

Allotments

Rules & Regulations



June 2021

SAC Allotments – Rules & Regulations

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Preamble:

These rules and regulations are made in accordance with Part 9 of the Community Empowerment (Scotland) Act 2015 and apply to all Council-owned allotment sites whether directly managed by South Ayrshire Council or otherwise by an allotment association, society, or group with the exception of the allotment site at Troon as it is leased to Troon Allotment Society and has its own set of rules. These rules and regulations are not intended to be applied retrospectively once implemented.

Terms and Interpretation:

- Allotments Officer:** The nominated Council officer from the relevant South Ayrshire Council department responsible for the administration and management of Council-owned allotment sites.
- Allotment Plot:** A designated plot of land, raised bed or additional poly-tunnel space that is let by the Council for use wholly or mainly for the cultivation of vegetables, fruit, herbs, and flowers. The practice of keeping livestock other than honey-bees will only be permissible where this is already being undertaken prior to the implementation of these revised rules & regulations.
- Association:** Refers to any allotment association, society, or group representing the plot-holders / membership of a related allotment site.
- Authorised person:** Tenant(s) of an allotment plot and their immediate family or accompanied guest(s), Council officers, Elected Members, allotment committee members, grounds maintenance operatives, and engaged contractors.
- Cultivation:** Keeping the plot in good productive order by preparing, working and improving the soil through digging, forking, and adding fertiliser, or a 'no-dig' policy for the growing of crops and plants (vegetables, fruit, flowers, herbs, and ornamental plants), but with no trees planted in the open ground; controlling and preventing weed-growth; maintaining all grass paths, edges and hedges where applicable; maximising the amount of the plot used to grow crops and avoiding the storage of materials, equipment and sundry items on the plot; the good upkeep and health of livestock (only where historically permitted).
- Paths:** Dividing paths between allotment plots, as well as main and perimeter paths. These paths are mostly grass covered.
- Permitted livestock:** Currently the only permitted livestock is being kept only on plots where this practice was historically permitted by the Council prior to the introduction of these amended rules. **No new requests** to keep any livestock (other than honey-bees) will be accepted following the introduction of these new rules and regulations.
- Plot-holder:** A person, persons, school or group named in the official agreement for the tenancy of an 'allotment plot' (as per interpretation above).
- Rent:** The annual rental fee for an 'allotment plot' (as per interpretation above).
- Site:** Any Council allotment facility with numerous individual allotment plots.

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Tenancy Agreement: A written document that records the terms and conditions of the letting of a particular 'allotment plot' to an individual, dual / joint-tenants, school or group.

The Council: South Ayrshire Council.

You or Your You, as the plot-holder(s) / tenant(s) of the allotment plot or raised bed.

PART 1: Application for, and allocation of, Council allotment plots

Only persons over the age of 18 who reside in South Ayrshire can apply for an allotment plot in a South Ayrshire Council owned allotment site. However, schoolchildren and persons younger than 18 years of age are allowed to work on a plot-holder's plot as long as they are properly supervised.

You can apply as a single applicant or as dual / joint-tenancy applicants, school or group. Once the applicants' name(s) have reached the top of the waiting list the Allotments Officer will make contact with them to establish exactly which type of tenancy will actually be undertaken on the plot. This enables applicants who had originally applied only as a single tenant to now choose the option of dual / joint-tenancy if they require to reflect a change in their circumstances (e.g. where they have married or now have a partner since their original application for a plot).

The Council administrates the applicant waiting lists for each allotment site and the allocation of allotment plots at these facilities with the plots being allocated and offered to applicants once they have reached the top of the respective waiting lists, at which time the Council will contact the applicant and will subsequently issue an 'Offer of Allotment' letter. This must be signed-off and dated by the applicant, and returned to the Allotments Officer prior to carrying out any work on the plot. By signing this 'Offer of Allotment' letter the applicant is agreeing to comply with and abide by all the associated rules and regulations.

Should the applicant decline the initial offer of a plot in favour of waiting for a different one to become available at a later date, or on an alternative preferred site, the vacant plot will be offered to the next applicant on the waiting list and at the discretion of the Allotments Officer the initial applicant will retain their place at the top of the waiting list and will be offered the next plot that becomes available at their preferred allotment site(s).

If the Council receives no response from the applicant **within a period of 2 weeks from the date of the 'Offer of Allotment' letter issued to them**, the offer to lease the allotment plot will be withdrawn and the vacant plot will then be offered to the next applicant on the respective waiting list. At the discretion of the Allotments Officer the initial applicant may retain their place at the top of the waiting list and may be offered the next plot that becomes available at their preferred allotment site(s).

PART 2: Allotment Plot Tenancy

1. Tenancy Agreement:

The individual plots and raised beds on Council-owned allotment sites are let to you until either you relinquish your plot or your tenancy is terminated.

The Tenancy Agreement of an allotment plot is a formal written agreement between the Council and you as the plot-holder(s) named in the agreement.

It is a non-transferable agreement so you may not assign, sub-let or part with possession or control of all or any part of your allotment plot and you cannot simply pass the plot on to anyone else when you give-up the plot unless the plot is a dual / joint-tenancy, school or group with two or more named plot-holder tenants in which case the plot tenancy would automatically

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pass onto the authorised second or jointly named plot-holder if one plot-holder was to relinquish or otherwise give-up the plot.

Whilst a single-tenancy plot-holder has no right to pass on their tenancy to anyone, the Council may sympathetically treat a request from a single-tenancy plot-holder's relatives or friends who offer to continue to work on the plot-holder's plot on a **temporary** basis where there are exceptional circumstances, for instance where the named plot-holder is incapacitated due to serious illness or injury etc. In such circumstances the plot-holder's relatives or friends must apply to the Allotments Officer as soon as possible, and **prior** to carrying out any work on the plot.

Any plot-holder who accepts a plot but fails to commence work on their plot within a period of **six weeks from the start date of their tenancy** shall immediately forfeit their tenancy and the annual rental fee they had paid.

