

ALLOTMENT RULES

OXFORD CITY COUNCIL (the "Council")

1. Application

- 1.1 These rules are made under Section 28 of the Small Holdings and Allotments Act 1908, Allotments Act (1950) and the Occupiers' Liability Act (1957), and apply to :
- a) all plots including any already let; and
 - b) all other parts of the Allotment Site let by the Council to the Association
- and the term "Allotment" or "Allotments" includes reference to both a) and b) of this paragraph 1.1 as the context requires.
- 1.2 Associations, and plot holders will abide by the provisions of the relevant Acts, any lease granted by the Council to the Association ("Lease") of the allotment site ("Allotment Site") and these Rules.

2. Rent

Individual plot holders must pay all the rent and one-off and fees for their plot when the Association requires.

3. Cultivation and Use of Allotments

(The Allotments Act 1922 s22 (1) states: *The expression " allotment garden " means an allotment not exceeding forty poles in extent which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family.*)

- 3.1 The Allotments must be used and occupied as allotment gardens and for no other purpose.
- 3.2 The Allotments must not be used for any trade or business.
- 3.3 The Allotments must be kept clean, free from rubbish and waste materials, free from weeds, fertile and maintained in a good state of cultivation.
- 3.4 Plot holders may remove any perennial crop or fruit trees/bushes planted or purchased by them before the end of their occupancy, provided they replace any surface soil disturbed by such removal.
- 3.5 Soft Fruit bushes and Top Fruit trees on dwarfing rootstocks and small hazel trees may be planted by plot holders on the Allotments with the written consent of the Association and subject to any other conditions or restrictions imposed by the Association. No other trees may be planted.

4. Bonfires and Other Restrictions

- 4.1 The Association and plot holders must comply with the Council's Guidance on Bonfires (at Appendix One and as issued by the Council from time to time)
- 4.2 No rubbish or building materials may be deposited on the Allotments and the Allotments must be kept in a tidy condition.
- 4.3 No timber, mineral, gravel, sand, earth or clay may be removed from the Allotments without the written permission from the Council.

- 4.4 The Allotments may not be used for any illegal or immoral purpose and plot holders must observe all relevant legislation or Codes of Practice relating to activities they carry out on the Allotments.
- 4.5 Allotment Gardens, under the relevant legislation, are mainly for the purposes of growing food crops. Any benefit to wildlife and flora must be supplementary to this activity and ground cannot be set aside or used for anything other than the prescribed purpose.

5. Head Lease Covenants

The Association and plot holders must observe and perform all conditions and covenants contained in any head lease under which the Council holds the land that applies to the Allotments.

6. Nuisance

The Association and plot holders must not cause or allow any nuisance or annoyance to the Council or to the occupiers of any other Allotment or to the neighbourhood generally. In particular –

- 6.1 No overnight parking or other overnight occupation at the Allotment Site is permitted.
- 6.2 Noise from mowers, strimmers and other machinery used in maintenance or construction will be restricted to between 8.00am and 8.00pm
- 6.3 Any bonfire must not cause a nuisance.
- 6.4 No person shall, after being requested to desist by any other person at the Allotment Site or the occupiers of any neighbouring land, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons by shouting or singing, operating or permitting to be operated any radio, phone, amplifier, tape recorder, or similar device, or the playing of a musical instrument
- 6.5 No person shall obstruct any other person from the proper use of their Allotment, or behave so as to give reasonable grounds for annoyance to other persons on the Allotment Site.

7. Animals

- 7.1 No animals may be kept by individual plot holders other than hens, rabbits and honey bees and then only at the discretion of the Association and in accordance with the provisions of this paragraph 7.
- 7.2 Rabbits and hens may only be kept by individual plot holders at the discretion of the Association and in accordance with the Allotment Act 1950, Section 12; provided that nothing in this paragraph shall authorise any hens or rabbits to be kept in such a place, manner or number as to be prejudicial to health or a nuisance. Cockerels are not permitted on any Allotment sites.
- 7.3 Associations should make additional notification of the limits on numbers of hens and rabbits on any one plot and across the whole Allotment Site and ensure current 'best practice' guidance and regulations are followed (Appendix 2 as updated from time to time by the RSPCA or any replacement welfare body)
- 7.4 The welfare of hens or rabbits is solely the responsibility of the plot holder and all costs involved in the safe keeping and any remediation or removal must be met

by the plot holder. Neither the Association nor the Council would be responsible or liable for these.

