



PEACEHAVEN TOWN COUNCIL
ALLOTMENT TERMS AND CONDITIONS / CORNWALL AVENUE 2023

Peacehaven Town Council owns and manages an Allotment Garden at Cornwall Avenue. Allotments can be rented by residents of Peacehaven on a first come first served basis and with written agreement to a contract and Rules. PTC as freeholder and manager retains the right to have the final word on all aspects of Allotment Garden.

All Allotments at Cornwall Avenue may be divided in half when they come available and that they will be offered to the next available person on the list that does not already have an allotment. Multiple hire is allowed but only when those who have no plot at all have already been asked and have turned down the plot

The charge for the allotments from 1st January 2023 is £35 per full plot and £25 per half plot

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Introduction

Allotments are an important asset, providing a wide range of benefits to both communities and the environment. They are not just a way of producing good and low-cost food, though this remains important. They offer recreation involving healthy exercise, social contacts and the fun and challenge of growing a variety of fruit, vegetables, and flowers, this will improve your well-being.

Background

Peacehaven has an allotment site at Cornwall Avenue under their management. Nationally there is a shortage of available allotments, with waiting lists for sites in Sussex. Many sites are managed by Town and Parish Councils or allotment societies.

Purpose

To establish the principles which will guide the establishment and management of the allotment site. It will define the responsibilities of each party. This would lead to improved sites and create greater community ownership of allotments. The policy seeks to encourage and increase the use of allotment sites for existing and potential plot holders. It puts in place a framework to develop and manage allotments in partnership with users.

The document will:

- set standards for the provision of allotments
- encourage the uptake of allotments
- seek to improve the standard of service provision
- evaluate the benefits derived from allotments
- Improve the fairness of provision of the allotments

Equality, Diversity, and inclusion

The Rules of the allotments and their enforcement across Peacehaven will benefit all residents, workers and visitors by providing a safer environment, fairer access to allotments and increased health benefits.

Harassment

Peacehaven Town Council has a commitment to eliminating unlawful or unfair discrimination and to achieving an environment free from harassment. This extends to the conduct of allotment tenants.

All tenants are expected to comply with the Council's policies in respect of harassment and discrimination. Harassment or non-verbal conduct may be of a specific racial, sexual or religious nature, but is generally accepted to be any unwelcome physical, verbal or non-verbal conduct.

Complaints about harassment are to be referred to the Council. The Council will endeavour to protect tenants against victimisation for making or being involved in a complaint. Wherever possible, Tenants should tell the person who is causing the problem that the conduct in question is unwarranted and/or offensive and must stop.

Monitoring and Review

Officers of the Council will monitor the impact of any price changes following implementation of a revised pricing structure.

These Terms and Conditions are intended to improve the management of the Council's existing stock of allotments by controlling lettings and operations and will be reviewed in line with corporate guidelines.

Overriding Responsibility Statement

Peacehaven Town Council has overriding responsibility for the management of the allotment gardens. There may be exceptions to these rules, the Council retains the right to make decisions contrary to or in addition to those detailed in this document.

Allotment Terms and Conditions

1. Qualifications for Allotment Tenancies

Peacehaven Town Council will only grant new allotment garden tenancies to people living within the administrative boundary of the Peacehaven who are a minimum of age 18 years old. The allotment garden can only be held in one name at a time, and joint tenancy agreements will not be allowed. (But see Co-workers heading below). Only one allotment can be allocated to each household.

When an allotment falls vacant due to death of the tenant, the tenant's immediate family can take over the allotment garden if they fit the criteria set out above.

Once a tenant permanently moves out of the Peacehaven boundary, they will be required to give up the tenancy of their allotment garden. Existing tenants who already live outside of the Town of Peacehaven will be allowed to retain their allotment garden to be reviewed annual

2. Allocation

Allotments will be offered on a "first come, first served" basis and where required a waiting list will be held by the Council, Individuals will be placed on the list in date order upon receipt of a completed application form.