The plot-holder will be required to immediately remove any and all personal belongings they may have left on the plot.

The Council will re-allocate the allotment plot to the next person on the waiting list and is not responsible for the loss of any plot-holders' produce, materials, equipment or personal belongings that have been left behind on the plot.

Should the initial plot-holder still wish to rent an allotment plot they may be offered the next available plot on the associated allotment site but only at the discretion of the Allotments Officer.

2. Rental Fees:

The annual rental fees for plots and raised beds will be set by the Council from a tariff based on plot sizes (full plot, half plot and quarter plot) and these charges will be reviewed annually. The rental fees are also reflective of the wide range of services and facilities provided by the Council to plot-holders at the sites.

There are currently no annual rental fee concession rates as the annual rental fees are already heavily subsidised by the Council.

All plot-holders will be notified of any change to their annual rental fee charge prior to the time they require to pay their next annual rental renewal fee.

3. Payment of Rental Fees:

New plot-holders: The annual 'rental year' runs from the 1st of April to the 31st of March and the rental fee paid to the Council is **non-refundable**.

Depending on which portion of the 'rental year' (1st April to 31st March) a new plot-holder takes up an allotment plot will determine exactly how much of the first annual rental fee they will be required to pay as this will be calculated on a **quarterly pro-rata basis**.

Therefore, if the new plot-holder takes up their plot between 1st April - 30th June they will pay 100%, between 1st July - 30th September they will pay 75%, between 1st October - 31st December they will pay 50%, and between 1st January - 31st March they will pay 25%.

Existing plot-holders: Existing plot-holders must renew their tenancy annually by paying their rental fee for the forthcoming year at some point between **1st - 30th of April**. The rent is payable either by calling the Council's Customer Services Centres on 0300 123 0900, or in person at one of the Council's Customer Services Centres.

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Non-payment of the renewal rental fee by the end of Council business on the **30th of April** will be taken as an indication the plot-holder wishes to cease the tenancy of their plot. Thereafter the Council will be entitled to re-allocate the allotment plot of any plot-holder who on the 1st May has not yet paid their annual rental fee.

When a plot-holder eventually relinquishes their plot the Allotments Officer will inspect the plot to ensure the plot holder has left the site in a suitable condition.



4. Padlocks and Keys:

Most gates, communal storage units, and some water standpipe tap housings are secured by coded padlocks that are currently supplied and fitted by the Council. Following acceptance of the plot tenancy and payment of the initial rental fee, new plot-holders will be advised of the associated code numbers for these coded padlocks where relevant.

For security reasons, these code numbers must never be passed on to anyone who is not a plot-holder, and the gate and storage unit padlocks should never be left 'open and unlocked' and must always be closed and locked securely immediately after you use them to prevent access by unauthorised persons, and to prevent the padlocks being stolen.

Keys for key-operated padlocks or key-operated door-locks on communal storage units will be issued by the Council to new plot-holders where applicable when they begin their tenancy and it is each plot-holder's responsibility to keep their key(s) safe.

If, for any reason, a plot-holder requires the Council to provide them with a replacement key the plot-holder will be required to pay a fee to the Council before the new key will be issued to them. This fee will be based on whatever the associated cost is at the time for the Council to source and supply the replacement key for the plot-holder.

Some allotment sites may have fully constituted associations, societies, or groups where their elected committee control the supply of their own padlocks and keys, and you should adhere to that particular site's allotment padlock and key policy where applicable.

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5. Change of Address and Correspondence:

You **must** inform the Council and any relevant allotment association's committee immediately of any change to your home address and/or contact details to ensure you can continue to be contacted when required, and can continue to receive all relevant Council or allotment association's email, telephone, and postal correspondence.

If, during your allotment plot tenancy, you move house and no longer reside in South Ayrshire you may be required to relinquish your allotment plot accordingly. This will be at the discretion of the Allotments Officer.

All plot-holders' personal information held by the Council relating to allotment plot application and tenancy agreements will be held in accordance with the General Data Protection Regulation 2016 (GDPR) and the Council's reports retention period.

6. Request to Add a Person as a Dual-Tenant / Joint-Tenant

If, during the term of a single person's tenancy, the plot-holder wishes to add a second person to their plot to become a dual-tenant / joint-tenant, the plot-holder must firstly submit a request in writing or email to the Allotments Officer. Once this application is received the second person's name will be added to the current waiting list and **only once** this nominated person's name reaches the top of the waiting list will the nominated person be officially recognised as an authorised dual-tenant / joint-tenant of the plot.

However, this process does not prevent the nominated person from working alongside the registered plot-holder on the plot whilst their application is being considered but it does mean that should the registered plot-holder relinquish their plot for whatever reason before the nominated person's name reaches the top of the waiting list, the nominated person would not be able to continue working on the plot as they would not yet be considered as the official dual-tenant / joint-tenant. In those circumstances, once the nominated person's name reaches the top of the waiting list they will be offered the next available vacant plot on the site which may not necessarily be the plot they had been working on or had initially been nominated for as a dual-tenant / joint-tenant.

7. Request to Transfer from Your Plot to a Vacated Plot:

Any plot-holder who wishes to move to a different plot when it becomes vacant during their tenancy (whether in the same allotment site or to an alternative allotment site) must **firstly** submit a written request or email to the Allotments Officer.

The procedure will be for the plot-holder's name to be added to the end of the associated Transfer Request waiting list and once their name reaches the top of the list the Allotments Officer will offer them the next available plot. The plot-holder will have **2 weeks to respond to the offer**. If they fail to respond to the Allotments Officer within that time period, or decide not to take the plot that is offered, it will be offered to the next plot-holder on the Transfer Request waiting list and the initial plot-holder requesting a move will then be offered the next available plot once it subsequently becomes available as their name will remain at the top of the Transfer Request waiting list until they either accept a move or decide to withdraw their request. If there is no other plot-holder on the Transfer Request waiting list, or if all on the list have refused to accept the plot offered to them, the vacant plot will be offered to the applicant whose name is at the top of the main waiting list.

