

# **NORMANTON TOWN COUNCIL**

## **ALLOTMENT APPEAL PROCEDURE**

### **1. Aim of the Allotment Appeal Procedure**

- 1.1 The Council aims to address all allotment appeals and, where they are found to be justified, to ensure that appropriate measures are taken.
- 1.2 It will:
  - ensure that anyone who wishes to appeal knows how to go about it;
  - respond to an appeal efficiently and within a reasonable time;
  - ensure that service users are satisfied that the appeal has been taken seriously and, where possible, reasonable measures have been taken to improve services.
- 1.3 All appeals will be dealt with in confidence, and the name of the appellant will not be revealed by the Town Council, except where it is the wish of the appellant.

### **2. What is an Appeal**

- 2.1 The Town Council will investigate an Allotment Appeal from a tenant, or their nominated representative, if it meets one of the following criteria:
  - An expression of dissatisfaction about the failure to provide or meet the expected standard of a service.
  - Neglect or delay in responding to a contact with the Council.
  - Failure to observe the Council's policies or procedures.
  - Harassment, bias or discrimination.
  - New mitigating information has come to light.
- 2.2 The Allotment Appeal Procedure does not cover:
  - Complaints about the conduct of Councillors. These should be reported to the Monitoring Officer at Wakefield Metropolitan District Council.
  - Where a person wishes to disagree with a Council decision or policy.
  - Anonymous complaints.

### **3. How to Appeal**

- 3.1 A formal written letter of appeal must be sent to the Town Clerk setting out the precise nature of your appeal and why you think the decision was wrong.

### **4. Appeal handling**

- 4.1 Within three working days of receipt of the appeal, the Town Clerk will give written acknowledgement of it, provide a copy of this appeals procedure and ascertain whether the appellant wishes the matter to be treated confidentially.
- 4.2 The formal appeal will be considered at the next meeting of the Allotments Committee. This should be held within 21 days.

- 4.3 At the meeting the Allotments Committee may resolve to exclude members of the public and press to ensure confidentiality. (Depending on whether the complainant wishes the matter to be dealt with in this way).
- 4.4 At the meeting, the Councillors will consider the appeal and will also include on the agenda the appointment of three members to a sub-committee with delegated power to continue handling the complaint (if necessary). The committee will have full delegated power to bring the complaint to a conclusion. The Allotment Committee will also resolve which member will be the Chairman of the Sub-Committee.
- 4.5 The Allotment Committee or Appeal Sub-Committee may appoint an independent person to the sub-committee if it resolves to do so, as an independent impartial arbitrator.
- 4.6 After the meeting, the Town Clerk will write to the complainant explaining the outcome of the Allotment Committee's consideration of the appeal and explaining how to take matters further if they believe this is necessary.
- 4.7 If the appellant wishes to pursue the matter, they must notify the Council in writing with their reasons for wanting to do so and a meeting of the sub-committee will be convened for the purpose of investigating the complaint further.
- 4.8 Notice of the sub-committee meeting will be advertised in the usual way to members of the committee, ie a summons and with three clear days' notice. A public notice will also be displayed in the usual way, ie posted in a conspicuous place in the parish and giving three clear days' notice.
- 4.9 Appellants will be asked by formal letter to attend the sub-committee meeting and will be informed that they may be accompanied by another person.
- 4.10 At the commencement of the meeting, the Sub-Committee Chairman will explain how the meeting will proceed.
- 4.11 Appellants will be asked to provide any new information or supporting evidence to the sub-committee and will be invited to make a verbal representation to the meeting.
- 4.12 Members of the sub-committee will be invited by the Chairman to ask questions of the appellant.
- 4.13 The Chairman of the Complaints Sub-Committee and then the appellant will summarise their respective positions
- 4.14 The appellant will then leave the meeting and the sub-committee will consider the further findings.
- 4.15 The appellant will be informed by formal letter of the conclusions of the process within five working days of the sub-committee meeting.
- 4.16 The sub-committee chairman will report the outcome of the process to the next meeting of the Council.
- 4.17 Minutes of the sub-committee meeting will be kept and will be available to all parties involved in the appeal.