



## Moray Council Allotment Policy

### 1. Introduction

1.1 Allotments can provide the people of Moray with a number of benefits and can contribute to a number of objectives of Moray Council and its partners. They can produce good quality food which will contribute to food security planning; reduced carbon emission associated with importing foodstuffs and help meet the Climate Change challenge. They provide a healthy activity benefitting people's physical and mental wellbeing and the food produced can encourage healthy eating and help tackle obesity. They contribute to the partnership aim of building strong and sustainable communities by encouraging community engagement, through opportunities for lifelong learning and developing the capacity of local communities to contribute and respond to health, food security, environmental and community issues.

1.2 The Community Empowerment (Scotland) Act 2015 Act updates and simplifies legislation on allotments and allotment sites and places certain duties upon local authorities. These include the **requirement** to maintain waiting lists, take reasonable steps to provide allotments if the waiting lists exceed certain trigger points and develop allotment site regulations.

- 1.3 The meaning of 'allotment' and 'allotment site' are defined within the act as;

Allotment means land that –

Is owned or leased by the local authority

Is leased or intended for lease by a person from the authority,

AND

Is used or intended for use –

Wholly or mainly for the cultivation of vegetables, fruit, herbs or flowers,

AND

Otherwise than with a view to making a profit

Allotment site means land that –

Consists wholly or partly of allotments, AND

Land owned or leased by a local authority that may be used by tenants of allotments in their use of allotments

Community Management Group –

A group who represents the interests of all or the majority of the tenants of the allotments on a particular site. The 2015 Act sets out the management functions that are permitted to be delegated to an individual or group.

## 2. Policy Statement

- 2.1 This policy is to provide guidance and principles that will allow the Council to work with all stakeholders to identify and develop allotment sites. It also provides information on responsibilities and guidance to support partnership working between Moray Council, voluntary sector agencies, Community Management Groups, and other stakeholders in managing allotment provision.

## 3. Policy Objectives

- 3.1 The Council will work with voluntary sector agencies, Community Management Groups, individuals and statutory organisations to deliver allotments which are:
- Community led through Community Management Groups;
  - Valued and valuable local green spaces, which protect and enhance the environment and promote improved biodiversity;
  - Providing amenity;
  - Easily accessible for all;

- Well maintained;
- Well used, with a high rate of occupancy;
- Fit for purpose, with appropriate facilities;
- Managed consistently and well, in collaboration with empowered community groups;
- Economically sustainable

## 4. Policy

### 4.1 Waiting Lists

4.1.1 The Council will disseminate, and also display on the Council's website, information about all current allotment sites within Moray, including leased and privately managed sites.

4.1.2 Where allotment sites aren't currently available the Council has a duty to establish and maintain a waiting list of residents who have requested an allotment. The Waiting List will be recorded on a community-by-community basis.

4.1.3 Individuals who wish to have their name added to their local waiting list will complete an Allotment Application form, which will be available to download on the Moray Council website (or by hard copy available on request from the Moray Council Contact Centre), and submit it to the council. Once received it will be held on the relevant "Waiting List". Requests for allotments will only be accepted from persons over the age of 18 who are resident in Moray.

The Waiting List will include

- The name and contact details of the person making the request
- Any special requirements;
- The size of allotment requested, if specified but no more than 250 square metres (full plot size).
- Information about the distance of the person from nearby allotment sites;

And

- The date on which the person was added to the list.

4.1.4 The Council will publish details of length of waiting lists on a community basis.

4.1.5 Details of people on a waiting list held by a Community Management Group MUST be shared with Moray Council to enable the Council to meet the requirements set out in the Community Empowerment Act for managing waiting lists and providing sufficient space for allotments.

## 4.2 Allotment Provision

The Community Empowerment (Scotland) Act 2015 Act, under Section 112, requires that once the waiting list within a particular community reaches 15 applicant, the Council takes reasonable steps to provide allotments including, but not limited to:

- Analysing demand
- Disseminating information
- Developing partnership working
- Identifying all land in the area that is suitable for growing
- Ensuring there is sufficient suitable land to satisfy future demand
- Understanding individual needs of those on the waiting list

### 4.2 Analysing Demand

4.2.1 The Council will consult with a wide range of stakeholders when carrying out an analysis of demand for allotments within a community and use on-line consultations and other methods to obtain the views of local residents. The analysis should identify local residents' needs in terms of the growing space that they need and want, and where that demand is located.