Once the plot-holder accepts the move they must transfer over to the new plot **within 2 weeks of the offer** and must ensure their original plot is left in a tidy condition that is acceptable to the Allotments Officer. Failure to do so will invalidate the transfer offer.

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8. Request to Swap Your Plot with Another Plot-holder:

Any plot-holders who have discussed and agreed to swap their plots during their tenancy (whether both plots are in the same allotment site or at different allotment sites) **must both** submit a written request or email to the Allotments Officer in the first instance.

Whilst permission will normally be granted no action is to be undertaken by the respective plot-holder applicants until they are in receipt of an official response from the Allotments Officer.

9. Relinquishing Your Plot:

You may voluntarily relinquish your allotment plot **by giving a month's notice** via verbal or written notification to the Allotments Officer or to the incumbent association's committee who will then notify the Allotments Officer of your intention to leave.

Once the Allotments Officer is advised of a plot-holder's intention to leave they will offer the plot to the next applicant on the waiting list and this will allow the new plot-holder to take on the plot as soon as it is vacated and also gives time for the new plot-holder to meet with the outgoing plot-holder to agree on what items could be left on the plot, for example, where the new plot-holder would be willing to take on the ownership and management of any greenhouse, fruit-cage, poly-tunnel, compost bin, raised bed, or any other associated structure / feature / crops that are being left on the plot by the departing plot-holder.

Otherwise, alternatively if the new plot-holder does not wish to retain any items, and as the plot must be left in a condition that is acceptable to the Allotments Officer a departing plot-holder must remove all structures and trees from their plot, and any personal items from the plot and/or communal storage unit before they end their tenancy unless prior agreement has been reached with the Allotments Officer or the incumbent committee for these items to be retained as the Allotments Officer or the incumbent association's committee, where applicable, may wish to retain the items for onward re-use or recycling.

Any livestock and/or their associated enclosures left behind will be offered to suitable persons or groups for removal and re-housing off-site and will not be permitted to remain on the plot.

Once you relinquish your plot, the Allotments Officer will carry out an inspection of its condition and if it is deemed unsatisfactory then the plot holder will require to bring the plot back into a suitable condition to enable it to be allocated to the next applicant on the waiting list. The Council will re-allocate the allotment plot and is not responsible for the loss of any departing plot-holders' produce, materials, equipment or personal belongings that they leave behind on the plot.

The Allotments Officer will dispose of any unwanted materials discarded by the plot-holder that remain after 7 days of the date the tenancy is officially relinquished and the associated full cost of collection and disposal of these discarded items will be charged to the departing plot-holder where applicable.

Where any allotment site related key(s) had been provided, the departing plot-holder must return them to the Allotments Officer or incumbent association's committee within 7 days of the date the tenancy is officially relinquished or the cost of replacement key(s) will be charged to the departing plot-holder where applicable.

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10. Termination of the Tenancy:

The Council reserves the right to terminate a plot-holder's tenancy agreement and to re-allocate the plot in various circumstances, some of which are summarised below:

- Where the plot-holder is in breach of any of the Allotment Rules and Regulations or is otherwise in violation of their tenancy agreement.
- Where a new plot-holder fails to pay their rental payment before the deadline date (which is **two weeks from the issue date** of their 'Offer of Allotment' letter).
- Where a new plot-holder accepts a plot but fails to commence work on their plot within a period of **six weeks from the start date of their tenancy**.
- Where an existing plot-holder fails to renew their annual rental payment before the deadline date which is the **end of Council business on the 30th April**.
- Where a plot-holder fails to rectify an issue identified in a 'Neglected Plot/Non-Cultivation Letter' before the deadline date (which is **28 days from the issue date of the letter**).
- Where a plot-holder dies (except where the plot is registered to an official dual-tenant / joint-tenant, school or group).
- Where a plot-holder relocates to reside out-with South Ayrshire (this will be at the discretion of the Allotments Officer).
- Any other matter deemed of sufficiently serious nature by the Allotments Officer.

The Allotments Officer will dispose of any unwanted materials discarded by the plot-holder that remain after 7 days of the termination date the tenancy and the associated full cost of collection and disposal of these discarded items will be charged to the departing plot-holder where applicable.

Where any allotment site related key(s) had been provided, the departing plot-holder must return them to the Allotments Officer or incumbent association's committee within 7 days of the termination date of the tenancy or the cost of replacement key(s) will be charged to the departing plot-holder where applicable.

PART 3: Site Rules

11. Observance of Rules & Regulations:

Plot-holders **must** observe and comply with all current Allotment Rules & Regulations plus any official amendments that may be made to them at any time in the future.

A summarised note of the current Rules & Regulations will accompany the 'Offer of Allotment' letter that the Council issues to applicants when their name reaches the top of the waiting list and where a plot is available.

In addition, a set of the current Rules & Regulations will be displayed on the Council's website and also displayed at each Council-owned allotment site.

Any changes to the Allotment Rules & Regulations will be notified to plot-holders and displayed on the Council's website, and will also be displayed at each allotment site.

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12. Plot-holders' Duty of Care:

Plot-holders have a duty of care to everyone, including themselves, any visitors to the site, and also to the environment. Therefore plot-holders must be respectful of all other plot-holders and visitors to the site, must not cause any nuisance or offence, and must respect the environment.

Particular care should be taken by plot-holders whenever they use machinery including lawnmowers, strimmers, rotavators and any other powered equipment at the allotment site. They must also consider any neighbouring plot-holders and any nearby local residents when considering the time of day to use such potentially noisy machinery. For safety reasons you should advise all adjacent plot-holders, where applicable and practicable, of your intention to use any mechanically powered equipment on your plot or of any proposed chemical application to your plot.

