

# **Anstruther & District Allotment Association (A&DAA)**

## **TENANCY AGREEMENT – SITE RULES – Dreelside Allotments**

Welcome to Anstruther and District Allotment Association (ADAA). We hope you will enjoy your time on the allotments, make new friends and develop your gardening skills as well as producing fine food for your table.

This agreement contains the allotment rules, advice on health and safety, and information about various groups with an interest in allotments. At the bottom of this page you'll find details of your new allotment and your main contacts.

### **Happy gardening!**

For the purposes of this document the Anstruther and District Allotment Association will be known as the 'association' and its management committee as the "committee".

### **YOU AND YOUR PLOT**

If you want to know anything about your tenancy, you will need to know the plot number and the name of the site; these are shown on the attached sheet. The Secretary is the main contact for any questions relating to your plot. The Site has 18 plots (4 full sized plots and 14 half plots). Size is measured in metres (roughly full size is 12m x 8m, and a half size is 9m x 6m) Note: sizes were assessed after ploughing and may have changed. Paths between allotments have not been measured but the official paths for people transiting around the Site are marked in yellow on the Site Plan and should be kept to at all times. Please inform the Secretary of any change of address, as this is used for the Association's Secretary's communications.

### **1. REVIEW OF CHARGES, SERVICES AND RULES**

The 'Management Committee' reserves the right to review this agreement and the charges for allotments and services as required. Before making any changes though the committee will give you notice of such changes.

### **2. PAYMENT OF RENT AND TERMINATION DUE TO NONPAYMENT**

The Land is leased and payment is due to the Landowner on the **5<sup>th</sup> July** every year. In order to cover the rental, insurance and management costs, the rental charge will be set/agreed annually by the 'Management Committee' prior to plot holders renewing their lease. Plot holders annual rental charges will be notified by the Secretary 2 weeks prior to the 5<sup>th</sup> July every year and plot holders have up until August 5<sup>th</sup> to pay. If the rental remains unpaid for a period by August 5<sup>th</sup> the tenancy will be deemed to be terminated with immediate effect, and the plot will be re-let with further notice. The new plot holder will be charged on a pro-rata basis through the Treasurer. The let will be on a year to year basis; the 'Association' will be entitled to terminate the lease in any year by giving written notice in accordance with the terms of the disciplinary procedure at Appendix 1 to this document.

### **3. ASSIGNMENT AND SUB-LETTING**

- (a) You are responsible for the allotment and may not sub-let it or pass the tenancy on to anyone else, and you must notify the local Allotments Secretary in writing if you intend to give up the allotment.
- (b) Vacant plots will be filled using the A&DAA waiting list for the site. This list is kept and maintained by the Allotments Secretary and people waiting are advised to register their need with the Fife Council Allotments Officer also. Details can be obtained from the Allotments Secretary.
- (c) Where plots are shared by more than one member, they must nominate a main primary member who takes responsibility for the plot and acts as a primary point of contact for the management committee.

All members who have been associated with the plot as sharers since the beginning of the plot will be considered shared primary plot holders. If the plot sharers wish to introduce new sharing members after the plot lease has started, the nominated main primary member must notify the management committee in writing that the new member is associated with the plot. For the first twelve months following written notification, the new sharing member will be considered a secondary plot sharer. Twelve months following written notification the secondary plot sharer will become a sharing primary plot holder. In the case of the nominated main primary member leaving, the primary plot sharers have the right to continue with the plot and must nominate a new main primary member. Secondary plot sharers have no right of inheritance until twelve months after becoming associated with the plot.

(d) A plot is considered to have become available if the primary plot holder/s leave. When a plot becomes available the following procedures will apply. If the plot has other secondary member/s attached, they will be given first right to apply to continue with the plot, provided they have been working the plot since the beginning of the lease or for more than one year. If no secondary members apply to inherit the plot, the Secretary will advertise this plot internally with a deadline for reply for an 'internal' move. When more than one person applies the plot will be given to the person who registered and joined the Association first. All 'internal' moves in these cases are overseen by the management committee and they reserve the right to have final judgement and will act in the best interests of the Association. If no one wants to change their plot, then the Secretary will contact the people on the external list which is kept in strict 'date applied' order. In the interest of fairness all people are invited to also register their interest with the Allotments Officer in Fife Council at the same time as registering with the Association and should there be a challenge to external allocations, then they would have recourse to check the details are correct.

