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HYNDBURN

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an excellent council**

ALLOTMENT RULES

1st March 2014

These Rules form part of the Councils allotment tenancy agreement. Breach of these Rules will be enforced under the terms of the tenancy agreement.

Supplementary guidance on these Rules, in the form of Guidelines, can be found on www.hyndburnbc.gov.uk/.

If you have any questions please contact the Councils allotment officer on 01254 388111.

Allotment Associations

Any allotment tenant may form an allotment association, permission from the Council does not need to be sought.

Allotment Eligibility

Any person living in the Borough of Hyndburn aged over 18 is eligible to hold an allotment plot.

Allotment Growing

The allotment plot must be used primarily for growing vegetables and fruit.

Animals

Tenants may lawfully keep Hens and Rabbits on site in accordance with the Council's guidelines. Any other animals whether domestic animals or other must be removed from the site. However, Dogs may be brought onto the site with the Tenants whilst the Tenants are present, but are the responsibility of the Tenant and must be kept under control at all times.

Poultry & Hens

Tenant are lawfully permitted to keep Hens on allotment sites. No other form of poultry may be kept. An exemption for existing tenants, presently keeping other forms of poultry, is enforced. All Poultry must be kept in fit and proper conditions, and disease free, not exceeding the maximum permitted stocking density limit.

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Rabbits

Rabbits must be kept in fit and proper condition, and disease free, following the most recent Government guidance.

Rats & Mice

Tenants must keep Rats and Mice under control and keep their allotment plot in a condition that does not encourage the proliferation of vermin.

Bees

Requests by Tenants to keep Bees shall be looked at on an individual basis and should the Council agree then a separate legal agreement shall be entered into between the Council and Tenant.

Wasps

Tenants are responsible for the control of Wasps on allotment plots.

Allotment Inspections and Enforcement

The Council inspects allotment regularly from March to September, and on an ad hoc basis for the remainder of the year. If any allotment plot fails an inspection, the tenant will be contacted to remedy the failure through a 28 day Completion of Work Notice. The Council will consider issue of hardship, such as illness or family bereavement. Failure to comply with the Completion of Work Notice will result in a 28 day Notice to Quit.

Allotment Plot Condition

Tenants are responsible for clearing an allotment when taking on a tenancy. All refuse and other material should be disposed of in a proper manner. The allotment plot should be kept in good condition according to the terms of the tenancy agreement. Sheds and greenhouses are the responsibility of the Tenant and must be kept safe, tidy and in good repair

Allotment Rent and Water Fees

The terms and conditions for the payment of rent and water fees must be paid according to the tenancy agreement. Failure to pay within the specified period will result in further action as shown within the Allotment Guidelines.

Allotment Representative

An allotment site may appoint an individual tenant to liaise with the Council as an Allotment Representative.

Allotment Staff and Antisocial Behaviour

No-one including Tenants, visitors/guests of tenants or prospective tenants must behave in an abusive or unnecessary manner to Council staff or its agents. Antisocial behaviour will not be tolerated, including but not limited to excessive noise, nuisance, drug or alcohol influence, verbal abuse or anything similar resulting in dispute. The decision of the Council in the event of dispute is final. Any act immoral, illegal or unlawful, including threatening behaviour or trespass onto another allotment plot, will result in termination of the tenancy.

Asbestos Cement

Asbestos cement is not a licensed substance, small amount should be removed by the tenant following advice given by Councils allotment officer. Tenants are not permitted to

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bring asbestos containing material onto an allotment site. Large amounts of asbestos cement will be removed free of charge by the Council.

Barbeques and Stoves

Tenants are not permitted to use barbeques or any other form of solid/liquid fuel stove.

Bonfires and Waste Disposal

Bonfires are not permitted. All non-organic waste material including wood, metal, glass, plastic, fibreglass and rubber should be removed from the allotment and properly disposed. Organic garden waste, paper and cardboard must be composted.

Children

Tenants are responsible for the safety of children and must be kept under supervision at all times.

Communal Tracks, Paths and Parking

The vehicular speed limit on tracks is 5mph. The tracks, paths and areas used for parking on allotment sites are unmade ground. Tenants must take appropriate precautions when using unmade ground, and do so at their own risk. The Council will maintain tracks and paths to a reasonable condition for pedestrian access when assessed in good weather conditions. Tenants must not block access to allotments with a vehicle.

Complaints

All complaints from tenants must be received in writing. Anonymous complaints will not be accepted.

Drainage

Tenants must keep land drainage on the allotment plot in good working order.

Drinking of Alcohol & Drug Taking

Any person found to be drunk or otherwise under the influence of drugs or alcohol whilst on an allotment site, or encouraging others to be present on the site under the influence will have their allotment tenancy terminated

Hedges & Fences

The maximum height for a hedge or fence is 180cm. On community areas the maximum height for a hedge or fence is 100cm.