Plot-holders are not permitted to drive their cars on the allotment site beyond any designated car park area. Only authorised vehicles (such as Council grounds maintenance vehicles, communal maintenance vehicles, communal transporter & trailer vehicles, and external contractors' vehicles are permitted on-site). Contractors' vehicles are only permitted on-site when authorised by the Council or the committee of any incumbent allotment association, society, or group.

Care should be taken to avoid creating potential hazards or obstructions from the erection of any structures and features on your allotment plot, such as fruit cages, greenhouses, poly-tunnels, cold-frames, cloches, fences, the storage and usage of chemicals (such as herbicides, insecticides, fungicides etc.), or from fuels and any other hazardous materials.

To avoid the potential for casting shade onto any neighbouring plots any solid structure you erect on your plot should be positioned at least one metre in from your plot's boundary edge.

For safety reasons, the use of glass, barbed-wire, or razor-wire is not permitted on any allotment site. Perspex or other similar polyurethane clear plastic panels are recommended as a suitable replacement product for glass as greenhouse or cold-frame glazing.

The use of asbestos is prohibited on all allotment sites. If you discover it, please inform the Allotments Officer and any relevant incumbent association's committee of its location immediately.

13. Site and Personal Security:

Every plot-holder is responsible for ensuring that the main access gate to the site is securely closed, fastened or padlocked where applicable after each time they enter or exit the allotment site as this will help to prevent potential access by unauthorised persons or animals, and will also prevent potential loss or theft of the padlock itself.

All padlocks fitted to communal buildings must be securely closed after each use and must not be left opened and unsecure, as closing and locking the padlock will prevent possible access by unauthorised persons or animals and will also prevent the potential loss or theft of the padlock itself.

Any and all serious criminal acts of vandalism, malicious damage to, or theft of, plot-holders' property, must be reported to the Police, by the affected plot-holder(s) or any applicable allotment association committee.

The crime reference numbers must then be passed on to the Allotments Officer and the relevant association committee, if one is in place, who will log these for future reference should any subsequent action require to be taken.

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All plot-holders and authorised visitors should be able to feel safe and secure during their time on the allotment sites so any and all acts of physical or verbal abuse, or any form of intimidation exhibited by any plot-holders is totally unacceptable and will not be tolerated.

Therefore any plot-holders or authorised visitors who are victims of physical or verbal abuse, or any form of intimidation on the allotment site should report these matters to the Allotments Officer, the incumbent association's committee, or the Police where applicable.

If, following investigation, any person is proven to have committed criminal acts of vandalism, malicious damage to, or theft of, plot-holders' property, physical or verbal abuse, or intimidation, they will be subject to the full extent of the law, and if they are an existing plot-holder, their tenancy will be revoked, and their right to rent an allotment plot withdrawn.

14. Authorised Persons:

To aid security, only the following authorised persons are allowed onto the allotment sites:

- The plot-holders and their accompanied guest(s)
- Council officers involved in allotment-related matters
- Council grounds maintenance operatives
- Other Council service operatives (Building Works, Environmental Health etc.)
- Elected Members (Councillors)
- Any contractor engaged by the Council or applicable allotment association
- Any of the Emergency Services (Police, Fire, Ambulance)

Non plot-holders may be allowed on site on a temporary basis to water plants, etc. when the registered plot-holder is away on holiday or absent through illness or injury, and where the Council and/or incumbent allotment association's committee have been informed and have agreed accordingly.

PART 4: Your Plot, its cultivation and permitted use

15. Personal Use:

The allotment plot is let to you as the registered plot-holder for your own personal use (or to you and another person if the plot is let as a dual-tenancy / joint tenancy, or to a school, or to a specific group) for permitted purposes only.

All plot-holders' tools, equipment, structures and personal belongings are kept on the allotment sites and/or stored in the communal storage facilities entirely at the plot-holders' own risk.

The Council is not responsible for any damage to, or theft or loss of, any plot-holders' property.

16. Permitted use (also see more detailed information in sections below):

Your allotment plot is intended to be used for the purpose of growing vegetables, fruit, herbs, and flowers.

In line with Scottish Government guidance you **must not** carry out **any business or profit-making schemes** from, on, or to your allotment plot.

However, you are permitted to sell the produce grown on your plot, **but only on a strict non-profit making basis**.

Where any company or contractor is engaged to work on the allotment site in any capacity they must firstly provide the Allotments Officer and any relevant incumbent association's

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committee with the relevant documented evidence to show that they hold all the necessary Public Liability Insurance cover. If any company or contractor has no such cover they must not carry out any work or trade on the allotment site.

Plot-holders must keep their allotment plot maintained in a proper state of cultivation and fertility, and must control all weed-growth as and when required.

The preference is for plot-holders to adopt an organic and chemical-free approach to weed-suppression for the sake of overall personal safety and also for the sake of the environment.

However, it is accepted that there may well be times when the application of a chemical herbicide could be considered a suitable and quick remedy to treat a weed-growth infestation. Whenever chemical treatment is being employed the plot-holder **must only use products that are currently licenced for use in the UK**, and they must ensure the chemical is being applied as per the manufacturers' instructions to prevent the proper dosage rate being exceeded.

Plot-holders must also ensure that the weather conditions are suitable for safe and effective chemical application to avoid any potential spray drift or run-off onto wanted vegetation and/or neighbouring plots.

Plot-holders **must never** decant any chemicals into drinks bottles or other containers and must only have them in the products' original containers. Chemicals must always be stored safely and securely. Plot-holders must familiarise themselves with the associated Chemical Data Sheets that describe the hazards the chemical presents, and provide information on handling, storage, and emergency measures in case of accident.

The use of foam-backed carpets as a weed suppressant is not encouraged, due to the chemical content and the non-biodegradable nature of such items. However, other weed suppressants such as black weed-controlling geotextile membrane, black horticultural-grade polythene sheeting, and tarpaulins can be beneficial **but must only be used as a temporary aid** to clearing a plot of weeds or to keeping a clean plot weed-free, and should be removed at the earliest opportunity.

