



# Fleetwood Town Council

Onward to a Better Future

## Enforcement Procedure Policy for Breach of Allotment Tenancy Agreement.

### 1. Purpose

This procedure sets out the steps to be taken when a tenant breaches the terms of their Allotment Tenancy Agreement, ensuring fairness, transparency, and consistency in enforcement.

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### 2. Scope

Applies to all allotment tenants and covers breaches including, but not limited to:

- Failure to cultivate the plot to an acceptable standard
  - Non-payment of rent or fees
  - Breach of site rules (e.g., waste disposal, structures, livestock)
  - Anti-social behaviour or harassment
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### 3. Procedure

#### Stage 1 – Enforcement Notice 1

- **Action:** Formal letter outlining the breach, referencing the relevant tenancy clause, and setting a clear deadline for compliance (usually **14 days**).
- **Content:** Include photographs or evidence where applicable.
- **Consequence:** This notice will be kept on record for 6 months, if breached again within 6 months, Enforcement Notice 2 will be issued. Failure to comply will lead to a final warning or termination.

#### Stage 2 – Enforcement Notice 2

- **Action:** Letter stating that the breach remains unresolved and giving a final **14-day** period to rectify. This notice will be kept on record for 12 months.
- **Content:** Clear statement that failure to comply or if breached again within 12 months, this will result in termination of tenancy.



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If a tenant wishes to surrender the plot at Stage 2, this should be in writing and as set out in the Allotment Tenancy Agreement. The plot is to be returned to the Council in a condition consistent with the provisions set within the tenancy agreement. Failure to do so will result in the tenant being charged for the plot to be cleared and left in a lettable standard.

**Extenuating circumstances** - the following extenuating circumstances which are accepted include illness, an accident, bereavement or an extended holiday (more than 2 weeks). If these are provided as a reason due to lack of maintenance of the tenant's plot, then an action plan will be agreed with Fleetwood Town Council and reviewed accordingly.

## Stage 3 – Termination of Tenancy

- **Action:** Serve a **Notice to Quit** in accordance with the tenancy agreement and relevant legislation.
- **Timescale:** A one-month notice period applied to enable the tenant to clear their plot.
- **Access:** On termination of the tenancy, the Tenant at their own cost must remove personal property, ensure the plot is of a lettable standard (rubbish removed, removal of stored materials, remediation or removal of derelict structures) and return the keys by the termination date. If the plot is not returned in a lettable condition, remedial works will be undertaken by the Council, and the outgoing Tenant will be charged for these remedial works.
- **Please note: If a tenant's agreement is terminated based on a breach of their agreement, they will not be allowed to apply for a plot in future at Larkholme Avenue Allotment site.**

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## 4. Immediate Termination

In cases of serious misconduct (e.g., violence, criminal activity, severe damage), the council reserves the right to issue an **immediate Notice to Quit** without progressing through all stages.

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## 5. Appeals

- Tenants may submit a written appeal within **7 days** of receiving a termination notice.
- Appeals will be reviewed by an independent panel.
- Decision will be communicated in writing within **21 days**.
- The decision of the appeal panel will be final; there is no further right to appeal.

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## 6. Record Keeping

All correspondence, evidence, and decisions will be documented and retained for a minimum of **12 months** after case closure.



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## Enforcement Procedure Flow Chart

