Bishop Auckland Town Council General Appeals Panel

Monday 24th November 2025 11am

Present:

Cllrs Wilson, Wilkinson, and S Zair
S Harris Town Clerk, V Booth Deputy Clerk
Tenant of Plot 34-36 Mill Race and their partner.

GAP01.0/25 - Appointment of Chairman of the meeting

Cllr Wilkinson Nominated Cllr Zair and this was seconded by Cllr Wilson.

Resolved: that Cllr Zair then took the position of chair of the meeting

GAP02.0/25 Declarations of interest – no declarations were made

GAP03.0/25 ***Exclusion of Press and Public In accordance with the provisions of Section 1 of the Public Bodies (Admission to Meetings) Act 1960, as amended by Section 100 of the Local Government Act 1972, the Council do now exclude the press and public for the remaining item on the agenda by reason of the confidential nature of the business to be transacted since publicity would be prejudicial to the public interest*****.**

Resolved: that the exclusion of the press and public be made.

GAP04.0/ Appeal Against Decision of the Allotments & Environment Committee, 28th October 2025, (Minute No AEC030/25) to issue stage 3 enforcement action in relation to major tenancy breach on an allotment site.

The Clerk set out the proceedings in line with the appeals panel terms of reference and the procedure in the tenancy enforcement procedure and the Comments, Compliments and Complaints policy.

The Deputy Clerk set out the case of the Council, explaining that the tenant had been found to be on a vacant allotment plot, with another site tenant, working with a third party in a digger and installing a pipe. This had been deemed a serious tenancy breach, and escalated to the Allotment and Environment Committee who all agreed that this was a sever tenancy breach and therefore a stage 3 enforcement had been issued which is a Notice to Quit for termination of tenancy. A large number of the Town Council Allotment Rules and Regulations had been breached, including Legal Obligations of trespass, Health and Safety, etc. The Tenant had previously approached the Town Clerk about undertaking the works, and they had been told that they were not do it as a new supply of water was being costed. The Clerk advised that an extended period to vacate had been issued, an increase to 60 days instead of the Standard 30 days.

The tenant then presented their case, they advised that they has been caught undertaking works without permission by the Town Clerk and the Deputy Clerk, but they maintained that they were just trying to be helpful and hadn't intended to cause any harm. They appealed to the panel as they had been a tenant for 40 years, and if they were to have to leave could additional time be given to clear the plots.

The panel questioned the tenant, as to why they thought it was ok to do what they did, and he advised that he was just trying to be helpful and to get the water back on. They also asked if they had asked the Town Clerk about doing the work? He confirmed that that had been the case and he had ignored the advice of the Town Clerk and acted anyway.

The Deputy Clerk and Tenant left the meeting, before leaving the tenant was reminded that that they would be notified of the outcome of the appeal within 7 days, and that the panel's decision is final without any further right to appeal.

Resolved that: the Members of the Panel decided that the breach was sever but on this occasion due to the length of tenancy held that they would down grade to a stage 2 Formal Warning, which is subject to full pot inspection within a 10 days of the notification, if any rule breaches were found then the stage 3 would stand, and their would not be further right to appeal, if the inspection passed then the tenancy would be backdated, but the formal warning would remain on file for every future tenancy issued, so that any rule breaches would result in immediate eviction, with a standard 30 day period to vacate.

The tenant was written to with the outcome of the appeal specifying the above conditions.