**PLOT LETTING AND TERMINATION POLICY – effective from 16th February 2017.**

1. **ADDING NAMES TO THE WAITING LIST**
2. An application to be added to our waiting list will be accepted through:
3. Sending an email to [gleberoadallotments@yahoo.co.uk](mailto:gleberoadallotments@yahoo.co.uk)
4. Completing and submitting the Darlington Borough Council application form on their web site
5. telephone call to the Plots Manager or Association Secretary (Sec)
6. a verbal request given through a member of the Committee
7. The applicant should complete the application form or supply the information required to complete the form but at least name, address, telephone numbers and email address so that the Plots Manager can reasonably expect to be able to contact the applicant whenever the need arises. (see application form annex 5 below).
8. The applicant’s name and contact details will be added to the waiting list in the order of date of application unless the Committee decide, based on information already to hand, not to accept the application (Clause 19).
9. If the application is not accepted, the reason for non-acceptance will be communicated back to the applicant and to Darlington Borough Council either by e-mail or telephone.
10. If the application is accepted, the Plots Manager *(*or if necessary the Secretary of the Association) will confirm either by e-mail or telephone that the applicant’s details have been added to the waiting list.
11. **BUDDY SCHEME:** The Association does not operate a buddy scheme.
12. **JOINT MEMBERSHIP**:Anyone becoming a joint member with an existing tenant, with a view to eventually taking over the plot, should add their name to the waiting list; they will not be able to hold the plot in their own name until their name reaches the top of the waiting list.
13. **NUMBER OF PLOTS**: No prospective tenant will be allowed to have more than one plot. If the applicant has a plot on another site they will be expected to relinquish that plot before taking on the tenancy of a plot on our site.
14. **SITE KEYS**: Deposit of £5 per key, maximum two per plot.
15. **LETTING OF THE PLOT:** 
    1. When an applicant’s name reaches the top of the list and a plot is available, the Plots Manager will attempt to contact the person by telephone or e-mail or royal mail.
    2. If no response is received within 2 weeks, the application will be placed into a “Pending Response” (ANNEX 6) status and the plot will be offered to the next person on the waiting list.
    3. An applicant has two days to make a decision once a plot is viewed. The applicant can decline the offer of a plot and remain on the waiting list at the top of the list. The vacant plot will then be offered to the next person on the waiting list.
    4. If an applicant declines two successive plot offers he/she will be removed from the waiting list, or the applicant’s name will be added to the end of the waiting list if requested by the applicant. Plots manager will maintain a list of those persons declining a plots.
    5. If an applicant in a Pending Response status contacts the Plot Lettings Secretary within two months of the initial failed contact attempt their name will be added to the top of the waiting list. Otherwise their name will be removed from the waiting list.
16. **PAYMENT OF THE ANNUAL RENT FEE:** 
    1. Upon acceptance of the offer of a plot the tenant will sign the standard Tenancy Agreement and pay the appropriate rent fees, NAS membership fee and a deposit for a site key/s.
    2. The annual renewal rent and fees is payable in advance by 31st January each year.
17. TERMINATION OF TENANCY: Termination of a tenancy by the Association will be in accordance with the Tenancy Agreement in effect at the time.
18. If a tenant has not paid the annual rent fee by 31st January, the tenant will be notified by post that the tenancy will be terminated on 14th February unless payment is received by the Association before such date.
19. The Plots Manager or an Inspection Sub-Committeewill carry out periodic inspections of the plots with respect to degree of cultivation, tidiness and safety. The committee may give notice of planned inspections of site plots. The Plots Manager or Inspection Sub-Committee will inform the Committee of any plot not deemed to be of a good standard. (Good Standard – 80% cultivated, clean, tidy, safe, weed free condition)
20. The Plots Manager or Association Secretary will, on the committee’s instruction, attempt to speak to the plot holder, preferably in person, but if necessary by phone and to advise that the plot is not up to standard, ask if they have a problem or in need of some temporary help or advice, but that the plot needs to brought up to standard within two weeks.
21. If there is no improvement within two weeks the Plots Manageror Association Secretary will, on the committee’s instruction, then write (Standard Letter 1 – Plot Condition – Advisory (See Annex 1 below) to any tenant whose plot needs remedial work, outlining the areas of concern and giving fourteen days to put the plot in an acceptable condition or state their intentions for the improving the plot.
22. If on a subsequently inspection the plot is found still to be in an unacceptable condition, the Plots Manageror Association Secretary will, on the instructions of the committee, send a second letter (Standard Letter 2 – Plot Condition Warning to the tenant (see Annex 2 below). This second letter will warn the tenant that the tenancy will be terminated unless the plot is brought to an acceptable condition within 14 days.
23. If the tenant fails bring the plot to an acceptable condition within 14 days of the of the second inspection then the Secretary will write a third letter to the tenant terminating the tenancy and giving the tenant fourteen days to remove any private property from the plot. (Standard Letter 3 – Notice to Quit - See Annex 3 below)
24. After the 14 day period the plot will be forfeited with loss of any rent outstanding.
25. Any property not removed after this time will become the property of the Association and be disposed of as seen fit.
26. For any other suspected breach of the conditions of the Tenancy Agreement, the tenant will be asked to attend a meeting of the Committee where the situation will be reviewed. The decision reached by the Committee will be confirmed in writing to the tenant.
27. In the event of the death of a tenant, the tenancy will be offered to the spouse, partner or eldest child of that tenant. If the tenancy is not transferred to such person, a reasonable time will be allowed for the removal of any personal items from the plot before the plot is offered to the applicant at the top of the waiting list.
28. TRANSFER OF TENANT TO A DIFFERENT PLOT: A tenant can request that their tenancy is transferred to a different plot, but their existing plot must be left in good condition. The names of tenants wanting to transfer plots will form an addendum to the plot waiting list (ANNEX 6) by the Plots Manager.
29. REFUND KEY DEPOSIT: The key deposit will be refunded to the ex-tenant upon termination of the tenancy, for whatever reason, upon surrender of the key by the tenant. No refund of the key deposit will be paid if the key is not returned to the Association.
30. REFUND/PART REFUND OF ANNUAL RENT: Upon termination of a tenancy, for whatever reason, the Association may decide to refund all or part of the annual rent fee, depending on circumstances.
31. TRANSITION ARRANGEMENTS : – effective from 16th February 2017
    1. Tenancies existing prior to the effective date will not be affected in terms of:
       1. Number of plots – Tenants with more than one plot on the site will be allowed to continue their tenancies of those plots. Tenants with plots on other sites will not be asked to surrender their plot on our site.

