

# Maldon Town Council



## **ALLOTMENT INSPECTION/PROCEDURE POLICY**

This document outlines the policy / procedures for inspections at any of the following Maldon Town Council allotment sites:

- Maldon Hall
- Warwick Crescent
- Brickhouse Farm

This policy is in addition to Maldon Town Council's Allotment Tenancy Agreement as per condition 5.J.

### **General**

Routine site visits to all the Council's allotment sites will be conducted at regular intervals by a Town Council Officer.

In the event of a contentious issue, it may be necessary for a further site visit to be undertaken by the Clerk, accompanied by either the Chairman of the Environment Committee and/or the Town Mayor. The issue may have to be discussed by the Environment 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**

#### **1<sup>st</sup> Warning Letter**

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

The letter 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 28 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**

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 Environment Committee.