

RULES AS TO ALLOTMENT GARDENS

Made by the Cuxton Parish Council with respect to allotment gardens for their area.

1. Throughout these rules the expression "the Council" means the Cuxton Parish Council and includes any committee of the Council or any Officer appointed to manage allotment gardens under the Allotment Acts 1908 to 1950.
2. Any person, who at the time of application to the Council for an allotment garden is resident in the Council area, shall be eligible to become a tenant of any allotment garden subject to the provisions that the applicant provide proof of residence¹ within the Parish of Cuxton at the time of application and again at the time of becoming a tenant and that one person shall not hold allotments exceeding 15 (fifteen) rods.
3. An agreement to let an allotment garden may be signed by the Clerk to the Council on behalf of the Council.
4. A new tenant shall pay a refundable deposit of £5 per rod before or at the time of signing the initial tenancy agreement. The deposit will be refunded to the tenant, or their estate, on termination of the tenancy agreement unless:
 - a. At the time the tenant, or their estate, give notice they have failed to comply with Rule 5 condition 5.1 below.
 - b. When vacating the plot, the tenant or their estate, fails to remove all rubbish from the allotment gardens.
 - c. The tenancy has been terminated by the Council under rule 11a or 11b below.

In cases of hardship the deposit may be waived or reduced, at the discretion of the Allotment Committee, upon receipt of a written request from the tenant.

CONDITIONS OF CULTIVATION

5. The tenant of an allotment garden shall comply with the following conditions.
 - 5.1 Keep the allotment garden clean, in a good state of cultivation and fertility, in good condition and free from weeds.
 - 5.2 The tenant shall clear and work 33% of the allotment garden within 3 months and the whole plot within one year of the start of the tenancy.
 - 5.3 To use not less than 1/10ths of the allotment garden for the production of food crops for their own use. The remainder of the plot may be used for leisure gardening and the cultivation of ornamental plants. Grass areas are permitted but may only form pathways & small sitting areas.
 - 5.4 Not to sell any crop or product grown thereon.
 - 5.5 Not to cause any nuisance or annoyance to the occupier of any other allotment garden or of any other property or land adjoining or near the allotment garden site.
 - 5.6 Between the last Sunday of March and the last Sunday of October not to light or allow a bonfire to burn on the allotment garden between the hours of 9.00am and 7.00pm. Between the last Sunday of October and the last Sunday of March not to light or allow a bonfire to burn on the allotment garden between the hours of 9.00am and 4.00pm. Any such bonfire shall only consist of dried organic materials produced on site and must not create excessive or obnoxious smoke. No smoke is to blow onto any adjoining or neighbouring highway, railway line or other allotment gardens or properties.
 - 5.7 Not to underlet, assign or part with possession of the allotment garden or any part of it without the written consent of the Council.
 - 5.8 Not to keep any livestock other than hens or rabbits for personal use on the allotment garden.
 - 5.9 To keep all compost heaps and manure dumps adequately covered with soil or other suitable material.
 - 5.10 Not to deposit or allow other persons to deposit any household or other rubbish or matter on the allotment site or allotment garden.
 - 5.11 Not to use carpet as a weed suppressant.
 - 5.12 To keep all hedges or paths adjoining the allotment garden properly pruned and cut.
 - 5.13 Not to obstruct any path set out by the Council for the use of occupiers of the allotment gardens.
 - 5.14 Not to erect any shed, greenhouse or other construction larger than 8' x 6' without the written consent of the Council.
 - 5.15 Not to erect any shed, greenhouse on a concrete or similar permanent base.
 - 5.16 Not to erect any fence in excess of 1m in height.
 - 5.17 Not to use barbed wire or razor wire within the allotment garden site.

