Allotment Rules about Conduct, Non-tenants, Security, Disputes & Harassment

Some of these issues would be covered in the main part of the Tenancy Agreement

Current Council Rule & proposed change	BDAC Alternative –
Tenants must not 6.9 Tenants must not cause or allow any nuisance or annoyance to the Tenant of any other Allotment Garden (see also Rules 15.1 – 15.3), or to local residents.	*Acceptable addition regarding local residents only if BCC & other statutory bodies provide support in cases of breach – eg if Tenant has bonfires or breaches conditions for keeping animals which impact on local residents* *Alternative wording (from NAS):* The Tenant must not cause, permit or suffer any nuisance or annoyance to any other plot holder or neighbouring resident of the Allotment Site, or obstruct or encroach on any path or roadway set out by the Council for the use of the occupiers of the allotment gardens. And must conduct him/herself appropriately at all times.
6.10 The Tenant may not use the Allotment for any illegal or immoral purpose and must observe all relevant legislation or Codes of Practice relating to activities they carry out on the Allotment Garden, not limited to but including cockfighting, modern day slavery etc.	As above – useful to have examples of what is not allowed, but Associations should not be expected to enforce breaches without statutory back-up.
Only the Tenant, or a person authorised or accompanied by the Tenant is allowed on the Site. Access is not permitted to any Plot(s) other than that let to the Tenant. (8.1) The Council may order any person wrongly allowed onto the Site in breach of these rules to leave immediately. (8.2) The Council may take action for breach of their Tenancy Agreement against any Tenant who the Council reasonably believes was responsible for allowing an unauthorised person to be on the Site. (8.3) Tenants are responsible for the safety and conduct of any visitors that they allow onto the Site. (8.5) Children (under age 16) must be supervised at all times by the Tenant or a responsible adult.(8.6)	Keep these Rules with the following changes/additions Add to 8.1 Any person who accompanies the Tenant to cultivate or harvest may not at any time enter onto another plot without the express permission of the relevant plot holder. 8.4 Tenants are responsible for the safety and conduct of any visitors they allow on to the Site, *and for the actions of children and others entering the Allotment Site with their permission* (addition).

New rule: 8.1 Site keys and lock codes must not be given to non-tenants.	This BCC new rule does not align with 8.1 which allows for regular 'authorised people' to come onto the site or plot unaccompanied and who would therefore need to have a key or lock code. Associations should have discretion to manage these permissions. Wording in agreement could be: "The Tenant shall be issued with a key/code/card to access the Allotment Site either by car or on foot. No replicas are to be made. No codes shall be passed to anyone other than the person authorised by the Tenant to work on his Allotment Garden under paragraph … of the Schedule to the Agreement. Additional Rules on security could include: * The main access gate shall be closed and locked at all times. Tenants must ensure that the gate is locked at all times after they enter and leave the Allotment Site. * The Tenant must make arrangements to meet personally at the entrance of the site any persons visiting them or vehicles making deliveries to them on the site and to ensure that the entrance is locked securely before and after.
Nothing about reporting damage etc in current Rules	Suggested new rule: Tenants must report to the Association or Council any matters of mains water leakage, any damage to fences, property or produce, through trespass or vandalism or from any other cause.
New rule (proposed): 6.15 Tenants must not remain on or sleep overnight on the allotment site, either in a shed, greenhouse, polytunnel, tent or otherwise.	This new clause should be welcomed, but BCC and/or police involvement would probably be needed to enforce it.
14 Disputes 14.1 Any disputes/complaints are to be referred in accordance with the procedure displayed on site. All disputes are subject to right of appeal with the Council. The decision of the Council will be made in writing and will be binding on all the Tenants/parties involved in the dispute.	Agree with addition of 'complaints' and 'parties'.
15 Harassment: 15.1 Birmingham City Council has a commitment to eliminating unlawful or unfair discrimination and to achieving an environment free from harassment.	Only one change proposed by BCC. BDAC suggestion for addition/update in clause 15.2 to cover on-line conduct Eg after non-verbal conduct, add "including cyber-bullying". This

This extends to the conduct of allotment Tenants (see Allotment Rule 6.9). 15,2 Harassment may be of a specifically racial, sexual or religious nature, but is generally accepted to be any unwelcome physical, verbal or non-verbal conduct. Harassment may be deemed to have occurred whether it is a single or repeated incidents. All Tenants are expected to comply with the Council's policies in respect of harassment and discrimination, which are available on the BDAC website. 15.3 Complaints about harassment are, in the first instance, to be referred to the Site Association which will investigate the matter and refer its recommendation to the BDAC. Tenants may seek support from the BDAC which provides mediation support. Complaints will be handled sensitively and the Council will endeavour to protect Tenants against victimisation for making or being involved in a complaint. Wherever possible, Tenants should tell the person who is causing the problem that the conduct in question is unwanted and/or offensive and must stop.	would be taken to include use of emails, texts and social media. If the BDAC is going to make the Council's policies in respect of harassment and discrimination available on its website, have they been updated to include this type of conduct?