The application of a suitable mulching material is a good long-term option for weed-suppression.

Plot-holders must maximise the cultivated extent of their plot so **must not erect any hut / shed / or out-building on their plot** and **must not** allow any part of their allotment plot to be used for long-term storage, or for the hoarding of materials or waste.

Greenhouses, cold-frames, and cloches are permitted on plots but they **must not** have glass glazing. Polycarbonate is an acceptable alternative to glass.

Fruit cages and poly-tunnels, are also permitted structures on plots. To minimise the risk of any solid structure potentially casting shade onto neighbouring plots you should position them at least one metre in from the boundary of your plot.

Plot-holders are permitted to erect perimeter fencing around their plot to protect their produce from rabbits but must ensure this does not present any hazard or obstruction to other plot-holders or visitors to the site. All posts must only be hammered into the ground and must not be permanently concreted into position. **No hedges** are to be planted around individual plots.

The whole plot, including any surrounding paths, must be kept tidy and safe for all fellow plot-holders and authorised visitors to the site.

Keeping livestock on-site can raise potential issues such as encouraging vermin that are attracted to chickens / hens and their feed. Therefore **no livestock** will be permitted to be kept (apart from the livestock on the very few plots where permission had been granted prior to the introduction of these rule changes). Due to the benefits of **honey-bees** for the pollination of crops they will continue to be permitted to be kept in suitable bee-hive structures, **although these must not be installed on any plots**, but rather they must only be installed at suitable areas located around the periphery of the allotment site, if and where such positions can be found by the Allotments Officer to accommodate them. Solid fence panels or barriers of at least

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1.8m high should be installed to segregate the honey-bee area and to direct the bees to fly up and over the head-height of any nearby plot-holders.

Trees (whether fruit or ornamental) must not be planted directly into the soil on any plot or surrounding a plot and can only be accommodated on allotment plots where the trees are being planted into pots or containers. This prevents the potential for buried tree roots to interfere with the current and future plot-holders' ability to cultivate the ground of their plot, and for any unwanted shade being cast onto neighbouring plots, and will also enable a departing plot-holder to easily remove their trees when they eventually relinquish their plot.



All trees that are proposed to be planted should be dwarf varieties / grafted onto a dwarf rootstock in order to keep their height more manageable and so must not exceed 2m tall.

17. Neglected Plot / Non-Cultivation Letter:

As a plot-holder, it is your responsibility to keep your plot cultivated, tidy and free from weeds, thereby not causing any potential nuisance or contamination to any other plot-holders.

If, following a routine inspection or as a result of an inspection triggered by the receipt of a complaint regarding the poor condition of a plot, the Allotments Officer deems a plot to be uncultivated (e.g. is untended, overgrown with weeds, cluttered with stored or hoarded materials, or otherwise unsatisfactory) the plot-holder will be issued with a Neglected Plot / Non-Cultivation Letter, and where an association's committee is in place they will also be notified of the matter. In this letter the Allotments Officer will state the nature of the breach and will stipulate that the plot-holder is given **28 days** from the letter's issue date to remedy the problem that has been identified.

Failure to suitably attend to remediation of the problem before the 28 day deadline will result in termination of the plot-holder's tenancy (see 'Termination of Tenancy Notice' below).

18. Neglected Plot / Non-Cultivation Letter Appeals:

If the plot-holder wishes to contest a Neglected Plot / Non-Cultivation Letter they must submit a written appeal to the Allotments Officer within 14 days of the issue date of the Neglected Plot / Non-Cultivation Letter. Submitting an appeal does not guarantee a reversal of the decision.

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The Allotments Officer will consider the appeal and if applicable may present the case to the Service Lead of the Council's department that manages Council-owned allotments for their consideration and final decision. If the appeal is rejected the plot-holder will have 14 days from the date of the decision to carry out the necessary remedial works.

19. 'Termination of Tenancy' Notice:

At the end of the 28 day period that is allotted to the plot-holder to remedy the problem identified in a Neglected Plot / Non-Cultivation Letter, or after the 14 day period that is allotted to the plot-holder following the rejection of an appeal, a further inspection will be carried out by the Allotments Officer and any failure to attend to or rectify the situation to the Allotments Officer's satisfaction will result in an immediate issue of a 'Termination of Tenancy' Notice.

Once the 'Termination of Tenancy' Notice has been issued, there is no further appeal stage.

The plot-holder must remove all their personal property, materials, tools and equipment from the plot and communal storage facility within 7 days of being served with the 'Termination of Tenancy' Notice.

After this 7 day period the allotment plot will be re-allocated accordingly.



20. Storage of Materials within the Plot:

Plot-holders are encouraged to utilise the on-site communal storage facilities where these are provided to store all their tools, equipment and other assorted sundry materials. Plot-holders should keep to a minimum any space used on their plots for the storage of tools and materials so they do not unduly reduce the area they can cultivate. Any items stored on plots should be used regularly, or be for planned use in the near future. Plot-holders should not allow unused materials to accumulate on their plots as they take up space, can look untidy, and may provide a home for rats and other vermin.

Long-term, permanent storage, or hoarding of items / materials / clutter is not permitted as this reduces the area of your plot that can be cultivated and you must always maximise the cultivated area of your plot.

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21. Paths:

Plot-holders are not permitted to use permanently laid concrete for any use on their allotment plots as this prevents cultivation of the ground by the present and future plot-holders. However, plot-holders are permitted to lay concrete paving slabs on their plots to form internal paths or bases for greenhouses, cold-frames, cloches etc. but only when laid directly onto the prepared soil or onto a light bed of sand. This will provide a temporary concrete surface that can be easily removed when the plot-holder eventually relinquishes the plot.

Each plot-holder is responsible for the maintenance of any grassed paths located to the north and east of their plots, those plot-holders whose plots are located on the edges of the site are also responsible for the path(s) on the side(s) where there is no adjoining plot.

