

Christian Malford Parish Council

Christian Malford Allotmenters Rules and Procedures

Adopted by resolution of Christian Malford Parish Council on 8 May 2017 (Minute Ref: 086⁽¹⁷⁾)

Christian Malford Parish Council provides 15 allotment plots within Malford Meadow. Those allotment plots are organised and allocated for the benefit of Allotment Tenants by the Christian Malford Allotmenters Association and its Committee. This document represents the rules, procedure and guidance issued by that Committee to govern how the plots are allocated and organised.

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1 Definitions

- a) "The Council" means Christian Malford Parish Council, Committee or Officer.
- b) "The Committee" means Christian Malford Allotmenters Committee comprising Chair, Secretary and Treasurer.
- c) "The Association" means the tenant members of the Christian Malford Allotmenters Association.
- d) "Allotments" means an area of land set aside by the Council protected by statute for the purpose of leisure and of growing vegetables, flowers and fruit for domestic consumption by himself/herself and his/her family and available to rent for an annual sum.
- e) "Allotment tenant" means any person, 18 years or older, normally residing within the Christian Malford Parish Council boundary.
- f) "Allotment year" means the period of time between 1st April and 31st March.
- g) "Guardian tenant" means any person, 18 years or older, normally residing within the Christian Malford Parish Council boundary who has assumed a fixed term temporary tenancy for the remainder of the allotment year.

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- h) “Custodian tenant” means any person, 18 years or older, normally residing within the Christian Malford Parish Council boundary who has assumed a fixed term temporary tenancy of no more than 2 years duration and which comprises not more than 50% of a vacant allotment plot.
- i) “Allotment plot” means a defined area of land within the allotment site comprising 15 individual plots at Malford Meadow that are available to rent for an annual sum.
- j) “Allotment subscription or allotment rent” means the annual charge for renting an allotment plot for 12 months, from 1st April to 31st March. This charge is reviewed annually by the Council and Committee and notified in writing to all tenants.
- k) ‘Tenant’ means a tenant, a Guardian tenant or a Custodian tenant.

2 Membership: eligibility criteria and the allocation of plots

- a) To be eligible for an allotment a person must be 18 years or older and normally resident within Christian Malford Parish.
- b) The Committee will supply information regarding available vacant plots on a site by site basis. The list of vacant plots will be available on the Malford Allotmenters’ website and the Parish Council Magazine.
- c) All allotment plots are let on an ‘as seen’ basis. Prospective allotment tenants are encouraged to inspect vacant plots before making a decision to confirm their interest in a particular plot. The Council and Committee are not able to carry out improvement or clearance works for new tenants.
- d) Applications from prospective allotment tenants for an allotment plot at Malford Meadow should be made by using the Malford Allotmenters’ website or in writing to the Committee.
- e) A new allotment tenant must sign a Tenancy Agreement before any work on the plot is commenced.
- f) The Committee operates 2 waiting lists to determine the allocation of allotments. The first list comprises applications for allotment plots from new applicants (‘The New Allotmenteer List’) and the second comprises applications for plots from existing Malford Meadow allotmenters (‘The Existing Allotmenteer List’). Both lists are compiled in strict date order from the date of receipt by the Committee. For those applications made by e mail using the website, the date and time of receipt are as recorded on the e mail communication. For those applications made in writing, the time of receipt will be deemed to be 11am on date of receipt. The lists are perpetually open and shall be retained by the Committee.
- g) Applications for vacant allotment space shall be dealt with as follows.
- h) Applications for allotment space from new applicants. When a plot becomes vacant the oldest (in time) applicant from The New Allotmenteer List will be offered the tenancy for

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that plot as first choice. If this offer is not accepted within 2 weeks this application will lapse and the name of applicant will be removed from The New Allotmentee List. The vacant plot will instead be offered to the second choice on The New Allotmentee List (the second oldest in time). This process will continue until all extant applications on The New Allotmentee List have been exhausted. In the event that no offers for tenancy are accepted from those applicants on The New Allotmentee List, then the Committee will consider applicants from The Existing Allotmentee List.

