

## Environment Committee

19<sup>th</sup> October 2020

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# Allotment Holder's Appeal Procedure

## Introduction

1. This report has been written as Didcot Town Council has received its first appeal to an allotment termination.

## Recommendation

2. The Committee should:
  - a. Consider the draft copy of the 'Allotment Holder's Appeal Procedure' - attached
  - b. Make any changes necessary to make sure the document is approved

## Background

3. The Outdoor Services Manager had confirmed termination of an allotment plot on the New Road site. The allotment holder appealed this decision.
4. The Allotment Liaison Group decided that to progress to an appeal hearing, Didcot Town Council will need an Allotment Holder's Appeal Procedure drawn up. This will need to be simple and straight forward to follow.

## Legal Implications

5. The proposed policy was written using 'The Law of Allotments' book, by Paul Clayden from Shaw and Sons, as a reference guide.

## **Financial Implications**

6. N/A:

- a. If the hearing is conducted during a normal working day, no extra payment in staff costs will be needed.
- b. If the hearing is arranged for an evening, both officers involved will accrue TOIL (time off in lieu).

## **Risk Implications**

7. There is a risk that the allotment holder will disagree with the decision of the Appeal Panel, but it will be made clear to any allotment holder using this procedure, that their decision is final.

# Didcot Town Council

**DRAFT**



## ALLOTMENT HOLDER'S

## APPEAL PROCEDURE

**14<sup>th</sup> October 2020**

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# Appeal Procedure

## 1. Inform the Council you wish to appeal your allotment termination

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

## 2. Reasons

- 2.1 The allotment holder should detail the reasons why the termination letter should be withdrawn.
- 2.2 The plot holder will retain ownership of the plot whilst the appeal is being considered.

## 3. Hearing

- 3.1 The allotment holder has the right to be accompanied to the hearing by a fellow allotment holder, colleague, or friend.
- 3.1 The Council will appoint 1 site representative from a different allotment site and 2 Councillor representatives (from the Allotment Liaison Group in the first instance) to act as the Appeal Panel. An officer of the Council must reply to the plot holder, on their instruction, with an acknowledgement letter, within 14 days of receipt of the appeal letter.
- 3.2 A Council officer will speak on behalf of Didcot Town Council and an independent officer will minute the meeting.
- 3.3 The appeal hearing should be heard within 10 working days of the receipt of the acknowledgement letter. This will be hand delivered or sent recorded delivery. The hearing will be minuted and circulated to both the plot holder and the panel to ensure there is a record of the process.
- 3.4 There are 3 options for the Appeal Panel to consider:
  - 1. Uphold the termination
  - 2. Re-instate the plot holder 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 to appeal.
  - 3. Re-instate the plot holder with no probation period.
- 3.5 The decision of the Appeals Panel is final.

- 3.6 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 shall remain on the plot. If there are breaches of the conditions of probation or tenancy agreement, the panel have a right to immediately terminate with no further right to appeal.

#### **4. The Hearing Procedure**

4.1 The date and time of the hearing should be made as convenient as possible, for all involved to attend.

4.2 The Appeal Panel will hear from the Council representative and the allotment holder, respectively.

Both the Council representative and the allotment holder will be given 5 minutes to address the Panel and to state their case. They will be given the opportunity to question each other after they have spoken.

4.4 Once both parties have spoken, they will be asked to leave so that the Panel can discuss the matter and decide the outcome. The discussion will be minuted.

4.5 Once a decision has been made, the allotment holder will be informed of the outcome in writing.

#### **Timescales**

***Wish to Appeal – within 14 days of receipt of the termination letter***

***Acknowledgement – within 14 days***

***Date of Hearing – within 10 working days of the receipt of the acknowledgement letter***

***Decision – in writing, within 7 days of the hearing***

***Appeal Panel: 2 Councillor representatives and 1 site representative***

***Independent officer to minute***