

# **Stamford Town Council**



## **Allotment New Starter Pack**

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# **Your new allotment**

## **How to lay out your plot**

The first 12 months of your tenancy is a probationary period, and you'll only be expected to cultivate 50% of your plot. After your first year this increases to 75%. If you don't achieve this, we can end your tenancy.

The cultivation area is for vegetables, fruit and flowers, and includes beds, glasshouses, poly tunnels. It is not for lawn or wildflowers. The remaining 25% is for a shed, composting areas your leisure area and fruit trees.

You can have a one metre wide path running the full length of your plot against any hedge/fence, wall of the boundary of the allotments site.

## **How to number your plot**

You must display your plot number in a place that's clearly visible from the path.

If you don't have a clearly numbered plot, your site representative or Allotment Officer won't be able to identify it. This makes managing and inspecting sites difficult, and you could be given a notice.

## **What to do if you find waste on your new plot**

If you find waste like metal, plastic or glass, large items such as a sofa or bath tub on your new plot, contact the council within one month. After this the council **can't** help you clear the waste.

You should bag the waste and leave it at the end of your plot for collection. Please don't block vehicle or pedestrian access.

It's a good idea to take photos of the items so if the council has to reclaim costs to remove them, you can prove they're not yours.

Organic waste is not collected by the council and should be composted or burned in accordance with the Councils Bonfire Policy. (Appendix 1)

# **What you can bring onto your allotment**

Composting and what you can use on your plot

## **Compost & Manure**

Well-rotted compost and manure can be delivered to your allotment directly via the road way. Please avoid deliveries during wet weather to reduce the damage to road ways, and the risk of vehicles getting stuck. You're liable for any costs of recovery or repair.

If you only have wheelbarrow access to your plot, you can have compost dropped nearby. It must be moved quickly and shouldn't block access for other tenants.

Waste materials created on your allotment should be composted in contained heaps. Large sprawling heaps aren't allowed and could lead to us giving you a nuisance notice.

The council doesn't deliver compost or manure to any site.

## Bark chip

You can bring small amounts of bark chip or straw on to your allotment if you're using it for paths or mulching of crops.

## What you can't bring onto your allotment

Chemicals and items that could pollute or cause nuisance or danger on your plot

### Compost

You must compost kitchen scraps at home before bringing them onto your allotment. This is because scraps can provide a food source for vermin.

If a vermin problem is traced to your allotment you could receive a rubbish notice.

You're not allowed to bring garden waste from home onto your allotment. Doing this could result in a rubbish notice and we could end your tenancy.

### Things that can pollute your allotment

A pollutant doesn't need to be immediately toxic and includes waste materials or visually polluting materials. This is things like glass, hardcore and excessive building materials that are not used quickly.

If the things listed in the table below are found on your allotment you could be issued with a rubbish and polluting materials notice, and we could end your tenancy.

<b>Material</b>	<b>Issue</b>	<b>Rule</b>
Asbestos	Toxic	Not allowed on site, but if found, cover it and arrange for its removal the Council will not remove this for you as an asbestos clearance has already taken place
Tyres	Pollutes the soil	Not allowed on site
Glass bottles used for construction	Dangerous	Not allowed
Scrap metal	Polluting	Not allowed on site
Chemicals	Polluting	Not allowed
Creosote	Polluting	Not allowed
Chemical drums	Polluting	Not allowed
Large numbers of plastic containers	Polluting	Not allowed
Large quantities of plastic sheeting	Polluting	Not allowed

# Bonfires on allotments

What you can and can't burn on your allotment and how to do it safely

## What you can burn

You can burn untreated wood waste or prunings from your site.

You can have open bonfires between 1 November and 31 March.

Please make sure you:

- keep bonfires to a reasonable size
- only have them during clear dry weather
- only have them when there is little wind
- don't cause a nuisance to households or highways with smoke
- never leave them unattended

If you have a bonfire that breaches the allotment rules, you'll receive a bonfire nuisance notice. If you commit the same offence again, we will end your tenancy.

## What you can't burn

You mustn't burn materials that create toxic fumes and pollution, including:

- plastic
- tyres
- painted or treated wood
- chipboard
- MDF
- carpet

You must dispose of these items at Recycling Centre. Burning these materials can lead to us ending your tenancy and prosecuting you.

