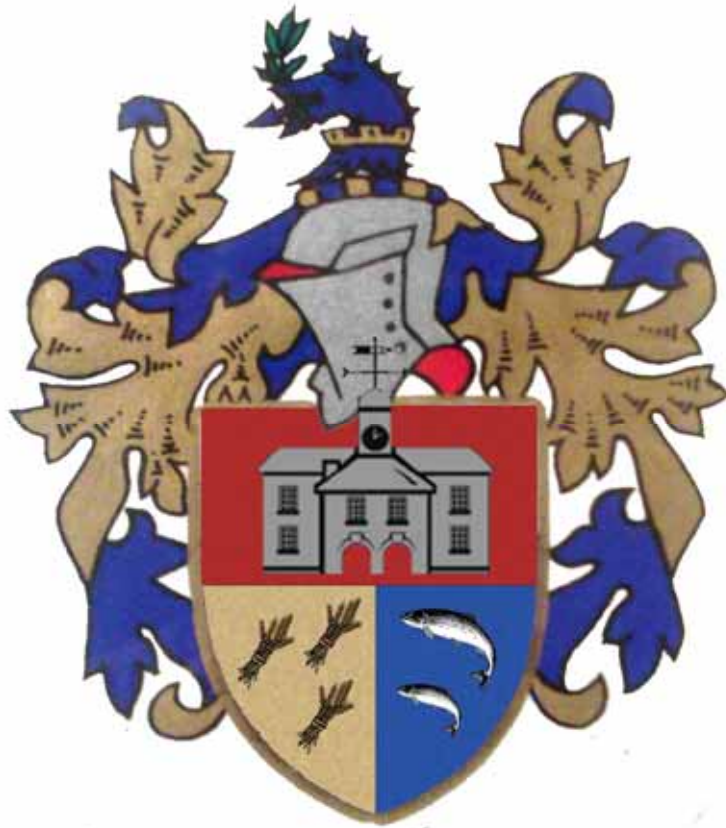


YARM TOWN COUNCIL



Allotment Garden Rules

September 2009

AGREEMENT made this day of
20 **BETWEEN THE TOWN COUNCIL OF YARM** in the
County of Yorkshire (“the Council”) of the one part and of

(“the tenant”) of the other part

WHEREBY:-

1. The Council agrees to let and the tenant agrees to hire as a yearly tenant from the day of 20 the allotment garden(s) numbered in the register of allotment gardens provided by the Council at the yearly rent of £
2. The tenancy is subject to the Allotment Garden Rules set out below: made from time to time by the Council and to the Allotment Acts 1908 to 1950.

Signed

On behalf of the Council

Signed

Tenant

Allotment Garden Rules

1. Interpretation

“The Council” means Yarm Town Council or any Committee of the Council.

“The Chairman” means the Chairman of the Council’s allotment committee for the time being.

“The Clerk” means the Clerk of the Council for the time being.

2. Division into Allotment Gardens

The Council shall divide allotment land into gardens and shall keep a plan showing the site and the number of each plot. Any sub-division of allotment gardens may occur when plots become vacant.

3. Lettings to Existing Tenants

A tenant may apply to the Council to move to a vacant allotment garden which offers better access or soil. If two or more tenants want to move to the same allotment garden then the move will be decided on the basis of the best kept allotment garden in the opinion of the Chairman or, if there is no noticeable difference, of seniority.

4. New Lettings

- (a) Persons wanting to rent an allotment garden must apply to the Chairman of the Yarm Garden Allotments Association or Clerk on the form provided for that purpose before they are added to the waiting list.
- (b) Subject to Rule 3 above the person at the top of the waiting list will be selected as tenant of the next available allotment if he or she:
 - (i) lives in the area of the Council at the time of allocation
 - (ii) agrees to abide by the Rules.
- (c) Persons refusing the allotment garden offered shall go to the bottom of the waiting list unless the Council is satisfied that there is a good reason for the refusal. In that case he or she will be allowed to stay top for one season.

5. Rent

The rent shall be paid annually one year in advance and is payable on the first Friday in October. Rent is non refundable. New tenants joining mid year may be liable to a pro rata payment at the discretion of the Council

6. Inspection

The Chairman accompanied by any other Member or any Officer may enter and inspect an allotment garden without notice.

