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Mr Robert Ward, Town Clerk

## **ALLOTMENT RULES & GUIDANCE**

### **Rules and guidance when renting an allotment in Barnstaple.**

Everything you need to know when renting an allotment from Barnstaple Town Council (BTC)

The Allotment Acts 1908 – 1950 and your Tenancy Agreement give the terms and conditions of your allotment tenancy. The sites are owned by BTC and as such require certain standards of behaviour, in line with the Tenancy Agreement and the Allotments Act, to ensure that their property is maintained correctly, good practice is maintained and to ensure that neighbours and other plot holders are not inconvenienced.

Under section (xv) of your tenancy agreement the council has the ability to enforce additional rules which fall outside of the agreement itself. These rules have been developed over the years in consultation with allotment holders and try to strike a balance between allowing people freedom to work their plot whilst ensuring they do not infringe on other allotment holders.

Therefore, the following list of rules which BTC expect its allotment holders to comply with. Reports of non-compliance will be investigated and assessed on a case by case basis. In some cases the offence can lead to immediate termination of the agreement and in others it may be a warning. If two warnings are issued, then on the third we will terminate the agreement.

If you break any of the following seven rules it will lead to immediate termination of your agreement.

Rule Number	Rule	Action Taken
T1	You MUST pay your allotment rent within 30 days of receiving your invoice.	Immediate Termination of Agreement
T2	You are not allowed to remove anything from a vacant plot, including sheds, greenhouses, plants, crops, etc unless given permission by the Council (the Council will not accept permission verbal or written from the previous plot holder). When a plot is given up and all items on it reverts to the ownership of the Council.	Immediate Termination of Agreement
T3	You must not use any abusive or threatening behaviour on site, or social media, be it physical or verbal.	Immediate Termination of Agreement
T4	You must not fly tip any materials, arisings or rubbish from your allotment plot, or from off site, anywhere else on the allotment site, this includes onto vacant plots, footpaths, roads and ditches.	Immediate Termination of Agreement, possible prosecution
T5	You must not take anyone else's produce or property from their plot without their permission	Immediate Termination of Agreement, possible prosecution
T6	The use of snares is strictly forbidden for catching wildlife using the site.	Immediate Termination of Agreement, possible prosecution.
T7	You are not allowed to give the site access code to other people or allow them to visit your plot unsupervised unless they are registered as a helper/regular visitor	Immediate Termination of Agreement

The following rules will usually result in a warning in they are broken.

Each case will be investigated on its merits; the types of evidence we look at include (but are not restricted to) written evidence submitted, witness statements, complaints received, physical evidence on site, police statements, recorded interviews, photographs etc. Any complaints or witness statements can only be accepted in writing signed by the plot holder making the allegations.

We cannot accept third party or anonymous statements or allegations. If you have any worries or concerns over other people's actions or conduct, please do call us or come in for a chat.

In the case of non-cultivation there is only one warning given. If your plot is not brought up to an acceptable condition within the time frame set out in the warning, then we will serve a repossession notice for which there is no appeal.

If you do bring your plot up to an acceptable standard but then let it fall into non-cultivation again, we will serve another warning, however we will only do this three times in a three-year period before repossessing the plot.

Although all of the below carry a warning there may be cases where they are extreme enough for us to go straight to an immediate termination. You will be kept informed of any decision we make and the reason for it.

Rule Number	Rule	Action Taken
W1	You must cultivate at least 50% of your plot (by this we mean preparing the ground, planting, growing and harvesting crops/flowers) and the remainder must be cut down and kept free from weeds (the area must look maintained). From the start of your tenancy agreement, you have a two-month period in which enforcement for non-cultivation is not applicable.	One warning only (letter of non-cultivation)
W2	You must not cause a nuisance to other plot holders or neighbouring properties – nuisance could include offensive or discriminatory language, being intoxicated, playing loud music, bonfires, inappropriate posts on social media etc.	Warning
W3	You must display a clearly visible plot number on your plot.	Warning
W4	You and any helpers must always ensure you lock the gates when entering and leaving the site. Combination locks must be scrambled, and the code must not be given out, but regular named helpers and visitors only, can be given the code.	One warning only for locking gates and scrambling code locks – Termination of Agreement for second offence. If code is given out, Termination of Agreement.
W5	Please use water sparingly, you can use a hand-held hosepipe to water your crops or fill up a water butt. Please note that at certain times there may be restrictions.	Leaving tap on when not on site – warning for first offence, immediate termination for second.

