

SPA HILL ALLOTMENT SOCIETY – BY-LAWS 2011

SPA HILL ALLOTMENT SOCIETY LIMITED

Members name:

Address:
.....
.....
.....
.....

Registered number:

Plot number.....

Both the office and distribution centre are open on most Saturdays and Sunday mornings throughout the year from 10.00am to 12.00 noon.

IRRESPECTIVE OF WHEN MEMBERSHIP OR
TENANCY WAS FIRST TAKEN OUT, BOTH
SUBSCRIPTION AND RENTS ARE DUE EACH YEAR
ON 1st OCTOBER.

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GENERAL

1. Interpretation

- a) the 'Committee' means the Management Committee of the Society elected at the Annual General Meeting or otherwise appointed in accordance with the registered Rules of the Society.
- b) When the circumstances so admit, the term 'Allotment' shall be held to refer to any holdings or garden rented from the Society.
- c) 'The Rules' mean the registered rules of the Society.

2. Powers of the Committee

The general management of the allotment site is vested solely in the Committee. Should any matters arise which are not specifically provided for in any agreement for the time being in force between the Society and a tenant, or in the rules of the Society, or these By-Laws the Committee shall have the power to deal with such matters in the best interest of all tenants, and members shall be bound by the decision made.

3. Sub-Committees

The Committee may delegate any powers, which may be properly delegated, to the Secretary, Sub-Committees or working parties. The Committee has the right to co-opt, pro tem such person as may provide specific knowledge or expertise to the Sub-Committees or working parties.

4. Change of address

Any member changing his/her address shall notify the Secretary at once in writing. Failure to do so may result in the loss of rights and or privileges until such time as the new information is communicated in writing to the Secretary.

5. Shares

Every member shall take up one share in the Society as required by the rules.

6. Conditions of Head Lease

Every tenant shall observe and perform all conditions and covenants in any lease under which the Society holds the land.

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LETTING OF LAND

7. Approval of allotment applications

Allotments shall only be let to a bona fide adult Member of the Society whose written application for an allotment from the waiting list is approved by the Committee. The Committee has the absolute right to refuse any application without having to specify a reason and to make special conditions to any offer of a tenancy. The Committee may delegate this power to the sub committee or an individual Committee member.

The main, but not exclusive, criteria used when considering tenancy applications are:

- Correctness of details entered on the application form.
- Distance from Spa Hill – the nearest Band 1 has priority over other Bands which have decreasing priority for each subsequent band that is further away.
- Position on waiting list.
- Other tenancies related to the application (multiple allotment plots).
- Availability of allotments (high demand may lead to rationing of allotment plots especially if the applicant already has an allotment).

Applications will not be considered for anyone under the age of sixteen and those applications made by anyone between the ages of sixteen and eighteen must be countersigned by their legal guardian who will be held responsible for the safety of the applicant, their behaviour and good husbandry of the allotment until they reach the age of eighteen (an adult).

The Committee will only consider joint tenancies at the time of application. Joint tenancies will not be allowed once the offer for an allotment has been accepted.

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8. Letting/sub letting

No tenant shall sub-let their allotment or any part of it to any other person. The tenant named on the Tenancy Agreement for an allotment is the person who must demonstrate that they are personally cultivating the allotment to the standards required by the Committee, Tenancy Agreement, Society By-Laws and Rules. If this cannot be demonstrated to the satisfaction of the Committee the tenancy will be terminated as detailed in By-Law 22.

A tenancy will automatically end on the death of the named tenant and is not transferable to any other person (including members of their family). Applications from a joint tenant to become a sole tenant to continue cultivating an allotment must be made in writing to the Committee. The Committee will consider each application on its individual merits and the decision of the Committee will be final.

Should any Member have an interest in obtaining the tenancy of a deceased tenant's allotment, then they will need to make an application for an allotment as detailed in By-Law 7.

9. Right of entry

The Society or its accredited representatives, or their workmen acting on their instructions, or accredited representatives of the superior landlord shall be entitled at any time to enter and inspect the allotment site or any part thereof and to carry out any work or repairs required by the Society as represented by the Committee.

