

BARTON UPON HUMBER ALLOTMENT SOCIETY

DISPUTE HEARINGS/EVICTION APPEALS PROCEDURE

1. Introduction

Understandably with a group of diverse people united only by one common interest- that of gardening- at times clashes of personality and differences of opinion can arise. On occasions disputes can escalate so that, for the well-being of the site, the Management Committee must intervene. Whether one or more plot holders are involved the process is the same. Complainants must put their complaints in writing to the Secretary within 14 days of the event.

2. Dispute Hearing Procedure – before the meeting

- 2.1 A meeting should be arranged with the Management Committee (Chairperson and Secretary must be present).
- 2.2 The Secretary shall send a letter to the individual(s) explaining the nature of the complaint, requesting that they appear before the Management Committee giving 14 days notice of the date and time of the meeting. The letter will highlight that someone is welcome to accompany them if they wish.
- 2.3 The Management Committee needs to be fully appraised of the situation, but open-minded and prepared to consider the evidence presented.
- 2.4 A decision must be made whether the individuals are to wait for the decision or are to be informed at a later date – further investigation of the evidence presented by the protagonist(s) may be necessary.
- 2.5 Comprehensive Minutes must be taken and include date and time of the meeting, and the names of all people at the meeting.

3. Dispute Hearing Procedure – at the meeting

- 3.1 If it is a contentious subject (or those concerned will argue) they will be called separately into the meeting.
- 3.2 The Chairperson shall open the meeting introducing those present, explaining the reason for the meeting and giving a brief synopsis of the history of the problem. S/he shall then invite each individual to explain the matter themselves.
- 3.3 The member may call witnesses to speak on their behalf, or use witness statements or other relevant evidence regarding their case.
- 3.4 The Management Committee may ask questions to clarify any matters arising from the testimonials.
- 3.5 If the members are appearing separately the process is repeated with times of entry and exit of the hearing recorded in the minutes.

4. Dispute Hearing Procedure – after the meeting

- 4.1 The minutes will be circulated to all concerned within 14 days of the hearing, including the Management Committee's decision and reasons for reaching it.
- 4.2 A covering letter signed by the Chairperson will advise of any conditions, timescales for any required action and consequences for any future behaviour

- as appropriate.
- 4.3 All parties will be advised of their right of appeal to the President and Trustees.
 - 4.4 Any request for an appeal must be made in writing to the Secretary within 14 days of the receipt of the letter referred to above.
5. Appeals Procedure
- 5.1 The Secretary will convene a meeting of the President and Trustees within 14 days of the receipt of the request for an appeal and advise all parties of the date time and place of the meeting.
 - 5.2 The Secretary will provide the appeals committee with all the documentation of the case including the minutes of the initial hearing.
 - 5.3 The Secretary shall take the minutes of the appeal meeting but take no part in the discussions apart from to answer factual questions on the process.
 - 5.4 In all other respects the process will be the same for the initial hearing.
6. Eviction Appeal Procedure
- 6.1 In the event of a plot holder failing to take action from a final warning letter they may be evicted from the site.
 - 6.2 Plot holders can appeal against the eviction to the President and Trustees.
 - 6.3 Plot holders wishing to appeal should notify the Secretary in writing within 14 days of the receipt of the eviction letter.
 - 6.4 The process for an Eviction Appeal hearing shall be the same as the Appeals procedure outlined above.
7. This Disputes Hearing/Eviction Appeal Procedure was agreed at the AGM on 10 January 2017.