



## **Non-compliance process Guide for ploholders**

**A summary for ploholders of the responsibilities of Pointalls Allotments Limited and ploholders; site regulations and processes related to plot maintenance.**

The social and health benefits of allotment owning are well documented. The aim of Pointalls is to provide a light-touch approach to plot management to allow members to enjoy their holdings while ensuring that our legal commitments and the terms of our lease are met.

The key regulations and terms of tenancy agreements require that allotments are primarily used for food production; product is for personal use; that structures fit permission criteria; plots are kept reasonably tidy and weed free; only permitted materials are brought on site and pathways are kept free and maintained. This guide relates mainly but not only to regulation numbers 1, 2, 5, 6, 7, 8, 9, 13, and 26. The complete set of site regulations can be found on our website, notice boards and available from our trading shed.

In order to ensure that Pointalls as an organisation is compliant with its obligations, plot inspections led by the site manager are carried on a monthly basis during the growing season from May until October.

Occasionally, as a result of an inspection a plot might be considered non-compliant. In this event, the ploholder will be contacted in writing outlining the result of the inspection and asking them to return to compliance within 28 days.

While our commitment to meeting our legal and lease obligations is not negotiable, we are anxious to ensure that any issues regarding the condition and maintenance of plots is handled in a way that is sensitive, amicable and fair. Pointalls focus is always on supporting ploholders wherever possible in continuing to enjoy plot ownership. In this spirit, ploholders experiencing difficulties are invited to contact the site manager prior to any non-compliance process being invoked.

We believe that early intervention and prompt resolution are key in preventing issues from dragging on and deteriorating. Plotholders who experience difficulties in managing and maintaining their plots are strongly encouraged to contact the site manager prior to any problems reaching a point where there are compliance issues.

There are numbers of options that may be available to help. Plotholders may wish to ask for help in catching up on weeding, plot clearing or maintenance, etc. This could be through the efforts of volunteers or paid for as a one-off exercise. Plotholders whose needs or abilities to manage their plots have changed might consider down-sizing. The important thing is to seek help at an early stage and agree an appropriate solution. These actions are open to any plotholder at any time.

Occasionally, in spite of goodwill and intentions on both sides it happens that a plotholder is unable to comply with the regulations and is therefore unable to restore their plot to an acceptable condition within an agreed plan and time scale. At this point, Pointalls does reserve the right to give notice to terminate the plotholder's tenancy. This sanction is only used as a last resort and when all reasonable available options have been tried and failed.

The process which covers and seeks to avoid this eventuality is summarised as follows:-

- A) The process starts when typically during a plot inspection a plot is identified as non-compliant for any of the reasons summarised above.
- B) The plotholder will be notified in writing of the relevant breach. The letter will explain what needs to be done and in what time scale, normally 28 days, to achieve compliance.
- C) The plotholder should then undertake the necessary work to achieve compliance. If this is not possible then they should contact the site manager in order to discuss other options.
- D) If at the end of the time the plot is inspected and found to have met the agreed conditions, the current process is finalised (see I below).
- E) If there is no action in response to the initial letter, this will be followed up with a reminder which also acts as the first written warning pointing out the consequences of continued non-compliance i.e. notice to quit. Subsequent failure to reply within a stated timescale will result in the issue of a termination notice. The process will resume at C) following a positive response.
- F) If the plotholder fails to achieve the necessary outcome described at C), depending on the individual circumstances and at the site manager and Board's discretion a final warning will be issued or in exceptional circumstances an extension agreed. The reasons for any time bound extension will be outlined in writing (see I below).

- G) If at the end of the process it has not been possible to restore the plot to a compliant state, the plot holder will be given notice by the Board in writing with a set of reasons for the decision. The notice period of 28 days is to enable the plot holder to clear the site of his/her tools, equipment and plants etc. If they remain uncollected the site manager will dispose of them as he sees fit.
- H) Should a plot holder wish to appeal against either of the notifications at B) or E) they should write directly to the Board's Chair within seven days\*.
- I) In the event of a positive response to initial and reminder letters plot holders will be sent a courtesy letter acknowledging improved cultivation (as D) and pointing out that cultivation needs to continue and not lapse. If non compliance occurs again the previous non compliance notices will carry forward and the process resumes at the last notice point\*\*.

To reiterate, Pointalls aims to support all plot holders in the enjoyment of their pastime. In the event of the non-compliance procedure being invoked goodwill on all sides is essential for satisfactory and positive outcomes to be achieved.

Please see next page for a chart summarising the non compliance process.

### Flowchart summarising non-compliance process