10. Access to the Site

Tenants of plots may receive a key to gain access to the allotment site. Tenants are held responsible for the safe keeping of such keys, for which a returnable deposit shall be paid at the time of issue of the key. Keys should not be duplicated or passed on to any other tenant or member. The deposit will be refunded to the tenant on the surrender of the key to the Society.

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11. Payment of rent

Before taking possession, every tenant shall pay rent in advance on the days and at the time and place appointed by the Committee and to the Secretary or other person appointed to receive it. Rents are due on the First of October in any year, unless otherwise determined by the Committee. Forty days grace is allowed for payment of rent. After the Ninth of November in any year non-payment may result in forfeiture of tenancy of the allotment.

12. Old age pensioners, unemployed and disabled tenants

Tenants of statutory retirement age, unemployed persons holding form UB40 and registered disable persons may pay rent at half the standard rate for the first allotment rented by them from the Society. Subsequent allotments must be paid for at the full rate. There is no reduction in other payments due to the Society unless the Committee so decides. **Evidence of unemployment or disability must be provided annually to be eligible for the discount, failure to provide the necessary documentation will result in the full charge being made.**

13. Removal of cropping

No Tenant in arrears with the payment of rent shall be allowed to remove from the allotment any crops growing thereon, tools, implements, stock or other property whatsoever until full payment of rent has been made. Goods on the allotment will be dealt with as in By-Law 24.

CULTIVATION

14. Cultivation

Every tenant shall keep his/her allotment free of perennial weeds, well manured and otherwise maintain it in a proper state of cultivation to the satisfaction of the Committee. At the termination of the tenancy the allotment should be quitted leaving it so kept and maintained. No more than 10% of any one tenants holding shall be used for flowers or ornamental plants.

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15. Fruit trees

Fruit trees should not overhang roads, paths or adjoining allotments or site boundaries with private residents. They should be planted no less than five feet (1.5m) from roads or paths for apples, plums, gages and other top fruit. Such trees should be on dwarfing rootstocks only. Bush fruit such as currants and gooseberries should be planted at least three feet from the boundaries of the plot.

16. Buildings and wells

Members shall not erect any buildings upon their allotments without written consent from the Society. Applications to erect a building on any plot shall be made in writing detailing the size and position of the proposed building. The Committee reserves the right to accept or reject any such applications. The normal size of a potting shed is four feet 3 inches (1.28m) square and six feet (3.0m) by eight feet (2.4m). Size may be varied if an adequate reason is given in writing. All buildings and structures must be not less than nine inches (0.225m) from any path, road, fence or wall. Permission for polytunnels will be considered when a detailed application stating precise size and position is made subject to the terms of the lease and any rulings by the local authority.

No water holes or wells are permitted on allotments.

17. Paths, roads and ditches

- a) All tenants shall keep in repair all paths and roads bordering his or her plot. Ditches must be kept cleaned and in working order by the tenants whose plots border them. Paths and roads must be kept clear of obstruction. No manure or refuse shall be deposited on them. Should a delivery of manure cause the blockage of a road or path the obstruction must be removed within 48 hours of the delivery being made. Obstruction of the asphalt road shall be allowed for a maximum of three hours.
- b) Inter-plot paths are made by taking at least nine inches from the plots on either side of them and should be maintained at a width of at least 18 inches (45cm). (NB: Two feet (60cm) is preferable). The grass on inter-plot paths should be maintained by regular mowing and the edges kept trimmed. The use of weed killer on inter-plot paths or on grass roads is NOT permitted.

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- c) With the exception of the main tarmac road, the site roads were constructed for the use of horse drawn cars; they are unsuitable for motor vehicles especially in wet weather. Motor vehicles may be used to make deliveries of heavy or awkward loads to the plot. The motor vehicles must then be removed and parked appropriately either in a designated parking area within the site or on the public highway. Vehicles are permitted on the site entirely at the owner's risk. The owner of the vehicle and the plotholder responsible for the vehicle's presence on the site will be held liable for any damage caused by the vehicle.
- d) Entry by motor vehicle is by the gates at the end of Dale Park Road only. The tarmac road is one way; exit being by the Northwood Road/Spa Hill gate. **SPEED MUST NOT EXCEED WALKING PACE.** All gates must be locked immediately after use. Large vehicles, which cannot negotiate the bends on the tarmac road, may be allowed to enter by the Northwood Road/Spa Hill entrance provided that arrangements for them to do so have been made with a Committee member.
- e) Member of the Committee or delegated representatives of the Committee have the right to walk upon inter-plot paths in the course of their duties or to perform any necessary work delegated by the Committee. No tenant has the right to use any other tenant's inter-plot paths without permission granted by the tenant of the plot adjoining the path.
- f) Main grass roads must be maintained at least ten feet six inches (3.18m) wide. For the purposes of the By-Laws the following paths are defined as grass roads but are to be maintained at a width of only four feet (1.2m) (between Plots 90 and 91-120, 129-130, 139-140, 295 and 297-298).
- g) You must erect a clearly visible number on the front of your plot.