(e) If any tenant is unable to service their plot through illness, temporary disability or temporary absence then it will be permitted to allow a third party to service the plot for a period of 12 months. Before the 'third party' can gain access to the site, he/she must join as a 'secondary member' and they must be inducted onto the site and sign as having read and understood the 'Site' and 'Health & Safety' Rules. All such arrangements must be made through the 'Committee'. If after 12 months the situation persists then the tenant will be given the opportunity to terminate their tenancy. If this opportunity is not taken, an appraisal will be made to determine how much longer the situation may be allowed to continue. During the 12 months the plot must be kept to an acceptable standard and in certain circumstances the arrangement may be extended for another 12 months. If after that further period has been granted and the tenant is still unable to service their plot the tenancy will be terminated and the plot re-let in accordance with the letting process. All decisions will be made by the management committee and they will act in the interest of the Association and the individual.

#### **4. USE**

You may use the allotment for the cultivation of fruit, vegetables, flowers, and herbs. Applications to keep bees and fowl for non-commercial use and not for any other purposes must be placed in writing to the Allotments Secretary.

For the avoidance of doubt, sale of surplus produce in small quantity shall not be a breach of this clause. At least 50% of the allotment must be used for the cultivation of fruit and vegetables. The allotments must not be covered by sheds, lawns, patios or similar. Communal facilities will be provided where possible, subject to funding.

#### **5. NON-CULTIVATION**

Tenants are expected to maintain their plots to an acceptable standard with regard to good horticultural practice and to maintain an acceptable level of cultivation. Where it is considered that plots are being neglected the plot holder will be duly advised and a sequence of actions will be taken to encourage the plot holder to improve their plot or their tenancy will be terminated according to the procedure set out in appendix 1. Note: The Management Committee will conduct monthly Allotment Plot & Site checks from Mar – Oct and then on an Ad-hoc basis should the need arise.

#### **6. INFRASTRUCTURE**

Any damage to the infrastructure of the Site (i.e. water supplies, fences and gates, etc) should be reported to the all members of the management committee so that action can be taken swiftly.

## 7. PATHS

Plot holders should ensure that official pathways are kept free from obstruction and hazards at all times. The Association has provided a Site map showing the official pathways and everyone should use those paths. The official paths will be maintained on the working days set up by the Management Committee. Any other paths that are being used on or between plots are the responsibility of the plot holder whose site the path resides on.

## 8. COMMUNAL AREAS

You are jointly responsible, with all tenants on the site, for the general maintenance of all communal facilities, e.g. polytunnels, rabbit proof fencing, communal sheds, pathways, compost bays etc. The committee will arrange regular workdays to undertake planned maintenance of these areas to ensure they are kept safe and develop for the benefit of all plot holders. Plot holders are encouraged to attend at least 4 workdays a year out of the 12.

## 9. GATES

During the induction to the Site the combination for the locks used on the Site will be given. The combination will be available from the committee on payment of the appropriate deposit. Plot holders must not pass on the combination to unauthorised people (i.e. people that are not members of ADAA) On termination of tenancy the management committee will give due consideration to changing the number depending on circumstances. The main gates shall be kept locked and secured at all times after entering or exiting the allotment site.

## 10. SHEDS, FENCES AND GREENHOUSES

Due to limitations of space and local concerns regarding the appearance of the Site, no sheds or greenhouses may be placed on individual plots. Communal sheds will be provided and further facilities, such as polytunnels, may become available subject to funding. Internal fences must not obstruct the use of paths or be so high as to have a detrimental effect on neighbouring plots. All structures over 90cm height must be approved by the 'Committee' before construction commences.

## 11. WASTE / RUBBISH / COMPOST

You must not take, sell or carry away any mineral, sand, earth or clay without the written consent of the Land Owner and 'Committee'. Green Waste may be placed in the Brown Bins supplied by Fife Council and currently stored on the allotment Site. Members must follow the following guidelines so that green waste can be disposed of properly. Green waste is classed as plants, horse tails and perennial weeds and must not be left on Site. Failure to comply with these guidelines may put the waste collection service at risk. The rules are as follows:-

- ✓ Only place weeds that cannot be composted on site into the bins (examples are dock weed, horsetail, etc)
- ✓ Weeds placed in Brown Bins should be soil free.
- ✓ Brown bins must only be filled to 1 third full – this allows Fife Council waste collectors to handle the emptying of the bins on our behalf without having to put themselves at risk.
- ✓ Only green waste may go into the bins – check guidance label on bin if unsure
- ✓ Once the bin is 1 third full, wheel it up to the collection gate at the rear of the Fife Council depot just at the main entrance to the allotments – Fife council will empty the bin on our behalf
- ✓ Any empty brown bins left outside must be recovered to the Allotment Site as soon as possible.

