

**WITTON GILBERT PARISH COUNCIL
THE ALLOTMENT ACTS 1908 TO 1950
RULES AS TO ALLOTMENT GARDENS**

Made by the Parish Council of Witton Gilbert with respect to allotment gardens for the Parish.

1. Throughout these Rules the expression "the Council" means the Parish Council of Witton Gilbert and includes any committee of the Council or any allotment managers appointed by the Council under the Allotments Acts 1908 to 1950.
2. Any man or woman, who at the time of application to the Council for an allotment garden is resident in the Parish shall be eligible to become a tenant of an allotment garden.
3. 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. 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
5. 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 2 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 of 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 2 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 Councils register. A quitting tenant of land shall for the purpose of this Rule be treated as not holding that land.

6. The tenant of an allotment garden shall comply with the following conditions
 1. He shall keep the allotment garden clean and in a good state of cultivation and fertility and in good condition.
 2. He 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 gardens.
 3. 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.
 4. He shall not, without the written consent of the Council, cut or prune any timber or other trees, or take, sell or carry away any mineral, gravel, sand or clay.
 5. 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.

6. 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.
7. 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.
8. 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,
9. 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 made under this paragraph shall have the effect prohibiting the keeping of hens or rabbits.
7. The rent of an allotment garden shall, be paid yearly on the 1st of April, to the Clerk of the Council at his residence.
8. 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.
9. The following improvements are prohibited by the Council for the purpose of Section 47 of the Small Holdings and Allotments Act 1908:
 1. Planting of standard or other fruit trees permanently set out;
 2. Planting of fruit bushes permanently set out;
 3. Planting of strawberry plants;
 4. Planting of asparagus, rhubarb and other vegetable crops which continue productive for 2 or more years.
10. The tenancy of an allotment garden shall, unless otherwise agreed in writing, terminate on the 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 1 month's notice:
 1. If the rent is in arrear for not less than 40 days after it falls due: or
 2. 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 12 months notice in writing expiring on 31st of March.
11. 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 an improvement executed before these Rules come into operation.
12. Any notice may be served on a tenant either personally or by leaving it at his last place of abode, or by registered letter addressed to him there or by fixing it in some conspicuous manner on the allotment garden.
13. A tenant may use a maximum of 25% of an allotment garden for the keeping of hens and rabbits. Any shed used for this purpose must be raised a minimum of 9" clear of the ground, any pen used for this purpose must be totally enclosed and

the method of construction and the materials to be used are to be at the discretion of the Parish Council.

Approved by the Parish Council 14th April 1981.

REGULATIONS WITH REGARD TO KEEPING HENS ON ALLOTMENT GARDENS

1 No more than **TWELVE** hens/bantams per plot holder to be kept at any one time.
STRICTLY NO COCKERELS.

2 HOUSING OF HENS - INTERNAL

- a) The minimum internal floor space per bird will be 4 sq ft to a maximum total floor area of 48 sq ft i.e. an 8ft x 6ft shed will house 12 hens maximum i.e. an 8ft x 6ft shed has a floor area of 48 sq ft.
- b) All floors should be kept clean and fresh bedding materials supplied regularly.
- c) Nest boxes, roosting area and perches should not be so high above floor level that birds have difficulty in using them.
- d) House conditions should at all times be adequate to provide sufficient fresh air, but care should be taken to protect confined birds from draughts in cold conditions.
- e) Birds should have easy access to adequate, nutritious and hygienic feed each day, and to adequate fresh water at all times.

3 HOUSING OF HENS - EXTERNAL

- a) The minimum external floor space per bird will be 5 sq ft to a maximum total floor area of 60 sq ft i.e. shed and external run will not cover more than 108 sq ft.
- b) Hens should have continuous daytime access to open air runs, these runs should be moved regularly to avoid fowl sick or muddy conditions which could lead to ill health or discomfort of the birds.
- c) Precautions should be taken to protect the birds from and avoid disturbances by foxes, rodents and other animals.
- d) There should be care not to leave any type of material on a plot which may attract rodents.
- e) A tenant must ensure that the hens do not cause a nuisance to other plot holders or to local residents.
- f) Open air runs must have a suitable net over the top to prevent hens escaping and the ingress of predators

4 HEALTH

It cannot be too strongly emphasised that birds kept under any system can be prone to stress, injury and disease if management and husbandry are not of a high standard. The tenant must inspect the birds at least once daily and injured or dead birds should be removed promptly. Dead birds will be disposed of off site.

Ailing birds, and any birds suffering from injury such as open wounds or fractures, or prolapse of the vent should be segregated and treated, or if necessary, be humanely killed without delay.

Land on which birds are kept for prolonged periods may become 'fowl sick', i.e. contaminated with organisms which cause or carry disease to an extent which should seriously prejudice the health of poultry on the land.

Important indications of health are alertness, clear bright eyes, good posture, vigorous movements if unduly disturbed, active feeding and drinking, and clean, healthy skin, shanks and feet. Attention should be paid to any departure from the normal.

Apart from diet and hygiene, birds have other basic needs to keep them in a healthy condition. These are: freedom to turn round without difficulty, groom themselves, get up and sit down, rest undisturbed, stretch their legs and body, and perform wing flapping and dust bathing behaviour as well as to fulfil other health and welfare needs.

The early signs of ill health may include changes in food and water intake, in preening, in 'chatter' and in activity. In laying birds there may also be a drop in egg production, and changes in egg quality such as shell defects.

The Parish Council reserves the right not to allow fowl on any allotment plot.

Dead birds must now be disposed of according to the Animal By-Products Regulations 2003 – the only disposal route is (as Category 2 – waste) to an approved incineration or rendering plant. This aspect has an important implication for small scale poultry keepers, who cannot take any dead animal to a larger keeper, for example, for approved disposal unless they were themselves a registered Environment Agency Waste Carrier.

A recent amendment to The Welfare of Animals (Slaughter or Killing) Regulations 1995 is that where poultry are slaughtered for the food of Muslims or Jews, this can now only be undertaken by a licensed slaughter man in a licensed slaughterhouse.

Approved by Allotments Committee 2nd February 2009.