



ALLOTMENTS COMPLAINTS AND DISPUTES POLICY AND PROCEDURES

Date of adoption	2 nd April 2025, Minute number 25/04(492c)
NADCAA Management Committee	15 th January 2024
Next Review Date	April 2026
To be reviewed by	This policy will be reviewed annually by the Community & Heritage Committee

1. Scope

- 1.1 This policy has been introduced to protect the interests of all plot holders and to ensure that any complaints or disputes are dealt with in a fair and timely manner. This policy has been agreed by Newton Abbot Town Council (NATC) and Newton Abbot and District Co Operative Association Ltd (NADCAA).

In this policy the term tenant relates to full or delayed tenants and occupants.

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- 1.2 Formal complaints in connection with tenancy agreements and compliance with rules will be determined by NATC.

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- 1.3 The role of NADCAA with regard to complaints and disputes under this policy is to assist the Council particularly with regard to the gathering of relevant information.

2. National Guidance

NATC and NADCAA endorses and have adopted the National Allotment Society document [NAS Policy document 110 for Social Interaction on Allotment Sites] regarding anti-social behaviour and disputes as follows:

- i. The Society recognises that allotment sites can be sociable places, populated by people who share a mutual appreciation of gardening. The Society encourages activities that further the development of social interaction and a sense of community on allotment sites. At the same time, the Society recognises that allotments are both public and private places, within which some tenants may wish to be left to garden in peace. The Society recognises the right of any tenant gardening in compliance with their tenancy agreement to the quiet enjoyment of their allotment garden, a right that if violated by any form of unreasonable interaction within or across the boundaries of that individual's allotment garden, will not be tolerated.
- ii. Where disputes between tenants arise, or between tenants and site managers, the Society respects the autonomy of the organisation responsible for site management to resolve the dispute, with the caveat that transparent policy and documentation (including an independent appeals process) should be in place, including policies covering forms of anti-social behaviour such as abuse, threats and violence, however expressed.
- iii. The Society maintains that responsibility for the behaviour of any person who is invited onto an allotment plot by a tenant lies with the tenant, and that this principle should be included in the tenancy agreement. This principle applies both to members of the tenant's family of whatever age and to third parties such as informal garden sharers.
- iv. The Society recognises the value and importance of good social relations between allotment associations (and individual tenants) and parties external to the allotment, including neighbours, sympathetic individuals and organisations, and institutions with the power to help protect allotment sites. It encourages the controlled and well-managed opening of allotment sites to facilitate such relations, subject to recognition of the rights of individual tenants and appropriate arrangements for insurance.

3. Verbal Complaints

Verbal complaints will be deemed to be informal and will not be formally investigated under this policy.

4. Formal Complaints

- 4.1 Only written complaints will be formally investigated under this policy to ensure that there is a full record of any allegations made. Written complaints can be given to the relevant Volunteer Field Representative (VFR), posted to NATC, NADCAA by e-mail to info@nadcaa.org.uk or NATC by email to info@newtonabbot-tc.gov.uk.

Written complaints must include the full name, field and plot number of the complainant and current contact details.

- 4.2 In the first instance all formal complaints made to NADCAA shall be reviewed by the Secretary or the Administration Officer (AO) of NADCAA for an initial review. As part of this review the Secretary or AO shall liaise with NATC Green Spaces Officer if necessary. If NATC receives any complaints directly they shall discuss the complaint with the NADCAA Secretary or AO.

- 4.3 If the Secretary or AO is of the opinion that an investigation is not warranted or justified, then he or she should consult with one of the other Directors of NADCAA or NATC Green Spaces Officer.

If there is agreement that an investigation is not warranted the reasons for this should be communicated to the complainant in writing or if it is not clear that an investigation is warranted, then more information should be requested.

- 4.4 If the complaint indicates that a criminal offence may have been committed, the complaint shall be referred to the police.
- 4.5 If a complaint is referred to the police, any NADCAA /NATC investigation shall be deferred until such time as the police confirm that their investigation is concluded or that they will not be taking any further action.

- 4.6 Any complaints that involve any member of the management committee shall be investigated by the Secretary or the AO assuming that neither the Secretary nor the AO are the subject of the complaint. Any complaint that relates to any actions of any of the Directors or the AO shall be investigated by one or more of the other Directors.