- i) Applications for additional allotment space by existing allotmentees. When an allotment plot becomes vacant, and the vacancy has been advertised for at least 2 months, and the process set out in h) above has been completed, the oldest (in time) applicant from The Existing Allotmentee List will be offered either a fixed term 'Guardian Tenancy' for the vacant plot for the remaining portion of the allotment year or a 'Custodian Tenancy' for a period of not more than 2 years and for an amount of allotment space that covers no more than 50% of the vacant plot. If either offer is not accepted within 2 weeks this application will be deemed to have lapsed and will be removed from The Existing Allotmentee List. The vacant plot will instead be offered to the second choice on The Existing Allotmentee List (the second oldest in time). This process will continue until all extant applications on The Existing Allotmentee List have been exhausted. On expiry of a Guardian or a Custodian Tenancy the allotment plot leased under that Guardian or Custodian Tenancy will be deemed to be returned to its previous status as a vacant plot and will be advertised as available for rent in the manner set out above.

3 Plot Maintenance and tenant responsibilities:

- a) The tenant shall keep their allotment plot in a good state of cultivation and not allow weeds and grass to cause a nuisance to neighbouring plots. Tenants are required to abide by their tenancy agreement, keep their plots in a reasonable level of cultivation and not to introduce hazards to other Tenants. Tenants are required to tend to and keep mown grassed areas adjacent to their plots. As a courtesy to other Tenants, weeds on a plot or grassed areas under their stewardship should be removed before they set seed.
- b) Tenants shall be responsible for the cultivation of any living hedges adjacent to their plot. This includes watering of those living hedges and the removal of competing grass from individual saplings, adjacent to their plots. The Committee shall be responsible for trimming the living hedges.
- c) Tenants should use their allotment plot for their own personal use and not use their plot to carry out any horticultural profit-making business.
- d) The tenant shall not deposit any refuse or rubbish on their plot or any part of the allotment site. All unwanted product from the permitted allotment activities shall be composted or removed. Upon termination of tenancy it is the responsibility of the Tenant to clear the plot. No fires are permitted.

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- e) The tenant shall not, without consent of the Committee, cut or prune any trees growing in or adjacent to a communal allotment area.
- f) The tenant shall be responsible for and must keep the shared paths between the allotment plot and the neighbouring plot in good order.
- g) The tenant shall not take, sell or carry away any minerals, gravel or clay from the allotment site.
- h) The tenant is permitted to bring a dog onto the allotment site, however it must be kept on a lead at all times and any dog faeces removed and disposed of appropriately (not dug into plot soil). No dogs are to be kept on the plots overnight.
- i) The tenant shall not keep, or allow other persons to keep, animals or livestock on the allotment site. Bee keeping is not prohibited under these rules. Allotmenters may keep bees. However this is an arduous responsibility which requires considerable effort and experience. The right to keep bees is consequently subject to three conditions:
 - i. sufficient knowledge and expertise of bee keeping,
 - ii. membership of the British Bee Keepers Association, and
 - iii. the written consent of the Committee.
- j) The tenant shall not alter, or permit anyone to alter the water supply system (which is a mechanical hand pump from a shallow well on the site) on the allotments provided by the Council. The water source is untreated and is not drinking water. The costs of maintenance and repair of the hand pump rests with the Council. The Association provides for the benefit of its members two water troughs solely for the application of water to plots and hedges. Water sourced from the nearby brook can be pumped into these troughs, via a manually operated pump, provided for this purpose, situated at the rear of the communal shed. The troughs are marked internally with a 'full' mark. Members should expect to attend these troughs for the purpose of water extraction, to find the water level at or near the full mark. Members therefore are required, as a courtesy to other members, when taking any water from a trough to replenish the water used. Rainwater is obtainable from two water butts situated at the rear of the shed. Availability of water from this source is dependent upon member usage and weather conditions.
- k) Barbed wire, corrugated iron, glass or sheet iron is not permitted on any part of the allotment site. Protective covers must be provided to the tips of sticks or canes shorter than 2m length. The tenant must not use any material or equipment that carries a foreseeable risk of injury.
- l) The tenancy of an allotment is personal to the tenant and tenants may not assign, underlet or part with possession of all or part of their allotments.
- m) The Tenant must pay the annual subscription charge.

