

Tenancy Information

By signing your membership agreement you agree to the terms and conditions within this document.

- Code of conduct Pages 1- 6
- Child Protection and Vulnerable Adults (Safeguarding): Pages 7-8
- Complaints & Disciplinary Procedures: Pages 9-11
- Site Rules: Pages 12-18

South Parks Allotment is managed by
Torquay Allotment Holders Co-operative Association Ltd
(TAHCAL)

Approved by Membership at the AGM on 7th March 2025
All other rules rescinded

Affiliated To



Status of Code

This code does not replace the FCA rules, tenancy agreement or site rules but will guide their interpretation and set down best practice. Committee members will sign their acceptance of this, and all members will be made aware of it.

It takes effect when engaged on allotment association business on and off the site, admission to membership and office.

- All members shall demonstrate a wish to grow vegetables, fruit, and flowers on an allotment.
- All members will support the aims and objectives of the Association.
- Membership is at the discretion of the Committee but shall not be unreasonably refused.
- All anti-discrimination and equal opportunities legislation and requirements will be observed.
- Members should take all reasonable measures to ensure the suitability of committee for office.
- The association through its committee and/or general meetings shall have the power to suspend and/or remove persons from membership or office for necessary and sufficient reasons.

Members' Responsibilities (section 1)

- 1a) Committee members' duty of care to the association requires them to act in the best interests of the whole association.
- 1b) Committee members should act with selflessness, integrity, objectivity, accountability, openness, honesty, leadership (the Nolan principles).
- 1c) A good quality of service for association members will be more fully delivered by the exercise of the personal qualities of positive commitment, enthusiasm, knowledge, skills, reliability, respect, and patience.
- 1d) All members should be able to experience peaceful enjoyment of their allotments.
- 1e) All members shall follow the conditions relating to the use and maintenance of the allotment as set down in the tenancy agreement and rules.
- 1f) Any remediation required of a member in relation to these conditions of tenancy shall be proportionate and consider any personal factors that may be relevant.

- 1g) Every member acting individually or collectively shall not give, receive, or provoke behaviour that can be judged to be verbally, physically, or mentally intimidating, aggressive, or threatening to other members or groups of members.

Building the Allotment Community (Section 2)

- 2a) The association will communicate regularly with members to update them with news from the allotment site and allotment association.
- 2b) The formal communications for meetings of the association and its committee will be sent sufficiently in advance to enable attendance at meetings, payment of bills and effective discussion and decision taking.
- 2c) There should be open and effective two-way communication between the Committee and Members to address and overcome concerns. Can be listened to and where appropriate attended to by Members and the Committee.
- 2d) The association through its committee will organise on-site and off-site events that will require members to cooperate with one another.
- 2e) The association expects to stage social events on site to mark occasion's e.g. on-site plant sales, annual show and barbecue.
- 2f) Members are expected to help wherever possible with the minimum of 4 hours per annum to assist committee for the good of the association.

Confidentiality (Section 3)

- 3a) Officers and committee members will be responsible for maintaining confidentiality of members' data.
- 3b) All data from members will be confidential and kept in accord with GDPR and the association's privacy policy.
- 3c) Any personal and/or sensitive information about ploholders including information on health, relationships and financial well-being shall be held with enhanced security.
- 3d) Conflicts of interest and conflicts of loyalty shall be declared by members and appropriate action taken by the committee.

- 3e) Details of Committee discussions and individual voting patterns will remain confidential. Decisions once taken shall be supported by all members of the Committee.
- 3f) Minutes are confidential until approved at the following meeting. Minutes made available to all members will be redacted to remove personal information.

Responsibilities for Conduct at Meetings (Section 4)

- 4a) All general meetings and committee meetings of the association are formal meetings.
- 4b) All procedural items for any meeting shall be made known.
- 4c) Personal conduct at meetings shall cover matters which include addressing the chair, keeping to the agenda item, having a time limit and being respectful of all other persons present.

Protocol for meetings (Section 5)

- 5a) Committee meetings should not be less than four times in a year and may be called as required by the committee.
- 5b) Annual general meetings shall be held not less than nine months before and not more than fifteen months after the previous one. 14 days' notice will be given to membership for any general meetings.
- 5c) Extraordinary General Meetings may be called at any time by the Committee or by a requisition signed by at least 25% of the membership.
- 5d) All members should be enabled to contribute at an AGM.

