

SOUTH SWINDON PARISH COUNCIL

(Central Swindon South Parish Council)

ALLOTMENT GUIDELINES

South Swindon Parish Council
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General Guidance

Introduction

- 1.1 This document is to provide guidance and more information regarding allotments. The 'Agreement for the Letting of an Allotment' which is signed by the Tenant contains the rules and conditions of use. This guidance should be read in conjunction with the signed agreement.
- 1.2 The Parish Council make rules in order to regulate the arrangements for the letting of individual allotments on the allotment site. These rules apply to all such allotments, even if held under a tenancy agreement before the rules came into operation.
- 1.3 The Parish Council may need to amend these rules from time to time. If amended rules are brought in, a copy will be sent to all tenants in advance of the rules taking effect.

Conditions of Tenancy

- 2.1 A new 'Agreement for the Letting of an Allotment' takes effect from 1 October 2017.
- 2.2 All new tenancies will be allocated in accordance with our waiting list procedure.
- 2.3 The tenancy of an allotment is a perpetual tenancy that continues to run year by year from 1st October to 30th September until it is terminated by either party.
- 2.4 When a tenancy begins the Parish Council will invoice for the rent to be paid until the end of September, which must be paid upon receipt. New allotments taken out before the end of March will be charged the full rent for the year and those from April onwards will be charged half the rent.
- 2.5 Invoices for the annual rent will be sent out in October and must be paid by the end of November.

When an allotment becomes available, it may be divided to create two smaller allotments. This decision will take into account the length of the waiting list and the size of the existing allotment.

Applicants will be removed from the waiting list if the Parish Office has been unable to make contact with the applicant to offer them a plot, having attempted to do so by telephone or in writing including email.

Removal from Waiting List

Applicants may withdraw their name from the waiting list at any time by notifying the Parish Office of their wish to do so via email or in writing.

Applicants will be automatically removed from the waiting list when they have either accepted a plot or they have refused three offers. In either case (immediately or at any time thereafter) applicants may re-register on the allotment waiting list or second plot waiting list as a new applicant with no accrued priority.

Site Representatives (Site Rep)

There is usually a Site Rep appointed in a voluntary capacity by the Parish on each of the Allotment sites. They should be the first point of contact where possible for any Tenant who has any site or plot concerns. The Site Rep will endeavour to answer these queries from the knowledge-base they have acquired over the years or by contacting the Parish Council for an answer. Information about the Site Rep will be found on the Allotment noticeboard.

Allocation of Tenancies (Waiting Lists)

Registering on the Waiting List

In order to register on the allotment waiting list, the prospective tenant must:

- be over 18 years of age
- not be someone whom we have information about that would give us reason to believe that they would be unsuitable tenants (e.g. if there was evidence that they may not comply with the rules if offered a tenancy).

The Parish Council permits the allocation of allotment plots to tenants living outside the Parish boundary. Tenants living outside the Parish boundary will be charged an increased rent to those living within the Parish.

We operate a second plot waiting list for existing tenants. This list is subject the same tenant conditions indicated above.

Priority for Offers

Priority for allocation of allotment plots will be as follows:

- New applicants living within the Parish
- Second plot applicants living within the Parish
- New applicants living outside the Parish boundary
- Second plot applicants living outside the Parish boundary

The vacant allotment will be offered to the person who is at the top of the waiting list (i.e. has been on the waiting list the longest), providing that they still meet the tenant conditions. If they turn down the plot the vacant plot will offered to the next person on the list.

The person turning down a plot will keep their position on the waiting list, but anyone turning down three plots will lose their place on the waiting list.

If the plot is turned down by all those on the waiting list it will be offered to the person at the top of the second plot waiting list, which is for tenants that already have an allotment.

- 2.6 A concessionary discount is available to any tenant aged 65 or over. Evidence (photo bus pass, driving licence (both types) or passport) must be provided to the Parish office before this discount can be applied.
- 2.7 The Parish recognises that plots recently allocated may be in a neglected state and it is important that all weeds are kept under control and do not run to seed. In such circumstances the plot should be covered with a suitable weed control membrane whilst the plot is gradually cultivated. New tenants may also apply to the Parish office for the plot to be rotavated if required.
- 2.8 All children visiting the site must be closely supervised.
- 2.9 Please be aware of the responsibility as a tenant for the safety of your allotment. Some insurance companies offer public liability cover through home policies and it is advisable to make enquiries as to the cover available.