When a plot becomes vacant it will be offered to the person at the top of the list. Should the person at the top of the list decline two offers of a plot they will be removed from the list. A new application can be submitted however, it will be the new application date which will determines their position on the list i.e., at the end of the list

The Council reserves the right not to grant an allotment garden tenancy where there is evidence of previous plot misuse or a history of enforcement action for such matters as non-payment of rent or cultivation issues.

3. Co-workers / Plot Partners

A co-worker is someone who assists the allotment garden tenant with the maintenance of an allotment garden. However, co-workers have no legal tenancy rights and are not responsible for any part of the annual rent. Subletting to co-workers is not permitted and the tenant must have a regular involvement in the maintenance of the allotment garden. The tenant will always be responsible for the maintenance of the plot even if they choose to nominate a co-worker.

4. Rent

Allotment garden rent is payable in advance to the Council on the first day of February each year without any deduction, (except as provided by law), and throughout the continuation of the allotment garden tenancy. The rent invoice must be paid in full within 28 days of receipt after which period the Council can legally give 30 days' notice to quit for non-payment or any shortfall in payment. Allotment garden rents will be reviewed annually

Allotment garden rents will be based on the area of the allotment.

Allotment Plot Size:

Full Plot = 112 Metres square 133 Yards Square approx.

Half Plot = 56 Metres square 67 yards Square approx.

5. Use of Land

The land is to be used solely as an allotment garden in accordance with the relevant Allotment Acts and this Terms and Conditions document. Any business use is strictly prohibited.

6. Cultivation

Tenants must keep their plots clean and tidy and in a reasonable state of cultivation and fertility and in good condition. This is taken to mean that a minimum of 75% of the plot area is either in readiness for growing, well stocked with produce (relevant to the time of the year) or being made ready for crops or being prepared for the following season. The remaining 25% of the allotment area is to be kept tidy. The tenant must take all reasonable steps to eradicate persistent weeds such as thistles, ground elder, nettles, ragwort, and brambles and ensure that they do not spread to other plots. Tenants must not cause a nuisance to other plot holders by allowing weeds to seed.

The tenant is also responsible for maintaining the half width of any paths / tracks adjacent to the allotment garden.

7. Use of Chemical Sprays and Fertilisers

The use of chemicals on the allotments is prohibited unless permission is applied for from Peacehaven Town Council if permission is granted chemicals can only be applied by a person with a current spraying certificate and in suitable weather conditions. It is also Peacehaven Town Councils policy that Glyphosate based chemicals are not to be used on any council owned land.

The use of fertilisers is allowed, with a preference for organic based products to be used, proper precautions should be taken to avoid any adverse effects on neighbouring plots or the environment.

8. Nuisance

The tenant must not cause or permit any nuisance, annoyance or cause any offence to the occupier of any other allotment garden or to the owners or occupiers of any adjoining or neighbouring land nor to obstruct or encroach on any path or set out by the Council or used by the owners or occupiers of any adjoining or neighbouring property.

A 60cm (2 feet) boundary must be maintained between the allotment and any adjoining boundary fence line and kept clear of debris, and not used for produce growing or storage.

Any allotment garden tenant found guilty in a court of law of offences involving the allotment garden or other tenants will be given immediate notice to quit. The same will apply if in the reasonable opinion of the Council the tenant has threatened, used violence and or intimidation against other allotment garden tenants or the owners or occupiers of adjoining or neighbouring property.

9. Sub-letting of allotments

The tenant may not sub-let, or part share the allotment.

10. Vehicles

The allotment garden tenant must not bring or place any vehicle, caravan, trailer or vehicle parts onto the allotment garden. Tyres must not be brought onto allotment garden sites.

11. Trees, Shrubs and Materials

The tenant may not, without the written consent of the Council, cut or prune any timber or other trees or take, sell, or carry away any mineral, sand, earth or clay. Please contact Peacehaven Town Council if any mature trees need attention. No ornamental or forest trees or shrubs should be planted on the allotment garden. See restrictions on Cropping below for advice on fruit growing.

12. Hedges, Fences, and Boundary Features

The tenant will keep every hedge on the boundary of the allotment garden properly cut and trimmed to a maximum height of 1½ metres, keep all drainage ditches properly cleansed and maintained. No boundary fence should be interfered with and the 60cm gap kept clear of debris.

