

ALLOTMENTS ACT 1908 – 1950
TENANCY CONDITIONS for LAVENDON PARISH COUNCIL

1) INTERPRETATION OF TERMS

Throughout these conditions, the expression “the Council” shall mean Lavendon Parish Council

There shall be a committee consisting of 3 Parish Council Members and 3 Allotment Tenants and any decisions made at meetings by them will need to be resolved at a full Parish Council Meeting.

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

Allotments may be let at the discretion of the Council to any suitable applicant residing in the village of Lavendon [or in the event of no one on the list for Lavendon, applicants from Olney will be considered on a reciprocal basis with Olney].

3) RENT

The rent for each plot shall become payable, in advance, from 1st October in any year, the sum to be notified in writing by the Council to the tenant. The rent for each plot shall be such sum as the Council shall fix on an annual basis.

The Tenant 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.

4) GENERAL CONDITIONS UNDER WHICH ALLOTMENT GARDENS ARE TO BE CULTIVATED

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

- (i) The use of water sprinklers is prohibited. Hand held hoses are permitted. Down-pipes on sheds /greenhouses and water butts are encouraged.
- (ii) Shall keep the allotment garden clean and in a good state of cultivation and fertility and in good condition.
- (iii) Shall not cause any nuisance or annoyance to the occupier of any other allotment garden or obstruct any path set out by the Council for the use of the occupiers of the allotment garden, or the paths that divide individual plots.
- (iv) May keep poultry, but no other livestock on the holding. Bee keeping is to be encouraged.
- (v) Shall not deposit, or allow other people to deposit, any rubbish in the hedges or ditches in the allotment field or on adjoining land.
- (vi) Shall not cause to be brought into the allotment field any dog unless the dog is held on a leash.
- (vii) Shall not drive motor vehicles on other than the main ridings. S/he shall not obstruct the riding by any motor vehicle or cart.

- (viii) Shall preserve and maintain the paths and no rubbish shall be strewn or burnt on them.
- (ix) Shall only erect one shed if required. This shed must not exceed 8 feet by 10 feet in size and must not be for commercial use.
- (x) The Allotment Committee will oversee the maintenance of the internal side of the hedge.

5) TERMINATION OF A TENANCY OF AN ALLOTMENT GARDEN

The tenancy of an allotment garden shall, unless otherwise agreed in writing, terminate on the annual 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:-

- (i) If the rent is in arrears for not less than 28 days; or
- (ii) If the tenant is not duly observing the Rules affecting the allotment garden or any other term or condition of his/her tenancy or if the Tenant shall be convicted of theft from an allotment site or after one month's notice on account of the allotment being required for any period other than agriculture for which it was acquired by the Council or for any building or engineering works in connection with such purpose and upon such termination the Tenant shall not be entitled to any refund or rent paid in advance but shall remain liable for rent to the date of re-possession by the Council

The tenancy may also be terminated by the Council; by twelve month's notice in writing. In the event of a tenancy being terminated upon a conviction as mentioned above, the Tenant so convicted shall not hold a further tenancy of an allotment at any time thereafter.

The tenancy may also be terminated by the Tenant, by one month's notice in writing.

6. SERVICE OF NOTICES

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

7. SPEED RESTRICTION

Tenants should take due care and attention, both driving into and out of the allotment field from the Olney Road entranceway.

8. POWER TO INSPECT ALLOTMENT GARDENS

Any Member or Officer of the Council shall be entitled at any time to enter and inspect any allotment garden.

9. CHANGE OF ADDRESS

The Tenant shall give notice to the Council of any change in his/her address.

10. USE OF SEWAGE SLUDGE ON ALLOTMENTS

Sewage sludge can be used on allotments provided the quantity is strictly controlled, as to frequency of use and rate of spread over defined areas.

11. BONFIRES

Guidance notes which may be of assistance particularly in respect of fire hazards and smoke nuisance caused by bonfires are given below.

Compost as much garden rubbish as possible. Large woody cuttings etc. that are unsuitable for composting should be thoroughly dried before being burnt. A quick, hot fire will produce the absolute minimum of smoke.

Please remember your neighbouring tenants and do not light a bonfire if the wind is going to cause the smoke to cause a nuisance to anyone.

Do not light a fire within 90 minutes of sunset or leave it alight later than one hour after sunset when weather conditions often cause smoke to hang in the air.

NEVER leave a fire un-attended, never leave a fire to smoulder, but douse with soil or water.

As an alternative, the garden refuse can be taken to the Milton Keynes Council's Civic Amenity site situated at Crawley Road, Newport Pagnell.

Under no circumstances should rubbish be added to a garden bonfire.

In order that you are aware of the basic law about bonfires, the following is the present legal situation,

Under Section 16 of the Clean Air Act 1956, a smoky bonfire could be actionable. If the Local Authority is satisfied that a nuisance has occurred and, even though it has temporarily ceased, it is likely to recur, the Authority may apply to the Magistrates Court for a Nuisance Order. A Bye-law does not exist in this Borough which permits bonfires between certain hours.

The penalty for contravention of the above Section 16 could result in a fine up to £2,000 and a daily penalty up to £50 if the offence is repeated following an earlier conviction.

Your help and assistance in respect of this matter would be most appreciated

LAVENDON PARISH COUNCIL ALLOTMENT TENANCY AGREEMENT