Documents and reports required before and after Meetings. (Section 6)

- 6a) Agenda to be drawn up and circulated.
- 6b) Chair's report to itemise main developments since previous meeting.
- 6c) Secretary's report to chart changes of membership since previous meeting & update the committee regarding the waiting list.

- 6d) Treasurer's report to show revenue and expenditure since the last meeting, the current bank balance(s) to be made known and all items to be set alongside the year's budget figures.
- 6e) Documentary evidence of the financial activities is to be available at the meeting.
- 6f) The figures for trading sales revenues and costs should be made known

Processes for meeting efficiency (Section 7)

- 7a) Pre-meeting discussion can clarify the issues to be decided.
- 7b) Setting a timetable for each item on the agenda the meeting would assist the meeting ending at an agreed time.

Meetings: Decisions, votes, actions (Section 8)

- 8a) All decisions made should be recorded in the minutes either as agreed but if a formal vote is taken the numbers for, against and abstentions should be recorded in the minutes. Chair has casting vote but cannot cause a tie.
- 8b) Action points should accompany decisions, the person responsible for a specific action should be recorded and the type of action required.
- 8c) That person is to report back by or at the next meeting and the item decided or set for further consideration.
- 8d) A time limit for any item to remain on the agenda should be set and, if agreed, then taken off the agenda,
- 8e) Draft minutes from the meeting should be available not more than 14 days after the meeting.

CCTV Policy (Section 9)

- 9a) For CCTV procedure please see CCTV Policy. CCTV includes any recording device.

Financial Probity (Section 10)

- 10a) The financial year starts on 1st January of any given year and ends on 31st December.
- 10b) Cheques require a minimum of two signatures.
- 10c) At least three quotes need to be obtained for any significant onsite works and for any other significant elective expenditure.
- 10d) Any expenditure over £1500 should be agreed by membership.
- 10e) Regular reporting to the committee about the financial health of the association is required.
- 10f) Annual accounts need to be appropriately inspected or audited.
- 10g) The annual accounts need to be agreed by the membership at the AGM.
- 10h) A budget for the forthcoming financial year needs to be prepared.

Breaches of tenancy conditions and/or this Code (Section 11)

- 11a) Breaches can be made by any member, including committee members.
- 11b) For non-cultivation a series of steps from informal discussion with the plot holder and through notices in writing of NC1, NC2 & NC3
- 11c) All available procedures should be taken to enable remediation.
- 11d) For individual or collective unacceptable behaviour, a graded series of responses should also be in place. i.e. 1st warning, 2nd warning & Intention to expel. Those steps will vary according to the severity of the breach and if previous breaches had occurred.
- 11e) The unacceptable behaviour on site should have been witnessed independently.
- 11f) Where significant anti-social and illegal behaviour is involved e.g. physical assault, drug taking or supply. If the issue is severe enough to involve the police a suspension would be prudent pending police investigation and if the eviction is necessary, a one month notice to quit will be issued.
- 11g) All available and reasonable procedures should be taken in all cases to enable remediation.

- 11h) Any breach that is alleged to have been made by a committee member would require that member to take no part in the committee's deliberations or voting on the issue but give that member the right to a fair hearing to refute the alleged breach.
- 11i) External mediation can help in later stages, but it will need to be agreed by both parties and is time-consuming.
- 11j) If termination of tenancy is a likely outcome and if it is appropriate an EGM can be called.
- 11k) Amendments or rescindments can be made to this document at a general meeting for that purpose or with the purpose of amending to bring in line with current legalisation.

Child Protection and Vulnerable Adults (Safeguarding) Policy

Child Protection and Vulnerable Adults (Safeguarding) Policy Statement and Procedure Torquay Allotment Holders Co-operative Association Ltd hereinafter referred to as TAHCAL acknowledges the duty of care to safeguard and promote the welfare of children and vulnerable adults and is committed to ensuring safeguarding practice reflects statutory responsibilities, government guidance and complies with best practice.

