



ROMSEY TOWN COUNCIL

Romsey Town Hall
1 Market Place, Romsey, Hampshire SO51 8YZ

ALLOTMENT GARDEN RULES

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The Allotment's Acts, 1908 to 1950

Rules as to allotment gardens made by the Romsey Town Council with respect to allotment gardens for the TOWN.

1. INTERPRETATION OF TERMS

Throughout these Rules the expression "the Council" means the Romsey Town Council and includes any committee of the Council, *Romsey Town Council Allotments Management Committee*, or any allotment managers appointed by the Council under the Allotments Acts, 1908 to 1950.

Through these rules any male pronoun shall also mean its female equivalent.

2. DEFINITION OF THE PERSONS ELIGIBLE TO THE TENANTS OF THE ALLOTMENT GARDENS

- (i) Any man or woman, who at the time of application to the Council for an allotment garden, is resident in the Romsey Town and Parish shall be eligible to become a tenant of an allotment garden subject to the statutory provision that one person shall not hold allotments acquired under the above mentioned Acts exceeding five acres.
- (ii) Under an agreement made between the Romsey Town Council and the Romsey Extra Parish Council, the residents of the Parish of Romsey Extra, subject to a maximum number of tenancies fixed from time to time by agreement between the two Councils, shall, for the purposes of letting allotment gardens be considered as if they were residents of Romsey Town and Parish.

3. RULES AS TO THE LETTING OF THE ALLOTMENT GARDENS, AND FOR PREVENTING ANY UNDUE PREFERENCE IN THE LETTING THEREOF.

The Council shall not let any allotment garden unless and until notice that they propose to let the same has been given in pursuance of the Rule in that behalf at least two weeks before the last day for receiving an application for such allotment garden.

Every application for an allotment garden shall be in the Form appended to these Rules, or to the like effect, and shall be sent or delivered to the Town Clerk, who shall enter particulars of the application in a register to be provided for the purpose.

In letting an allotment garden for which there are two or more applicants eligible to become tenants and likely to keep the allotment garden in a proper state of cultivation, preference shall be given to an applicant who does not hold an allotment garden or agricultural land (other than a garden of 20 poles or less attached to his residence) either from the Council or otherwise over an applicant who does hold such land, but, subject to such preference, the allotment garden shall be let to the applicant whose name appears first on the list in the Council's register. A quitting tenant of land shall for the purpose of this Rule be treated as not holding that land.

4. AGREEMENTS FOR LETTING GARDENS

An agreement to let an allotment garden to an applicant may be signed by the Town Clerk on behalf of the Council and may be in the Form set out in the Schedule to these Rules.

5. LETTING OF SECOND ALLOTMENT TO AN EXISTING TENANT

The Council may, upon application by an existing tenant, permit that tenant to hold the tenancy of a second allotment, subject to the following additional rules.

- (i) The second tenancy will be for a period of *three* years.
- (ii) The three years will commence on the first day of *October* following the actual date of the letting.
- (iii) The tenancy agreement for the second allotment will contain the date of expiry of the tenancy which will be the thirty-first day of *September* of the appropriate year.

6. GENERAL CONDITIONS UNDER WHICH THE ALLOTMENT GARDENS ARE TO BE CULTIVATED.

The tenant of an allotment garden shall comply with the following conditions:-

- (i) He shall keep the allotment garden clean and in a good state of cultivation and fertility and in good condition.
- (ii) He shall not cause any nuisance or annoyance to the occupier of any other allotment garden, or to any local residents. He shall not obstruct any path set out by the Council for the use of the occupiers of the allotments gardens.
- (iii) He shall not underlet, assign, or part with the possession of the allotment garden or any part of it, without the written consent of the Council.
- (iv) He shall not, without the written consent of the Council, cut or prune any timber of other trees, or take, sell, or carry away any mineral, gravel, sand, or clay.
- (v) He shall keep every hedge that forms part of the allotment garden properly cut and trimmed, keep *paths trimmed and maintained* and keep in repair any other fences and any gates on the allotment garden.
- (vi) He shall not, without the written permission of the Council, and appropriate Planning Permission, erect any building on the allotment garden.
- (vii) He shall, as regards the allotment garden, observe and perform all conditions and covenants contained in the lease (if any) under which the Council hold the land.
- (viii) He shall observe and perform any other special condition which the Council consider necessary to preserve the allotment garden from deterioration, and of which notice to applicants for the allotment garden is given in accordance with these Rules.
- (ix) No carpet, carpet tiles or similar material to be used on the allotment as a weed suppressant. The use of plastic sheeting and tarpaulins may be used at the discretion of the Committee.
- (x) The tenant shall not cultivate plants such as bamboo, Japanese knot weed, himalayan balsam and any other non-native species that can cause a nuisance