The tenant must not erect any fence sub-dividing any allotment garden **without the written consent of the Council**. Allotment plots are permanent fixed features, tenants must not alter or move the boundary fences on their plot. Rubbish must not be piled against fences as this can cause them to lean or rot and impedes any maintenance. Any boundary disputes should be referred to the Council to determine. The tenant of an allotment garden must not use barbed wire or razor wire.

13. Erection of sheds, greenhouses, polytunnels and compost containers

There is to be no construction, extension or changes to existing sheds, greenhouses, polytunnels without written prior permission from Peacehaven Town Council. A plan is to be submitted with drawings and sizes. Only a single shed and either a greenhouse or polytunnel will be permitted. Sheds should be used only for storing materials for use on the allotment garden.

There is to be a gap of 2 feet or 60cm left clear between an allotment plot and residential properties and fences.

The roof sides and surrounding area must be kept clean and tidy at all times.

Tenants are entirely responsible for the security of sheds and contents and for providing their own insurance cover.

The risk of break in is high and it is not advisable to store any valuable items in sheds. All items are stored at the tenant's own risk.

All sheds and greenhouses must be kept in good order.

13a Dimensions

No permanent foundations are to be laid, the shed, greenhouse or polytunnel may be supported on a temporary foundations not exceeding 9 inches 0.229 metres in height and laid dry

The maximum size of a shed, greenhouse or polytunnel permitted is 7ft height (2.1 metres) at the apex, length 8ft (2.44 metres) x width 6ft (1.83 metres).

13b Construction Materials

For Sheds Greenhouses

- i) Metal approved manufactured design.
- ii) Timber approved manufactured design or self-constructed of clean sawn woods. Cladding planed soft wood, shiplap or weather boarding.
- iv) Glazing in greenhouse must be with glass or horticultural PVC materials. Thin polythene sheeting is not permitted.
- v) Finish – to be painted green or treated with a suitable wood preservative at three yearly intervals. The greenhouse may be painted white and aluminium paint may also be used.

13c Compost containers and poly tunnels

Compost Containers Maximum permitted 4ft x 6ft x 2ft 6in (1.2m x 1.8m x 0.7m), construction: approved wood, mesh, or manufactured design

Poly tunnels Maximum height 7ft (2.1metres) at apex Maximum Length 6ft (1.8metres) Maximum Width 6ft (1.8Metres)

Construction clean sawn timber, metal or approved manufactured design. Covering clean heavy gauge polythene sheeting or mesh.

13d Siting

Where possible at the rear of the plot as per prior written permission from Peacehaven Town Council.

14. Water holding

Tenants who have a water holding implement on their allotment garden are responsible for the safe maintenance of it and for providing and maintaining a strong, raised well surround and cover. any water overflow from the water butt must be directed away from any boundary fences. No new wells or submerged water holding devices may be dug at all.

15. Restrictions on Cropping

Tenants may grow any kind of vegetables, flowers, soft fruit, herbs, or longer-term edible crops. Fruit trees or bushes may be planted only if they are of dwarf stock and should be sited where they will not create an obstacle or nuisance to others as they grow.

No more than 30% of a plot holder's total land (by area) may be given over to fruit trees and they must ensure that the surrounding areas are kept weed free and neatly mown.

16. Depositing Refuse / Disposal of Rubbish

The tenant is responsible for disposing all of their rubbish from the allotment garden. This includes disposing of both green waste and other non-combustible items. The tenant must not deposit, or allow anyone else to deposit, rubbish anywhere on the allotment garden site, (except manure and compost in such quantities as may be reasonably required for use in cultivation) or place any refuse or decaying matter in the hedges or ditches adjoining the land. Tenants must not add to any illegal rubbish dumped on the site. The use of old carpets as a weed suppressant is prohibited on any Council allotment garden. As a temporary measure, polythene sheeting or cardboard may be used.

Kitchen waste such as cooked food, meat, cheese or similar will attract vermin and must not be brought onto the allotment garden or put onto an allotment garden compost heap.

17. Bonfires / Burning Rubbish

Bonfires and Barbecues are not allowed on the allotments.

