

HAILEY PARISH COUNCIL

THE ALLOTMENTS ACTS, 1908 TO 1950

RULES AS TO ALLOTMENT GARDENS

made by the Hailey Parish Council with respect to allotment gardens for the Parish.

1) INTERPRETATION OF TERMS

Throughout these Rules the expression "the Council" means the Hailey Parish Council and includes any committee of the Council or any allotment managers appointed by the Council under the Allotments Acts, 1908 to 1950.

2) DEFINITION OF THE PERSONS ELIGIBLE TO BE TENANTS OF THE ALLOTMENT GARDENS

Any man or woman, who at the time of application to the Council for an allotment garden, is residents in the Parish shall be eligible to become a tenant of an allotment garden subject to the statutory provision that one person shall not hold allotments acquired under the above-mentioned Acts exceeding five acres.

3) DIVISION OF THE LAND INTO ALLOTMENT GARDENS

The Council, before giving notice of their intention to let any land for allotment gardens, shall divide the land, and shall cause a plan to be prepared showing each allotment garden, and distinguishing it by a separate number.

4) NOTICES TO BE GIVEN FOR THE LETTING OF THE ALLOTMENT GARDENS

The Council shall give public notice by bills or placards, posted in some conspicuous places in the Parish or otherwise exhibited therein, setting forth the particulars as to any allotment gardens which they propose to let.

Such notice shall specify the allotment gardens to be let, the rent to be paid for the same, the name and address of the Clerk to the Council to whom applications for the hiring of an allotment garden are to be sent, and the last day for receiving applications.

If any special condition is to apply to the allotment gardens, or any of them, the notice shall specify such condition or state where copies of the Form of Agreement for letting of such allotment gardens may be seen.

If the tenant is to pay for tenant right or compensation for improvements, this fact and the amount, if then ascertained, shall be stated in the notice.

5) RULES AS TO THE LETTING OF THE ALLOTMENT GARDENS, AND FOR PREVENTING ANY UNDUE PREFERENCE IN THE LETTING THEREOF

The Council shall not let any allotment garden unless and until notice that they propose to let the same has been duly given in pursuance of the Rule in that behalf at least two weeks before the last day for receiving an application for such allotment garden.

Every application for an allotment garden shall be in the Form appended to these Rules, or to the like effect, and shall be sent or delivered to the Clerk to the Council, who shall enter particulars of the application in a register to be provided for the purpose.

In letting an allotment garden for which there are two or more applicants eligible to become tenants and likely to keep the allotment garden in a proper state of cultivation, preference shall be given to an applicant who does not hold an allotment garden or agricultural land (other than a garden of 20 poles or less attached to his residence) either from the Council or otherwise over an applicant who does hold such land, but, subject to such preference, the allotment garden shall be let to the applicant whose name appears first on the list in the Council's register. A quitting tenant of land shall for the purposes of this Rule be treated as not holding that land.

6) AGREEMENTS FOR LETTING ALLOTMENT GARDENS

An agreement to let an allotment garden to an applicant may be signed by the Clerk to the Council on behalf of the Council and may be in the Form set out in the Schedule to these Rules.