	All hoses must be turned off before leaving the site.	Termination of Agreement for using a sprinkler/irrigation system
W6	You must get permission from the Council if wish to erect sheds, greenhouses, polytunnels, large items of play equipment, etc.	Warning – asked to remove item at own cost or charged for removal by the Council
W7	No new applications to keep livestock will be allowed from 1 January 2022. Existing livestock kept on allotments prior to 1 January 2022, will be allowed to remain subject to complying with the terms and conditions that you have already agreed. (Note – maximum number of chickens allowed is 10 and no cockerels)	In cases of neglect to chickens, one warning only. For second offence or serious cases, immediate confiscation of livestock and permanent ban on keeping livestock. One warning for more than 10 chickens and subsequent livestock ban if ignored.
W8	You can bring your dog on site, as long as its kept strictly under control at all times and only kept on your plot. Please make sure that you clear up any mess left by your dog and dispose of off site.	Warning
W9	You are not allowed to go onto other plots unless you have been given permission to do so by the plot holder or Town Council. If you have children on-site, they should be supervised at all times and should not be allowed to stray onto other plots.	Warning
W10	You are not allowed to sublet your plot. By subletting we mean if a plot is wholly being worked by someone different than the named plot holder. The named plot holder must be present on site at least 50% of the time.	Warning
W11	Cars are only permitted on the site to load and unload and you must not exceed the five mph speed limit	Warning
W12	You are not permitted to plant any tree, shrub, bush or hedge on your plot without permission from the Council. (Note – The Council reserves the right to request that trees are reduced or removed at any time)	Warning – asked to remove any tree, shrub, bush or hedge at own cost or charged for removal by the Council.

W13	You are not allowed to use your plot for trade or business.	Warning
W14	You are not allowed to use carpets on allotment plots	Warning – Asked to remove carpets at own cost or charged for removal by the Council.
W15	You are not allowed to bring in or use tyres on site	Warning – Asked to remove tyres at own cost or charged for removal by the Council.
W16	You must not use your allotment plot to store rubbish.	Warning – Asked to remove rubbish at own cost or charged for its removal by the Council.
W17	You are not allowed to dig up or obstruct paths between plots	Warning – Asked to reinstate the path at own cost or charged for the reinstatement by the Council
W18	Using concrete on plots for bases, securing posts etc will be discouraged but in some cases it may be considered an improvement. Therefore prior approval must be sought for using concrete on plots. If permission is not requested and the use of concrete is not considered acceptable, a warning will be issued.	Warning – Asked to remove bases/concrete at own cost or charged for its removal by the Council
W19	Bonfires are not permitted on all allotment sites.	Warning
W20	The tenancy agreement can only be held in one name but plot holders sometimes share a plot with family and friends. In these cases, the named plot holder must be present on site at least 50% of the time and you will need to make sure that the Council has the contact details of whoever is sharing. There is a maximum of four named helpers. The person sharing must be a Barnstaple Resident or live within a one-mile radius. Helpers are co-responsible for the condition of the plot.	If a person is found on your plot who is not a named helper, your plot may be repossessed. If a plot is repossessed for non-cultivation, the named helper will not be allowed to take on the plot.
W21	As of 1 October 2022 <b>no play equipment</b> is allowed on plots. This includes Paddling Pools, Trampolines, Slides, Swings, Climbing Frames, Wendy Houses and Sand Pits	Failure to comply by removing all play equipment will result in a warning allowing a

		further two weeks to remove this, followed by termination of agreement if still not removed.
W22	Children are not to cycle around the allotment sites. Bikes can be ridden to and from the plot only.	Warning
W23	All bird feeders must be positioned in the centre of your plot.	Warning

Allotments are often busy places with many allotment holders all sharing the site and working in close proximity with each other.

People differ in the way they manage and maintain their allotment plots and this may not be the same as the way you would do it yourself.

We therefore ask that all plot holders have respect for their neighbouring plot holders and tolerate the different approaches to allotment holding that they will see on site.

The following guidance is set out to help make the allotments a better place for everyone and help to keep it in good order, for future users.

Guidance Number	Guidance
G1	You can plant herbs and flowers as well as fruit and vegetables.
G2	You can have a small grass area as long as it's regularly maintained.
G3	Fruit bushes/trees must be compact and of a small growing variety. You must also maintain the area around them.
G4	Paths adjacent to your plot must be maintained.
G5	You are actively encouraged to compost green waste on your plot and one way of doing this would be to have a Compost Bin, however please do not let this encroach onto any paths.
G6	Report damaged boundaries to the Council.
G7	Keep an eye out for anybody you don't know on site and don't be afraid to ask them what they are doing.
G8	Always inform the Council if you change address.
G9	If you vacate your plot or are evicted, all belongings must be removed by the given date. If you vacate your plot during the rent year, there is no notice period. However, plot holders vacating at the end of the rent year (30 <sup>th</sup> September) must give notice by 1 September, otherwise their plot deposit will not be refunded for insufficient notice.
G10	We do allow bees on some sites, but not usually on people's plots. Please enquire if you wish to keep bees and we will see if there is anywhere suitable on your site. If we get complaints, we will ask for them to be removed again.
G11	You are not allowed to block communal pathways.
G12	Rent discounts apply to plot holders over 65

G13	Please only use noisy machinery such as petrol strimmer's etc during the following times: Monday to Friday 9am to 7pm, Saturday and Sunday 10am to 5pm
G14	In cases of theft or vandalism this should be reported by plot holders to the Police on 101. Please obtain a crime reference number in order to report any further incidents.
G15	Council Staff must be treated with respect.
G16	You are allowed to have BBQs and social gatherings on your plot, but this must be limited to plot holders and helpers only.
G17	Plot holders must not inform others that they are able to take on their plot when given up. All plots will be offered in a strict waiting list order.

Failure on the part of the Town Council to not enforce any of the rules above cannot be seen as a waiver of that rule and does not in any way remove the Town Council's ability to enforce the rule again in the future.