The policy recognises that the welfare and interests of children and vulnerable adults are paramount in all circumstances. It aims to ensure that regardless of age, gender, religion or beliefs, ethnicity, disability, sexual orientation or socio-economic background, all children and vulnerable adults involved with activities sponsored by or managed by TAHCAL:

- Have a positive and enjoyable experience in as safe an environment as possible.
- Are protected from abuse whilst participating in activities taking place under the auspices of TAHCAL.

TAHCAL acknowledges that some children and adults, including disabled children and adults, those with mental health problems or those from ethnic minority communities, can be particularly vulnerable to abuse and we accept the responsibility to take reasonable and appropriate steps to ensure their welfare.

As part of our safeguarding policy TAHCAL will:

- Designate a member of the TAHCAL committee as Safeguarding Lead.
- Promote and prioritise the safety and wellbeing of children, young people, and vulnerable adults.
- Ensure everyone on the Committee understands their roles and responsibilities in respect of safeguarding.
- Ensure appropriate action is taken in the event of incidents/concerns of abuse or attempted abuse.
- Ensure that all concerns of abuse and all aspects of safeguarding concerns are related through the Safeguarding Lead or in their absence the Chair of TAHCAL to those organisations (Police and Social Services) who have the lead and specific authority in their area.

- So far as reasonably practicable prevent the deployment of unsuitable individuals. The policy and procedures will be widely promoted and are mandatory for everyone involved in the TAHCAL Committee. Failure to comply with the policy and procedures will be addressed without delay and may ultimately result in the termination of membership. Monitoring the policy and procedure will be reviewed a year after development and then every three years.

Complaints & Disciplinary Procedures

Introduction

We hope nobody wants to make a complaint or we need to take disciplinary action, but we have a process outlined below for you to follow to make sure you and complaints are dealt with fairly.

Complaints are usually made first by speaking to one of the allotment site's section stewards and often they can deal with the problem informally.

Where a person wants to make a more formal complaint to the allotment society, or the committee member feels that this would be more appropriate, then follow the process set out below.

The complaints process may be modified at this society's discretion to fit the circumstances of an individual case.

Any proposed modification of the procedures set out below will be explained and discussed with you before the process begins. You may use someone to help you in dealing with the complaints process if you feel unable to do so by yourself.

Your Complaint (Stage One)

(a) A complaint must be received as soon as possible after the event, or the issue being complained about has occurred. Complaints received more than 1 month after the event will not be admitted except where evidence of exceptional circumstances, such as an extended period of ill-health, is provided.

(b) Your complaint should be in writing (email is acceptable) giving the following information.

(i) Your name with postal address, telephone number, e-mail address if available and plot number.

(ii) Full details of the matter you are complaining about. It is important to set out all the details with names, dates, places, etc., so that someone who knows nothing about the issue can easily grasp the problem and understand your complaint.

Where relevant list a sequence of events and dates and include sketches and/or photos and measurements relevant to your complaint.

Give the names and contact details of any witnesses who are prepared to provide evidence relating to the event/issue.

Explain exactly how the event/issue is causing you a problem and what you would like to be done about it.

(c) If neither you nor whoever is helping you are able write the complaint down, the person or persons considering the complaint may send you a summary of the account you have given to them verbally to check that they understand it correctly and may contact you for further information.

d) When the committee is considering the complaint has decided, they will tell you in writing of that decision.

A Review (Stage Two)

(a) If you are dissatisfied with the Stage 1 decision about your complaint you may ask the committee to review it. Such a request must be in writing (if you are unable to write your request yourself, please arrange for someone to do so for you). You should give reasons for the request, and it must be made within two weeks of you being informed of the society's Stage One decision, unless you have provided evidence of exceptional circumstances preventing you from meeting the deadline. The committee may turn down a request for a review if you don't have anything new or material to add to your original complaint.

(b) You will be told who will review the Stage Two decision and approximately when you may expect to hear the result of that review. The person or persons conducting the review will not have been involved in considering your complaint previously.

Discipline on site and when representing the society.

If you break the rules on your agreement or receive a complaint against you, the committee reserve the right to go through the disciplinary procedure. If the tenant feels they have a grievance with the committee, they have a right to have the matter dealt with in a reasonable manner. Each case will be dealt with on its own merits.

