



ANDOVER TOWN COUNCIL

Allotment Committee Report

Report to:	Allotment Committee
Date of meeting:	22 July 2026
Report title:	Amendment to the Allotment Rules and Regulations — Non-Cultivation Review and Enforcement Process
Report author:	Town Clerk/RFO
Status:	Public
Appendices:	Rules and Regulations for Allotment Tenants 2025 showing proposed amendments in red

1. Purpose of Report

1.1 To present the proposed new wording for Section 3.21 (Power to Inspect) of the Rules and Regulations for Allotment Tenants 2025, explain the reasoning behind it, and seek the Committee's approval to recommend the amended Rules to Full Council for adoption.

2. Background

2.1 At its meeting in June 2026 (minute AC 014/06/26), the Allotment Committee resolved that amendments to the non-cultivation process were needed. This report brings back the new wording for approval and sets out the reasoning behind each change.

2.2 The current Rules (3.21.2–3.21.4) provide a two-letter warning process which, in practice, restarts each financial year. A small number of tenants have exploited this: improving briefly in response to warning letters, deteriorating again, and relying on the annual reset to avoid escalation. This is unfair to tenants who maintain their plots, to those on the waiting list, and to neighbouring plot holders affected by weed spread and vermin.

3. Proposed Amendments

3.1 Four new sub-clauses are proposed after Rule 3.21.4, shown in red in Appendix A:

3.21.5 *Once a first and second letter have been issued to a Tenant, the review process will continue on an ongoing basis and will apply to that individual Tenant, rather than resetting at the start of each financial year.*

3.21.6 *If a Tenant receives a first or second letter in respect of the same Allotment Plot on two or more occasions within any 24-month period, the Council will send a further (third and final) letter. The Tenant must respond in writing within 7 days of the date of the third letter, providing evidence of any exceptional circumstances, and must return the Allotment Plot to the required standard within 28 days of the date of the third letter. Failure to do so will result in a written Notice of Eviction being served on the Tenant without any further warning letters.*

3.21.7 *If the Tenant complies with the third letter, the Tenant will remain on notice of eviction for a period of 12 months from the date on which the Council confirms compliance. Should the Allotment Plot fall below the required standard during that period, a written Notice of Eviction will be served on the Tenant without any further warning letters, save where the Tenant provides evidence of exceptional circumstances.*

3.21.8 *A Tenant served with a Notice of Eviction under these provisions may request, in writing within 14 days of service, a review of the decision by the Council. The outcome of that review shall be final.*

4. Reasoning

4.1 Closing the annual reset (3.21.5). Attaching the process to the individual tenant ends the exploitation of the yearly cycle. Compliant tenants are unaffected; only those already issued two warning letters enter ongoing review.



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4.2 An objective trigger (3.21.6). 'Two or more letters for the same plot within 24 months' replaces any discretionary judgement of what counts as repeated non-compliance, guaranteeing every tenant is treated identically and protecting officers from allegations of selective enforcement.

4.3 A final warning that can actually be met (3.21.6). Seven days to respond, 28 days to return the plot to standard. Cultivation is season-dependent; a deadline that is achievable secures compliance rather than guaranteeing failure, a key requirement of proportionality.

4.4 A defined 12-month notice period (3.21.7). A tenant who complies remains on notice of eviction for 12 months, with any lapse in that period resulting in a Notice of Eviction without further warning letters. A fixed period retains a strong deterrent while remaining defensible; an indefinite one would be the most vulnerable point of any challenge.

4.5 Exceptional circumstances and review (3.21.6–3.21.8). Illness, bereavement and similar hardship can be raised at the final-warning and on-notice stages, supporting the Council's Equality Act 2010 obligations, and a 14-day internal review of any eviction decision provides a final safeguard without materially delaying enforcement.

5. Proportionality and Compliance

5.1 Enforcement must be proportionate and procedurally fair, or it is open to challenge via the complaints procedure, the Local Government and Social Care Ombudsman, or the courts. Under the proposed process no tenant can be evicted without at least three written warnings, two opportunities to present exceptional circumstances, an achievable compliance period, and a right of review, with escalation triggered only by an objectively defined pattern of repeat non-compliance.

5.2 The amendments are additive: the existing two-letter process in Rules 3.21.2–3.21.4 is unchanged and continues to apply to first-time cases. 'Without any further warning letters' deliberately preserves service of the formal written Notice of Eviction, consistent with Rule 3.21.4, the termination provisions of the Rules and the notice requirements of the Allotment Acts, it removes the warning letters, not the statutory notice. No consequential amendments to other sections are required.

6. Financial and Resource Implications

6.1 Minor administrative costs only, met from existing budgets. The changes are expected to reduce officer time spent on repeat cases and release persistently uncultivated plots to the waiting list sooner.

7. Recommendations

7.1 That the Committee:

1. Approves the new wording of Rules 3.21.5–3.21.8 as set out in section 3 and shown in red in Appendix A;
2. Recommends the amended Rules and Regulations to Full Council for adoption; and
3. Instructs officers, following adoption, to update the version control information and circulate the revised Rules and Regulations to all tenants when sending out the tenancy agreements in October.