You mustn't bring prunings onto the site from elsewhere to burn, this can also result in us ending your tenancy.

# Trees and hedges on your allotment

Guidance around larger plants and trees on allotments

## Trees and hedges

Aggressive, fast growing trees such as Eucalyptus, Leylandii and certain willow species are not suitable to plant on allotments. If you plant these trees on your plot, you'll receive a tree notice immediately. You'll also need to remove them straight away and kill them at the stump.

If you've received a tree notice but can't cut your trees back because you're ill or have mobility issues, contact the Allotment Officer who can advise you.

## **Fruit trees**

You can grow some fruit trees on your plot.

Fruit trees are usually included within the 25% non-cultivated area on your plot. This doesn't include bush and cane fruit such as raspberries or currants.

If you use the soil underneath fruit trees to grow ground level crops or flowers, they can be considered as being under cultivation. This is to stop tenants using large areas just for orchard and lawn.

## **Water supply on allotments**

How to share and most efficiently use the water supply on your allotment

### **Water supply**

The water supply on allotments is shared between all tenants. We ask that you remember this, especially during busy times.

If there are any issues with accessing the water supply, please speak to your site representative or Allotment Officer.

Permanent piping leading to a plot from a tap or mains pipe is not allowed. If you make connections to the allotment water pipes, we will end your tenancy. Any form of flood or sprinkler irrigation is not allowed, and these items will be removed. You'll receive a nuisance notice if you have these watering systems.

You can run a temporary hose from the main tap to your plot, for hand watering or to fill a water butt. You can then fill watering cans when you need to.

There is a problem with poor water pressure during the summer months. This is worse at the weekend due to increased demand. We recommend that you avoid these busier times, and water on a weekday or in the evening.

Water is one of the largest costs to the Allotments Service, so we recommend watering in the morning or evening when it's cooler. Watering during the hottest part of the day can lead to 90% of the water being lost through evaporation. You can also use surface mulches to reduce water loss from the soil.

You can fill water butts to use when demand is high, and make sure structures that can be used to collect rain water do so.

If you notice a leaking tap or pipe, please note the number of the nearest plot and email the Allotments Officer on [dtc@stamfordtowncouncil.gov.uk](mailto:dtc@stamfordtowncouncil.gov.uk), they will arrange repairs.

## **Sheds, security and keys to your allotment**

What size shed you can have, how to keep your allotment safe and buying new keys

### **Sheds**

You can have sheds on your plot that must be authorised by the Town Council. Sheds should be placed on a sand and slab foundation; concrete bases are not allowed.

If your shed is leaning or collapsing, you'll receive a shed notice. You'll then need to either remove the shed or make it safe.

You can break down and burn unpainted or untreated shed wood on site, as long as you adhere to the guidance on bonfires. You'll need to bag up the following and take it to a recycling centre:

- painted or treated wood
- roofing felt
- glass
- metal
- plastic

## Security

To avoid break in's, it's a good idea to have a stout lock on your shed. We suggest you bring tools and machinery with you and take them home when you leave.

Don't leave tools, chemicals, fuel or valuables visible in your shed. If you do need to leave tools in your shed lay them flat on the floor and cover them with a tarpaulin.

If your shed is broken into or you see people entering the site illegally, tell the police straight away. Also let your site representative know. They can check points of entry onto the site and inform the Allotment Officer.

Don't approach anyone you suspect has stolen from a plot or shed, always call the police. The non-emergency number for the Police is 101.

The council is not responsible for any items left on the allotment sites.

## Allotment co-workers

How to register a co-worker to your allotment, and request to transfer your plot to a co-worker

### Registering a co-worker

You can share cultivation on your allotment by registering a co-worker. Once signed up, registered co-workers can work unsupervised on the plot.

Co-workers have no legal tenancy rights and are not responsible for any part of the annual rent. You're not allowed to take money from your co-worker for using your plot.

The number of co-workers allowed per plot is:

- standard plot up to 420m<sup>2</sup> – maximum of two
- double plot over 420m<sup>2</sup> – maximum of three

If you want more than three co-workers on your plot, you'll need to register as a community gardening group.

If you want to register a co-worker, contact the Allotment Officer at the Town Hall. They'll give you 2 copies of the co-worker's agreement form to fill in.