7) GENERAL CONDITIONS UNDER WHICH THE ALLOTMENT GARDENS ARE TO BE CULTIVATED

The tenant of an allotment garden shall comply with the following conditions: -

- a) S/He shall keep the allotment garden clean and in a good state of cultivation and fertility and in good condition.
- b) S/he shall not cause any nuisance or annoyance to the occupier of other allotment garden, or obstruct any path set out by the Council the use of the occupiers of the allotment gardens.
- c) S/he shall not underlet, assign, or part with the possession of the allotment garden, or any part of it, without the written consent of the Council.
- d) S/he shall not, without consent of the Council, cut or prune any timber or other trees or take, sell, or carry away any mineral gravel, sand or clay.
- e) He shall keep every hedge that forms part of the allotment garden properly cut and trimmed, keep all ditches properly cleansed and maintain and keep in repair any other fences and any gates on the allotment garden.
- f) S/he shall not, without the written consent of the Council, erect any building on the allotment garden, provided that consent shall not be refused under this sub-paragraph to the erection of any building reasonably necessary for the purpose of keeping hens or rabbits.
 - i) Permission granted in the past for the erection of sheds, including those currently on the allotments, does not create a precedent.
 - ii) Permission must always be sought by allotment holders before any shed or storage container may be placed on an allotment.
 - iii) Each application will be reviewed by the Parish Council against the policy and rules prevailing at the time of the application.
 - iv) Any permission granted by the Parish Council for the erection of sheds, benches or storage containers does not, at any time, create a precedent.
 - v) All items placed on the allotments must be maintained in good condition and appearance by the tenant.
 - vi) Allotment holders are responsible for securing all storage items. The Parish Council cannot be held liable for damage or theft from sheds, benches or other storage items.
 - vii) At the end of the tenancy, whether ended by the tenant or the Parish Council, the shed, bench, storage container must be removed within 14 days. Failure to do so will result in the Parish Council taking ownership of the item and, if in good condition, offering it to other allotment holders or removing the item and seeking reimbursement from the tenant for any costs incurred.

- viii) **Sheds** will only be permitted at Hemplands allotments. These should measure no more than 4.32 square metres (8ft x 6ft). Guttering may be added for the collection of rainwater.
- ix) **Benches** with storage underneath will be permitted at Hemplands or allotments at Poffley End. No more than two per plot will be permitted. These should measure no more than H84, W140, D60cm (external dimensions).
- x) **Storage boxes** will be permitted at Hemplands or allotments at Poffley End. No more than two per plot will be permitted. Two types are permitted.
 - a. Trunk type - these should measure no more than – External dimensions L116.7cm x W44.7cm x H57 cm - 270L capacity (approx. L45ins x W18ins x H23ins)
 - b. Upright type – these should measure no more than – external dimension H110cm x W130cm x D74cm – 845L capacity (approx. H43ins x W51ins x D29ins)

- g. S/he shall not use barbed wire for a fence adjoining any path set out by the Council for the use of the occupiers of the allotment gardens.
- h. S/he shall as regards the allotment garden, observe and perform all conditions and covenants contained in the lease (if any) under which the Council hold the land.
- i. S/he shall observe and perform any other special condition which the Council consider necessary to preserve the allotment garden from deterioration, and of which notice to applicants for the allotment garden is given in accordance with these Rules, provided that no special condition under this paragraph shall have the effect of prohibiting or restricting the keeping of hens or rabbits. S/he shall not keep pigeons, pigs or any other livestock except hens or rabbits upon the allotment garden or any part thereof without the permission of the Council in writing.

j. PAYMENT OF RENT

The rent of an allotment garden shall, unless otherwise agreed in writing, be paid yearly on the 29th September in each year.

k. POWER TO INSPECT ALLOTMENT GARDENS

Any member or officer of the Council shall be entitled at any time when directed by the Council to enter and inspect an allotment garden.

l. TERMINATION OF A TENANCY OF AN ALLOTMENT GARDEN

The tenancy of an allotment garden shall, unless otherwise agreed in writing terminate on the half-yearly rent day next after the death of the tenant and shall also terminate whenever the tenancy or right of occupation of the Council terminates.

It may also be terminated by the Council by re-entry after one month's notice: -

- a. If the rent is in arrear for not less than 40 days; or
- b. If the tenant is not duly observing the Rules affecting the allotment garden, or any other term or condition of his tenancy, or if the tenant becomes bankrupt or compounds with his creditors. The tenancy may also be terminated by the Council or tenant by twelve months' notice in writing expiring on.....

m. EXEMPTION OF CERTAIN LETTINGS FROM THESE RULES

These Rules shall not apply to any land let to an Association, or to any allotment garden which the Council, under special circumstances, to be recorded in their minutes, may exempt from these Rules, but shall apply, except as aforesaid, to an allotment garden though held under a tenancy made before these Rules come into operation, but not so as to affect any right to compensation for any improvement executed before these Rules come into operation.

n. SERVICE OF NOTICES

Any notice may be served on a tenant either personally or by leaving it at his last known place of abode, or by registered letter addressed to him there, or by fixing the same in some conspicuous manner on the allotment garden.

The foregoing rules are hereby made by the Hailey Parish Council for the Parish of Hailey under the hands and seals of

Cllr Graham Knaggs

Cllr Andy Smith

Members of the Parish Council.