**ANNEX 1.** (Standard Letter 1 – Plot Condition – Advisory. Send by Royal Mail [proof of posting & email)

GLEBE ROAD ALLOTMENT ASSOCIATION

Glebe Road

Darlington

(Date)

Mr/s (Name of Plot Holder)

Address

ADVICE CONCERNING THE CONDITION OF PLOT [….]

Dear ……………. (First name)

It has come to the committee’s attention that your plot is in an untidy and neglected state. The conditions set out in your in the Tenant’s Agreement (Clause 7a) requires you to keep the plot in a “good, clean and weed free condition at all times, the bench mark for this is standard is the condition of 80% of the plot”.

You should endeavour to bring your plot up to standard within 14 days or if you have a problem tending your plot please advise the Plots Manager or Secretaryby phone or e mail ( [gleberoadalllotments@yahoo.co.uk](mailto:gleberoadalllotments@yahoo.co.uk) ) or the post box located at plot within 14 days.

Yours sincerely

……………………….. (First Name)

Plots Manager (or Secretary)

On behalf of the Committee.

**ANNEX 2** (Standard Letter 2 – Plot Condition – Warning. Send by Royal Mail [proof of posting] & email)

GLEBE ROAD ALLOTMENT ASSOCIATION

Glebe Road

Darlington

(Date)

Mr/s (Name of Plot Holder)

Address

WARNING CONCERNING CONDITION OF PLOT [….]

Dear Mr/s ………

Further to the letter the committee sent to you on …………… it is apparent to the committee that the plot you rent remains in an untidy and neglected state. The conditions set out in your in the Tenant’s Agreement (Clause 7a) requires you to keep the plot in a “good, clean and weed free condition at all times”.

Should you not bring your plot up to standard within 14 days you will (in accordance with Clause 9b) be issued with a “Notice to Quit” and forfeit your tenancy.