- 7.5 Honeybees may only be kept at the absolute discretion of the Association and within strict guidelines, relating to best practice for keeping hives in a public place (Appendix 3 as updated by the British Bee Keepers Association (or replacement body) from time to time)
- 7.6 Plot holders wishing to keep bees must be able to demonstrate successful compliance with current 'best practice' guidance and any regulations, including demonstrating they are members of the British Beekeeping Association with cover from its Public & Product Liability insurance, or recognised equivalent.
- 7.7 Dogs belonging to plot holders must not be brought into the Allotments unless they are on a lead at all times.
- 7.8 Dogs belonging to anyone other than a plot holder may not be brought on to the Allotments except where there is a Public Footpath.
- 7.9 No person shall, unless licensed by the Council (in connection to pest control), kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

8. Unauthorised Persons

- 8.1 The Association and plot holders must take all reasonable steps in allowing only the plot holder, or a person authorised by the plot holder (authorised person) onto the Allotments, except on a Public Footpath.
- 8.2 Associations should report thefts, criminal damage or other illegal activity to the police, and where appropriate also inform the Council.

9. Paths, Plot boundaries and Encroachment

- 9.1 Site and plot paths set out by the Council/Association on the Allotments must be kept clear of obstructions at all times.
- 9.2 No person shall encroach on occupied, semi-occupied or vacant plots, or other land outside their Allotment including through the storage of items or materials or the erection of structures (including boundary features).
- 9.3 No actions must be taken which compromise boundary security and integrity, and plots adjacent to properties are not to be treated as extensions to gardens.
- 9.4 Plot holders must keep any fence or other boundary of their Allotment in good repair.

10. Buildings, Structures, Storage and Repairs

- 10.1 Plot holders must have the written consent of the Association to erect any sheds, greenhouses, enclosures for hens/ rabbits or polytunnels and follow the Association's requirements on size, siting and materials for base and construction. Any sheds, greenhouses, enclosures for hens/ rabbits and polytunnels must not cover (together) more than 20% of any plot in total and any such structure shall not be higher than 2.44m. All such structures must be kept by the plot holder in good repair. No other buildings, tents, caravans or other structures may be erected on plots (and for the avoidance of doubt play or outdoor gym equipment is not permitted on the Allotment Site).

- 10.2 No structure other than sheds may be used for storage.
- 10.3 If, after giving notice, under paragraph 15.2, to repair any building or other structure referred to at 10.1 for which a plot holder is responsible, the Association or Council is still not satisfied with the condition of that building or structure, it may order the plot holder to remove the building or structure within three months of receipt of a notice in writing (or immediately in an emergency) requiring them to do so.
- 10.4 Petrol, oil, lubricants or other inflammable liquids must only be stored in appropriate containers and buildings authorised by the Association. In the case of petrol no more than 30 litres may be stored in one place.
- 10.5 Pesticides / other hazardous chemicals must be appropriately stored and used in child and animal proof containers in line with relevant legislation, manufacturer instructions and as detailed in Association rules and must be disposed of appropriately when they reach their use by date.
- 10.6 It is prohibited to bring on to the Allotments any materials or substances which are hazardous to health. Reuse of asbestos already on site (connected to historic use for sheds etc) to build or patch structures such as sheds and animal enclosures is also prohibited.
- 10.7 Plot holders shall not without the written consent of the Association erect any pond on an individual plot.

11. Trees

- 11.1 No timber or other tree upon the Allotments may be cut or pruned by individual plot holders save in respect of:
- (a) fruit trees grown by individual plot holders;
 - (b) fruit trees in any community orchards;
 - (c) willows and hazels which are already regularly coppiced or pollarded for pea/bean sticks and other supports.
- 11.2 Subject to paragraphs 11.3 and 11.4, the Association may at its own cost:
- (a) enter an individual plot to remove or cut back a tree if it reasonably considers this necessary for the good of the Allotment Site as a whole
 - (b) cut back any other tree on the Allotments
- 11.3 Prior to removing any tree the Association must obtain approval from the Council to the removal.
- 11.4 In carrying out the tree works referred to at 11.2, the Association must:
- (a) use an appropriately qualified and reputable tree surgeon who holds appropriate and up to date insurance;
 - (b) take photos of the tree before and after the works;
 - (c) keep the details at paragraphs (a) and (b) for 12 years and provide them to the Council upon request;
 - (d) if the tree works cause damage to the tree the Association will be responsible for removing it at its own cost if it becomes dangerous as a result of the tree works;
 - (e) if the tree works cause an immediate health and safety risk and the Council incurs costs in removing or cutting back the tree, the Association will meet the Council's costs incurred in carrying out such works.

11.5 Paragraph 11.4 does not apply to cutting or pruning fruit trees nor to coppicing or pollarding willows and hazels.

12. Use of chainsaws

No person shall use chainsaws without appropriate qualifications/tickets and personal protective equipment for their use, and appropriate insurance.

