



ALLOTMENT EVICTION AND APPEALS – POLICY AND PROCEDURE

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

Inspection

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.

Inspections on allotment sites will be held on a regular basis.

The inspections will look at the allotment licences as the criteria for identifying whether a plot holder is not complying with the rules laid out to them.

A photograph of the plot that is classed as contrary to the licence will be taken as evidence.

Enforcement – Improvement Letter

The first course of action if a plot is identified as not complying with their tenancy licence, will be an improvement letter.

This letter will detail the unacceptable criteria.

The plot holder is given 14 days to rectify the situation and/or explain satisfactory the reasons for the plots unacceptable condition.

The Operations Manager 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.

The Operations Manager will be authorised to make the decision on whether a Formal Warning Letter is issued.

Enforcement – Formal Warning Letter

After the rectification period and in the 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 the letter or an explanation as to why the improvement letter was ignored, failing which the licence will be terminated.

The Operations Manager will be authorised to make this decision on whether a notice to quit is issued.

Enforcement – Notice to Quit

If there is no immediate improvement or satisfactory accepted explanation within the time scale, a termination letter (Notice to Quit) will be issued to the plot holder. The plot holder will be given 14 days to remove any crops, tools and structures left on the site.



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.

Appeals Process

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

The appeal should detail the reasons for the lack of improvement and reasons why the termination should be withdrawn.

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

The Amenities and Events 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 appeal.

There are three options for the appeals panel to consider-

1. The termination is upheld.
2. The plot holder is re-instated 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.
3. Re-instate the plot holder with no probation.

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

The minutes will also be recorded as received at the next amenities and events committee meeting.

The decision of the appeals panel is final.

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.

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