7. General Conditions

The Tenant shall:-

- (a) Keep a minimum of 75% of his cultivatable allotment garden free from weeds, properly cultivated, fertile and in a good condition.
- (b) Not cause a nuisance or annoyance to other tenants or obstruct any path set out by the Council for the use of tenants generally.
- (c) Not sublet or part with the possession of the allotment garden or part of it or allow any other person regularly to work it for his own benefit.
- (d) Not cut or prune any tree (other than fruit trees) or take away any minerals or soil without the Council’s prior permission.

- (e) Not build any structure or plant any tree on the allotment garden without the Council's prior permission. The number of buildings not to exceed two, each having a floor area of less than 100 ft² (e.g. approx. 12ft x 8ft), subject to a limit for the total area of all buildings not exceeding 25% of the area of the garden to include poultry runs. (This rule specifically excludes temporary structures, which the Council would expect to see removed regularly.)
- (f) Not dump or allow to be dumped on the allotment garden or elsewhere on allotment land any refuse or decaying matter (except a reasonable amount of manure or compost).
- (g) Not cause or allow any toxic materials to be burned on his allotment. e.g. rubber, roofing felt, polythene or other plastic materials etc.
- (h) Not cause or allow materials to be brought onto his allotment garden for burning.
- (i) Fires should not be allowed to burn between 10.00 a.m. and 6.00 p.m. nor cause a nuisance to other tenants or to neighbouring properties nor allow smoke to obstruct the Highway.
- (j) Not use any sprinkler or other automatic watering system.
- (k) Tell the Council immediately of any change of address.
- (l) Not commit any misdemeanour against any elected Member or Officer of the Council, or their assigns.
- (m) Allotment tenancies are granted on the understanding that tenants regard themselves capable of carry out necessary works without causing themselves personal injury, taking into account all the possible risks of the site
- (n) All allotment huts are regarded by the Council as the property of the tenant. Vacating tenants will be responsible for demolition and clearance or transfer, with agreement that necessary repairs will be carried out, to an incoming tenant.
- (o) Vermin problems necessitate the use of poison being placed in appropriate places in the allotments from time to time. Tenants must be aware of the dangers and ensure the safety of their pets. All risks must be assessed by the tenant and appropriate action taken to ensure overall safety and this will be regarded by the Council to be the sole responsibility of the tenant.
- (p) Weedkiller must not be sprayed when there is any noticeable wind and all care must be taken to prevent any sprayed weedkiller alighting on adjacent allotment plots.
- (q) The parking of cars on individual allotment plots is NOT allowed. Cars may only be parked in the car parks provided.

8. Poultry and Pigeons.

- a) With effect from the 1st October 2009 no new cockerels are to be kept on allotments. This is in line with current guidance and legislation. (anyone who has cockerels already housed on the allotments may keep them. Once the existing cockerels have gone they are not to be replaced)
- b) All tenants must seek prior approval from Yarm Town Council before keeping poultry on the allotments.
- c) No poultry are to be kept on the allotment garden (except hens and pigeons to the extent permitted by the Allotment Act 1950) without the Council's consent and when such consent has been given, shall ensure that the same are kept suitably enclosed at all times in line with current legislation.

- d) No pigeons to be kept on the brickyard allotment site.
- e) As from the 1st October 2009, new tenants must not keep livestock within 10 metres of the boundary fence adjacent to domestic properties or 5 metres from external fences.

9. Termination

The tenancy may be ended:

- (a) By the Council or the tenant giving twelve month's notice in writing expiring on or before 6th April or on or after 29th September in any year.
- (b) By the Council by re-entry after one month's notice if:
 - (i) the rent is more than 40 days in arrears.
 - (ii) the tenant fails to observe any of these rules.
- (c) Unless agreed by the Council, on the rent day following the death of any tenant.

10. Service of Notice

Any notice may be served on a tenant:

- (a) personally, or
- (b) by leaving it at his last known residence, or
- (c) by sending it by Recorded Delivery addressed to him there, or
- (d) by fixing it conspicuously to the allotment garden.

The Council reserves the right to make any rules or conditions it considers appropriate from time to time and these will be binding on all tenants after proper consultation. All rules and regulation will be reviewed and revised annually.