13. Blocking and pollution of watercourses

13.1 No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus

13.2 No person shall foul or pollute any water course in the ground

14. Improvements

No compensation for any improvements mentioned in Part I of the Second Schedule to the Small Holdings and Allotments Act 1908 or for any of the improvements mentioned in Part II of that Schedule will be paid unless the prior consent of the Council has been obtained.

15. Inspection

15.1 Any officer of the Association or officer of the Council may enter and inspect any Allotment (and any building on it) at any time upon reasonable notice to the officers of the Association.

15.2 If any allotment ground or privately owned structures on it are not found to be in a good and proper state and condition, the Association will give written notice of such defects to the plot holder and the plot holder shall:

15.2.1 make good such defects to any structure within one calendar month of the written notice; and

15.2.2 make good the state and condition of the ground within six calendar months of the written notice.

or (in either case) immediately if there is a clear risk of injury or health risk to others.

15.3 If any aspects of animal welfare in the keeping of hens or rabbits, or recognised standards of bee-keeping, are found to be of concern, the plot holder will ensure remedial action is taken immediately. Any serious and ongoing issues should be reported to the appropriate body or authority.

16. Disputes

16.1 Disputes between Associations and any one or more plot holders, if unresolved under the Association's own procedures, may be referred to ODFAA for mediation or appeal.

16.2 If a plot holder has a complaint upheld against them by an Association for a breach of these Rules or for a breach of their plot holder's agreement then, subject to paragraph 16.3, that plot holder shall have no right to be allocated an Allotment on any site owned by the Council.

16.3 Paragraph 16.2 only applies if:

- (a) the Association determines that the breach is serious enough that the plot holder should not be allocated an Allotment; and
- (b) if the plot holder has referred the matter to the ODFAA appeal panel, the ODFAA has upheld the Association's decision.

17. Termination & Dissolution of the Association

- 17.1 Upon dissolution or winding-up of any Association, such assets as remain should be passed to an organisation/organisations with the same or similar purpose and objectives.
- 17.2 Where an Association is unable to continue for whatever reason it may seek to merge with or be taken over by another Association and if necessary management of the site may be entrusted to ODFAA on a temporary basis.

18. Change of Address and Notices

Plot holders must immediately inform the Association in writing of a change of address, email or other contact details

19 .Interpretation

- 19.1 In these rules:

"The Council": means Oxford City Council, the Landlord under the Lease with the Association

"The Association" means the Tenant under the Lease with the Council and where the context so admits also includes any society, trust, company, committee, or association which manages the Allotments on behalf of the Council.

"ODFAA" is the Oxford & District Federation of Allotment Associations, the recognised representative body.

- 19.2 The headings of these rules are not to affect their interpretation.

Appendix One

Current OCC Bonfire guidelines

If you intend to have a bonfire, you are advised to follow these guidelines:

- Let your neighbours know - Check to see if any neighbours have washing out or windows open. A fire could lead to their clothes or home smelling of smoke and prevent them from enjoying their garden. This could lead to unnecessary neighbour disputes. You must not allow the smoke to cause a nuisance to neighbours.
- Consider the size of your bonfire - Can you burn the material in stages or could you use a small garden incinerator? If you reduce the size of the fire it could lead to a more controllable fire with less smoke.
- Only burn clean, dry vegetation - Damp or green material will create lots of smoke that could drift onto your neighbour's property or the highway. Never burn household rubbish, rubber tyres, or anything containing plastic, foam or paint.
- Check your environment - Is there a tree above the fire? Is it near a fence or building? Fires should be set in a cleared area, well away from anything that could catch fire.
- Never use flammable materials - You should never use oil, petrol, methylated spirits or any other type of flammable material to light a fire or to encourage it, as you could cause harm to yourself and to the environment.
- Avoid lighting a fire in unsuitable weather conditions - smoke hangs in the air on damp, still days and in the evening. If it is windy, smoke may be blown into neighbours' gardens and across roads.
- Check current air pollution levels - Avoid burning when air pollution in your area is high or very high. This information is included in weather forecasts or on the **UK Air Quality website**
- Be prepared to Stop - If your neighbour does raise a concern over smoke coming onto their property, you should take immediate action to resolve this. You may need to extinguish the fire. You should reconsider other options to dispose of your garden waste. Never leave a fire unattended or leave it to smoulder, put it out.

Appendix Two. Keeping Hens & Rabbits on Allotments

Introduction.