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18. Nuisances

- a) A member shall not cause any nuisance or annoyance to the occupants (the tenant or visitors) of any other allotment, or to the neighbourhood. No Livestock may be kept on the allotment site other than bees without the written permission of the Committee and then not by way of trade or business.
- b) Dogs are not permitted on the allotment site except on a reasonable length of lead and must be kept under control at all times. Dog owners must not allow their dogs to foul allotments, grass roads, side paths or any other part of the allotment site. It is the duty of dog owners to promptly remove any fouling which occurs.
- c) Plotholders are not permitted to burn bonfires on the site. Tenants who infringe this By-Law will be answerable to the local Department of Environmental Health and may be fined up to £20,000 for such infringement.
- d) Compost heaps should be constructed in such a manner as not to attract rats or other vermin. Only raw vegetable matter should be included for composting. Large or woody material unsuitable for individual compost heaps may be stacked centrally for shredding as directed by the Committee. No material suitable for composting shall be put in the skips.
- e) Skips are provided for the disposal of non-compostable waste from the allotment site ONLY. Broken glass may be put in the skips only if it entirely below the level of the skip.
- f) Barbecues are permitted provided that they are suitably contained and do not emit visible smoke (they would then become the subject of Environmental Health Rulings). They should be lit using commercial firelighters or dry paper. Once fully operational there should be no visible smoke. Care should be taken to ensure they do not create a fire hazard.
- g) Windbreaks are permitted on allotments subject to the provisions of By-Law 16. They should be kept as tidy and as inoffensive to the eye as possible. Fences with/without gates are not permitted nor are hedges permitted as boundary markers unless instructed by the Management Committee.
- h) The use of strimmers, two stoke engine mowers, cultivators and other noisy machinery is not permitted before 8.00am or after 8.00pm on Monday to Saturday nor is such use permitted before 8.00am or after 2.00pm on Sundays.

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- i) Radios and other devices for reproducing sound are permitted on allotments so long as the output volume is kept at a reasonable listening level and do not cause a nuisance to other tenants, visitors or neighbours.

19. Encroachment, trespass and damage

- a) No tenant shall make any encroachment or trespass upon another's allotment; and no damage shall be done by any tenant to the produce or cropping on any other allotment. Any damage done either by a member or by a person accompanying a member shall be assessed by the Committee and the offender shall pay such sum as the Committee may determine to the member who has suffered the damage or to the Society. The Committee shall have the right to refuse admission to any person, other than the tenant of the Society, to any allotment unless accompanied by the tenant member.
- b) Children of tenants may accompany their parents only if they are kept under control and remain near their parent's allotment. Children must not be allowed to play over other plots or gardens or to stray onto other allotments. An adult must accompany children using the site toilet. The Society accepts no responsibility for any harm which occurs to any child on the site; there are a great many hazards to children on the site and parents are expected to be vigilant on their children's behalf.
- c) The Management Committee have the right to terminate the tenancy of any tenant trespassing on another tenant's plot.

20. Water

- a) Water is provided by standpipes at convenient points. These taps with the pipes, stopcocks and meters must on no account be tampered with; any fault arising must be reported to a Committee member immediately and not taken in hand by the tenant.
- b) All water used on site is metered. Waste of water costs the Society and its Members through increased water bills. Hose pipes connected to the Society's water supply are allowed to be used for filling tenant's storage containers. Storage containers must not be emptied by bailing or otherwise, while they are filling. Hand held hoses may be used for watering on plots provided that this does not breach Water Supply Authority regulations. Sprinklers and leaky hoses must not be used from the Society's water supply.

