of mains water to the allotment sites. The Council reserves the right to levy a specific water charge for each plot in the future, subject to a prior period of consultation with allotment tenants and/or the Allotment Association.
- 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 paths. Return hosepipes to your plot when not in use. The Town Council will not be responsible for any hosepipes damaged whilst grass cutting.
- 5.3 The water is turned off 1st October and switched back on 30th March annually. Tenants are not permitted to interfere with the meter or stopcocks.

6) Bonfires

6.1 Bonfires are permitted between 1st October and 30th April. Please see Appendix one (attached) for full bonfire rules.

7) Allotment use, Storage and Waste

7.1 Tenants must use their allotment and any structures thereupon for their own personal use only. Tenants must not carry out any business 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 and food waste, may not be brought onto the allotment site for storage or composting as this attracts vermin. Feed for poultry/fowl must be kept in vermin-proof containers at all times.

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.

7.7 The use of weedkillers (non-systemic herbicides) containing glyphosates are actively discouraged although not specifically prohibited at the present time. 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 by using such chemicals as sparingly as possible and ensuring that the application does not impact upon other plot holders.

- 7.8 The use of pesticides (systemic insecticides) containing neonicotinoids (also known as neonics) are specifically prohibited at the present time due to their harmful effect on pollinating insects. The Garden Organic Association provides helpful information regarding organic alternatives to these products. Please show respect and consideration by not using such chemicals on the allotment sites. Failure to abide by this condition will result in a Breach of Condition Notice being issued by the Council.
- 7.9 The use of concrete bases for sheds/greenhouses or for paving is not permitted. Dry-laid slabs are permitted, as are timber bases.
- 7.10 Tenants must not cut or prune any 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. Please show consideration to other plot-holders by collecting your dog's waste and disposing of it appropriately.

9) Livestock and Bees

- 9.1 Tenants may keep chickens on their allotments providing written permission has first been obtained from the Town Council. An application form is available from the Councils' offices. The keeping of chickens is subject to additional rules. (See Appendix 2). Cockerels and other poultry 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. In order for the Council to grant permission to keep animals on a plot, the plot holder must prove that correct and adequate animal welfare standards will be met and maintained. The Council reserves the right to decline an application or rescind permission at any time at their discretion.

10) Wildlife and biodiversity

- 10.1 The Town Council encourages biodiversity across their sites and reminds tenants that any animals such as foxes, badgers and slow worms are protected. The intentional harm or destruction of habitat of protected species or nesting birds is not permitted and will be taken seriously.
- 10.2 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 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 annul the tenancy agreement for a plot as a result of 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).
- 11.9 It is prohibited to use barbeques (gas, portable, disposable or charcoal) on any of the allotment sites.

12) Right of entry and inspection

- 12.1 Any officer or Councillor (representing the Town Council) shall be entitled to enter any allotment plot for inspection, measurement and maintenance at any time without prior notice and without impediment.
- 12.2 Plots will be inspected at least three times per year, and more often depending on officer availability and site conditions. Plot holders who have concerns about the condition of another plot or believe a breach of the regulations has occurred should direct these to the Town Council Office, where they will be investigated as appropriate, or via your site Allotment Association representatives who will then contact the Council accordingly.
- 12.3 Axminster Town Council will send a warning notice if, upon inspection, the tenant's plot breaches any of the rules or regulations contained in this document. The notice will clearly state what action is required and the timescales permitted for remedial action. The tenant will initially be given 28 days to remedy their plot, or to contact the Council to explain the breach.
- We will subsequently carry out an interim inspection after 14 days have elapsed and a reminder notice will be sent if remedial work has not been completed or commenced.
- 12.4 Failure to respond to the first notice will result in a second notice being issued, allowing for a further 21 days to make good their plot or take the required action. If the tenant still fails to act the Council will issue a final eviction notice. (see 13.2)
- 12.5 If a tenant commences work after the second notice is issued but the plot then falls back into disrepair, the warning process will commence at the second notice level, giving the plot holder 21 days to complete the actions laid out in the notice. Failure to do this will result in a final eviction notice being sent out.
- 12.6 If you are unable to maintain your plot for whatever reason, please contact the Council as soon as possible so that we may discuss the options available to you.

13) Termination

13.1 An eviction notice may be issued for, but not limited to, the following reasons:

- 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 and 11.8 where necessary*).
- The tenant no longer resides or works in the Axminster parish (the tenant may retain their plot until the end of the agreed tenancy period but cannot renew it thereafter).

The Council reserves the right to evict a tenant for other reasons that it considers to be reasonable and appropriate. Any such evictions will be subject to consideration of the Operations Committee, and reasons will be clearly communicated to the plot holder.

13.2 A tenant who has been issued with an eviction notice will be given 31 calendar days to remove their belongings.

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

13.4 Any costs incurred by the Town Council due to the condition of the allotment at the termination of tenancy will be recovered from the outgoing tenant. (s4 Allotments Act 1950).

13.5 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.

13.6 Any person who has previously been served with a termination notice shall not be permitted to take on a new plot tenancy agreement until a period of 5 years has elapsed from the date of that termination notice.

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 termination 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.

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.

Appendix Two: Keeping Hens

The keeping of live animals on an allotment plot is a considerable commitment and should not be entered into lightly. The tenant must be available to visit the site daily in order to adequately provide for the animal's safety and welfare. A minimum of 2 hens will be permitted, the maximum amount will be determined by the size of the plot and enclosure. Allotment tenants may keep hens on their allotments but **not** cockerels, ducks, quail or any other poultry.