Under section 9 of the Animal Welfare Act 2006, a person responsible for any vertebrate animal must take all reasonable steps to ensure they meet all of its welfare needs to the extent required by good practice. This applies to both farm and pet animals and includes but is not limited to:

- Need for a suitable diet.

Continuous ready access to an adequate supply of clean, fresh drinking water. Provision of feed of a type and form appropriate to the age, condition and species of animal, and which is fed in sufficient quantities, and sufficiently frequently, to maintain them in good health and to satisfy their nutritional needs. Such foodstuffs should be properly protected from rodents and other wild animals.

- Need for a suitable environment.

Continuous access to shelter, free from sharp edges, protrusions etc which could cause injury, and including a clean, dry, well-bedded lying or roosting (for poultry) area large enough to allow all animals using the shelter to lie down (or roost) together at the same time.

- Need to be able to exhibit normal behaviour patterns.

Additional space and a suitable environment for exercise, feeding, dunging and the expression of natural behaviours

- Need to be protected from pain, suffering, injury and disease.

Competent care and management from those with the knowledge and skill to ensure the animals' wellbeing as well as regular, frequent inspection (at least daily, and more frequently for vulnerable animals such as those that are ill, old or very young) of each animal by a competent person. Suitable steps should be taken to protect the animals on allotments from other animals. Appropriate preventative and/or curative veterinary treatment available at all times. Vaccinations, should be carried out by a veterinary surgeon, who should also advise on worming.

Any allotment holder keeping animals should supply full contact details with a 24-hour phone number in case of emergencies. Animal owners should supply details of a second contact should they be unavailable. Animal owners should also be encouraged to pass on these details to neighbouring allotment holders who can alert them in case of an emergency.

Suitable arrangements must be made for care of the animals whilst the owner is on holiday or away.

Rearing animals for meat

Allotment holders thinking about rearing animals for meat, must be aware of the strict laws covering killing and meat hygiene. We strongly recommend that allotment holders don't try to kill animals themselves as they could cause severe suffering, which would be a serious offence under the law. Further information is available from; • Humane Slaughter Association • Defra • Food Standards Agency

Allotment holders can contact the RSPCA for either proactive advice on animal welfare issues or to report any concerns about animal welfare.

See website or call Advice Line - 0300 1234 999.

Appendix Three

Allotment Beekeeping

Location of Hives

Ideally, a suitable site would be fairly open, light and airy. To avoid being a nuisance bees can be forced to fly above head height by surrounding the hives with hedging, solid fencing or simple screening such as is used for windbreaks. Bees are very precise about their flight

paths in order to save their energy and do not generally go off course. It might be a good idea for all bees to be kept in one designated area, rather than spread around the site.

How many Hives?

In a normal situation there is no particular upper limit on the number that can be kept in one place, but on an allotment it is reasonable for this number to be kept at a manageable level. Each situation will be different and there should be an agreed upper limit, but be aware there are some times during the summer when it is part of normal management techniques to temporarily increase colony numbers.

Swarming

All honey bees try to swarm, although not every year. This is the only way they can reproduce and your beekeeper should be aware of how to deal with this. If and when swarming does occur, as it sometimes does despite the best efforts of the beekeeper, there is no need for other allotment holders to be concerned. Despite the 'busy-ness' of the bees, the swarm should settle down in a short time into the normal cluster and can be re-captured if it is safe to do so. Bees are NOT normally aggressive when they are swarming.

Unattended Hives

Beekeepers should not use allotments as storage space for equipment that does not contain bees. Beekeepers should not knowingly put aggressive colonies of bees onto allotments. If you suspect that this is occurring, then the beekeeper should be asked to remedy the situation immediately. All hive equipment should have some sort of identification mark placed on it by the beekeeper and that reliable contact information for the beekeeper(s) is available.

First Aid for stings

Stings may cause swelling and itching for several days, this is normal. Any sign of dizziness is more serious; consult your GP. In the case of sudden fainting/collapse (or of stings inside the nose or mouth) call an ambulance. Stings near eyes should receive prompt medical examination. If possible remove finger rings quickly if stung on the hand.

For further information please see British Bee Keepers Association (BBKA) Leaflet L002 'Bee Stings' which has a separate sheet that can be laminated and displayed in a prominent position. Children who are stung should be observed for an hour or two to make sure there are no adverse effects.

Spraying and pesticides

Honey bees are very vulnerable to the effects of insecticides. You should ensure that any applications under your control are made with due consideration for the bees and that other allotment holders are also aware of the correct procedures. This should still be the case even if there are no bees on your allotments.

Insurance

The BBKA provides third-party insurance cover to all beekeepers who are fully paid-up members. This insurance cover is in respect of their own beekeeping activities.