TAHCAL believe that everyone should be treated with dignity and respect whilst at the allotments and not contravene the guidelines of the Equality and Diversity Policy.

Bullying and harassment of any kind are in no-one's interest and should not be tolerated, but if you are being bullied or harassed it can be difficult to know what to do about it – so please follow our complaints procedure above.

A variety of interventions will be used.

1 Verbal warning

2 Written warning

3 Discussion meeting

4 Formal disciplinary committee meeting

5 Appeal committee

Depending upon the seriousness of the problem, one or more stages of intervention could be bypassed. The tenant will be informed of which stage if any have been bypassed. The tenant and the committee should be given the opportunity to talk things through.

Site Rules

1. Every Member is on equal terms with all other Members and is expected to assist the field Stewards and Committee as much as possible for the welfare of all Members, exercise their rights by attending the Annual General Meeting and to share in the Administration of the Association if required.

2. All Members are expected to keep their respective plots always cultivated to the satisfaction of the committee and to keep their portion of footpath and cart path clear of weeds and rubbish. Footpaths will be trimmed and kept to the boundary lines and shall be a minimum of 30 inches wide (where possible). Members are responsible for half adjoining paths between plots. Guests must always be accompanied by a member unless advance notice has been given to a Committee Member. Members are responsible for their guests at all times.

3. Members or Guests must not:

3.a) Injure or deteriorate the land in any way and not to sell or carry away minerals, gravel, sand, clay or soil from the Allotment land nor cut prune or carry away the timber on the land.

3.b) Use your allotment plot or any part thereof as a Market Garden.

3.c) Transfer, sub-let, part sub-let, assign or part with the possession of the allotment plot or any part thereof.

3.d) Fail to make “good use” of their plot between April – October.

3.e) Remove produce, or other items including water from another Members plot or vacant plot without the consent of that plot holder. Whereas a vacant plot, the Committee.

3.f) Demonstrate rowdy or unacceptable behavior, disturb the peace, intimidate, or offend other Members of the Association.

3.g) Cultivate more than two individual plots unless you have permission from the Committee.

3.h) Copy any gate keys without the permission of the Committee.

3.i) Use or erect barbed wire or razor wire.

3.j) Deposit or bury non-biodegradable items on any part of the land.

3.k) Cultivate more than 25% of 'Cut Flowers' per individual plot or plots without written approval of the Committee who will then consult with the landlords.

3.l) Bonfires

Light a bonfire at any time from 1st May to 31st August inclusive and must not create a nuisance to members of the public or plot holders. Bonfires must not be left lit or unattended **at any time** and not burn any types of manmade materials. Not to burn other plot holders' materials. Not bring on-site materials other than a small amount of paper to help start the bonfire.

(Adopted 7th March 2025)

3.m) The feeding of Herring Gulls, Badgers and Foxes is prohibited. Feeding of all wildlife should be limited to Birdseed and suitable Peanuts. **(Adopted 2014)**

3.n) Bring Carpet and or underlay on to the Allotment apart from use as a compost cover. **(Adopted March 2016)**

3.o) Use weedkiller that contains Glyphosate. **(Adopted August 2021)** The use of weedkillers should be administered by a watering can and not spray. **(Adopted April 2018)**

3.p) Hold more than two allotment plots on the land PROVIDED that this condition shall not apply in those cases where it can be established that no applications or requests have been received for plots. 2nd plot holder must relinquish should the first named member decide to relinquish their plot if the 2nd plot holder is already holding 2 plots.

4. Members Must:

Give notice of any change of contact details to the Secretary or Field Steward within fourteen days of such changes. Lock the access gates when entering or leaving the allotment site. Distribute Grass cuttings, compost, etcetera if that becomes available, equally.