1) Permission and compliance

1. Any tenant wanting to keep hens on their allotment will be required to make a formal application to Axminster Town Council. Details of where on the plot the enclosure will sit, the size of enclosure and the number of hens will be required alongside contact information for yourself and a nominated person who can undertake the duties of caring for the animals if you are not available.
2. Tenants are liable for the animal's welfare and to also ensure that they do not cause a nuisance to other plot holders or local residents.
3. Axminster Town Council or representatives thereof have the right to inspect the hens at any time.
4. Any cost incurred in dealing with a justified complaint regarding the mistreatment animals will be passed to the tenant for payment.
5. Any found mistreatment will result in the immediate termination of the allotment holder's tenancy and the tenant will be reported to the relevant authorities.
6. Any failures to comply with the guidelines set out will result in permission for keeping chickens being revoked and could result in the allotment holder's tenancy being terminated.
7. All enclosures are to include a sign clearly stating the allotment plot number and the Axminster Town Council telephone number 01297 32088.
8. The Council accepts no responsibility for loss or damage to animals or enclosures.

2) Enclosure and housing

1. The enclosure should be of sufficient size to allow for the hens to express their natural behaviours.
2. Enclosures should be placed a minimum of 3 meters from any boundary that abuts residential properties to minimise any potential nuisance.
3. Enclosures should not take up more than half of an allotment plot (hen house and run combined)
4. The enclosure must allow for a fully enclosed hen house with sufficient space for each hen to have 3ft X 3ft of space and a run allowing for 4ft X 4ft of space per hen.
5. The hen house should be insulated with a weatherproof membrane to ensure that the interior of the hen house does not get damp.
6. The hen house and the run must be kept in a tidy, well-maintained state.
7. Hen houses must provide a safe enclosed space, be free from draughts (but with sufficient ventilation), perches for sleeping with at least 15cm of perch space per hen, protection from predators, nest boxes for laying eggs and clean dry bedding

material. The hen house should be able to provide warmth in the colder months and shade in the warmer months (a temperature between 10c – 20c).

8. A fully enclosed outdoor run must be provided that allows for space for the hens to dig, dust themselves and flap their wings. An additional measure of shrubs or tarpaulin to provide shelter from direct sun or strong winds is recommended.
9. The ground that the run is placed on should be given periods of rest to allow the ground to recover.
10. The hen house and run should be cleaned at least every week or more if required.
11. All soiled bedding and other such detritus will need to be removed from the allotment site by the allotment holder.

3) Food, Water and Welfare

1. Hens require continuous access to fresh, clean and cool drinking water. Allotment holders will need to make arrangement for water especially during the winter months when the water supply to the allotment is turned off.
2. Hens require the correct food for their age and breed as well as insoluble grit to aid digestion.
3. All food needs to be kept in metal pest resistant containers to minimise the chance of rats and other such pests.
4. Hens must be well cared for and kept free of injury and distress. Veterinary treatment must be given when required.
5. All hens must be vaccinated and all welfare checks such as worming and checks for lice must be completed regularly.
6. Hen houses must be checked and treated for red mites.
7. If a hen becomes unwell with a contagious illness, Axminster Town Council must be informed immediately, kept up to date with any treatment plans and notified when the issue is resolved.
8. In the case of an Avian Flu outbreak it is the allotment holder's responsibility to comply with the guidance issued by DEFRA. Failure to comply with this guidance will result in the permission for keeping hens being revoked. (This could mean removing hens from the allotment if the guidance requires it)

4) Reference points

1. The Animal Welfare Act 2006
2. The Allotment Act 1950
3. DEFRA
4. The National Allotment Association
5. RSPCA
6. Department of Environment, Food and Rural Affairs Code Of Practice For The Welfare Of Laying Hens.

Axminster Town Council: Permission to keep hens.



The Allotment Act 1950 permits the keeping of hens on allotments. If allotment holders would like to exercise this right, they must ensure that they comply with the regulations set out in The Animal Welfare Act 2006. The Act lays out the basic needs that must be fulfilled by the keeper or owner of the animals including:

- Providing a suitable environment (Housing).
- A suitable diet.
- Room to exhibit normal behaviour patterns.
- Protection from pain, injury, suffering or disease.

It is required that you will read and make yourself familiar with the rules and regulations issued by Axminster Town Council relating to the keeping of hens. Failure to comply with these rules and regulations could result in the termination of your tenancy. Any mistreatment of animals will be reported to the relevant bodies and will result in your tenancy being revoked.

If you would like to apply to keep hens on one of the allotments sites, please fill out the form below and attach a sketch of where on your plot the hens will be placed.

Name						
Allotment site	Millwey Rise		Woodbury Park		North Street	
Allotment number						
Size of allotment	Extra Large		Full		Half	
Size of hen house	H		W		L	
Size of run	H		W		L	
Breed of hens						
Number of hens*						
Vaccination status	Vaccinated			Unvaccinated		
First vaccination date (for chicks)						
Nominated person to care for hens in your absence						
Name						
Address						
Telephone number						
Email address						

*A minimum of 3ft x 3ft of space must be provided per hen within the enclosed hen house. 4ft x 4ft of space per hen in the run.

Declaration

I declare that I will abide by any conditions and regulations made by Axminster Town Council for the keeping of hens on my allotment plot.

Signed:

Dated:

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 05/08/2024, minute reference OC24/45) and ratified by a meeting of the FULL Town Council held on 9th September 2024.