

## **Thorverton Parish Council - Rules as to Allotment Gardens - Allotment Acts 1908 and 1950**

Thorverton Parish Council provides allotments for the peaceful enjoyment of as many parishioners as possible who want to grow their own fresh fruit and vegetables.

### **Rules as to allotment gardens made by the Parish Council of Thorverton with respect to allotment gardens for the said Parish.**

#### Definition

1. Throughout these rules “the council” means Thorverton Parish Council and includes any committee of the Council or any allotment manager appointed by the Council under the Allotment Acts of 1908 and 1950.

#### Eligibility

2. Any person resident in the parish of Thorverton shall be eligible to become a tenant of an allotment garden subject to the statutory provision that one person shall not hold allotments under the above mentioned acts exceeding five acres. No household shall hold more than two allotment gardens unless the council decides that otherwise allotment gardens would go untended.

#### Allocation of allotments

3. The council, before giving notice of their intention to let any land for allotment garden, shall divide the land and shall cause a plan to be prepared showing each allotment garden and distinguishing it by a separate number on each plot.

4. The council shall give public notice of the availability of allotments by written notice posted on a Parish notice board, and in the monthly parish magazine. The notice will state the plot number, the rent, the contact details of the Parish Clerk and the last day for applications. At least two weeks’ notice is to be given of availability of an allotment.

5. Every application received by the Parish Clerk will be entered into a register. The allotment garden will normally be let to the applicant whose name appears first in the council’s register at the closing date for applications. However, when there is more than one applicant on the register, preference will be given to applicants whose household does not already hold an allotment or agricultural land (other than a garden of less than one eighth of an acre attached to their residence) either from the council or otherwise. A quitting tenant of land shall, for the purposes of this rule, be treated as not holding that land.

6. Should there be any unsuccessful applicants whose household does not already hold an allotment garden, these will be held over on the register until another allotment garden becomes available. In such case, it would not be appropriate to advertise an allotment.

#### The agreement

7. An agreement to let an allotment to an applicant is to be signed by the Clerk on behalf of the council.

#### Conditions for tenants of allotment gardens

8. The tenant of an allotment shall comply with the following conditions:

- i. The allotment is to be kept to a reasonable state of cultivation, fertility and in good order.
- ii. They shall not cause any nuisance or annoyance to any other occupier or block any paths set out by the council for the users of the allotments.
- iii. They shall not underlet, assign, or part with the possession of the allotment, or any part of it, without the permission of the council.
- iv. They shall not, save as provided in sub paragraph v, prune any timber or other trees or take, sell, or carry away any mineral, gravel, sand or clay.
- v. They shall keep any hedge that forms part of the garden properly cut and trimmed with all trimmings to be disposed of responsibly, including all garden waste, which must not be thrown over the hedge. All ditches to be properly cleansed and maintained.
- vi. They shall not erect any building or fencing on the allotment without prior permission of the council. Sheds are to be a maximum size of 8ft x 6ft x 7ft high (2240 x 1800x 2100) with a pent roof (recommended) to facilitate water collection. Sheds are to be properly constructed from timber and to be on non-permanent foundations such as concrete blocks or paving stones. Sheds are to be located at the back of the allotment against the boundary hedge on the southern side so as not to cast a shadow on the neighbouring allotment. Shed usage must be limited to the storage of gardening tools and

equipment but not dangerous or combustible materials. The Parish Council reserves the right to request sheds to be removed at any time.

- vii. They shall not use barbed wire for a fence adjoining any path set out by the council for the use of the occupier's allotment.
- viii. They shall, as regards the allotment, observe and perform all conditions and Covenants contained in the lease (if any) under which the council hold the land.
- ix. They shall observe and perform any other special conditions which the council may, from time to time, consider necessary to preserve the allotments from deterioration and for which notice to applicants of allotments is given.
- x. Bonfires may only be lit on Mondays, Thursdays and Saturdays and only after 16.00hrs (4.00PM) on those days. The allotment holder must be present for the duration of the bonfire and for at least one hour afterwards. The fire should be no closer than 10m to any building. Any allotment holder found to be in breach of this rule may have their tenancy agreement terminated.

#### Deposits

9. A deposit shall be paid by the tenant to the council on taking on an allotment which will be refunded at the end of the tenancy provided that the tenant has met the conditions in 8 above. The rent of an allotment shall, unless otherwise agreed in writing, be due annually and paid in advance on the first day of January. Where an allotment is taken over other than at the beginning of a tenancy year the proportion of the year's rent shall be paid in advance.

#### Inspections

10. Any member or officer of the council shall be entitled, at any time, and when directed by the council, to enter onto and inspect any allotment.

#### Termination of tenancy

11. The tenancy of an allotment shall, unless otherwise agreed in writing, terminate on the death of the tenant and shall also terminate whenever the tenancy or right of occupation of the council terminates. It may also be terminated by the council by re-entry after one months notice: i) if the rent is in arrears for not less than 40 days or ii) if the tenant is not duly observing the rules affecting the allotment, or any term or condition of the tenancy, or if the tenant becomes bankrupt or compounds with his/her Creditors. The tenancy may also be terminated by the council or the tenant by 12 months notice, in writing, expiring on 31st day of December in any year.

12. Any notice may be served on a tenant either personally, by leaving it at the last known address known to the council, or by recorded delivery letter, or fixing the same in some conspicuous manor on the said tenants allotment for a period of at least 2 weeks.

#### Exemptions

13. One or more of these rules shall not apply to any allotment which the council, under special circumstances, considers exempt, in which case the reasons for this shall be recorded in the minutes.

Amendments resolved by Thorverton Parish Council at the October 2019 meeting.