Yours sincerely

……………………….. (First & Last Name)

Plots Manager *(or Secretary)*

On behalf of the Committee.

**ANNEX 3** (Standard Letter 3 – Notice to Quit – send by recorded delivery & e mail)

GLEBE ROAD ALLOTMENT ASSOCIATION

Glebe Road

Darlington

(Date)

Mr/s (Name of Plot Holder)

Address

Dear Mr/s …………….

**NOTICE OF PLOT FORFEITURE AND TO REMOVE PRIVATE PROPERTY**

You were sent a letter more than two weeks ago regarding your plot which is in an untidy and neglected condition. We have not received any communication from you nor has the condition of the plot been improved.

Therefore in accordance with the terms of your tenancy agreement (Clause 9b) you are now given a period of 14 days to remove any private property from the plot and return your site key to the Plots Manager or any committee member. The tenancy agreement also states that any property not removed from your plot within 14 days becomes the property of the Association and be disposed of as it deems fit.

Should you wish to dispute this notice you are advised that under the terms of the Association’s lease of the allotment site from the Council, any dispute between the Association and an individual plot holder the Council will act as independent expert whose decision will be final and binding.

Yours sincerely,

First and last name

Secretary (on behalf of the Committee)

cc: Patricia Baston, Allotment Officer, Darlington Borough Council.

Email: [gleberoadallotments@yahoo.co.uk](mailto:gleberoadallotments@yahoo.co.uk)

Mob:Chair 07891 435128: Plots Manager 07789 606549: Sec 07958 266927

**ANNEX 4** (Standard Letter 4 – Notice to Quit due to non-payment of rent – send by recorded delivery & e mail)

GLEBE ROAD ALLOTMENT ASSOCIATION

Glebe Road

Darlington

(Date)

Mr/s (Name of Plot Holder)

Address

Dear Mr/s …………….

NOTICE OF PLOT FORFEITURE AND TO REMOVE PRIVATE PROPERTY

You have failed to pay your annual rent due on the 31st January therefore in accordance with the terms of your tenancy agreement (Clause 1) your tenancy will be terminated on [*14th February* ] unless payment is received by the Association before that date.

If you do not intend to renew your Tenancy you should remove any private property from the plot before *[28th February]* and return your site key to the plot secretary or any committee member.

The tenancy agreement also states that any property not removed from your plot within 14 days of the Notice of Termination becomes the property of the Association and be disposed of as it deems fit.

Should you wish to dispute this notice you are advised that, under the terms of the Association’s lease of the allotment site from the council in the case of any dispute between the Association and an individual plot holder, the Council will act as independent expert whose decision will be final and binding.

Yours sincerely,

First and last name

Secretary (on behalf of the Committee)

cc: Patricia Baston, Allotment Officer, Darlington Borough Council.Email: [gleberoadallotments@yahoo.co.uk](mailto:gleberoadallotments@yahoo.co.uk) Mob:Chair 07891 435128: Sec 07958 266927

**ANNEX 5**

***GLEBE ROAD ALLOTMENT ASSOCIATION – DARLINGTON – DL1 3FF Email:gleberoadallotments@yahoo.co.uk Website:*** [***http://gleberoadallotments.btck.co.uk***](http://gleberoadallotments.btck.co.uk)

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| **GLEBE ROAD ALLOTMENT ASSOCIATION – APPLICATION FOR A PLOT**  (Application form)  **Your details**  Title ----------------------  First Name ----------------------  Surname ----------------------  Address ----------------------  Town ----------------------  Post Code ----------------------  Email ----------------------  Phone number ---------------------  Mobile phone number ---------------------  Signature ---------------------  Date --------------------- |

**ANNEX 6**

**WAITING LIST – PENDING RESPONSE – PLOT SWOP REQUESTS**

**WAITING LIST DATED: …………..**

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|  | **NAME** | **CONTACT DETAILS** | **DATE**  **ADDED** | **REMARKS** |
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**PENDING RESPONSE – AND PLOT DECLINED - LIST**

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| **NAME** | **CONTACT DATE** | **REMARKS** |
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**PLOT SWOP REQUESTS**

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| **NAME** | **CURRENT PLOT** | **PREFERENCES** |
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