5. Non-Cultivation & Evictions

In the event of a member(s) failing to maintain their plot to a satisfactory state of cultivation the Member(s) will receive a 'Non-Cultivation' Letter. Provided that the weather is reasonable the Member(s) will have a period of six weeks in which to bring the plot back to a reasonable state of cultivation. Failure to comply with this first warning will result in an 'Intention to Expel' letter. Should the allotment holder show substantial improvement within the six-week period the notice may be withdrawn at the discretion of the Committee. However, if the plot is again considered unsatisfactory within a twelve-month period commencing from the date of the 'Non-Cultivation' Letter, the Member(s) will be given an 'Intention to Expel' letter. In the event of this you will have 28 days to vacate your plot and remove all personal property. *The Committee reserves the right to inspect any plot at any time without prior notice.* If you have difficulty maintaining your plot for whatever reason, please speak to your Section Steward. Photographic evidence may be taken on any non-cultivated plots by the Committee to support claims. **(Adopted October 2019)**

5A. Plot inspections

Plot inspections are carried out in the months of **April, June, August & October** and determine what is fair. Steward to carry out plot inspections but may ask senior committee for help. **(Adopted April 2018)**

6. Hens

Members can keep up to the Maximum of 12 hens on their plot and not take up more than 25% of the plot area. Not to neglect the animals and ensure that they are fed, watered, healthy and disease free. Hens must not cause a nuisance to other plot holders, nearby residential properties, or persons. No cockerels are allowed.

6a. The hens are kept in proper coops that are secured shut with a padlock.

6b. The keeping hens is performed in accordance with all relevant regulations provided by the Department for Environment Food and Rural Affairs.

6c. The area(s) where the poultry are kept is (are) clearly separate and marked with signs.

6d All foodstuff for the hens is to be kept offsite or in vermin-proof containers.

6e No other livestock can be kept on any allotment plot or part except for rule 7.

7. Bees

Bees can be kept on an Allotment plot but must be tendered by a member of the *British Bee Keeping Association*, the member must provide their own Third party & public liability insurance cover in an amount of not less than FIVE MILLION POUNDS (£5,000,000. Evidence shall be provided to the committee. Arrangements must be made so that bees are forced to fly above head height when leaving the hive which should be sited so that only the Beekeeper can approach them. Permission must also be granted by the Committee **'in writing'** before hives are installed. Bees must not cause a nuisance to other plot holders, nearby residential properties, or persons. Individual sections can vote **not** to keep bees on their field by a majority vote.

8. Communal ground

The Communal ground on C Section of South Parks is for use as a Wildlife area and for Communal Events and cannot be changed back to a working plot or other. **(Adopted March 2015)**

9. Sheds, Greenhouses & Poly tunnels

Sheds, Greenhouses & Poly tunnels. No structural alterations, extensions, or new building works except for the erection of no more than 2 structures on any one allotment plot. **8ft x 6ft** in size in case of a shed, **8ft x 6ft** in case of a greenhouse or **10ft x 18ft in case of a polytunnel**. Applications for Sheds, Greenhouses & Poly tunnels may be downloaded from our website. Where a Shed/Greenhouse exists on any given plot it is the Member's responsibility to ensure the ongoing maintenance or replacement. Sheds, Greenhouses and Poly tunnels must be left on site when a member vacates their plot unless purchased and erected during the tenancy of the member vacating the plot. The Member may remove the structure if they wish to do so. All Sheds/Greenhouses/ Poly tunnels must be in 'safe order'. Greenhouses must not be erected against any other structure. The above structures are the perfect way to water harvest. We do not have tapped water on our sites. **(Rule updated 3/3/2025 to bring inline with Torbay Council Lease.)**

10. Trees:

The permission of the Committee must be obtained prior to the planting of trees. Any such trees must be of a dwarf variety and maintained accordingly.

11. Dogs.

A tenant may take his or her dog to the allotment, if the dog is always under control, on a lead and remains on the tenant's plot only. Note that if a dog is aggressive or particularly nervous, then this might constitute a nuisance to others, and you may be asked not to bring the dog to the allotments in future. All faeces must be removed immediately and disposed of appropriately. **(Adopted March 2017)**

12. New Members:

All new plot Members will be on probation for a twelve-month period, pending plot inspections. It will be the Committees discretion if the application is extended. You may only cultivate a single plot in the first season. A gate key will be issued by the section Steward at the cost determined by the committee. Gate key deposit will be refunded on vacation of plot and return of key. All New Members will have '14 Days' to clear any outstanding invoice. **Adopted on 7th March 2025:** A refundable deposit of £50 is required. This will be refunded at the end of tenancy subject to a plot inspection to determine handing the plot back in good order.