Non-Organic Waste is normal rubbish and plot holders must move this off the site. There is a separate bay for composting and under no circumstances can dock plants, horse tails and perennial weeds be placed in this Bay. No rubbish may be left anywhere on the allotments. Plot holders are responsible for taking their own rubbish off Site.

## 12. TOILETS

An arrangement exists with the Dreel Tavern whereby plot holders and members may use their toilets during Pub opening hours.

### **13. TREES**

Trees may only be planted by agreement and approval of the 'Committee' in conjunction with the Land Owner.

### **14. WATER**

You may not make excessive use of water, tamper with the supply or, use a hose pipe, other than to transport water to a suitable static container (such as a water butt). You are responsible for reporting water leaks to the Allotments Secretary.

### **15. BONFIRES**

Bonfires are discouraged due to the close proximity of housing but may be allowed with the approval of the Committee and notification of neighbours

### **16. CHEMICALS**

Plot holders should not normally use pesticides or weedkillers except those recognised by the soil association as agreeable under their organic standards for producers. [www.soilassociation.org](http://www.soilassociation.org)

If, exceptionally, a plot-holder sees a strong need for the use of pesticides or weedkillers, the matter must be referred to the 'Committee' for consideration. If the committee gives consent then the chemicals must be stored in their original, labelled containers and used in accordance with the manufacturer's instructions and current legislation and must not be allowed to spread beyond your allotment. Particular caution must be exercised in the vicinity of ponds, hedges and other wildlife features. Containers must not be rinsed in the dip tanks of the communal water supply or left on site for storage.

### **17. NUISANCE**

You, or the people you are responsible for, must not cause undue nuisance or annoyance to any other tenant or to the occupants of any premises adjoining the allotment site, either through an action or inaction, or by rude or offensive behaviour, whether through carelessness, ignorance, or persistent or deliberate action. If any plot-holder has occasion to complain about the behaviour of any other plot-holder, the complaint should be made, in writing, to the Secretary.

### **18. DOGS**

Any dog under your control must not be allowed onto any allotment but your own, and excrement must be removed from the site promptly.

### **19. Children**

Plot-holders who bring children to the Allotments are responsible for their safety and behaviour.

### **20. BARBED WIRE**

You must not use barbed wire, razor wire or similar on the allotment.

### **21. Tenancy RIGHTS and Membership**

**Primary Plot Holders:** Members who work on the plot and have been associated with the plot since the beginning of the plot's lease or for more than one year. They must be full members of the Allotments Association and have read and signed the Site and Health & Safety rules. Where a plot has more than one Primary Plot Holder, they must nominate an individual to take overall responsibility for the plot and act as a primary point of contact for the plot.

**Secondary Plot Holders:** Persons who assist the primary tenant on the plot, or if sharing a plot those who joined after the beginning of the plot's lease and have been associated with the plot for less than one year. They must be members of the Allotments Association and have read and signed the Site and Health & Safety rules. Secondary Plot Holders can access the site without the supervision of the primary tenant. After one year as a Secondary Plot Holder, the member will have rights to become a Primary Plot Holder if the existing Primary Plot Holder/s agree.

At all times it is the responsibility of the primary plot holder (tenant) to inform the management committee of any changes in plot members. As members, both the primary/secondary plot holders are responsible for ensuring that non-members read the A&DAA Site and Health & Safety rules and comply with them.

**Friend/Volunteer Member** : Persons who assist the Allotment Organisation in it's Community work. Those aims could take the form of helping to maintain the Anstruther Primary School plot, contributing to the Beautiful Fife competition by nurturing the flowers and plants for community display, and be available to help the Allotment Committee with the various tasks assigned during work days.

## **COMMITTEE RESPONSIBILITIES & CHANGES IN RULES**

### **1. Committee responsibilities/Changes in Rules etc**

It is the responsibility of the Committee to revise these Rules and Information points as required, and to ensure that all plot-holders are aware of them. It is the responsibility of the Committee to make all plot-holders aware of the Association's Constitution and to organise Meetings of the Association as required, in particular, the AGM.

The Committee undertakes to keep plot-holders well informed about the Association, in particular by means of a Newsletter drafted by the Secretary.

## **ANNUAL SUBSCRIPTION AND RE-SIGNING OF RULES**

### **Note:**

The following signatures are required from the plot holder and the Secretary/Treasurer.

