



CAMBOURNE TOWN COUNCIL

District of South Cambridgeshire

Camboorne Allotments Eviction Policy

1. Introduction:

1.1 If the tenant shall have been, or remain in breach of any of the provisions of the Tenancy Agreement for a period of one month after due notice has been given by the Council, the Council may re-enter upon the Allotment Garden and the tenancy shall thereupon come to an end but without prejudice to any right of the Council to claim damages for any such breach or to recover any rent already due before the time of such re-entry but remaining unpaid.

1.2 Inspections will take place on a monthly basis between March and October. If the tenant is found to be in breach of the Tenancy Agreement, a photograph will be taken, and appropriate comment recorded on the inspection record.

1.3 Enforcement action will then be taken as described in sections 2, 3 and 4 below.

1.4 Enforcement action may also be triggered by a report to the Council of a breach of the Tenancy Agreement, should the report be confirmed as valid on inspection by Council staff.

2. Enforcement- Breach of Agreement Notification:

2.1 If a tenant is found to be in breach of the Tenancy Agreement, notification of this will be sent via an email to the tenant's registered email address, in addition to a letter to the tenant's registered home address.

2.2 The notification will explain which clause(s) of the Tenancy Agreement the tenant is in a breach of, what action is required of the tenant to resolve the breach and in what time frame. Photographs taken at the time of inspection will be included.

2.3 The tenant will be given until the date of the next inspection, or the equivalent date outside of inspection months, to resolve the breach of agreement or explain by correspondence to the Allotment Officer why they have been unable to maintain their plot in accordance with the Tenancy Agreement.

2.4 The Office Manager must be made aware of any circumstances as to why the Tenancy Agreement is in breach (e.g. illness). Any matters disclosed to the Town Council will be dealt with confidentially. The Allotment Officer and Town Clerk will be authorised to make a judgement on whether a breach of agreement notification needs to be sent.

3. Enforcement- Final Warning Letter

3.1 If the plot remains in breach of agreement at the next inspection, and no justification has been provided to the Allotment Officer, a final warning letter will be sent to the plot holders registered home address and emailed to the registered email address.

3.2 The notification will explain which clause(s) of the Tenancy Agreement remain in breach, what action is required of the tenant to resolve the breach and in what time frame. Photographs taken at the time of inspection will be included.

3.3 The Allotment Officer and Town Clerk will be authorised to make a judgement on whether a final warning letter notification needs to be sent.

4. **Enforcement- Notice to Quit**

4.1. If the plot remains in breach of agreement at the next inspection, and no justification has been provided to the Allotment Officer, a termination letter (Notice to Quit) will be sent to the tenant. The tenant will be given 14 days from the date of the letter to remove any items from the plot, after which the plot will be reallocated to a resident on the waiting list.

4.2. All Notice to Quit letters will be sent to the tenant's registered home address and emailed to the registered email address.

4.3. In the event of a serious breach of the tenancy agreement, the Council reserves the right to serve an immediate Notice to Quit without the need for breach of agreement or final warning letter notifications.

4.4. The Allotment Officer and Town Clerk will be authorised to make a judgement on whether a serious breach of the tenancy agreement has occurred.

4.5 An End of Tenancy letter will be sent to the tenant to confirm that their tenancy has ended and they are no longer the tenant of the given plot.

4.6 If a tenant is no longer resident in the Town of Cambourne, they will automatically be evicted and sent an End of Tenancy letter (providing a valid address is known). They will have 14 days from the date of the letter to remove any items from the plot, after which the plot will be reallocated to a resident on the waiting list.

5. **Appeals Process**

5.1. A plot holder may appeal in writing against the termination within 10 days of the date on the Notice to Quit letter.

5.2. The appeal must include a clear justification as to why the tenant remained in breach of the Tenancy Agreement throughout the eviction process.

5.3 The Leisure & Amenities Committee will appoint three members of the Committee to act as an Appeals Panel and they will reply within 14 days of receipt of the appeal with their decision.

5.4. The minutes of the Appeal Meeting will be sent to the plot holder and filed at the Town Council office.

5.5. There are three possible outcomes of the Appeal Meeting:

- The termination is upheld.
- The termination is suspended for a probationary period of 3 months, in order for the tenant to take the required action to comply with the Tenancy Agreement. At the 3 month point, the tenant must be in compliance with the Tenancy Agreement in order for the termination to be revoked. Otherwise, the tenancy will be terminated immediately with no further right of appeal.
- The tenant can continue to work on the plot with no probationary period.

5.6 The decision of the appeals panel is final.