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- n) The Council and Committee reserves the right to change the allotment rules from time to time, but will make such changes known to tenants in advance in an appropriate manner (through the site representative, Council and Association's website, on site notice boards or by letter or email). A copy of these rules is available on the Council's website and the Committee's website and in hard copy free of charge from the Council's clerk. Tenants will be expected to comply with any rule changes, following consultation and notification process. Non-compliance will result in termination of tenancy
- o) Disputes between tenants should be referred to the Council and the decision of the Council will be binding to all involved.

4 Subscription

- a) Every Tenant shall pay on entry into the Association an annual subscription, renewable on 1st April in each year. The subscription shall be agreed annually at a General Meeting.
- b) Any Tenant who is one month in arrears with their annual subscription shall be held to have ceased to be a member, unless explanation of extenuating circumstances is given in writing to the Committee.
- c) New tenants including Guardian and Custodian Tenants who commence tenancy during the extant allotment year will be charged for in full for such a tenancy agreement when that agreement is made on or before 1st April and at a rate of 50% of the annual subscription charge for those agreements made on or after 1st June.
- d) Custodian Tenants who will occupy no more than 50% of the available space in a vacant plot will be charged no more than 50% of the value of the annual rent that would be chargeable on a whole plot.
- e) The Committee reviews the annual allotment charge each year and the value of the subscription is determined at a General Meeting

5 Buildings and structures

- a) Tenants shall not erect on the allotments sites any building or structure.
- b) Tenants are permitted to install compost bins. Tenants are also permitted to erect fruit cages and support structures for soft fruit.
- c) Tenants are permitted to use the single shared shed which should be kept locked when not in use and which should be maintained in a good state of repair. The shared shed can only be used in connection with the use and management of the allotment plots.
- d) Tenants are advised not to store valuable equipment and materials in the shared shed and should not store petrol, oil, lubricants or other inflammable materials. Tenants must ensure that any chemicals used and stored in the shed are labelled, stored and used correctly. Chemicals must not be stored in food or drinks containers.

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- e) Storage of a single communal petrol driven grass cutter provided and maintained by Malford Allotmenters will be permitted within the communal shed. A small quantity of secure petrol storage will be permitted within the communal shed for the sole use any communal grass cutting equipment.

6 Termination

- a) Tenants may terminate a Tenancy by giving one month's written notice. Such a termination notice should be given in writing to the Committee. The Committee will not refund any rent paid in that year when the cancellation is made at the request of the tenant.
- b) The Committee reserves the right to terminate an allotment tenancy by serving a Notice to Quit in writing in the following circumstances:
 - i. Non-payment of allotment rent by the tenant, and/or
 - ii. Where the tenant is no longer a resident of the Parish, and/or
 - iii. Where the tenant does not observe their obligations under the Tenancy Agreement or these rules affecting the allotment plot.
- c) The Committee will in the first instance provide a verbal warning to any tenant, where it is considering terminating a tenancy agreement, explaining the reasons for its concern and in the event of poor land management or rent arrears inviting the Tenant to make good and/or pay as the case may be. In the event of continued non-compliance, a written warning will be issued to the Tenant 14 days after expiry of the verbal warning. If the matter remains unresolved the Committee shall issue a notice to quit in the form of a written recommendation to terminate the tenancy.
- d) A tenant is entitled to appeal a notice to quit. Any appeal should be made in writing to the Clerk to the Council at Christian Malford Parish Council within 14 days of receipt of the written recommendation. The decision will be reviewed by the members of the Council and the decision of the Council will be binding on the Tenant and Committee.