Hunting and the Use of Firearms

Hunting, including firearms, air weapons, bows, crossbows, and live/dead capture is strictly prohibited. No firearm may be brought onto an allotment site regardless of its intended use. Breach of this Rule shall be result in immediate termination without consultation.

Information Requests

Requests for information relating to Council policies and other matters relating to allotments must be put in writing. Repeated requests for information should be made under the Freedom of Information Act.

Insurance

Each tenant should maintain insurance as they see fit, and according to their own judgement of risk, including liability, theft and damage insurance. Tenants must have insurance for the keeping of Bees and using mechanical equipment. Tenants are

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responsible for any cause to others on their plot or the site due to their behaviour or their possessions or negligence.

Invasive and Dangerous Plants

Tenants must not allow the growth or spread of invasive or dangerous plants.

Letting Policy

Allotment plots cannot be passed on between Tenants. The Council operates a strict time sequence waiting list according to the Allotment Guidelines.

Machinery

The use of mechanical machinery, including chainsaws, on an allotment site or allotment plot is not permitted. The use of domestic hand operated rotavators/cultivators, strimmers and lawn mowers is exempt from this rule.

Mains Water

Each tenant must observe the fair use rule, and agrees not to waste, misuse, and undertake undue consumption of mains water in accordance with the Councils Guidelines. The use of hosepipe for filling ponds, filling livestock watering vessels greater than 10 Litres, using sprinklers, direct watering of plants, or washing down sheds or pavement is not permitted.

Ponds and Water Containing Vessels

The making of ponds is not permitted. Where tenants have ponds and large water containing vessels, including baths, rainwater collecting tubs and livestock watering vessels greater than 10 Litres, these must be covered by 10 gauge (min.) steel mesh. Any pond too large to be covered must be surrounded by continuous fencing not less than 1.5m in height, in addition to any plot fencing. Rainwater collection tubs may be covered by a plastic or wooden lid as an alternative to steel mesh.

Risk Assessment, Personal Safety and First Aid

Any individual person, school or community group, or any person who is taking on the responsibility for an allotment must complete a health and safety risk assessment.

Sale of Produce

No tenant is permitted to operate from the allotment as a business, or to grow/ raise produce for the purpose of selling. Any tenant in breach of this Rule will have the tenancy terminated.

Selling On

The Council does not mediate in transactions whereby an outgoing tenants wishes to sell an item. The incumbent tenant is under no obligation to agree to the transaction.

Sharing with Others

A tenant may allow a family member assist the keeping of an allotment plot. Sharing is not permitted as this implies that some form of legal agreement (verbal or otherwise) has been entered into by the tenant with a third party.

Site Security

The Council is not responsible for the security of allotments. The tenant must provide the form of security as they see fit. Barbed wire and other dangerous attachments to fencing, where the fence adjoins a pathway used by members of the public, is strictly prohibited.

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Sprays, Fertilisers, Chemicals, Poisons

When using any chemicals of any description, the Tenant must comply at all times with the manufactures and Council Guidelines for the safe use of sprays, fertilisers, chemicals and poisons.

Structures

Provided that the structures are safe Tenants can erect timber garden sheds, greenhouses, or polytunnels only and these are the responsibility of the Tenant only. No other form of structure, of any description, will be permitted. Sheds MUST not exceed 2.4m in height from the ground to the apex. Greenhouses and polytunnels MUST not exceed 3.0m in height from the ground to the apex. The ground area covered by a shed should be proportionate to the size of the allotment plot and consistent in size with its purpose.

Storage on Allotments

Only small gardening type items used for tending and keeping an allotment may be stored on an allotment plot. No machinery whether working or not can be kept or stored on site. Excessive storage is also not permitted, even if the items stored could potentially be used on the allotment plot.

Vehicles

Vehicles, including caravans, trailer tents and trailers, must not be kept on an allotment site or allotment plot.

Trees

Tenants are not permitted to plant, or allowed to grow, any trees. Tenants are also not allowed to cut or prune any timber or trees without the written permission of the Council. Tenants are responsible for the cost of felling or pruning.

Tyres

Tyres in any quantity must not be kept on an allotment plot.

Work Request to Allotment Sites

Any tenant requesting that the Council should carry out work to the allotment site should be made in writing.

Supplementary guidance on these Rules, in the form of Guidelines, can be found on www.hyndburnbc.gov.uk/.

Please ensure that you familiarise yourself with the latest Guidelines please note that these shall be updated periodically and it is the responsibility of the Tenant to be aware of all current regulations and guidelines.