



REPORT TO: CORPORATE COMMITTEE ON 29 AUGUST 2023

SUBJECT: DRAFT ALLOTMENT REGULATIONS - PUBLIC CONSULTATION

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 To inform the Committee of the requirement to make allotment site regulations and to seek Committee approval for public consultation on the draft Allotment Regulations, set out in **Appendix 1** in accordance with the Council's duties under Part 9 of the Community Empowerment (Scotland) Act 2015
- 1.2 This report is submitted to Committee in terms of Section III (B) (41) of the Council's Scheme of Administration relating to formulating and reviewing Council wide policy, strategies, priorities and objectives in relation to cross cutting issues. .

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- (i) **approves in principle the draft Allotment Regulations set out in Appendix 1;**
- (ii) **agrees to officers carrying out a public consultation on the draft Allotment Regulations, in accordance with the Council's duties under Part 9 of the Community Empowerment (Scotland) Act 2015; and**
- (iii) **note that a report will be brought to this Committee after the public consultation with details of any representations made together with a proposed final version of proposed Allotment Regulations, for consideration and approval.**

3. **BACKGROUND/**

- 3.1 The revised Moray Council Allotment Policy (**Appendix 2**) was approved at Corporate Committee on the 15 March 2022 (paragraph 10 of the minute refers) It was also agreed that the duty to maintain waiting lists, make allotment site regulations and progress the provision of allotments in line with the legislation be delegated to the Head of Education Resources and Communities.
- 3.2 Draft Allotment Regulations have been prepared (**Appendix 1**), which set out the required regulations for allotments as set out by the Community Empowerment (Scotland) 2015 Act. This includes mandatory requirements covering allocation of allotments, rent, cultivation, maintenance, buildings and other structures that may be erected, the keeping of livestock, landlord inspections and make provision for the delegation of some of the Council's functions in relation to allotments as set out in the revised allotment policy.
- 3.3 In terms of Part 9 of the Community Empowerment (Scotland) 2015 Act public consultation is required on the proposals before Allotment Regulations can be adopted by the Council. In accordance with the legislation the following is required:-
- At least one month before making the regulations, the Council must place an advertisement in at least one newspaper in circulation in the local authority area giving notice of:
 - the Council's intention to make the regulations;
 - the general purpose of the proposed regulations;
 - where the proposed regulations can be inspected;
 - the fact that any person can make written representations in relation to the proposed regulations;
 - provide a timescale within which someone can make representations,
 - provide the address to which representations must be sent.
 - The Council must make copies of the proposed regulations available for inspection by the public without payment at its office, and if practical at the allotment sites to which the regulations are to apply.
 - The public consultation process will be managed online through the Moray Council consultation web page. This will provide access to the relevant information and provide the means by which representation can be made.
- 3.4 Following this period of public consultation a report with details of representations and a proposed final version of proposed Allotment Regulations will be brought back to Corporate Committee for consideration and approval.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

This report links to the Corporate Plan Priority

- Empowering and supporting communities to build capacity

And the LOIP outcome

- Empowering and Connecting Communities

(b) Policy and Legal

Under the terms of the Community Empowerment (Scotland) Act 2015 Section 9, The Council is required to produce draft allotment regulations which must go out for public consultation

(c) Financial implications

There are no specific financial implications arising as a result of this report.

(d) Risk Implications

If the consultation on the draft regulations does not take place, the Council will be in breach of its statutory requirements under the Community Empowerment (Scotland) Act 2015

(e) Staffing Implications

There are no specific staffing implications arising as a result of this report.

(f) Property

There are no specific property implications arising as a result of this report

(g) Equalities/Socio Economic Impact

There are no equalities or socio-economic issues arising directly from this report

(h) Climate Change and Biodiversity Impacts

Section 7 of the draft allotment regulations concerns the cultivation of allotments and includes a clause about encouraging allotment tenants to improve biodiversity within their allotment plot.

(i) Consultations

The Head of Governance, Strategy and Performance; the Acting Head of Education Resources and Communities; the Head of Housing and Property; the Head of Economic Growth and Development; the Head of Environmental and Commercial Services; the Chief Financial Officer, Lindsey Robinson, Committee Services Officer; the Head of HR, ICT & OD; the Human Resources Manager and the Equal Opportunities Officer have been consulted on this report and are in agreement with the contents as regards their respective responsibilities.

5. CONCLUSION

- 5.1 The Committee is asked to approve in principle the draft Allotment Regulations set out in Appendix 1 and that officers carry out a public consultation on the draft Allotment Regulations , as required under Part 9 of the Community Empowerment (Scotland) Act 2015**

Author of Report: Dawn Brodie, Community Learning and Engagement Manager

Background Papers: Appendix 1: Allotment Regulations
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