Allotment Numbering

- 3.1 Each allotment should display their plot number. One of the main difficulties during inspections and allocating new plots is that plots cannot be easily identified.

Structures

- 4.1 Any structure that is present on the allotment when a tenancy begins will become the responsibility of the tenant. New tenants should therefore ensure that they are prepared to assume this responsibility before accepting the plot.
- 4.2 The Parish Council reserves the right to remove any structure which they consider to be unsound or a potential safety risk.

Boundaries, Access & Parking

- 5.1 There is no right to go onto other allotments except with the permission of the tenant.
- 5.2 All bushes and other boundaries on your allotment should be maintained and not be a nuisance to other users of the allotment site or neighbouring allotments.

- 5.3 Footpaths must be kept clear. Where a path abuts a plot, the tenant is required to maintain half of the path, i.e. cut the grass and trim the path edges. Footpaths abutting plots should be 1 metre wide and safe to use. If paths have been encroached by your plot please take any necessary remedial action to reinstate them.
- 5.4 There is not a definitive way of identifying the precise boundaries of each allotment. Any dispute about boundaries should be referred to the Parish Council for a decision.
- 5.5 Please close all gates when entering or leaving the site. When taking a vehicle onto the site, please drive at a speed appropriate to the site conditions and with due concern for the safety of other users of the allotment site.

Bonfires & Waste

- 6.1 Bonfires are only permitted for allotment garden waste that cannot be composted.
- 6.2 The Tenant must be considerate and aware of the surrounding allotment plots and neighbouring properties when having a bonfire.
- 6.3 Bonfires are only permitted on your own plot and not elsewhere on the allotment site.
- 6.4 By using an incinerator or metal bin there is no mess, the fire is contained and the collection of ash is easy.
- 6.5 The use of petrol, paraffin or other accelerants for the lighting of bonfires is not allowed. Large quantities of timber should not be burned.
- 6.6 Before lighting a bonfire, ensure that no hedgehogs or other animals are present in the pile of material to be burnt, if necessary moving it to another location.

Plot Inspections

- 14.1 Inspection of plot takes place.
- 14.2 Record/photograph taken of any overgrown plots and other issue of non-compliance.
- 14.3 Parish Council staff examine photos, conducts site visit as necessary and considers action under tenancy agreement terms -
 - ⇒ Consideration of plot acceptable/monitor - No further action.
- 14.4 Issues of non-compliance -
 - ⇒ Inspection Notice letter sent to tenant giving one month notice to address non-compliance.
 - ⇒ Response received from tenant advising of extenuating circumstances - Any actions agreed by the Parish Office may be confirmed in writing.
 - ⇒ One month inspection takes place.
 - ⇒ Parish Council staff examine photos, conducts site visit as necessary and considers action under tenancy agreement terms.
 - ⇒ Consideration of plot acceptable/monitor - No further action
 - ⇒ Issues of non-compliance— Inspection Notice letter sent to tenant giving one month notice to address non-compliance (last Notice).
- 14.5 Tenant has received an inspection Notice on 2 previous occasions and still non-compliance -
 - ⇒ Termination of Tenancy letter sent to tenant (giving 1 weeks' notice to clear belongings).
- 14.6 Termination of tenancy -
 - ⇒ plot marked as vacant and re-allocated
- 14.7 Tenant appeals decision in writing within 1 week of notice -
 - ⇒ Leisure and Amenities Committee to consider appeal.
 - ⇒ Appeal upheld - Letter sent to tenant notifying them of appeal decision.
 - ⇒ Appeal rejected - Letter sent to tenant notifying them of appeal decision.

Inspections, Notices, Enforcement & Disputes

- 13.1 The site is inspected regularly by Parish Council staff in association with the Allotment Working Party. The Inspection Process will then be followed.
- 13.2 During the first three months of a tenancy, it may take some time to bring the allotment under proper cultivation. Please let the Parish Office know if there are difficulties in order to prevent the Inspection Process being invoked.
- 13.3 If a plot fails an inspection and the tenant has received an Inspection Notice on two previous occasions, a Termination of Tenancy letter will be sent to the tenant (giving 1 weeks' notice).
- 13.4 Disputes between tenants about the implementation of the conditions of use and related matters should be referred to the Parish Council for resolution. The decision of the Parish Council is final.
- 13.5 When formal notice is to be given regarding your tenancy this can be done in writing and by any of the following methods:
 - emailing to admin@centralswindonsouth.uk
 - posting or delivering it by hand to the Parish Office.
- 13.6 There will be no refund on allotment rent for plots given up after 1st October in any given year.
- 13.7 Any issues of concern should be reported to the Parish Office where an appropriate decision will be taken. In all cases the decision of the Parish Council is final.