Please send one copy of the form to: Allotment Officer, Stamford Town Council, Town Hall, St Marys Hill, Stamford, PE9 2DR, the other copy is for you to keep. You'll need to complete two copies of the agreement per co-worker.

Allotment tenants are responsible for the behaviour of their co-workers. If a co-worker breaks the tenancy rules, we can end their co-worker status.

### How to transfer your plot to a co-worker

A co-worker may be allowed to take over your tenancy, if they've been registered to your plot for a minimum of two years. Plot transfers are not automatic and must be agreed to by the Allotments Officer.

A transfer won't be agreed until a co-worker has worked on the plot for at least as long as the person at the top of the waiting list has been waiting. This is to stop co-workers getting a plot before people on the waiting list.

To complete a plot transfer we'll need to:

- check your co-worker has been registered to your plot for the required amount of time
- receive a written request from the current tenant
- receive a new tenancy agreement from the co-worker
- agree to the plot transfer

Plot transfers are completed towards the end of summer. This means the new tenant can be on our database in time for the following year's invoice.

When we transfer a tenancy to a co-worker, we'll remove them from the allotment waiting lists. Please update us if you're taking over a tenancy, this helps us keep the waiting lists up to date.

To arrange a plot transfer please email the Allotments Officer on [dtc@stamfordtowncouncil.gov.uk](mailto:dtc@stamfordtowncouncil.gov.uk)

## **Transfer to a different allotment**

How to request a transfer to a different site or plot

### **Transferring to a different allotment site**

If you've moved to a new house, it's possible to swap to another allotment site as long as:

- there is a plot available in your new area
- the new site is closer to your new home address
- you've been a tenant on your plot at least as long as the person at the top of the new site's waiting list
- your site is in good condition
- you are not on notice

If these points are met, we could offer you a plot.

### **Transferring to a different plot on the same site**

If you want to move to a different plot on the same site, you'll need to have special circumstances.

You'll then need to contact the Allotments Officer by letter or by emailing [dtc@stamfordtowncouncil.gov.uk](mailto:dtc@stamfordtowncouncil.gov.uk) to request a transfer and give your reasons.

Please send plot transfer requests to:

Allotment Officer  
Stamford Town Council  
Town Hall  
St Marys Hill  
Stamford PE9 2DR

# Allotment inspections

When your plot will be inspected, and the level of cultivation required

## Probationary tenancy and inspections

The first 12 months of your tenancy is a probationary period. During this time inspections are less demanding. We won't inspect your plot at all within the first 3 months.

Officers will want to see 50% of your plot cultivated within the first year. If you don't manage this, we could end your tenancy and re-let the plot.

After your 12-month probationary period, we'll expect you to cultivate 75% of your plot. At this point, you'll enter the normal inspection process.

To help manage the areas of your plot that aren't cultivated, we recommend mulching with a weed suppressing membrane. This will condition the soil for when you're ready to grow crops and will stop weed growth.

You can also trim down grass and tall weeds in the non-cropped areas.

## Normal inspection process

We'll carry out 3 inspections on each site during the growing season. This is between March and November. You'll receive a notice if you're not cultivating your plot, or if you break the rules listed in the allotment Rules and Regulations

We'll send your notice to the address we have on record, so please let us know if you change your address.

# Allotment notices

The different notices you could receive and why we issue them

For information about notices and all other allotment rules, you can find them in the Allotment Rules and Regulations.

## Cultivation notice

You must be actively growing crops or flowers on 75% of your plot. If you have excessive areas of lawn and unkempt or non-cropped beds, you could receive a cultivation notice.

If you receive a cultivation notice, you'll need to increase the area you're cultivating before the re-inspection date on the notice. If things are not corrected and you fail the re-inspection, we could end your tenancy.

## Weed notice

If you've received a weed notice, you'll need to clear your beds of weeds and prevent weed seeds from affecting neighbouring plots.

A cultivation or weed notice will remain active for 3 calendar months after it was issued. After this the council will take no further action. If we agree with you that a future re-inspection is required, the notice could stay active for longer.

## **Rubbish and polluting materials notice**

If you have rubbish or materials that cause pollution on your allotment, you could receive a rubbish and polluting materials notice. You should act on this immediately.