7 Health, safety and well being

The use of the allotments is intended to be an enjoyable experience for Tenants and their visitors. Tenants and visitors are responsible for their own welfare. The Committee, the Allotmenters Association and the Council assume no legal responsibility for injury, loss or damage (to person or property) sustained by Tenants or visitors. Each Tenant and visitor must exercise all reasonable care and skill to ensure their own personal safety and that of others, the safekeeping of personal property and the safe use and storage of equipment.

- a) Follow the rules set out in Clause 3 above.
- b) Materials, equipment and practices that are likely to cause injury must be avoided.

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- c) Ensure plastic edges are rounded.
- d) Avoid spreading tools and equipment beyond individual plots and ensure that tools are stowed safely in the shared shed when not in use. Rakes, forks and spades left in or on the ground represent a tripping hazard.
- e) Ensure that chemicals are labelled, stored and used correctly. Chemicals must not be stored in food or drinks containers.
- f) Ensure that you know how to use tools and power tools before commencing work. Offer, or ask for, assistance as and when necessary. When using power tools please ensure that all recommended personal protective equipment is used and that other people are at a safe distance.
- g) Tenants are encouraged to bring a mobile telephone with them for use in case of emergency.
- h) As a community facility visitors to the allotment garden are encouraged. For the wellbeing of visitors they should keep to the paths and not work on plots except with the agreement and supervision of Tenant.
- i) Visitors under the age of 16 years must not enter the allotment unless accompanied by a responsible adult.

8 The Committee

8.1 Composition and meetings

- a) The Officers of the Association shall be a Chair, Secretary and Treasurer. They shall be elected at each Annual General Meeting. Retiring Officers shall be eligible for re-election. They shall be *ex-officio* members of the Committee. Officers of the association shall not be personally responsible for any action taken against the association.
- b) The Chair shall provide leadership for the Association, maintain contact with members of the association and provide primary point of contact with the Council.
- c) The Secretary shall maintain up-to-date contact details of Tenants and their plot holding. These details will be sent to and stored by the Clerk to the Parish Council. The Secretary shall arrange and minute committee and general meetings as required and provide primary point of contact with external bodies, e.g. NSALG.
- d) The Treasurer is responsible for receipt and banking of all monies paid to the association and shall arrange for the payment of invoices due to be paid by the Association. The Treasurer will prepare an annual budget and an annual statement of account. The Committee operates a bank account in the name of the Association and all monies received from any source on behalf of the Association shall be paid into such account by the Treasurer. Two out of three signatories shall sign cheques.
- e) The Annual General Meeting shall be held at such time as the Committee or a General Meeting shall decide. 50% of plot members shall form a quorum. At the meeting the

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accounts and annual report shall be submitted and the Officers and Committee for the ensuing year elected.

- f) Extraordinary Meetings shall be called upon the requisition in writing to the Secretary of at least 25% of members.
- g) No party-political or sectarian discussions shall be raised or resolutions proposed at either Committee or General Meeting.
- h) At any meeting where the membership is entitled to vote, members shall cast their votes on the basis of one vote per full or half plot held. Members holding more than a full plot will be limited to one vote.

8.2 Delegated powers

- a) The Committee of the Malford Allotmenters is empowered to serve warnings and notices and all other matters in connection with the administration, operation and enforcement of these rules and each Tenancy Agreement for and on behalf of the Council.

Further, the Committee undertakes the following:

- b) To ensure Tenants abide by the rules and take appropriate action against those tenants who do not;
- c) The collection of annual subscriptions from the Tenants,
- d) The maintenance of a written register of all Tenants including contact details, allotment plot numbers and rent payment record,
- e) To keep an open list of any prospective tenants on either waiting list;
- f) To regularly apprise the Council of its activities,
- g) To advertise vacant plots when they become available,
- h) The allocation of vacant allotment plots in accordance with these rules,
- i) To conduct regular meetings of the Allotments Committee from time to time and as required.
