

## **Burnside and Vinery Allotment Society - Dispute Procedure**

### **Introduction**

The aim of this procedure is to settle disputes fairly, and it is intended to operate simply and quickly.

In this procedure, the person raising a dispute will be referred to as the 'complainant', and the person (or people) about whom the dispute is being made will be referred to as the respondent. 'On site' means on one of the allotment sites run by the Society, or at an official (ie Society-organised) meeting or event in another location.

If the complainant is unable to sort out their issue informally, they may raise a dispute under this procedure by emailing a member of the Committee (contact details on [www.burnsideandvineryallotments.org](http://www.burnsideandvineryallotments.org)) or writing to the Society at its Registered Address. Please note that the complainant is expected to make all reasonable efforts to resolve matters informally before invoking this procedure.

In the case of a dispute being raised as a counter-dispute, it may be appropriate to deal with both issues at the same time.

All tenants are asked to bear in mind that the purpose of the Society is to run an allotment site, that tenants privately rent land from the Society, and that members of the Committee are volunteers. We ask that tenants ensure that their expectations of what can be achieved under this procedure and in what timescale under this procedure are reasonable and proportionate.

### **What is considered under this procedure?**

This procedure is aimed at resolving simple, small disputes on site. These disputes may be breaches of the Tenancy Agreement or Site Rules, or other minor disagreements.

### **What is not considered under this procedure?**

We will not generally consider:

- Any action which takes place off site.
- Private communications between individuals (eg text message, WhatsApp, email).

The Society may take legal advice before deciding whether or not to consider a dispute under this procedure.

### **Police involvement**

Larger matters, including physical or verbal assault, may be serious enough to warrant police involvement. If the complainant refers a dispute which would have been covered by this procedure to the police, this process will stop immediately.

If the police open an investigation into a dispute which would have been covered by this procedure, the respondent's tenancy will be suspended until the investigation is concluded. They will not be permitted on site, but may attend any General Meetings held during their suspension.

Following a police investigation into a dispute which would have been covered by this procedure, if a sanction of any kind is issued to the respondent, they will be issued with a final warning or Notice to Quit as detailed in point 9 below. This can be appealed as detailed in point 6 below.

### **Process**

If the respondent is the Site Chair, the role of the Site Chair in the below procedure will be taken by the Secretary. If the dispute is against both the Site Chair and the Secretary, the role of the Site Chair in the below procedure will be taken by one of the Committee, chosen by the Committee.

When a dispute is received it will be sent to the Committee for discussion. If they agree that the dispute should be dealt with by the Society, it will be considered using the process detailed below. If in the opinion of the Committee that no breach of the terms of the Tenancy Agreement, Site Rules or Behaviour Policy has occurred, that it is not a dispute which should be considered under this procedure, or that the dispute is vexatious or without merit, the Committee may dismiss the dispute without investigation (and will inform the complainant that they have done so). The decision of the Committee as to whether to deal with or dismiss a dispute will be final and cannot be appealed.

Disputes will be dealt with in the following manner.

1. The Site Chair will firstly approach those involved to establish the reasons for the problem and make every effort to find an amicable resolution.
2. If, in the opinion of the Site Chair, the respondent is at fault and is unwilling to agree to a resolution, the Site Chair will inform the Committee of the situation and, with their agreement, issue a first warning letter. The first warning letter will outline the reasons for the dispute and give 30 days for the respondent to rectify the problem.
3. If the respondent has not complied with the requirements of the first warning letter within 30 days, the Site Chair will inform the Committee of the situation and, with their agreement, issue a second (final) warning. This final warning will refer to the first letter, give a further 30 days for the respondent to rectify the problem, and highlight that failure to comply within 30 days will result in the issuing of a Notice to Quit.
4. If the respondent has not complied with the requirements of the second (final) warning letter within 30 days, the Site Chair will inform the Committee of the situation and, with their agreement, issue a Notice to Quit.
5. A Notice to Quit will instruct the respondent to vacate the plot and remove all items within 30 days.

6. If the respondent disagrees with the decision of the Committee in relation to either a first or second (final) warning letter or a Notice to Quit, they can ask for the case to go before an appeal panel, comprising one person suggested by the respondent and not involved in the case, one person from the Committee (not the Site Chair) and one representative from the National Allotment Society (chosen by NAS).
7. The panel will look at the evidence from all parties and make a decision which will be confirmed to all relevant parties in writing. The decision of this panel will be final and cannot be appealed.
8. A warning letter will remain in force for a period of one year from the date of issue. Any subsequent breach within this time will result in a second (final) warning letter or Notice to Quit (as appropriate) being issued.
9. In cases of a more serious breach of Tenancy Agreement, Site Rules or Behaviour Policy, the Committee may in their absolute discretion proceed directly to either the second (final) warning letter stage or, in extreme circumstances, to the issuing of a Notice to Quit.

Reviewed May 2024.

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