There's more information on the what you can't bring onto your allotment section.

## **Trees and hedges notice**

If you have oversized trees or hedges on your plot, or some specific varieties of trees you could receive a notice. To find out which varieties of trees are prohibited you can find them in the Allotment Rules and Regulations.

You'll need to prune back tall trees and hedges to the agreed height and remove unsuitable trees completely (trees installed after October 2018).

There's more information on the trees and hedges on your allotment section.

## **Nuisance notice**

A nuisance notice can be issued if you:

- have a bonfire that's in breach of site rules
- have a dog roaming free without a lead
- act in an anti-social or immoral way
- use a hose for unattended watering
- sleep over-night on allotment land
- block a road way with a vehicle
- act in a way that is considered unsafe, either to yourself or someone else

Nuisance notices are recorded on your tenancy records and remain active. The first nuisance notice you receive is a warning, but if you commit the same offense a second time, we will end your tenancy.

## **Dangerous shed notice**

A dangerous shed notice can be issued if your shed:

- is collapsing
- is leaning dangerously
- has loose or rotten parts
- has broken panes of glass
- has loose or jagged metal work

If you've received a dangerous shed notice, you'll need to make it safe or remove it completely within the time permitted.

You can read the sheds, security and keys on your allotment section for more information about how to make your shed safe.

For more information about notices and all other allotment rules, you can find them in the Allotment Rules and Regulations.

## **What to do if you've received an allotment notice**

If you fail an inspection you'll receive a notice, you have 28 days to put things right or we could end your tenancy

### **Failed inspections**

If you fail an inspection, you'll receive a notice in the post. It will explain which rules have been broken, and when your plot will be re-inspected.

For more information about specific notices, you can read the notices section.

You'll have 28 days after the date on your letter before your plot is re-inspected. If your letter was issued on a Friday, you'll have 31 days.

It's very important that you act immediately. If you fail the re-inspection, we could end your tenancy.

If you're unsure why you've received a notice, have a medical condition or other circumstance which means you need more time to act on your notice, please speak to the Allotments Officer.

### **'Getting there' letter**

You might receive a 'getting there' letter during re-inspection for a cultivation, tree or weed notice. This means the inspecting officer can see a significant amount of work has been done, but there is still some more work to do.

You'll have another month before a further re-inspection. If you fail this, we will end your tenancy.

## **What to do if we end your tenancy**

We'll inform you by letter if we plan to end your tenancy.

You'll have 28 days to clear your plot of any materials or crops that you want to keep. After this period, we will clear your plot and re-let it. You'll no longer have the right to enter the plot.

Please keep us informed of your current address. Inspection and termination processes will still stand if paperwork goes to an old address.

If you're unsure why your tenancy has been ended, please speak to the Allotments Officer.

# Appendix 1

## Bonfires on Allotments

### Air Pollution

Burning garden waste produces smoke – especially if that waste is green or damp. This will emit harmful pollutants including particles and dioxins. Burning plastic, rubber or painted materials creates noxious fumes that give off a range of poisonous compounds.

### Health Effects

Air pollution can have damaging health effects, and people with existing health problems are especially vulnerable, e.g. asthmatics, bronchitis sufferers, people with heart conditions, children and the elderly.

### Annoyance

Smoke, smuts and smell from bonfires have long been a source of a significant number of complaints to local authorities every year. Smoke prevents neighbours from enjoying their gardens, opening windows or hanging washing out, and reduces visibility in the neighbourhood and on roads. Allotments near homes can cause problems if plot holders persistently burn green waste and leave fires smouldering.

### Safety

Fire can spread to fences or buildings and scorch trees and plants. Exploding bottles and cans are a hazard when rubbish is burned. Piles of garden waste are often used as a refuge by animals, so look out for hibernating wildlife and sleeping pets.

### Composting

Rather than burning garden waste or putting food waste in the dustbin where it will end up buried or incinerated, a compost bin will produce useful soil conditioner thereby saving money.

## When and where can I have a bonfire?

It is a common misconception that there are specific byelaws prohibiting garden bonfires or specifying times they can be lit – there aren't. However, this is not a licence for indiscriminate burning and it is the policy of Stamford Town Council From 1<sup>st</sup> November to 31<sup>st</sup> March Annually bonfires are allowed with no restrictions on time, from 1<sup>st</sup> April to 31<sup>st</sup> October Annually bonfires are only allowed by special permission granted by Stamford Town Council due to blight, plots being cleared, extreme amounts of green waste etc. Having a bonfire without permission can result in us ending your tenancy.