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- c) Tenants using watering cans only always take precedence over tenants used hoses to fill containers.
- d) Any hose not being hand held in use may be confiscated by Members of the Committee. Infringement of the rules and By-Laws governing the use of water may lead to termination of tenancy. Water is a precious commodity and must not be wasted. Where possible tenants are recommended to conserve rainwater by the use of guttering, downpipes and butts fitted to their sheds and greenhouses.

TERMINATION OF TENANCY

21. Determination of the Society's Tenancy

The Society may determine the Tenancy of any allotment without notice if it shall at any time, be requested by any superior landlord to give up possession of the land or part of the land which the allotment forms part.

22. Termination of Tenancies by the Society

The Society shall have the absolute right to re-enter and take possession of the allotment of any tenant:

- a) When the payment of rent is in arrears for forty days, whether legally demanded or not.
- b) When an allotment is not cultivated to the satisfaction of the committee.
- c) For any breach of the By-Laws, Rules or Tenancy Agreement.
- d) The Society will re-let any allotment after determination of a tenancy as detailed in By-Law 7.

23. Termination Notice procedure

- a) The Society may at any time summarily terminate the tenancy of any tenant who at least three members of the Committee considers, on the balance of evidence, has committed a serious offence against the Society or its members (such as theft, fraud, verbal abuse, violence or who puts at risk the safety of others). The decision of the Committee will be sent in writing to the tenant's address on the tenancy agreement.

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- b) For offences against the By-Laws, Rules or Tenancy Agreement for which the tenant has received two written warnings, within a twelve month period, from the appointed sub committee (such as nuisance, non cultivation of allotments, waste of water and dumping of rubbish, etc), the Committee may terminate the tenancy by giving a minimum of twenty eight days notice in writing to the tenant.
- c) Appeals against the determination of a Tenancy must be made within 28 days from the date on the letter sent by the Society and should be addressed to the Secretary. The appeal will be considered by the Management Committee within 28 days from receipt of the appeal and their decision will be final. A member may also be expelled from the Society under the Rules, Rule XI.
- d) The Committee may agree to relieve any tenant who desires to give up a tenancy at a shorter notice than detailed in By-Law 23b if there is another approved applicant waiting for an allotment.

24. Removal of property

Upon the determination of the tenancy of an allotment the tenant shall, if required to do so by the Committee, remove from the allotment all growing crops, fruit bushes, buildings, stock and other property of any kind within fourteen days of such determination and shall make good any defect to the allotment caused by such removal, and in case default shall be made by the tenant. The Society may remove such crops, trees, bushes, buildings, stock and other property and charge the expense of such removal and defect to the tenant who shall on demand pay.

OFFENCES, DISPUTES, GENERAL

25. Offences

If a member charges another member with an offence, the charge must be submitted to the Secretary in writing. The Secretary will arrange for the charge to be considered at the next Committee meeting after receipt of the letter. If the charge requires immediate consideration a special Committee meeting will be arranged at the earliest opportunity.

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The Committee shall, by majority vote, have the absolute power to take such steps and apply such remedies, as they consider necessary. An appeal from the decision of the Committee may be heard at a General Meeting on written application to the Secretary, within 28 days of the Committees decision, signed by at least ten current members.

26. Disputes

Any dispute that arises between the Society and any of its officers, between members or any complaint against a member from another member, application may be made to the Committee for redress, and should the Committee not bring the parties to agreement the matter may be submitted to the arbitration process as detailed in the Rules, Rule LIV.

27. Trading

- a) No trading in commodities which are available from the Society's distribution centre is permitted on the allotment site.
- b) Members may sell surplus plants or produce at the appropriate seasons to other members of the Society, providing that they comply with the conditions laid down by the management Committee from time to time.

28. Theft

The Management Committee may immediately remove any individual guilty of theft on Society premises, from the Society's premises and ban them from those premises.

29. Amendment of By-Laws

Amendment of these By-Laws shall be in accordance with the registered rules of the Society.

These By-Laws were originally adopted by a general meeting held on 15 June 1941 and amended on 26 February 1958, 24 February 1965, 19 May 1982, 4 March 1987, 18 April 2000 and 17 March 2007.