to neighbouring tenants. Existing plants must be removed and destroyed by the tenant.

7. FIXING OF RENTS

The Council will fix the rents for allotment gardens and may from time to time vary such rents by the giving of twelve months notice to quit to the tenant, together with the offer of a new tenancy agreement containing the new rent when the tenant has signed the new agreement the notice to quit will be deemed to have been withdrawn.

8. PAYMENT OF RENT

The rent of an allotment garden shall, unless otherwise agreed in writing, be paid *on the* 1st October in each year.

9. WATER

Water is available free of charge, subject to the following conditions:-

- (i) The Council reserves the right to disconnect or restrict the supply of water at any time.
- (ii) Water is supplied for the use by tenants of the Romsey Town Council Allotments for cultivation only and is available only from troughs.
- (iii) Water may only be taken from these troughs by hand, in containers.
- (iv) The extraction of water from troughs, by siphoning, pumping, or mechanical means is forbidden.

10. POWER TO INSPECT ALLOTMENT GARDENS

- (i) Any member or officer of the Council shall be entitled at any time when directed by the Council to enter and inspect an allotment garden.
- (ii) Any member of the Allotment Management committee, duly elected by the tenants at the AGM, under the authority of Romsey Town Council can inspect the allotments at any time of ensure allotment rules are being adhered to.*

11. TERMINATION OF A TENANCY OF AN ALLOTMENT GARDEN

The tenancy of an allotment garden shall, unless otherwise agreed in writing, terminate on the rent day next after 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 month's notice in writing

- (i) if the rent is in arrear for not less than 40 days, or
- (ii) if the tenant is not duly observing the Rules affecting the allotment garden, or any other term or condition of his tenancy.

- (iii) The tenancy may also be terminated by the Council or tenant by twelve months' notice in writing *commencing 1st October and expiring by 30th September the following year.*

12. SERVICE OF NOTICES

- (i) Any notice may be served on a tenant either personally or by leaving it at his last know place of abode, or by recorded delivery letter addressed to him there, or by fixing the same in some conspicuous manner on the allotment garden.

(ii) Any tenant evicted from an allotment plot will not be allowed to re-apply for two years.

- (iii)* Appeal Procedure

Stage 1:

1. If the tenant disagrees with the 'Termination of Notice' from an allotment plot, then the tenant can appeal in writing to the '*Town Council Allotment Management Committee*' Secretary, providing full details of the reason for the appeal, within ten working days from the issue date of the notice.
2. The Chairman of the '*Town Council Allotments Management Committee*' will then respond to the tenant within ten working days from receipt date of the appeal as to whether it has been successful or not.

Stage 2:

1. If the tenant disagrees with the '*Town Council Allotments Management Committee*' decision, the tenant can appeal, in writing, to the Town Clerk within five working days of being informed of the decision.
2. The Town Clerk will ask for the Chairman's response and investigate further and make a decision within ten working days, from receipt of the tenants appeal.
3. The Tenant and the Chairman of the Allotments Committee will be informed of the appeal outcome made by the Town Clerk.

13. AMENDMENTS TO THE RULES

The Council reserves the right to amend these rules at any time and such amendments will take effect from the first day of *October* following the date the amendments are agreed by the Council.

Romsey Town Council

17 March 1987/Amended April 1995
Amended June 2008
Amended November 2009
Amended August 2016
Amended February 2018