As plot-holder, it is also your responsibility to cut and edge any grassed paths that divide your plot and the neighbouring plot.

Plot-holders **must not** extend their plot by encroaching onto any part of any path surrounding their plot. If any path has been altered / removed the responsible plot-holder will be required to fully reinstate it. You must also keep all communal paths clear of obstructions at all times.

You must not access onto any neighbouring plots unless prior permission has been granted by the respective neighbouring plot-holder.

You must not encroach into any neighbouring plots unless prior permission has been granted by the respective neighbouring plot-holder **and** the Allotments Officer.

Where the Allotments Officer decides to sub-divide a vacated larger plot into half-sized plots, or quarter-sized plots they will be responsible for marking out the boundary between the new plots which may take the form of a path of at least 0.75m wide.

If you have any queries or concerns about your paths or plot boundaries, please contact the Allotments Officer. Alternatively you could contact the association committee, where one exists, as they may be able to resolve the matter. However, the final official demarcation will be confirmed by the Allotments Officer.

22. Structures (Huts, Greenhouses, Poly-Tunnels, Fruit Cages, and Fences):

Plot-holders are not permitted to erect any huts / sheds (or similar) on their plots as communal storage facilities are already provided to plot-holders, and the cultivation area of the plots must always be maximised.

However, the Council will consider a plot-holder's request for a hut that may potentially be installed, not on their plot, but on a designated area of ground located at some point around the periphery of the overall allotment site, but only if the Allotments Officer can identify a suitable area that could potentially accommodate individual huts. An application to the Allotments Officer therefore does not guarantee the granting of permission for a hut and the proposal may also require the plot-holder to apply for any associated Planning Permission and to cover the cost of the Planning Permission application.

All structures on plots must be temporary and maintained in a good and safe order, and be fit-for-purpose. If the Allotments Officer is not satisfied with the safe state or general condition of a structure the plot-holder must either repair it to the Allotments Officer's satisfaction or remove it **within one month** of instruction to do so.

If, following one month, the structure is not either repaired or removed to the Allotments Officer's satisfaction, the tenancy will be terminated and the cost of removal of the structure will be forwarded onto the departing plot-holder to settle.

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All structures erected must be constructed of non-hazardous materials, and must be adequately secured to the ground to prevent unwanted movement. Glass is not permitted for use as a glazing material for greenhouses, cold frames or cloches. Polycarbonate or Perspex is permitted for such purposes. Panes of sheet glass are not permitted for any use on any plot.

All structures erected on a plot must be kept completely within the boundary of the plot-holder's plot, and must not overhang or otherwise encroach onto any adjacent plot or pathway. To ensure this and to avoid any potential for a solid structure to cast shade onto any neighbouring plot(s) all structures should be positioned at least one metre in from the boundary of the plot.

No permanent fences are to be erected on or around any allotment plot (i.e. fences cannot be constructed that have the posts concreted into the ground - however, posts, pegs or ground anchors are permitted where they are only hammered into the ground).



All plots must preserve an open aspect around them (i.e. no solid panel fencing is to be erected and no hedging is to be planted around individual plot boundaries / perimeters).

Poly-tunnels are permitted to be erected on plots as, unlike huts / sheds, they do not waste valuable growing space and do not tend to cast unwanted shade onto adjacent plots.

Around the periphery of some allotment sites additional poly-tunnels may also be able to be accommodated for existing plot-holders. Any plot-holders interested in paying an additional annual rental fee for such a designated additional poly-tunnel space on which to install their poly-tunnel, must firstly apply in writing to the Allotments Officer. The granting of permission will be subject to whether the Allotments Officer can identify suitable and sufficient available space at the plot-holder's associated allotment site. An application to the Allotments Officer therefore does not guarantee the request will be granted and the proposal may also require the plot-holder to apply for any associated Planning Permission and to cover the cost of the Planning Permission application.

Should the committee of any allotment association, society or group wish to install a communal building on an allotment site (such as a metal shipping container or large wooden sectional structure etc.) for use as an office, meeting room, storage unit, canteen, etc. they must firstly apply to the Allotments Officer for permission, and they may also require to apply for any associated Planning Permission and to cover the cost of the Planning Permission application.

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23. Permitted Livestock and Pets:

No new requests to keep livestock will be accepted following the implementation of these rule changes.

The only exception is that **honey-bees will be permitted to be kept**, but only if the Allotments Officer can identify suitable positions to safely accommodate them around the periphery of the allotment site.

Only livestock that has historically been permitted to be kept on certain Council-owned allotment plots prior to the introduction of these rule changes will continue to be permitted meantime.

At these sites livestock will only continue to be permitted until the registered plot-holder voluntarily relinquishes or otherwise vacates their plot after which time these rule changes will apply and from then on no livestock of any kind will be permitted to be kept on the plot and any existing livestock and animal housing on the vacated plot will be removed.

The Allotments Officer reserves the right to withdraw the historic permission for any plot-holder to keep livestock on their plot if they discover the animal welfare guidelines (local or national) are not being followed sufficiently, or where the remainder of the plot-holder's plot is not considered to be adequately cultivated or well-maintained.

All dogs or other pets (whether owned by plot-holders or authorised visitors) must be kept on a lead or under proper close control at all times whilst on the allotment sites, and all animal fouling must be collected and disposed of responsibly by the relevant pet-owners.

24. Trees and Non-Native Invasive Species:

Plot-holders are not permitted to plant any trees (fruit or ornamental) directly into the soil on their plots or surrounding areas as they cast unwanted shade and the root-systems can greatly restrict the usability of the plot for the current and future plot-holders, and can also encroach underground into neighbouring plots.

All trees must therefore only be planted in pots or containers so that their roots do not restrict cultivation of the plot and so that they can be easily removed when the plot-holder eventually relinquishes their plot. All trees that are proposed to be planted should be dwarf varieties / grafted onto a dwarf rootstock and so must not exceed 2m tall.