- 4.7 Complaints that relate to breaches of the members tenancy agreement, specific rules or if a dispute arises between plot holders, in the first instance shall be referred to the relevant VFR for investigation (after review by the Secretary or AO as set out in paragraph 4.2).

- 4.8 All complaint investigations should focus on obtaining all relevant facts and can include:
- interviews with relevant individuals
 - review of any relevant correspondence, e-mails or other documents

- inspection of the relevant plot(s) or equipment
 - reference to the requirements of NADCAA /NATC allotment policies and rules.
- 4.9 Full records of interviews and action taken as part of an investigation should be kept including the date and times of any meetings and who was present.
- 4.10 Complete confidentiality shall be maintained with respect to all complaints and investigations.
- 4.11 For complaints that relate to breaches of rules or disputes between members, the VFR should seek to resolve the complaint or dispute by amicable agreement with the relevant member(s). In the event that a resolution is agreed, a record of what was agreed should be made and all records of the complaint and investigation and issues agreed should be forwarded to the AO who shall ensure that these documents are securely retained for five years. A copy of the resolution agreed shall also be communicated to all parties including NATC. Records may be digitally stored.
- 4.12 If no resolution to a complaint or dispute is possible then the VFR should refer the matter to the Secretary or the AO for review and assistance.
- 4.13 If, after review by the Secretary or the AO, there appears to be substantive evidence that a plot holder is failing to comply with any rule and is unwilling to agree to a resolution, full details shall be provided to NATC who shall determine whether a formal warning letter should be sent to the non-compliant plot holder. If appropriate a clear deadline date for compliance must be stated in the warning letter.
- 4.14 If a member has not conformed to the requirements of the first warning letter within the deadline set, a second warning letter should then be considered and issued by NATC if necessary.
- 4.15 If a second warning letter is not complied with and after due consideration of any further information provided to the Council by NADCAA, NATC shall decide whether the plot holder should be evicted.
- 4.16 The eviction letter shall include details of an appeal procedure. In the first instance the member should write to the Council setting out the grounds for appeal. Appeals must be made within 21 days of the date on the letter sent to the plot holder. The eviction will be effective 28 days after it has been served unless an appeal is lodged as set out in paragraph 4.22.
- 4.17 Appeals will be considered by a panel comprising of at least three Newton Abbot Town Councillors who have had no previous dealings with the appellant.
- 4.18 The appellant will be invited to attend the appeal hearing and may be accompanied by one other person of their choice.
- 4.19 The decision of the appeal panel is final.
- 4.20 If the appeal is upheld by the appeal panel, the matter will be closed. All documents relating to the original complaint or the appeal shall be confidentially stored either in digital or hard copy by NADCAA and NATC for a period of 5 years.

- 4.21 If the appeal is rejected, the eviction of the member should proceed and the member will be required to clear all possessions including sheds, greenhouses or plants that the member wishes to retain within 14 days, including crops.
- 4.22 Other than cases of severe misconduct, the lodging of appeals by an appellant will suspend the eviction notice until any appeal is final resolved.

5. Warning Letters

- 5.1 First warning letters with respect to complaints, disputes or non-compliance with Association rules shall be retained on record for a period of five years and if future complaints are received then any previous poor conduct on breach of rules may be referred to.

6. Serious Misconduct

- 6.1 Serious misconduct may include threatening behaviour, physical abuse or other behaviour that places the use of the allotments or other plot holders, NATC or NADCAA officials at risk.
- 6.2 In cases of serious misconduct, depending on the severity of the case, the first warning letter may be replaced by a final warning letter. These letters shall be sent as soon as possible by NATC after evidence of the misconduct has been confirmed.
- 6.3 In more extreme cases, e.g., physical assault of another plot holder or Association official, the membership of the allotment holder may be suspended pending the outcome of investigations by the Police or NATC.
- 6.4 A temporary suspension notice shall remain in force until it is rescinded by NATC or a formal eviction notice is issued.
- 6.5 A member shall have the same rights of appeal against a temporary suspension notice as they do if an eviction notice has been issued (see paras 4.16 to 4.22).
- 6.6 If an eviction notice is served after a temporary suspension notice then the eviction notice will remain in force if an appeal is made.
- 6.7 If an eviction notice has been issued following a temporary suspension notice, the members plot will not be re-let until the expiry of the appeal period or the resolution of any appeal made.
- 6.8 NATC reserves the right to rescind a temporary suspension notice or an eviction notice at any time.