18. Children

Children are welcome on allotment garden sites but must be carefully supervised by a responsible adult at all times.

19. Dogs

The tenant must not permanently keep or kennel any dogs on the land, and any dogs temporarily brought on to the allotment by the tenant must be securely held on a leash. Dog owners must comply with Dog Fouling By-Laws and pick-up and appropriately dispose of dog waste off site.

20. Livestock

The tenant must not, keep any animals of any kind on the land.

21. Bee Keeping

Although the keeping of honeybees cannot be granted automatically, the Council will support beekeeping on its allotment sites wherever it is appropriate. Applications must be made in writing to Peacehaven Town Council, and we will then carry out limited consultations on site. Each application will be determined on its own merits. Peacehaven Town Council recognises the ecological importance of all bee species and wishes to support initiatives to increase the number of bee colonies.

22. Not to Display Advertisements

The tenant is not to display or permit to be displayed on any part of the allotment garden, any sign, notice, placard, advertisement or writing of any kind, other than the plot letter or number.

Breach of rules could lead to termination of the tenancy agreement.

23. Inspection

The tenant will permit any officer or member of the Council, or other Council appointed agent or the police, to enter on to the allotment garden or any structure on it at any time to inspect its state and condition.

24. Disputes

Disputes between tenants which cannot be resolved on site should be referred to the Council. The written decision of the Council will be binding on all tenants involved in the dispute.

25. Termination of Tenancy

The tenant must hand back to the Council vacant possession of the allotment garden on the determination of the tenancy, in a condition consistent with the due performance by the tenant of the provisions of these rules.

26. Service of Notices

Any notice may be served on a tenant either personally or by leaving it at their last known address or by registered letter or by recorded delivery addressed to the tenant.

27. Change in circumstances

It is the responsibility of all applicants to keep the council informed of any change in their personal details. The Council will write annually to those on waiting lists to ensure details are correct and whether they wish to remain on the list. Failure to respond to these requests will result in the applicant being removed from the list.

The Council must be kept informed of any change of address or other contact details. If the Council is not kept informed of a change of address, any communication sent to a previous or out-of-date address will still be deemed to have been delivered to the tenant. Tenants who are unable to work their plot as a result of illness or have other reason for a long absence are advised to keep the Council informed. Failure to do this may result in an allotment garden appearing to be neglected and so leading to the issuing of non-cultivation letters and potentially a notice to quit with immediate effect

28. Failure to Comply

Allotment garden sites and plots will be regularly inspected by the Council, and tenants who fail to comply with this lettings policy will be contacted and requested to address any issues raised with them. Failure to comply with any such notice may result in further warnings and ultimately the Council has the power to give tenants Notice to Quit as per the allotment garden tenancy agreement between the Council and allotment garden tenant

29. Legal Obligations

The tenant of an allotment garden must at all times observe and comply fully with all laws / regulations.

THE COUNCIL IS NOT LIABLE FOR ANY LOSS (INCLUDING BY ACCIDENT, FIRE, THEFT OR DAMAGE OF ANY TOOLS OR CONTENTS OF SHEDS AND GREENHOUSES).

30. Special Conditions

The tenant of an allotment garden must observe and perform any other special conditions the Council considers necessary to preserve it from deterioration of which notice is given to applicants for the allotment garden in accordance with these rules.

31. Enforcement

The following enforcement procedure will apply:

- a) Informal Warning – Tenants who fail to comply with their tenancy agreement will be contacted and requested to address issues of non-compliance.
- b) Formal Warning – Tenants who fail to respond to an informal warning within 30 days will be issued with a formal written warning.
- c) Notice to Quit – Tenants who fail to respond to a formal warning within 30 days will be given notice to quit.

32. Power of eviction

In the event of a serious breach of the Tenancy Agreement, the council reserves the right to serve immediate notice to quit, without progression through stage a) and b) of the procedure.

33. Amendment of these rules

Peacehaven Town Council reserves the right to amend these rules at any time.

Contact details and for further information or queries please contact:

Allotments, c/o Information Office, Community House, Meridian Centre, Greenwich Way, Peacehaven, BN10 8BB

Telephone 01273 585493