



NORTHCHURCH PARISH COUNCIL

Clerk to the Council: Usha Kilich

Northchurch Parish Council

PO Box 2603

Kings Langley

WD4 4EJ

Tel. 07543493002

Email: clerk@northchurchparishcouncil.gov.uk

Website: northchurchparishcouncil.gov.uk

NORTHCHURCH PARISH COUNCIL

ALLOTMENT DISPUTE POLICY

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1. Introduction

This policy states the allotments inspection, enforcement and appeals process and that consideration will be given to mitigating circumstance such as illness or injury of the plot holder. All information obtained during a dispute will be treated confidentially.

2. Routine Inspections

2.1. Any Northchurch Parish Councillor, the Clerk of the Council or other representative of the Council shall be entitled at any time to enter and inspect the allotments

2.2. Inspections on allotment sites will be carried out as deemed necessary by the Council, but no less than monthly from 1st March to 31st October and less frequently between 1st November and 28th February

2.3. The inspections will refer to the Allotment Rules and Allotments Conditions of Cultivation to identify whether a tenant is complying with the rules

2.4. If the actions of a tenant or the condition of a plot are considered contrary to either the Rules or the Conditions of Cultivation photographs may be taken as a record for discussion

3. Inspections following a complaint

3.1 If the Clerk or a member of the Allotment Committee receives a complaint about a plot, the information will be passed to the Chair of the Allotments Committee, and/or the Chair of the Council, who will select two representatives from the Council to visit the plot and confirm the situation. The tenant will be invited to attend.

3.2 The Clerk will notify the tenant that a complaint has been made and the Council will be undertaking an inspection

4. Enforcement - Improvement Letter

4.1. When a tenant is considered to have breached the Allotment Rules or Conditions of Cultivation, the Clerk will issue an Improvement Letter to the tenant by email or letter explaining what rules have been breached and indicating what is required to bring the plot up to the required standard. The tenant will be given a timescale in which to rectify the breach or provide a satisfactory explanation e.g. illness.

5. Enforcement - Final Warning Letter

5.1. If, in the opinion of the Council, there has been no satisfactory explanation or remedial action within the agreed timescale, a review will be undertaken to assess whether allowing more time to rectify the breach is reasonable. If the Chair decides to allow more time, the Clerk will send a final warning email or letter giving the tenant 14 days to provide a satisfactory explanation e.g. illness, or rectify the breach

6. Enforcement - Notice to Quit

6.1. If, in the opinion of the Council, there has been no satisfactory explanation or remedial action within 14 days of the final warning letter being issued, the Chair will request the Clerk to send a Notice to Quit, by email or letter, giving the tenant 30 calendar days to remove any crops, tools and structures left on the site.

6.2. In the event of a serious breach of the Allotment Rules or Conditions of Cultivation, the Council reserves the right to serve immediate Notice to Quit, without progression through all stages as detailed in this procedure.

7. Appeals Process

7.1. A tenant may appeal (in writing) against the termination within 14 days of the receipt of the Notice to Quit .

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

7.3. The tenant will retain stewardship of the plot whilst the appeal is being considered.

7.4. The Council will appoint 3 councillors, not connected to the original complaint, if possible, to act as the Appeals Panel which must make a decision and reply to the plot holder within 14 days of receipt of the appeal.

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

- I. Uphold the termination.
- II. Re-instate the tenant with a probationary period of 6 months, where any further breach of the Allotment Rules or Conditions or Cultivation will result in immediate termination with no right of appeal.
- III. Re-instate the tenant with no probation.

7.6. The appeal hearing shall be minuted and circulated to both the tenant and panel to ensure there is a record of the process.

7.7. The minutes shall also be recorded as received at the next available Allotment Committee meeting.

7.8. The decision of the Appeals Panel is final.

7.9. At the end of any probationary period, a review will be conducted by the Appeals Panel to determine whether the conditions of the probationary period have been met. If there are no issues, the tenant will remain on the plot. If breaches continue, the panel have the right to immediately terminate the tenancy with no further right of appeal.