13. Vacating your plot:

If you wish to vacate your plot you must notify the Secretary in writing. Upon vacating or terminating an allotment plot, all property belonging to the Member shall be removed on an agreed date. Any property remaining on the allotment after this date shall be deemed abandoned. No refunds of rent paid will be given and the plot will be immediately re-let. The association reserves the right to charge the Member the cost of removal of any property or litter.

14. Any Member(s) that have been evicted for whatever reason are not allowed on any site managed by TAHCAL.

(Adopted March 2017)

15. Structures

Fences, raised beds or other constructions cannot be more than 60cm high where they border adjacent plots without the knowledge of the next-door plot holder(s) and site Stewards' agreement. **(Adopted March 2017)**

16. Ponds

Fence around the pond or plot where the pond is located that is no less than 1m high. All sections of the fence should be clear of objects that will allow a child to use to climb over the fence. If a gate is fitted, the gate should be self-closing and open outwards from the pond with the latch/lock being fitted to the inside.

17. Complaints

Please refer to the Complaints procedure on page 9.

18. Disputes

Any dispute that may arise shall be referred to the Committee. Matters not covered in the Members rules shall be resolved by the Management Committee. Please refer Complaints procedure on page 9

19. Subscriptions

Member's annual subscription to the association shall be included in their annual plot rent. Rent Payments: Rent is due in January and is payable in advance and should be paid no later than 31st January. Non-payment of subscription for a period of 40 days after it becomes due, terminates membership. Payment must be made to the Treasurer only, who will issue an official receipt if requested. Please provide an SAE. Members joining part way through a financial year will pay pro rata fees (unless the plot is in poor condition) committee to make judgement on what is fair. New members are still eligible for annual subscription and gate key deposit. (New Members see section 12)

20. Water Containers/Butts or any water collecting vessels.

Water butts and other water holding vessels must be completely covered to prevent a person or animals from falling in.

21. Firearms

The use of firearms, including airguns, bows, crossbows etc., on the allotment site etc, either for hunting or target practice is strictly prohibited. No firearm may be brought onto an allotment site regardless of its intended use. The Police will be informed if any person is found to be using or keeping a firearm on any TAHCAL allotment site or boundary. Any tenants, or third party, found to be carrying out 'hunting activities', **will have their allotment tenancy terminated with 1 month Notice to Quit.** Trapping of Rats and Mice is exempt from this rule. Please contact the Committee for advice regarding the proper removal of Rats & Mice.

22. Death of a Member

On the death of a member his or her next of kin shall be allowed to continue this tenancy either temporary for the purpose of harvesting crops or if required by such next of kin, the committee may grant a new tenancy to him/her.

23. Members CCTV - Video & Still Images

CCTV or similar recording devices can only be used if the camera is projected onto your own plot. Pointing the camera at another Plot, Footpath, Communal Areas and or part of is NOT PERMITTED as it infringes human rights of others and the right to privacy. Members **MUST** register their CCTV with the Committee.

24. Governance

That you agree to the governance of this association namely Torquay Allotment Holders Co-operative Association Ltd available to download a FCA website.

25. Work Parties

Members are expected give at least 4 hours per annum to join work parties.
(Adopted August 2021)

26. Site Rules

Site rules are amended, proposed, or rescinded at General Meetings or updated to bring in line with current legislation or for Insurance purposes.

27. Health & Safety

Health & Safety is everyone's responsibility, if you see anything unsafe, please report it to a committee member ASAP.

General Health & Safety and Risk Assessment requirements on this site are posted and updated on the general notice boards.

28. Membership Cards

Membership cards to be given upon joining with a copy of the tenancy agreement. **(Adopted April 2018)**



Plot Number

Steward Contact

Torquay Allotment Holders Official

WhatsApp group



Website: www.tahcal.co.uk

Code of conduct

Child Protection and Vulnerable Adults (Safeguarding)

Complaints & Disciplinary Procedures Pages

Site Rules

March 2025