Plot-holders **must not** plant any non-native invasive plant species (such as Japanese Knotweed, Giant Hogweed, Himalayan Balsam, Rhododendron ponticum etc.) anywhere on the allotment sites.

25. Waste, Rubbish and Recycling:

Plot-holders must remove all their non-compostable waste off-site, and dispose of it either at home or at a designated Council Recycling Centre.

Plot-holders must not bring any items of rubbish or waste from home with the intention of dumping or storing them for any length of time, or burning them, on the allotment site.

All plot-holders are actively encouraged to compost the green waste (non-diseased vegetable matter) that is produced on their plots for future use as compost or a soil conditioner to naturally improve the fertility of their plot. Upon request the Council will provide each plot-holder with an individual compost bin that can be placed on their plot for this purpose.

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Any diseased plants and pernicious or perennial weeds should only be disposed of at the Council's Recycling Centres, or taken home and deposited in the plot-holders' appropriate wheelie bin for collection as part of the Council's domestic bin service, or burned on a bonfire.

See also the section on '**Bonfires, Braziers, Barbeques and Fire Pits**' below.

26. Bonfires, Braziers, Barbeques and Fire Pits:

The Council discourages the burning of organic and other waste materials due to air pollution, health effects, annoyance to others, and general safety concerns, and as mentioned in the previous section there are other preferable alternative methods for plot-holders to dispose of their organic and other non-compostable waste materials rather than burning on a bonfire.

As stated above, you must compost as much green waste plant material as you possibly can, except for particularly pernicious weeds or plants that are diseased. Any material that cannot be composted should ideally be taken to your local Council Recycling Centre.

However, as a last resort you have the option to burn woody or diseased plant material on a bonfire but you must take into account the weather conditions and wind direction before lighting a fire to avoid causing a nuisance to anyone, or endangering the safety of the site and the surroundings.

Only material from your plot is to be burned, do not bring any material from outside for disposal on the allotment site. The material to be burned must be dry before lighting, to ensure the fire burns quickly with as little smoke as possible. **Do not use any accelerant such as petrol, diesel, oil etc. to start or increase the fire.**

Bonfires must be kept small, contained and must never be left unattended whilst still burning or smouldering.

No chemicals, chemical containers, or other hazardous materials are to be burned on a bonfire.

Braziers are permitted on plot-holders' plots to provide heat to the plot-holders when they are working on their plots during cold winter months. However, as with bonfires, braziers are not to be used for burning polythene, plastics, or other noxious substances and must never be left unattended whilst still burning or smouldering.

Permanently installed **Barbeques** (charcoal, wood, or gas fuelled) and disposable foil-tray **Barbeques**, as well as **Fire Pits** are only permitted on communal spaces, not on plots and only when used in compliance with manufacturers' instructions and all associated safety matters previously mentioned in reference to bonfires. Therefore they must never be left unattended whilst in use, the Barbeque or Fire Pit fire must be fully extinguished before being left, they must only be used by adults, and any children must be adequately supervised by a responsible adult. Used foil-trays of disposable Barbeques must be removed and disposed of in a safe and conscientious manner.

27. Water Supply and Water Butts for Irrigation:

Where mains water is supplied on allotment sites the plot-holders must always use the stand-pipes, hosepipes, and watering cans carefully and respectfully when irrigating their plots in order to prevent any wastage of water.

Plot-holders are also encouraged to use water butts or other water collection tanks where possible and practicable in order to capture and recycle rain water for irrigation purposes.

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If shared water butts or water tanks are provided on allotment sites plot-holders must always respect them and help to keep them clean and uncontaminated by following these simple rules:

- Nothing should be placed in a water tank except a clean watering can or bucket;
- All water tanks should be covered over and you must replace the cover when you have finished filling your watering can or bucket;
- Dirty crop produce or dirty tools etc. are not to be washed in any of the irrigation water tanks (use a bucket or secondary container in which to wash them instead);
- If you discover a leaking water tank or one that is not working, then please report it to the Allotments Officer or to the relevant allotment association committee where applicable.

To avoid contaminating the water supply (whether it be a mains supply, water tanks / butts, or underground spring etc.) with any hazardous chemicals such as herbicides, insecticides, foliar feeds, petrol etc.

- always keep chemicals of any description well away from stand-pipes, water butts, tanks and other water supplies.
- always use a secondary container such as a watering can or bucket to fill a sprayer or a watering can containing chemicals.
- always use a secondary container to rinse out the sprayer or watering can after use and dispose of the contaminated rinsings on an unused area of ground on your own plot.
- **under no circumstances should any chemical containers be washed out in any of the water tanks or other water containers / sources.**

Polluting the mains water supply, water tanks, or any water course with hazardous chemicals may result in the termination of your tenancy.

Any padlocks fitted to stand-pipe housings or to water tanks / butts / pumps etc. must be securely closed immediately after each use and must not be left opened and unsecure.

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28. Ponds and Bog Gardens:

Ponds and bog gardens can attract beneficial wildlife and insect pollinators, but whilst they are not permitted to be created on individual plots, they are permitted with prior written agreement from the Allotments Officer, to be created on certain communal areas of allotment sites where suitable and sufficient space is available and applicable.

Where these ponds or bog gardens are formed they must be suitably fenced-off and/or covered with wire mesh or netting, and must have suitable warning signs installed and prominently displayed advising of open water, in order to reduce the risk of accidents, especially to younger visitors to the site. Adults must supervise young children around water.

All plot-holders must ensure that they do not contaminate any communal pond or bog garden with any hazardous materials such as herbicide / insecticide spray / fertiliser / foliar feed / fuel, or run-off associated with any applications they are applying to their respective plots.

Should any allotment group, society, or association propose to remove their communal pond or bog garden and reinstate the ground, they would firstly require to consult with the Allotments Officer prior to any action being implemented, as the loss of the feature may be considered detrimental to local wildlife and biodiversity.

