

ALLOTMENT INSPECTION/PROCEDURE POLICY

This document outlines the policy / procedures for inspections at any of the following Bere Ferrers Parish Council allotment sites: Bere Alston and Bere Ferrers.

This policy is in addition to Bere Ferrers Parish Council's Allotment Tenancy Agreement as per condition 5.J.

General

Routine site visits to all the Council's allotment sites will be conducted monthly by a Parish Councillor. In the event of a contentious issue, it may be necessary for a further site visit to be undertaken by the Clerk, accompanied by the Chair of the Open Spaces Committee. The issue may have to be discussed by the Open Spaces Committee, 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.

Site Inspection

Inspections of allotments will take place at regular intervals, without prior notice. The inspections will cover the following criteria:

- Percentage of the plot not being worked
- Hazardous items present
- Items exceeding size dimensions stated in tenancy agreement
- Rubbish on plot
- Working within the plot boundary
- Walkway conditions
- Buildings conditions
- General plot condition
- Unauthorised planting material as stated in tenancy agreement
- Unkempt boundary
- Animals being kept as stated in tenancy agreement

Contravention Procedure

If it is agreed that a Tenant has contravened the Allotment Tenancy Agreement, 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/Email

The Officer will send a 1st Warning Letter/Email to the Tenant within 1 week (7 days) of the issue being highlighted, together with photograph of their plot.

The letter/email will state;

- the reason for writing, outlining area(s) of contravention;
- the rectification action required by the tenant;
- a re-inspection date and timescale for any rectification work to be carried out (normally within 14 days), although a longer period can be agreed at the discretion of the Clerk based on individual circumstances;
- 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.

Stage 2

2nd Warning Letter/Email

If the issue(s) outlined in the 1st Warning Letter have not been appropriately addressed, then a 2nd Warning Letter will be issued.

The process for issuing a 2nd Warning Letter is the same format as for Stage 1. 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 is the same format as for Stages 1 and 2. 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: -

- Condition 3 of the Allotment Garden Tenancy Agreement;
- 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;

- 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 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.

The tenant is entitled to a final right of appeal to the Open Spaces Committee.

Last reviewed	Open Spaces Committee Meeting, Min no 363, 13 th November 2024
Next review	2026