¹ *Driving License, Utility Bill, Bank/Credit Card Statement*

- 5.18 To keep hedges and other plant material properly pruned and cut back so as not to obstruct paths or encroach on other allotments.
- 5.19 To observe and perform so far as they affect the allotment garden, all covenants and conditions in any lease under which the Council holds the land.
- 5.20 To observe and perform any other special condition, which the Council considers necessary to preserve the allotment garden from deterioration and of which notice to applicants for allotment gardens is given in accordance with these rules.
- 5.21 Not to erect any notice or advertisement on the allotment garden.
- 5.22 Dogs are allowed within individual securely fenced allotment plots but must be kept on a lead in other areas.
- 5.23 Children are encouraged on the allotment site but they must not trespass on any other plot, must respect any community area, and must keep to the footpaths when accessing the allotment site.

PAYMENT OF RENT

- 6. The rent, which will be subject to an annual review, to be paid in advance, without deduction on or before the 1st December in each year.

POWER TO INSPECT ALLOTMENTS

- 7. Any Member or Officer of the Council shall be entitled at any time when directed by the Council to enter upon and inspect any allotment garden.

RESTRICTION ON ADMITTANCE TO ALLOTMENT GARDEN

- 8. The Council shall have the right to refuse admittance to any person to the allotment garden if that person in the opinion of the Council acts or behaves in a manner likely to cause a nuisance or annoyance to any tenant of any allotment garden.

VEHICLES ON THE ALLOTMENTS

- 9. Vehicles are prohibited in the area shaded blue on the attached plan, except between the last Sunday of March and the last Sunday of October and only then to deliver heavy or bulky items following which the vehicle must be removed from that area immediately. This prohibition does not apply to vehicles operated by maintenance contractors employed by the Parish Council.

TERMINATION OF TENANCY

- 10. The tenancy of an allotment garden shall terminate on the next day after the death of the tenant;

Except that:

Where the rent has been paid the mother/father/wife/husband/partner/son/daughter of the deceased may, if they so wish continue to cultivate the plot and remove crops until the last day of the September following the first anniversary of their bereavement.

- 11. The tenancy of an allotment garden shall terminate whenever the tenancy or right of occupation of the Council terminates.
- 12. The tenancy may be terminated by either party giving to the other 12 months notice in writing expiring on or before the 6th day of April or on or after the 29th day of September in any year.
- 13. The tenancy will be terminated if, in any twenty-four month period, a tenant is served with more than two notices² for breaching any rule in Section 5. Termination of the tenancy will be effective 28 days after the date of the third warning notice for non-cultivation.
- 14. The tenancy may also be terminated by the Council by re-entry after one months notice: -
 - a. if the rent is in arrears for not less than forty days
 - b. if the tenant does not observe the conditions of his tenancy

- 15. If any time the Council shall require the land for any purpose other than as an allotment site the Council may give the

² Notices must have been issued on separate occasions for breaching the same rule.

tenant three (3) months notice in writing to expire at any time. At the expiry of such notice the tenant shall give up possession of the allotment garden.

16. The Parish Council takes a serious view regarding:

- a. Theft of any crops or materials from other tenants' plots.
- b. Damage to any Parish Council property or any crops or materials on other tenants' plots.
- c. Assaults on Allotment tenants, Council Officers or Council Members whilst they are on the allotments.

Any person guilty of such an offence will suffer immediate termination of tenancy without the right of appeal. No compensation will be paid. This will not preclude prosecution in the Law Courts should the Parish Council or the offended tenant wish to do so.

Tenants not satisfied with a notice to quit for any reason other than Paragraph 14a, 14b, or 14c can apply in writing to the Parish Council, within 14 days of the posting of the said notice, for the matter to be re-considered. Any such appeal will be considered by a panel of three Councillors sitting in private session. The majority decision of the said three Councillors shall be final.

Any representations on behalf of the tenant must be made through the allotment association in person. Petitions of support will not be accepted to avoid allegations of coercion or intimidation by the tenant.

SERVICE OF NOTICE

17. Any notice may be served on a tenant either personally or by leaving it or by sending it to his last known abode by recorded delivery addressed to him there, or by fixing the same in some conspicuous manner on the allotment garden.