**Plot holder** is signing as having read and understood the Anstruther & District Site Allotment Rules and Health & Safety Brief (Page 8) and agrees to abide by them. This is also a record of payment made for the plot allocated.

Primary/Secondary Plot Holder \_\_\_\_\_ Print Name

Primary/Secondary Plot Holder \_\_\_\_\_ signed

Date \_\_\_\_\_ Plot No \_\_\_\_\_

**Secretary/Treasurer** is signing as having given the plot holder the 'Site' and Health & Safety brief and accepting payment for the plot allocated.

Half size plot + membership - £ \_\_\_\_\_

Full size plot + membership - £ \_\_\_\_\_

Received money for plot and given the tenant named above a full Health & Safety brief.

Treasurer/Secretary \_\_\_\_\_ Print Name

Treasurer/Secretary \_\_\_\_\_ Signed - Date \_\_\_\_\_

**APPENDIX 1**  
**DISCIPLINARY PROCEDURE**  
**ALLOTMENTS**

The following procedure will be carried out when any individual plot holder within the allotment site has contravened the rules. The disciplinary procedure can only be actioned by the A&DAA management committee.

**Verbal warning First breach of the site rules** The committee member issuing the verbal warning should be accompanied by at least one other member of the committee. If that is not practicable then a verbal warning can be issued and followed up by an E mail to the recipient. The warning should be entered in the minutes of the next committee meeting. (A written record of this must be kept determining the reason for the action and copied to the individual or group involved)

**Written warning**

If after 1 month no satisfactory outcome has been achieved a written warning can be issued.

**Note:** The issue of a 'Plot Inspection Document' is considered to be Written Warning. If the 'complete by' date expires and no action has been taken by the plot holder, the Management Committee will move onto the next level.

**Final written warning** If after a further 1 month there is still no satisfactory resolution then a final written warning can be given.

**Letter of termination** If after a further 1 month there has been no satisfactory solution achieved, then a letter of termination can be served with immediate effect.

When a warning has been given it will remain effective for 1 Year from the date of issue. Within this period, the committee can move to the next level if a further breach of the rules is committed.

If it is considered appropriate, in regard to the gravity of the misconduct, any one or number of the steps can be omitted at the discretion of the committee, in consultation with Fife Council Allotments Officer, so that fairness to the process is observed from an outside source.

## **ALLOTMENT HEALTH & SAFETY RULES - Dreelside ALLOTMENTS**

*An allotment tenant has a legal duty of care to others, requiring that the plot is maintained and used safely. You could be sued for failing in this duty.*

### **Health and Safety Brief**

#### **Responsibility**

Health & Safety is everyone's responsibility. Health & Safety Management including Risk Assessments is the responsibility of the Committee. The dedicated School Plots must have a General Risk Assessment Guidance document completed by the school & a Site Assessment should be raised on every visit.

The Committee consists of the Chairman, Vice Chair, Treasurer and Secretary and the names and points of contact for these positions are published on the Allotment notice board.

The committee are responsible for identifying and dealing with the site Health and Safety 'issues', risk assessments and provision of adequate First Aid materials and publish the emergency contact tel no's. The committee has the ultimate legal responsibility and can therefore enforce Health and Safety specific to plots. An Allotment Site Hazards Checklist will be conducted twice a year by at least 2 members of the Management Committee to ensure that hazards are captured and risks reduced or eliminated from the site and holders plots. All members should report potential risks to the management committee for rectification.

All members must sign the Health and Safety 'Rules' when they either take on a new plot or rehire one. Thereon after they must sign annually the H&S 'Rules' when they renew the lease of the plot. New plot holders and members will be given a full Health & Safety Brief by a Committee member as part of the Site induction. All these activities will be co-ordinated by the Secretary and Treasurer.

#### **Visitors**

Plot holders (primary, secondary & voluntary) have a 'duty of care' to anyone on their Plot, regardless of whether they have given permission for them to be there. Plot holders must ensure that any visitors they bring to or allow onto the Site are supervised and have an adequate Health & Safety brief. Remember that you are responsible for your visitors at all times. Please draw their attention to these points:

- Allotment paths are often crooked and uneven so be careful where you walk, and in particular watch out for obstructions that may be obscured by vegetation.
- Don't stray off the paths: soil which appears firm may be recently dug and thus soft; there are many ponds, some small; netting and fine cord (used to deter birds) may be invisible to the naked eye; broken glass is common.
- Never approach someone who is using a power tool, particularly if they are wearing ear defenders: they are unlikely to be aware of your approach and may swing round and catch you with a cutting blade or similar.
- Do not touch the ash of a bonfire: it can retain a high temperature for hours, even after heavy rain.

