



**OLNEY TOWN COUNCIL**  
**ALLOTMENTS ACT 1908 – 1950**  
**TENANCY CONDITIONS**

**1) INTERPRETATION OF TERMS**

Throughout these conditions, the expression “the Council” shall mean Olney Town Council.

**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 Town of Olney.

No tenant will have the right to more than one 5 pole allotment. If a tenant is permitted to have more than one allotment, the Council may give 12 months’ notice if the allotment is required for a new tenant.

The tenant must reside within one mile of the outer boundary of the allotment authority. If a tenant is permitted to reside outside this boundary, the Council may give 12 months’ notice if the allotment is required for a new tenant who lives within the boundary.

**3) RENT**

The rent for each plot shall become payable, in advance, from 1<sup>st</sup> 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.

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

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

- (i) Shall keep the allotment garden clean and in a good state of cultivation and fertility and in good condition.
- (ii) 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 which divide individual plots.

- (iii) Shall keep all paths adjacent to their allotment clean, mown and free from weeds and obstructions.
- (iv) Shall not place any carpet on any allotments.
- (v) Shall not sub-let or assign, to another person, any part of the allotment.
- (vi) Shall not keep poultry or other livestock on the allotment holding.
- (vii) Shall not deposit, or allow other people to deposit, any rubbish in the hedges, ditches or access roads to the allotment field or on adjoining land.
- (viii) Shall not cause to be brought into the allotment field any dog unless the dog is held on a leash.
- (ix) Shall not drive motor vehicles on other than the main ridings. Shall not obstruct the riding by any motor vehicle or cart.
- (x) Shall preserve and maintain the paths and no rubbish shall be strewn or burnt on them.
- (xi) 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.
- (xii) Shall not plant any trees with the exception of small fruit trees or cordons.
- (xiii) Shall remove weeds before they go to seed and become a nuisance to other plot holders.
- (xiv) Shall not use electric water pumps.

## **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 months' 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 by email or 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 observe the speed restriction of 5mph on the allotment field and the roads around them.

## **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.

Inspection of all the allotments takes place three times a year. If an allotment does not appear to have been tended Olney Town Council will contact the Tenant twice, if deemed necessary to contact the Tenant a third time notice will be served to terminate occupancy of the allotment.

## **9. CHANGE OF ADDRESS**

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

## **10. BONFIRES**

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

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

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.

When planning to light bonfires please remember the following;-

Please be considerate to surrounding residents; other allotment holders and those using adjoining recreational areas. Only green allotment waste to be burnt: **no waste to be brought in from outside, no hazardous waste.**

Any loss, damage or injury caused by a bonfire is the responsibility of the person lighting the bonfire.

In the event of a reasonable complaint from other plot holders or members of the public please dampen down your bonfire immediately with water or soil.

#### Bonfire Do's and Don'ts

- **Do not** light a bonfire if there is less than one hour before dusk.
- **Do** try to reduce the size of the waste material to be burnt. It is strongly advisable to use a metal drum or similar to restrict and contain the fire. (Old industrial washing machine drums are perfect and have holes in them already for air flow).
- **Do not** light a bonfire when the wind is changeable, if the wind does change direction smoke can cause a lot of nuisance to other people. **Please check** for Hedgehogs prior to lighting.
- **Do** dry the garden waste before lighting as this will create less smoke and it will burn more quickly.
- **Do** make sure you have water or soil handy to dampen down your fire.
- **Do not** leave a bonfire unattended or to smoulder overnight.
- **Do** position the bonfire away from sheds and hedges. Ensure that any flames will not blow towards any sheds and hedges etc
- **Do** keep children away from the bonfires.