29. Inspections:

The Allotments Officer or other associated Council Officer, and/or committee members representing the allotment association, society, or group may inspect any allotment plot and any structure at any time.

The Allotments Officer or other associated Council Officer may carry out inspections on their own or jointly with a representative from the committee of the respective allotment association, society, or group where applicable.

The Allotments Officer or other associated Council Officer will keep a record of all plot inspections and associated correspondence with plot-holders and committee representatives in line with the Council's records retention periods.

If, following a routine inspection or as a result of an inspection triggered by the receipt of a complaint regarding the poor condition of a plot, the Allotments Officer deems a plot to be unsatisfactory (e.g. is untended, overgrown with weeds, cluttered with stored or hoarded materials, or otherwise unsatisfactory) the plot-holder will be issued with a Neglected Plot / Non-Cultivation Letter.

In this letter the Allotments Officer will state the nature of the breach and will stipulate that the plot-holder is given **28 days** from the letter's issue date to remedy the problem that has been identified.

Failure to suitably attend to remediation of the problem before the 28 day deadline will result in termination of the plot-holder's tenancy.

PART 5: Miscellaneous provisions

30. South Ayrshire Council's Responsibilities:

In line with Scottish Government legislation, the Council will be responsible for:

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- Providing land for allotments (the Council remains the land-owner at all times irrespective of whether the individual plots are let to plot-holders or where the whole allotment site is leased to an external allotment association, society, or group.)
- Compiling and maintaining the applicant waiting lists and associated record keeping.
- The allocation of plots.
- The leasing / letting of plots.
- Vacant plot management.
- Inspection of plots.
- The production and enforcement of the overall Allotment Rules and Regulations.
- The setting of annual rental fees (other than at a leased allotment site such as Troon).
- Rent collection (other than at a leased allotment site such as Troon).

The Council may also provide the following services at some allotment sites:

- Grounds maintenance works.
- Boundary hedge and tree management.
- General repairs to site perimeter fences, gates, mains water and road infrastructure.
- Mains water supply for irrigation.
- Supply of communal storage facilities.
- Supply of individual compost bins.
- Supply of replacement padlocks and keys.
- Emptying of green-waste coups.
- Arranging for pest control - wasps, rats etc.
- Complaint / Dispute Resolution.

31. Liability:

Plot-holders are advised not to store any valuable items on their plots, and to insure and security-mark any items they do decide to keep at the allotment site. Plot-holders are also reminded to keep all padlocks securely locked.

The Council accepts no liability for any loss or theft of plot-holders' property or plot-holders' guests' property whilst on any Council-owned allotment site.

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The Council accepts no liability for any injury caused by, or to, any plot-holder or their guests whilst on any Council-owned allotment site unless directly attributed to negligence by the Council or through operations carried out by the Council.

The Council accepts no liability for any damage caused by, or to, plot-holders' property or to plot-holders' guests' property whilst on any Council-owned allotment site unless directly attributed to negligence by the Council or through operations carried out by the Council.

Plot-holders must indemnify the Council against all costs, claims, and liabilities which may arise in connection with his or her allotment plot tenancy.

Plot-holders must report any serious acts of theft and/or criminal damage to the Police in the first instance and to the relevant Council Allotments Officer, and the allotment association committee where applicable.

32. Council Contact Details:

Plot-holders can contact the Council by:

- Visiting the South Ayrshire Council 'Allotments' website:
<https://beta.south-ayrshire.gov.uk/article/24660/Allotments>
- Sending an Email to: foodgrowing@south-ayrshire.gov.uk
- Telephone: **0300 123 0900**
- Post to:

**The Allotments Officer
South Ayrshire Council
Operations Centre
Walker Road
Ayr
KA8 9LE**

33. Allotment Associations / Societies / Groups:

South Ayrshire Council officers will aim to work with plot-holders at each Council-owned allotment site to support and facilitate the creation of officially constituted associations, societies, or groups and their associated committees to represent their respective plot-holders.

As each association, society, or group is formed and starts to hold their regular committee meetings, an invitation to these meetings must be offered to the relevant Council officers involved in the management of allotments and those assisting in the creation of the constituted allotment associations, societies, or groups.

In addition, an invitation to the allotment association, society, or groups' Annual General Meetings (AGMs) and any Emergency General Meetings (EGMs) must be offered to the relevant Council officers involved in the management of allotments and those assisting in the creation of the constituted allotment associations, societies, or groups.

All the regular committee meetings, AGMs and EGMs must be suitably notified to all the associated plot-holders and so a period of 14-21 days' notice of the meetings is recommended.

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A copy of the minutes taken at all these meetings must be provided to the relevant Council officers involved in the management of allotments and those assisting in the creation of the constituted allotment associations, societies, or groups.

Minutes from the regular committee meetings, AGMs and EGMs must not be published, issued or otherwise released before they are officially ratified at a suitably convened meeting which would normally be the next fully convened committee meeting.

34. Complaints / Appeals / Dispute Procedure:

The following procedure is to be followed except where an alternative procedure already exists in relation to a constituted allotment association's own Complaints and Grievance Procedure.

If any plot-holder has a complaint or grievance they wish to air they can submit the matter to the Council's Allotments Officer in any of the following ways:

- Completion of an online '**Listening To You**' form through the Council's website
- By telephone: **0300 123 0900**
- In person at one of the **Council's Customer Service Centres**
- At any of our **Council offices**
- Email: listeningtoyou@south-ayrshire.gov.uk
- In writing to:

**The Allotments Officer
South Ayrshire Council
Operations Centre
Walker Road
Ayr
KA8 9LE**

In circumstances where no alternative protocol currently applies, any dispute that arises on a Council-owned allotment site should be referred to the Service Lead of the Council's department responsible for the administration and management of the Council-owned allotment sites. They will consider each case on its own merits prior to determining their final decision.