

Didcot Town Council



ALLOTMENT HOLDER'S APPEAL PROCEDURE

Version 1.1
Agreed by Environment & Climate Committee 19th October 2020

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- 2.1 The allotment holder should detail the reasons why the termination letter should be withdrawn.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 their tenancy 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 receive questions from each other or members of the Panel, 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***