

RAGA – Managing Non-Cultivation

Steps to Issuing a Warning Letter and a Termination of Tenancy Letter

Document based on Leeds City Council/LDAGF guidelines, July 2013. Revised by the Management Committee: 2014, 2015 and July 2015

The steps below may be varied by the Trustees and Committee depending on individual circumstances.

INFORMAL

Approach by the plot holder or a committee member

Discussion between the plot holder and a member of the committee about lack of cultivation and general maintenance of their plot because of:

- Lack of interest
- Poor health / temporary disability
- Bereavement
- Other

When appropriate suggest that they:

1. Arrange help from family, friends or other plot holders for a limited period or until the end of the growing season, when the situation can be reassessed;
2. Apply for a smaller plot, or if appropriate the committee to consider reducing the size of their existing plot; or
3. Give up the plot and go back on the waiting list to take up a plot when they are better able to manage one.

Follow Up Action : *Brief email to plot holder confirming what has been agreed and copied to other committee members so that they are aware. Even if the plot holder does not have email, committee members still need to know what has been agreed.*

FORMAL

Step 1 – Following one of the 3 annual plot inspections by the Committee

Following a plot inspection by the committee **a note will be attached to the plot number post setting out what needs to be done within 4 weeks.** There will be a contact phone number for plot holders to call if there is a reason why the plot is not being worked adequately. The action they propose to sort it out and the time scale.

Suggestions of action they can take as above under ‘Informal’

Step 2 Follow Up Action

1. Plots identified as needing action will be checked after the time limit to see what work if any has been done.
2. If the work has been done no further action is required
3. If the work has **not** been done, depending on the condition of the plot and the tenants previous record either a warning letter from the Management Committee sent by email or normal postal delivery to the plot holder (a copy emailed to committee at the same time) or a termination of tenancy letter (Stage 5)

Step 3 – Warning Letter

- 1. The Warning Letter sent by email when possible or by letter post, in either case an email copy to be sent to the Committee**
- 2. Letter to contain the following:**
 - a. A 14 day notice period (giving end date of the 14 day period) to carry out the work required.
 - b. A clear explanation of what the tenant is expected to do in that time. Not only cutting paths and removing weeds but also on-going productive use of the plot and failure to act could result in the loss of the plot.
 - c. A copy of the RAGA allotment rules that are not being followed.
 - d. The Tenant should be asked to contact the management committee if they are unable to comply with the 14 day notice period giving the reason or reasons they cannot carry out the remedial work on their allotment. A decision can then be made by the committee whether Step 5 is to be carried out.

Step 4 – Warning Letter Follow Up Action

1. If the work required has been carried out by the tenant then a letter of encouragement should be sent.
2. If the explanation given by the tenant, why nothing has been done is accepted by the committee as being fair and reasonable then no further action is necessary but a note made and the situation kept under review.
3. If nothing has been done within the agreed timescale and no acceptable reason has been offered by the tenant then a termination of tenancy letter will be issued.

Step 5 - Termination of Tenancy letter - sent by email when possible or by letter post, in either case an email copy to be sent to the Committee

The eviction letter should state the following:

1. The date the first plot inspection was carried out
2. The date the warning letter was sent
3. The date the second inspection was carried out
4. 14 day notice for all belongings and non-compostable material to be removed from the plot and tools from the tool store if used.
5. Date and time when tool store deposit can be collected.
6. A date when the tenant is to be off site if appropriate
7. Confirmation that the plot will be re-let after the 14 day notice expires.

Step 6 Plot checked by Trustees

After the 14 day period the plot is to be checked to ensure it is suitable for re-letting and if not what needs to be done by the TVG before it can be re-let.

Step 7 Re-letting

Once a plot is ready to be re-let the Letting Officer will be notified so it can be offered to the next person on the waiting list.

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