



Barnard Castle Town Council

Allotment Tenancy Agreement/Allotment Rules Contravention Procedure

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General

Routine site visits to all the Council's allotment sites will be conducted at regular intervals by a Member of the Services Committee accompanied by a Services Officer. Following each site visit, an action report, highlighting areas of concern, will be generated by the Services Officer.

Issues highlighted in the action report will be discussed between the Member of the Services Committee, the Deputy Clerk and the Services Officer with simple issues addressed following an agreed course of action.

In the event of a contentious issue, it is recognised that it may be necessary for a further site visit to be undertaken by the Clerk/Deputy, accompanied by either a Member of the Services Committee and/or the Town Mayor. The issue may have to be discussed by the Services Committee, with a referral to full Council before a specific course of action can be taken.

Each issue will be reviewed on an individual basis and an appropriate course of action agreed, depending on individual circumstances.

Contravention Procedure

If it is agreed that a Tenant has contravened either the Allotment Tenancy Agreement and or the Allotment Rules, the following procedure will be adopted:-

- Stage 1 Issue of 1st Warning letter 1st Formal Inspection
- Stage 2 Issue of 2nd Warning letter 2nd Formal Inspection
- Stage 3 Issue of Final Warning letter Final Formal Inspection
- Stage 4 Issue of Notice to Quit

For the purposes of the procedure, any timescale stated in a Warning letter for rectification work, etc. would commence from the date of the letter.

Stage 1

1st Warning Letter

A 1st Warning letter will be issued by the Clerk/Deputy to the Tenant within 1 week (7 days) of the issue being highlighted. The letter will be sent by 1st class post and a copy of the letter will be circulated to all members of the Services Committee.

The letter will state:-

- the reason for writing, outlining area(s) of contravention;
- the rectification action required by the tenant;
- a timescale for any rectification work to be carried out (normally within 28 days), although a longer period can be agreed at the discretion of the Clerk/Deputy based on individual circumstances);
- a provisional date for a *1st Formal Inspection to be undertaken;
- the Council's next steps if rectification action is not taken within the given timescale; and
- an opportunity for the Tenant to contact the Council to discuss the matter if they are experiencing difficulties or have any queries arising from the letter.

1st Formal Inspection

*A confirmatory 1st Formal Inspection letter will be sent to the Tenant 1 week (7 days) prior to the planned date of the inspection.

The letter will confirm:

- that the Tenant is invited to be present at the inspection;
- the date and time of the inspection; and
- details of who will carry out the inspection (usually the Deputy Clerk, with a Member of the Services Committee and or the Town Mayor).

Following the 1st Formal Inspection, a letter will be sent to the Tenant within 1 week (7 days) (ideally by the Friday) detailing either:-

- (i) that no further action will be taken if the issue(s) outlined in the 1st Warning letter have been appropriately addressed or
- (ii) if the issue(s) outlined in the 1st Warning letter have not been appropriately addressed, then a 2nd Warning letter will be issued.

Stage 2

2nd Warning Letter

The process for issuing a 2nd Warning letter will take on the same format as for Stage 1.

Where possible, the 2nd Formal Inspection should be attended by the same personnel who attended the 1st Formal Inspection.

If the issue(s) outlined in the 2nd Warning letter are not appropriately addressed, then a Final Warning letter will be issued.

Stage 3

Final Warning Letter

The process for issuing a Final Warning letter will take on the same format as for Stages 1 and 2.

Where possible, the Final Formal Inspection should be attended by the same personnel who attended the 1st and 2nd Formal Inspections.

If the issue(s) as outlined in the Final Warning letter are not appropriately addressed, then a Notice to Quit will be issued.

Stage 4

Notice to Quit

A Notice to Quit signed by the Clerk and accompanied by a covering letter will be sent to the Tenant by Special Delivery and will include references to the following:-

- item 4b(ii) of the Allotment Garden Tenancy Agreement (or Allotment Rule 10 – See **New Tenants** below);
- a termination date;
- an instruction to the Tenant to remove all personal property;
- an outline of the implications of failing to comply with any special condition imposed by the Council in respect of any clearance/rectification work deemed necessary to restore the Allotment Garden to an acceptable condition; and

- details of how an agreement, in respect of payment for the transfer of growing crops, equipment, sheds or structures, with the incoming tenant can be reached.

6-Month Rule

Following the issue of a Warning Letter, should a further breach of the Allotment Tenancy Agreement and/or Allotment Rules take place within a 6-month period from the date of the original Warning letter, a next stage Warning letter will be issued. However, if a breach occurs after the 6-month period from the date of the last Warning letter but within a 12 month period, the Tenant will be issued with a Notice to Quit no matter what Warning Stage they have previously reached.

New Tenants

In accordance with Allotment Rule 10, all new Tenants will be subject to a 3-month probationary period from the commencement of the Agreement. At the end of this period, an Appraisal will be undertaken during a Routine site visit. If it is considered that, the Allotment Garden is not being managed or that the Tenancy Agreement and or Allotment Rules have been breached and the Council has not been informed by the Tenant of any reasons, Stage 4 of the Contravention Procedure will be put into place and a Notice to Quit will be issued.

Annual Tenancy Agreement and Payment Renewal

In accordance with Allotment Garden Tenancy Agreement Item 2a, if rental payment and or a signed Tenancy Agreement are not paid/received by 1 May in that year, a reminder will be sent. If the arrears payment and or signed Tenancy Agreement is not paid/received by 1 June of that year, the Tenancy will be terminated immediately. Whilst a Notice to Quit will not be issued, a letter confirming immediate termination will be sent