### Bonfires and the Law

Under the Environmental Protection Act 1990 (as amended) it is an offence for people to dispose of their domestic waste in a way likely to cause pollution of the environment or harm to human health. In practice you should not burn waste that is likely to create excessive smoke or noxious fumes. If only dry garden waste is burnt, your bonfire should not cause a problem. Most bonfire problems are addressed under nuisance legislation. Under the Environmental Protection Act 1990, a statutory nuisance includes “smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance.” In practice a fire would have to be a recurrent persistent problem, interfering substantially with neighbours’ well-being, comfort or enjoyment of their property. If a bonfire of industrial or commercial waste is emitting black smoke it is dealt with under the Clean Air Act 1993 – this includes the burning of such material in your garden!

## **How do I complain about a bonfire?**

If bothered by smoke, approach your neighbour and explain the problem. You might feel awkward, but they may not be aware of the distress they are causing, and it will hopefully make them more considerate in the future. If this fails, environmental health at your local Council should be notified. They must investigate your complaint and must issue a notice under the Environmental Protection Act 1990 if they consider a nuisance is being caused. The Act also allows you to take private action in the magistrates' court. However, if a fire is a one-off it may be difficult to prove a nuisance. Similarly, if you are troubled from bonfires from different neighbours, each only burning occasionally, a nuisance action would be difficult as there are several offenders.

## **Current Bonfire Guidelines**

- Only burn dry material that originates from your allotment.
- Never burn household rubbish, rubber tyres or anything containing plastic, foam or paint
- Avoid lighting a fire in unsuitable weather conditions – smoke hangs in the air on damp, still days.
- Do not burn if the wind direction is directly towards surrounding properties.
- Avoid burning when air pollution levels in your area are high or very high. You can check air quality on 0800 556677 or at <http://uk-air.defra.gov.uk>.
- Keep your fire away from trees, fences and buildings.
- Never use accelerants (oil, petrol, methylated spirits etc.) to light a fire –you could damage yourself as well as the environment.
- Never leave a fire unattended or leave it to smoulder – put it out
- From 1<sup>st</sup> November to 31<sup>st</sup> March Annually bonfires are allowed with no restrictions on time, from 1<sup>st</sup> April to 31<sup>st</sup> October Annually bonfires are only allowed by special permission granted by Stamford Town Council due to blight, plots being cleared, extreme amounts of green waste etc.

## **Future Policy**

STC has issued the above guidelines and you are to adhere to them. If complaints reduce to an acceptable level, then no further action will be taken. If they do not, further restrictions will be imposed which could eventually lead to an outright ban.

# Appendix 2

## Guidelines for the Storage of Petrol on Stamford Town Council Allotments

### General

1. It is not illegal to store petrol on your allotment but, if you do, there are national regulations and local STC instructions which must be adhered to. In principle STC does not condone the storage of flammables on its allotments but accepts that there are practical issues involved and that the risks can be mitigated by the observance of the guidelines below.

### Storage Facility

2. Petrol must not be stored in a shed where there are potential sources of ignition, such as petrol operated equipment, electrical outlets, fires etc. This is to ensure that any petrol vapours are not exposed to sparking howsoever caused. A small, ventilated, storage enclosure adjacent to your shed should be considered. It should display a flammable liquid hazard sign which can be downloaded free from [www.freesignage.co.uk](http://www.freesignage.co.uk).

### Quantities

3. In total, no more than 4.5 litres (approx... 1 gallon) can be stored. Only commercially produced containers, specifically made to contain petrol, are to be used. They are to be marked with the hazard warning words "Petrol" and "Highly Flammable". They are to display their capacity and manufacturers' details. They must be robustly constructed and leak-proof. It is recommended that, to allow for expansion, containers are only filled to 85% of their capacity.