Inspection Process

Inspections take place routinely or may result from a concern being referred to the Parish Office. When inspections occur the following process is followed (see overleaf).

Trees & Brambles

- 7.1 Ornamental trees must not be planted on the Allotment Site.
- 7.2 Dwarf fruit and nut trees must be planted at least two metres away from the boundary of neighbouring allotments and so that the mature canopy does not overhang neighbouring allotments.
- 7.3 Blackberries can cause nuisance to neighbouring plots due to their fast vigorous growth. Please ensure that old shoots are cut out and removed.

Watering

- 8.1 Water troughs are provided throughout the site. These can only be used for watering allotments and no other use.
- 8.2 If any of the troughs are overflowing, please inform the Parish Office so that an inspection can be performed and necessary action taken.
- 8.3 Hosepipes may not be used from the water troughs.
- 8.4 Water supplied to the troughs is only available in the Spring and Summer months. This is turned off during the Autumn and Winter period.

Livestock, Animals and Wildlife

- 9.1 The Tenant that currently keeps any livestock on the plot shall continue to have permission from the Parish Council. New livestock will require written permission from the Parish Council.
- 9.2 All dogs visiting the allotments must be on a lead at all times or kept within their owners plot on a tether. Under the Dogs (Fouling of Land) Act 1996 owners must clear up after their pets. Dogs must be supervised to ensure they only urinate on grass paths well away from allotment crops.
- 9.3 Allotment sites might contain wildlife that is protected by law. In most cases the presence of protected species will not affect your normal allotment activities.

- 9.4 All wild birds and their eggs and nests are legally protected and it is an offence to kill them or deliberately destroy or disturb their eggs or nests.
- 9.5 All native British reptiles are legally protected against deliberate killing or collection. Slow-worms and grass snakes are the species most likely to occur on allotments. Both species are harmless to humans and slow worms in particular are beneficial as they eat slugs and other garden pests. Reptiles like to hide away and if found should be left alone.
- 9.6 All native British amphibians have some legal protection. In the case of the three species most likely to be found on allotment sites (common frog, common toad and smooth newt), this only applies to preventing them being offered for sale. The much rarer great crested newt has a higher level of protection and it is an offence to intentionally kill, disturb or destroy the habitat of this species.
- 9.7 Wasp nests should be reported to the Parish Office as soon as possible.

Storage of Materials

- 10.1 Materials kept on an allotment should only be for use on it.
- 10.2 The current regulations relating to the use of chemicals and harmful substances must be observed (www.hse.gov.uk/coshh).
- 10.3 The following is not permitted:
- Allowing excessive plant and other organic waste to accumulate on allotments – Please arrange to compost waste of that kind wherever possible.
 - Bringing asbestos based products on to the allotment site.
 - Use of concrete on allotments (except for pre-cast products laid on a loose bed).
 - Removal from the allotments of any soil, gravel, sand, stones or other minerals.

- 10.4 Excessive storage of timber, scrap or similar materials is not allowed.
- 10.5 The tenant is liable for the cost of putting right anything arising at the end of a tenancy. Dealing with residual concrete, timber, scrap etc. is one of the most time-consuming and expensive tasks when allotments become vacant.

Vermin & Pest Control

- 11.1 The Parish Council arrange for vermin control on the allotments using bait boxes placed at the site. If any dead vermin are seen on the allotments, please do not touch and let the Parish Office know so that it can be disposed of properly. Shooting, poisoning and trapping are not allowed.

Vandalism, Theft & Intruders

- 12.1 Vandalism or theft on the allotments should be reported to the police, using 101 (or 999 if the offenders are still on the site). Please also let the Parish Office know.
- 12.2 Sheds are not designed for secure storage so please do not leave valuables in them. The Parish Council recommends that sheds are left unlocked to minimise damage. Conceal or hide tools e.g. under the shed floor or in the compost bin.
- 12.3 To deter theft it is recommended that tools are marked by etching with post codes and house numbers.
- 12.4 Do not approach an intruder. Instead observe any activity carried out by the intruder from a safe distance and report it if necessary. Any incidents should be reported to both the police and the Parish Office.