



ALLOTMENT RULES

1st January 2018

These Rules form part of the Councils allotment Tenancy Agreement. Breach of these Rules will be enforced under Section 3.5.2 of the Terms of the Allotment Tenancy Agreement.

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

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

1. Allotment Associations

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

2. Allotment Eligibility

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

3. Allotment Growing

The allotment plot must be used primarily for growing vegetables and fruit. The conditions for growing are set out within the allotment guidelines.

4. Allotment Inspections and Enforcement

The Council inspects allotment regularly from April 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 1 month 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 1 month Notice to Quit.

5. Allotment Plot Condition

Allotment tenants are required to pay an allotment deposit equivalent to the first years rent, prior to the start of the tenancy agreement. The deposit will be refunded at the end of the tenancy agreement, subject to the condition of the allotment plot, and under the terms and conditions set out within the Allotment Guidelines. The 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.

6. 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.

7. Allotment Representative

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

8. Animals (other than Poultry)

Tenants may lawfully keep Hens and Rabbits on site in accordance with the Council's guidelines. Any other animals whether domestic or otherwise must be removed from the site. Dogs may be brought to the site whilst with the Tenant, however the Dog must be kept under control at all times. Please refer to Rule 29 for the keeping of Geese, Ducks, other poultry and Bees.

9. Antisocial Behaviour and Code of Conduct

Antisocial behaviour will not be tolerated, including but not limited to trespass, excessive noise, swearing, nuisance, drug or alcohol influence, verbal abuse, bullying, harassment, discrimination, 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.

10. Asbestos Cement

Asbestos cement is not a licensed substance, small amounts should be removed by the tenant following advice given by the Councils Allotment Officer. Tenants are not permitted to bring asbestos containing material onto an allotment site. Large deposits of asbestos cement may be removed free of charge in quantities described in the Allotment Guidelines.

11. Barbeques and Stoves

Tenants are permitted to use solid fuel barbeques and stoves, liquid and gas fuel heating and cooking equipment so long as the manufacturer's instructions are followed. All liquid and gas fuel containers must be removed from the allotment plot when not in use. Gas fuel containers must be removed even if empty. All solid fuel barbeques and stoves must be fully extinguished before the tenant leaves the allotment plot.

- 12. Bees**

Requests by Tenants to keep Bees shall be looked at on an individual basis. Should the Council agree to the keeping of Bees then a separate legal agreement between the Council and Tenant will be completed.
- 13. Bonfires and Waste Disposal**

Bonfires are permitted, but only when following the allotment guidelines. All waste material including treated wood, metal, glass, plastic, fibreglass and rubber should be removed from the allotment site and disposed in the correct manner. Organic garden waste, food waste, paper and cardboard must be composted.
- 14. Children**

Tenants are responsible for the safety of children and must be kept under supervision at all times.
- 15. 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 tracks or paths to allotments with a vehicle.
- 16. Complaints**

All complaints from tenants must be received in writing. Anonymous complaints will not be accepted. All complaints will be dealt with in a confidential manner.
- 17. Drainage**

Tenants must keep land drainage on the allotment plot in good working order.
- 18. 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
- 19. Health and Safety**

Plot holders have a responsibility (duty of care) to themselves and any other person on their plot, regardless of whether or not they have given permission for them to be present. Tenants are expected to keep an allotment plot in good condition and free from defects which might cause harm or injury.
- 20. Hedges & Fences**

The maximum height for a hedge or fence is 180cm. On community areas designated by the Council the maximum height for a hedge or fence is 100cm.
- 21. 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 of the Tenancy Agreement. *The trapping of Rats and Mice is exempt from this Rule.

22. 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.

23. 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 certain mechanical equipment. Tenants are responsible for any injury or damage caused to third parties, or to their property, whether on the allotment plot or on the allotment site as a consequence of their negligence, behaviour or possessions.

24. Invasive and Dangerous Plants

Tenants must not allow the growth or spread of invasive or dangerous plants designated under the Wildlife and Countryside Act 1981.

25. Letting Policy

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

26. Machinery

The use of domestic type petrol and electrical machinery is permitted. The use of non-domestic machinery, including chainsaws, is NOT permitted except under certain conditions in accordance with the allotment guidelines. Full details of what is domestic and non-domestic can be found in the allotment guidelines.

27. 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 allotment guidelines. The use of a hosepipe for filling ponds, filling livestock watering vessels greater than 20 Litres, using sprinklers, or washing down sheds, poultry runs, or pavement or any other similar misuse of mains water is not permitted. Tenants must make every effort to collect rainfall where it is possible.

28. Ponds and Water Containing Vessels

Where tenants have ponds or open water it is the tenant's responsibility to ensure that the pond, water bath or similar is made safe by netting or fencing, and that warning signs should be provided. The tenant must follow any advice given by the Council to ensure that every reasonable precaution is taken to prevent injury or drowning.

29. Poultry & Hens

Tenants 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 number and stocking density in accordance with the Allotment Guidelines.

30. Rabbits

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

31. 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.

32. Sale of Produce

No tenant is permitted to operate from the allotment as a business, or to grow/ raise produce expressly for the purpose of selling and creating a profit.

33. 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.

34. Sharing with Others

A tenant may allow an immediate family member to share the keeping of an allotment plot, although the tenancy agreement may only be held in the name of one person.

35. 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 any pathway is strictly prohibited.

36. 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. The use of banned chemical substances is not permitted.

37. Structures and Buildings

Provided that the structures are safe the tenant can erect garden sheds, greenhouses, and polytunnels. 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. Tenants are responsible for keeping buildings in good and safe condition according to the allotment guidelines.

38. Storage on Allotments

Gardening equipment used for tending or keeping an allotment plot may be stored, including small amounts of material that may be used for the repair and upkeep of the allotment plot. No other items may be stored. Excessive storage is also not permitted, even if the items stored could potentially be used on the allotment plot.

39. Vehicles Kept on Allotments

Vehicles, including motorbikes, scooters, cars, vans, motorbikes, electric vehicles, caravans, trailer tents, trailers or similar, must not be kept on an allotment site or allotment plot. An exception is given for a single trailer used for the purpose of keeping the allotment plot, subject to the conditions shown within the allotment guidelines.

40. Trees

Tenants are not permitted to plant, or allowed to grow, any non-fruit trees. Tenants are also not allowed to cut or prune any timber or trees without the written permission of the Council. Trees below 7cm at chest height are exempt from this Rule. Tenants are responsible for the cost of felling or pruning trees on their allotment plot.

41. Tyres

Tyres of any quantity must not be brought onto or kept on an allotment plot.

42. Wasps

Tenants are responsible for the control of Wasps and removal of nests on their own allotment plot.

43. 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 Allotment Guidelines, which are updated periodically and published on the Councils website.

It is the responsibility of the Tenant to be aware of all current animal husbandry regulations and guidelines.