

From: Enquiries enquiries@ernllca.info
Subject: FW: JUN16-89 Woodmansey
Date: 20 June 2016 16:09
To: Woodmansey Clerk woodmanseyclerk@lawks.co.uk

E

Judith

The council has a duty to CONSIDER the provision of allotments if asked to do so by six residents. The simple fact is that there may not be any land available or, if it is, the council has no funds to purchase. Certainly a council could borrow to purchase land.

The relevant piece of legislation is the Small Holdings and Allotments Act of 1908 which states:

"23 Duty of certain councils to provide allotments.

(1) If the council of any borough, urban district, or parish are of opinion that there is a demand for allotments in the borough, urban district, or parish, the council shall provide a sufficient number of allotments, and shall let such allotments to persons resident in the borough, district, or parish, and desiring to take the same.

(2) On a representation in writing to the council of any borough, urban district, or parish, by any six registered parliamentary electors or [persons who are liable to pay an amount in respect of council tax] resident in the borough, urban district, or parish, that the circumstances of the borough, urban district, or parish are such that it is the duty of the council to take proceedings under this Part of this Act therein, the council shall take such representation into consideration".

The above is not as clear cut as "the council must provide allotments". To all intents and purposes the council must consider the business case to provide or otherwise.

The information, advice or guidance contained in this communication has been prepared by ERNLLCA on the basis of the information that has been supplied. This information, advice or guidance cannot be shared with any other council not in membership of ERNLLCA.

Alan

Alan Barker
Executive Officer
ERNLLCA
Suite 8
Waters Edge Business Centre
Maltkiln Road
Barton upon Humber
DN18 5JR

Tel: 01652 661617
website: www.ernllca.info

This email may contain privileged and/or confidential information. If you receive this in error, please notify the sender immediately and do not use, rely upon, copy, forward or disclose its content to any other third party. Any views or opinions expressed are those of the author and do not necessarily represent those of the East Riding and Northern Lincolnshire Local Councils Association (known as ERNLLCA). This email message has been swept for the presence of computer viruses. It is however the responsibility of the recipient to ensure that it is virus free before using it and no responsibility whatsoever is accepted by ERNLLCA for any loss or damage arising in any way from its use.

-----Original Message-----

From: Woodmansey Clerk [mailto:woodmanseyclerk@lawks.co.uk]
Sent: 16 June 2016 13:45
To: Ernllca
Subject: Allotments

Hi Alan,

currently we do not have any allotments in my Woodmansey Parish. From reading the 'bible' I understand that if 6 or more residents request an allotment then the council have a duty to provide them. Is there a period of time during which 6 requests must be received to initiate the duty, eg must it be all at once? within a year or ever!

Many Thanks

Judith Roberts
Clerk to the Council
Woodmansey Parish Council
woodmanseyclerk@lawks.co.uk