### Safe Storage Guidelines

4. **All allotment holders, and their visitors, are to comply with these guidelines:**

- Do not smoke or vape when using petrol.
- Never fill the petrol tank of your equipment inside a building. Fumes are explosive.
- Never fill the fuel tank when the engine is hot. Fuel spilt on hot surfaces could spontaneously ignite.
- Never use petrol, or any accelerants, to start or refresh a fire.
- Do not use petrol as a degreasing agent.
- As well as complying with the content of Paragraphs 2 & 3 above, petrol is not to be stored with any combustible materials.
- Do not permit petrol to enter a drain, watercourse or aquifer, it is a criminal offence to do so.

### Compliance

5. Adherence to these guidelines will be monitored on a site by site basis and if it is shown that allotment holders are not complying with the contents of this document, then permission to store petrol on-site will be withdrawn.

# Appendix 3

## Barbed Wire Guidelines

### Occupiers' Duty of Care to Trespassers

Anyone who owns, or controls, property has a legal duty of care to protect people on the property from foreseeable harm. As the occupier of the allotment you control it and as such are required to exercise duty of care. This duty extends to people on the property without permission – including burglars and vandals. An occupier could be sued for damages under the Occupier's Liability Act 1984.

### Occupiers' Liability Act 1984

(1). The 1984 Act deals with trespassers on your land and in your home, but only applies to personal injury (unlike the 1957 Act that also includes damage and loss to the visitor's property). A 'trespasser' has a wide meaning and can be a thief about to burgle your home but could be a child attempting to retrieve his ball.

*Occupiers' Liability Act Section 1 clause (3)* states the following:

#### ***Duty of occupier to persons other than his visitors***

*(2) An occupier of premises owes a duty to another (not being his visitor) in respect of any such risk as is referred to in subsection (1) above if —*

*(a) he is aware of the danger or has reasonable grounds to believe that it exists;*

*(b) he knows or has reasonable grounds to believe that the other is in the vicinity of the danger concerned or that he may come into the vicinity of the danger (in either case, whether the other has lawful authority for being in that vicinity or not); and*

*(c) the risk is one against which, in all the circumstances of the case, he may reasonably be expected to offer the other some protection.*

Importantly clause (5) of the Act states:

*(5) Any duty owed by virtue of this section in respect of a risk may, in an appropriate case, be discharged by taking such steps as are reasonable in all the circumstances of the case to give warning of the danger concerned or to discourage persons from incurring the risk.*

Therefore, clear signage warning of an injurious topping on your wall or fence will limit your liability providing that signage is specific to the risk, e.g. 'Danger of Injury Do not climb over spikes' and the danger can be seen. It therefore follows that you should not put injurious toppings on the inside face of a fence or wall (such as carpet gripper) or otherwise hide them, even if you have put up warning signs.

It is largely due to the Occupiers' Liability Acts that residents tend to use prickly shrubs to deter fence climbing as these naturally growing defenders are outside the legislation.

### Discharging your Duty

An occupier may be able to discharge this duty by warning trespassers of the hazard or by discouraging them from coming onto the property. This could be done by putting up a sign that warns of the danger: "Attention – Barbed Wire on Wall!" and "Keep Out" thereby inviting trespassers not to risk hurting themselves. If an occupier was sued, the court would consider all the circumstances of the case before deciding whether the occupier was, in fact, liable for damages. The Criminal Justice Act 2003 provides some protection to occupiers. If a trespasser suffers an injury during the course of a crime, for which he is subsequently convicted and for which he could be sent to prison, he will only be able to sue the occupier if he gets the court's permission to do so. The court is unlikely to grant permission unless the occupier had

taken grossly excessive steps or had not been acting to defend himself, his family or his property from an offence.

### **Other Legal Restrictions**

Section 164 of the Highways Act 1980 says that barbed wire on land adjoining a public highway must not cause a nuisance to humans or animals using the highway. Anything placed below 2.4 metres high will usually be deemed to be causing a nuisance and the local authority can issue a notice demanding its removal.

### **Current Situation**

As of the date that your contract comes into force, you are not to install barbed/razor wire, carpet gripper, spikes or similar, to any part of your allotment. Where, historically, any of these items are in place, then, as occupier you have the choice to remove them or erect warning signage in accordance with clause 5 of the Occupiers Liability Act 1984 (above). Stamford Town Council is not responsible for any injuries, howsoever caused, to personnel on your allotments.

Free signage is available on: [www.freesignage.co.uk](http://www.freesignage.co.uk)