



Ramsgate Town Council

ALLOTMENT APPEALS PROCEDURE

INTRODUCTION: This appeals procedure is designed to cut in when an individual Ramsgate Town Council (RTC) Allotment tenant wishes to ask for a review of a decision made by the **Chair of Council** pertaining to their plot.

Where will it apply?

- Where a tenancy is to be terminated because of non-cultivation or a gross breach of the Allotment rules.
- Where a tenant wishes to erect a structure that is non-compliant with RTC rules and policy.
- Where a tenant is instructed to remove a structure or a plant(s) because of a health and safety risk or nuisance to other tenants or the public.
- Permission is refused to allow the keeping of livestock or removal is ordered because of the condition of the livestock.

Where does it not apply?

- General complaints on RTC policy.
- Increases in rent or water charges.
- Election of Site representatives.
- Use of any delegated powers by RTC Staff such as the issue of non-cultivation orders or requests to tidy up a plot.
- Disputes with site representatives.
- Disputes that can be resolved by means of conciliation and arbitration which is most of them. Therefore, only the most serious cases where tenancy termination is envisaged are appropriate for this procedure.

What is the standard of proof of evidence? The Civil test of 'On the balance of probabilities'.

What is the Appeal hearing procedure?

1. A decision is given in writing to a tenant by an RTC Officer, under delegated powers. The original decision will have been made under delegated powers by the **Chair of Council**.
2. Decisions will be sent by recorded delivery to the address where the tenant is known to the Council and/or by email where available. Delivery will be deemed to have happened when the letter is accepted by the Post office.
3. The decision letter will include a section which will inform the tenant that **they** may make an appeal and how they may make that appeal.

4. The grounds for appeal will be: Insufficient evidence, wrong evidence, an unreasonable decision (the reasonable person test), not enough weight given to a plea of mitigation, and predetermination.
5. The Appellant will be given **14** days from the date of the letter to appeal in writing or by email.
6. An Appeal Panel will be set up consisting of the Chair of the Asset Management Committee, one other RTC Councillor, and a senior Council Officer. The Chair of Council, having made the original decision, will not sit on the Appeal Panel but may be called to provide background information if required.
7. An appeal hearing should take place within 1 (one) calendar month.
8. It should be as informal as possible, yet business like and objective.
9. The hearing should be held in private and the persons attending will be the Appeal Panel, the appellant and a friend, an RTC Officer to submit the evidence behind the original decision and appeal hearings will be recorded.
 - The meeting should start with the Panel Chair opening proceedings and reading out the details of the decision to the hearing.
 - The Panel will consider all written and verbal evidence, including any mitigating circumstances such as health, disability, or personal factors raised by the appellant.
 - The RTC Officer will next present the evidence on which the decision was based; updated with any new corroborative evidence gathered subsequent to the decision being made.
 - The Appellant is then invited to submit evidence or argument to persuade the panel to overturn in part or in full the original decision. The appellant's friend may attend for support only and is not permitted to speak on the matter or on behalf of the appellant unless expressly invited to do so by the Panel Chair. Where the appellant requires reasonable adjustments to enable them to participate fully in the hearing, the Panel will consider and make appropriate arrangements, which may include allowing the friend to assist in communication where necessary.
 - Each side should take no more than 20 minutes to submit their evidence. Evidence can be in the form of a written documents, photographs or witness evidence (personal testimonials should be restricted to a maximum of 2 for brevity of process). No other restriction.
 - After the evidence is given by both sides, the panel can ask questions of the Appellant and RTC Officer to satisfy themselves on various points arising in the appeal.
 - The Appellant and the RTC Officer will each be given 5 minutes to sum up their argument.

- During the appeal process, the original decision, including termination of tenancy, will be suspended until the outcome of the appeal is determined, unless exceptional circumstances apply relating to health and safety or legal risk.
- The Chair will close the hearing and tell the Appellant when a decision on the appeal will be made. The Appeal decision should be delivered to the Appellant within 7 days.
- The Appeal Panel may uphold the original decision, overturn the original decision, or reinstate the tenancy subject to conditions or a probationary period.
- All parties are reminded that they should not interrupt the other party or the Chair and should behave with dignity and forbearance. If the Appellant will not come to order; the Appeal Panel can dismiss the appeal forthwith. Any poor professional behaviour by the RTC Officer can be dealt with through the RTC internal disciplinary processes.
- The outcome of the appeal will be confirmed in writing to the appellant within 7 working days of the hearing and will include the reasons for the decision. A formal record of the appeal, including the evidence considered and the Panel's decision, will be retained in accordance with the Council's data retention policies.
- The decision of the appeal hearing is final under delegated powers from the Council and cannot be revoked by appeal to the Council.

This procedure will be reviewed annually, or sooner where required by changes in legislation, policy, or operational practice.

Revised 24th June 2026