



ALLOTMENT EVICTION AND APPEALS POLICY AND PROCEDURE

REVIEW	MINUTE NUMBER
Adopted 1 st May 2020	2005/07

1. Introduction

- 1.1. Allotment tenants should have clear and fair published policies for dealing with matters such as alleged lack of cultivation of plots. These policies clearly state the timescales involved, the appeals process and that consideration will be given to mitigating circumstance such as illness or injury of the plot holder.

2. Inspection

- 2.1. Any officer or agent of the council or land owner shall be entitled at any time when instructed by the council to enter and inspect the allotment garden.
- 2.2. Inspections on allotment sites will be held bi-monthly during March and October and held less frequent during November and February.
- 2.3. The inspections will look at the Allotment Tenancy Licences as the Criteria for identifying whether a plot holder is not complying with the rules laid out to them.
- 2.4. A photograph of the plot that is classed as contrary to the licence will be taken as evidence.

3. Enforcement - Improvement Letter

- 3.1. The first course of action if a plot is identified as not complying with their tenancy licence, will be an Improvement letter.
- 3.2. This letter will detail the unacceptable criteria and indicate what is required to bring the plot up to the required standard.
- 3.3. The plot holder is given 14 days to rectify the situation and/or explain satisfactorily the reasons for the plots unacceptable condition.
- 3.4. The Clerk of the Parks and Playing Fields Committee should be made aware of any special circumstances relating to a plot holder whose plot is unacceptable e.g.: illness. Any information gathered will be dealt with confidentially and each instance will be dealt with on an individual basis.
- 3.5. The Clerk of the Parks and Playing Fields Committee will be authorised to make this decision on whether a Formal Warning Letter is issued.

4. Enforcement - Formal Warning Letter

- 4.1. After the rectification period and in absence of an improvement or explanatory letter, a final warning letter will be issued, reaffirming the statements in the improvement letter. The tenant must show an immediate improvement within 14 days of the date of issue of the letter or an explanation as to why the improvement letter was ignored, failing which the licence will be terminated.
- 4.2. The Clerk of the Parks and Playing Fields Committee will be authorised to make this decision on whether a Notice to Quit is issued.

5. Enforcement - Notice to Quit

- 5.1. If there is no immediate improvement or satisfactory accepted explanation within the timescale, a termination letter (Notice to Quit) will be issued to the plot holder. The plot holder will then be given 14 days to remove any crops, tools and structures left on the site.
- 5.2. All notices to Quit will be sent recorded delivery.

5.3. In the event of a serious breach of the Tenancy Licence, the Council reserves the right to serve immediate Notice to Quit, without progression through all stages as detailed in this procedure.

6. Appeals Process

6.1. A plot holder may appeal (in writing) against the termination within 14 days of the receipt of the termination letter.

6.2. The appeal should detail the reasons for the lack of improvement and reasons why the termination letter should be withdrawn.

6.3. The plot holder will retain ownership of the plot whilst the appeal is being considered.

6.4. The Parks and Playing Fields Committee will appoint 3 members of the Committee to act as the Appeals Panel who must make a decision and reply to the plot holder within 14 days of receipt of the appeal. The 3 members will be appointed at the first meeting of the Committee, following the Annual Parish Council Meeting and will be in situ until the next Annual meeting of the Council.

6.5. There are three options for the Appeals Panel to consider:

- Uphold the termination.
- Re-instate the plot holder with a probationary period of 6 months, where any further breach of the Allotment Terms and Conditions will result in immediate termination with no right of appeal.
- Re-instate the plot holder with no probation.

6.6. The appeal hearing should be minuted and circulated to both the plot holder and panel to ensure there is a record of the process.

6.7. The minutes will also be recorded as received at the next available Parks and Playing Fields Committee meeting.

6.8. The decision of the Appeals Panel is final.

6.9. If a probationary period is agreed on, a review will be dealt with by the Appeals Panel and a decision will be made by the panel as to whether the conditions of the probationary period have been met. If there are no issues, the tenant will remain on the plot. If there are breaches of the conditions of probationary or tenancy agreement, the panel have a right to immediately terminate the tenancy with no further right of appeal.