#### **First Aid**

A First Aid box is situated in the Main Tool shed. When on Site plot holders are required to leave that shed door open so that there is easy access to the First Aid kit situated within. All accidents and injuries should be reported to a member of the committee and recorded in the accident book (held alongside the First Aid kit). Emergency contact numbers are displayed on the shed where the First Aid Kit is held and the notice board in the Bike Shed.

**Plot holders and members must also be aware of the following risks and adhere to the advice given below:-**

#### **1. PATHS**

Ensure that paths are not obstructed at any time; do not put stones on communal paths as these may fly up when the paths are strimmed; do not use weedkiller or put wood chippings or carpet on grass paths as these will cause the paths to deteriorate; keep grass paths trimmed so that the route is obvious. Do not pull a hose taut across a path - it may cause someone to trip.

#### **2. CANES AND POSTS**

Canes and narrow posts should be capped to avoid eye injury - an upturned plastic water bottle will do. Short metal posts should not be used near paths – they may cause a passer-by to trip.

### 3. PONDS

Ponds are not allowed on the site without the permission of the committee.

### 4. POWER AND HAND TOOLS

Before using a power tool, ensure you are familiar with the instructions and use the recommended safety wear. Remember that a strimmer/brushcutter can throw a stone 15 metres, or over 3 plots. Whilst operating equipment, particularly on or adjacent to paths, be aware that others may walk up behind you without realising that you can't hear their approach. Do not leave tools lying on the path. Ensure that blades are sheathed or stored in a safe place when not in use. Lay rakes on the ground point-side down.

### 5. GARDENING CHEMICALS

Keep all chemicals in their original, labelled containers and follow the instructions carefully. Store the chemicals in a safe place, preferably out of the reach of children, and not on site.

### 6. MANURE

Horse manure and other manures should be composted for at least six months to avoid contamination of the soil by veterinary products.

### 7. PETROL, PARAFFIN AND GAS

If you use a petrol-powered tool, bring sufficient fuel for your requirements and take away any fuel left over. If you use LPG gas to boil water, do not keep spare cylinders in the same area.

### 8. BROKEN GLASS & SIMILAR HAZARDS

Wrap broken glass in newspaper and dispose of it and other hazards, (e.g. scrap metal), safely away from the allotments.

### 9. ASBESTOS CEMENT

Asbestos cement is not to be used on the Site.

### 10. BONFIRES

No Bonfires are allowed but material may be burned in an incinerator if consent is first obtained from the 'committee'. If permission is received from the 'committee' for a fire, then petrol must not be used to start a bonfire, and the fire should be tended to at all times to ensure it doesn't get out of control. All fire should be fully extinguished prior to leaving the site.

### 11. GIANT HOGWEED

Giant Hogweed is often found close to rivers and canals. It contains a substance within its sap that makes the skin sensitive to ultraviolet light. This can result in severe burns, swelling and painful blistering. Contact occurs either by brushing against the bristles on the stem or breaking the stem/leaves. In the event of contact with the sap, the skin should be covered to reduce exposure to sunlight and washed immediately and thoroughly with soap and water.

### 12. FOR VISITORS

Remember that you are responsible for your visitors at all times. Please draw their attention to these points: Allotment paths are often crooked and uneven so be careful where you walk, and in particular watch out for obstructions that may be obscured by vegetation. Don't stray off the paths: soil which appears firm may be recently dug and thus soft; there are many ponds, some small; netting and fine cord (used to deter birds) may be invisible to the naked eye; broken glass is common. Never approach someone who is using a power tool, particularly if they are wearing ear defenders: they are unlikely to be aware of your approach and may swing round and catch you with a cutting blade or similar. Do not touch the ash of a bonfire: it can retain a high temperature for hours, even after heavy rain.

I hereby sign as having read and understood the A&DAA Health & Safety Brief

Primary Plot Holder \_\_\_\_\_ Print Name

Primary Plot Holder \_\_\_\_\_ Signed

Secondary Plot Holder \_\_\_\_\_ Print Name

Secondary Plot Holder \_\_\_\_\_ Signed

Voluntary Member \_\_\_\_\_ Print Name

Voluntary Member \_\_\_\_\_ Signed

Date \_\_\_\_\_ Plot No \_\_\_\_\_