

AYLESFORD PARISH COUNCIL RECREATION & AMENITIES COMMITTEE

ALLOTMENT REGULATIONS

1A. Any adult resident in the parish shall be eligible to become a tenant of an allotment garden. Spare plots will be made available to non-parishioners, provided there is no waiting list of parish residents.

1B. From 21 March 2022 existing plot holders shall no longer be eligible to have a second or subsequent allotment garden, unless there is no waiting list. Those already on the waiting list are exempt from this regulation. The decision will be made by the Parish Clerk.

2A. The rent will be reviewed annually by the Council and a year's notice of the revised rent will be given. Tenants will be asked to pay their rent to the Parish Council in July/August of each year.

2B. There is a deposit due when a plot is allocated, accepted and a key issued. The deposit is returnable on surrender of the plot provided it has been left in a satisfactory condition the key (including additional keys paid for) returned to the Parish Office. The Parish Council shall have the final decision over returning the deposit.

3. The allotment garden may be used for the cultivation of fruit, vegetables, flowers and herbs for non-commercial use and not for any other purposes. (For the avoidance of doubt, the sale of **any** produce is strictly prohibited). The majority of the allotment must be used for the cultivation of fruit and vegetables.

4. The tenant shall not underlet, assign or part with the possession of the allotment garden or any part thereof. Neither should they pass the tenancy on to anyone else.

5. The tenant shall keep the allotment garden in a good state of cultivation and condition throughout their tenancy.

6. The tenant shall preserve and maintain all paths between adjacent allotments free from **all** weeds and obstructions so as to permit easy access for the Council and its official contractors.

7. The tenant shall be responsible for the disposal of refuse from his/her allotment garden. Garden rubbish or other refuse may not be deposited on the paths or surrounds of the allotment garden.

8. No trees, other than fruit trees or small ornamental trees already growing on the tenant's allotment garden, may be cut, lopped or felled without the Council's approval.

9. No mineral, gravel, sand, earth or clay shall be taken or carried away.

10. The tenant shall not cause any nuisance or annoyance to the occupier of any adjoining land. All children are the responsibility of the accompanying adult.

11. The tenant is responsible for all items on their plot. Any tools or equipment left on site or in sheds/greenhouses are left at the tenant's own risk. There is no liability upon the Parish Council to replace, repair or otherwise compensate for any loss or damage suffered by the tenant.

12. No dogs are permitted on the allotment site. Repeated failure to comply may result in the Council issuing a Notice to Quit.

13. The tenant must seek the prior written consent of the Council to erect any building or other structure on the allotment gardens, to include (but not limited to) sheds, greenhouses, cold frames or poly-tunnels.

14. Wooden sheds should be painted/stained in natural wood shades. Any other colour must be agreed by the Clerk prior to any work being carried out.

15. Hosepipes should be used responsibly, avoiding unnecessary waste and plot holders should be mindful of other plot holders' requirements. Plot holders are urged to use their water butts wherever possible to reduce water consumption. **Please note the water supply will be switched off from 1 December to 1 March, the allotment committee will ensure all taps are securely turned off.**

16. The tenant must display the plot number of the allotment garden at all times.

17. The tenant shall observe and perform any special condition which the Council considers necessary to preserve the allotment garden from deterioration or to conform with statutory requirements. The Council will endeavour to give reasonable notice of such special conditions.

18. The tenant must seek the written approval of the Parish Council for the placement of Apiaries on his/her allotment garden. If agreed there will be maximum permitted number of two apiaries depending on the size of the allotment garden. The Parish Council reserves the right to demand the removal of any already agreed apiary if for any reason it deems it necessary. The bee keeper is prohibited from selling honey and hives are best sited away from other plot holders, paths and public roads if/where possible. Any permission given to one allotment holder for the keeping of bees does not mean other requests will also be granted the same permission as each request would be treated on its own merits. In all circumstances the decision of the Parish Council/Clerk will be final and any permissions/instructions will be tailored to the individual request.

19. The keeping of hens and rabbits on the allotment garden is not permitted by the Parish Council and all/any such requests will be refused.

20. Bonfires – there are no specific laws relating to this but allotment holders should be considerate to other plots holders and neighbouring properties when lighting bonfires. They should only be lit to burn garden waste and when the wind is light and steady and going in a direction that will cause the least annoyance. Household waste, plastic and rubber are prohibited from being burned. Allotment holders should adhere to the advice from Tonbridge & Malling Borough Council.

21. It is the duty of each person leaving the allotments to securely lock the gates when leaving.

Parking

22. There is limited vehicle access and parking within both the Aylesford and Eccles sites but plot holders wishing to unload heavy allotment supplies should be given priority. There are public car parks within easy walking distance of both sites.

Parking directly outside the gates of both sites (including on any grass verges) is not permitted.

Termination

23. Voluntary Surrender – The tenant shall advise the Parish Clerk in writing of his/her intention to vacate the allotment garden. At least six months' notice shall be given, other than in exceptional circumstances or emergency such as sudden illness. In cases where the allotment garden can be re-let at once the Council may be prepared to waive this requirement. The decision will be made by the Parish Clerk.

The allotment garden must be surrendered in good condition as determined by the allotment committee members and the key returned to the allotment committee or the Parish Office. If these conditions are met the deposit will be returned, if they are not the deposit will be retained to cover costs of plot clearance and a replacement key.

24. Death of a tenant – The tenancy of an allotment garden shall automatically terminate three months after the death of the tenant. (Note: Application may be made by the former tenant's family to be granted a new tenancy). Deposit will normally be returned in these circumstances.

25. Termination due to non-compliance with conditions/regulations – The tenancy may be terminated by the Council by re-entry after one month's notice: -

- a) if the rent is in arrears for not less than 40 days; or
- b) if not less than three months after commencement of the tenancy the tenant is not duly observing the rules affecting the allotment garden, or any other term or condition of his/her tenancy.
- c) Deposit will **not** be returned in these circumstances.

26. Termination by the Council: -

- a) The tenancy may be terminated by the Council giving not less than 12 calendar months' notice in writing by the issuing of a Notice to Quit. (this is the statutory provision under the 1922 Act)
- b) It shall also terminate whenever the tenancy or right of occupation of the Council terminates.

In neither case will the Council be liable to compensate a tenant for the value of growing produce at the actual termination dated.

Deposit will be returned in these circumstances.

Unauthorised Occupation

27. In the event of any person assuming tenancy and/or cultivating any plot or area outside of their allocated allotment plot but within the fenced allotment area without Council authorisation, the Council reserves the right to give one calendar month's written notice to cease the unauthorised occupation.