

Non-Cultivation Warning Procedure:

- Perform your inspections as you have set out in your tenancy agreement (e.g. 4 times per year).
- If a plot appears to have fallen below the cultivation standard required of the plot holder in their agreement, an initial warning letter should be sent.
- This initial warning should state that they are in breach of the cultivation rule of their tenancy agreement. I would recommend detailing exactly where they are failing (e.g. not enough of the plot dug over ready for planting, too many weeds, etc.). I would then ask for them to respond within 14 days with either mitigating circumstances that explains the poor cultivation and/or an action plan that sets out how the plot holder intends to remedy the cultivation.
- If after the mitigating circumstances have passed the cultivation is still poor, or the action plan isn't being followed or you received no response to the first warning, a final warning can be sent.
- The final warning should set out exactly what is expected of the plot holder and should set a reasonable time limit for the works to be completed (same again, I wouldn't recommend less than 14 days).
- The final warning letter should also state that if the plot holder fails to complete these expected works, then a notice to quit may be supplied.
- If the time required in the final notice has passed and the plot holder has failed to sufficiently bring their plot up to a reasonable level of cultivation, then the Committee/Council can supply a 1 month notice to quit.

General Rule Breach Procedure:

I would recommend that you have a clear warning procedure leading to a notice to quit if the breach is not rectified. These notices should:

- have a clear address for the tenant to respond to (if they wish to respond in writing),
- clearly identify what rule has been breached (I would include the text of the particular rule in the warning),
- clearly explain what actions the tenant has taken that have put them in breach of the rule,
- and list what actions must be taken to rectify the breach (if any).

The NAS typically recommend that the first warning for a rule breach be kept on file for 6 months. For any similar rule breaches, a final warning can be issued and kept on file for 12 months. Finally, any similar rule breaches after the final warning can lead to a notice to quit.