### 4.3 Disseminating information

4.3.1 The Council will advise communities once a waiting list has reached 15 applicants and clearly communicate next steps for that community.

### 4.4 Developing Partnership Working

4.4.1 Services across Moray Council will work together and with voluntary sector agencies, Community Management Groups, individuals, and other stakeholders in the design and delivery of new allotment sites.

4.4.2 The Council will work with partners to identify and support the establishment of Community Management Groups. Where these groups are suitable and willing they can apply to have management responsibilities for allotment sites delegated.

4.4.3 In order to be considered suitable a Community Management Group must:

- a) Have a suitable constitution;
- b) Be able to show it is representative of at least a majority of tenants/residents;
- c) Show an understanding of the regulations relating to the management of allotment sites in Moray.

#### **4.5 Identifying all land in the area that is suitable for growing**

4.5.1 The Community Empowerment (Scotland) Act 2015 requires each local authority to prepare a food growing strategy.

4.5.2 [The Moray Food Growing Strategy](#) aims to ensure there are more opportunities for people who would like to grow their own food to do so. A variety of different community food growing spaces including allotments have been identified in towns and villages across Moray.

4.5.3 The Council will engage with communities, Council Services and other stakeholders to identify potential allotment sites within Moray.

4.5.4 Where Council-owned land has been identified by the Council for provision of allotments, and a Community Management Group is available, the Council will ensure the land is accessible and serviceable and lease the land to the Community Management Group who will be responsible for developing and managing the allotments.

4.5.5 The Council will support Community Management Groups by obtaining planning permission for identified allotment sites.

4.5.6 The Council will work with partners to support Community Management Groups to develop allotment sites by signposting resources and sharing best practice.

#### **4.6 Ensuring there is sufficient suitable land to satisfy future demand**

4.6.1 Where there is an unmet demand for allotments and there is no suitable Council owned land available, the Council will work with partners to approach private landowners to discuss options for making additional land available for allotments provision and support Community Management Groups to agree lease arrangements with the relevant landowner.

4.6.2 If there is sufficient demand but no current Community Management Group then the council should consider direct provision, with ongoing capacity building support provided to the allotment users to develop into a management group, at which point the council can lease to the Community Management Group.

#### **4.7 Understanding individual needs of those on the waiting list**

4.7.1 The Council will work with partners to offer allotments of the size requested as reasonably close to a person's place of residence as possible (where possible within a 3 mile radius of the person's residence or within a 20 minute journey on public transport).

4.7.2 If the closest available size of allotment to that which was requested is offered and rejected, the person shall remain on the list until an allotment of the size requested is offered and accepted.

- 4.7.3 To ensure those on the list have the best chance of obtaining the size of allotment requested, the Council will signpost individuals to private sites in the area, and remove the individual from the waiting list if they subsequently accept such an alternative arrangement and formally withdraw their request for an allotment from the local authority.

## 5. Lease Arrangements

- 5.1 Leases between the Council and Community Management Groups will take into consideration the relevant provisions of the Community Empowerment Act.

## 6. Allotment Site Regulations

- 6.1 The Council will make allotment site regulations which provide for all allotments within the local authority area, which may include different provisions for different areas or allotment sites. The Council will consult widely with a wide range of stakeholders (e.g. allotment holders and persons on the waiting list) and take their views into consideration when preparing regulations.

## 7. Delegation of Management of sites

- 7.1 Where a site is leased by a Community Management Group they have the right to request delegation of management functions (to the extent of the functions listed in section 123(3) of the Community Empowerment Act. Delegation of functions is not a substitute for local authority duties regarding the management of allotment sites and waiting lists, and the setting of regulations.

7.1.1 In this instance management functions relates to all actions regarding the management of allotment sites.

7.1.2 Requests must be made in writing (or email) and must include both the name and address of the person(s) making the request and any other information necessary to handle the request.

7.1.3 Once a request is made the Council will respond with its decision within 28 days of the initial request, unless further information is required.

7.1.4 Where the Council requires further information this will be made no more than 14 days after the date of the initial request.

- 7.1.5 Where there has been a request for additional information the Council will take no more than 56 days from the initial application to determine the outcome of the request.
- 7.1.6 If a request is approved then an agreement will be created in collaboration with the group making the request as to which duties will be delegated and when that delegation will be reviewed.
- 7.1.7 Where a request is refused the group will be informed as to the reasons why.
- 7.1.8 Where a subsequent request is made following a refusal the group is expected to outline any actions that have been taken to address the reasons for the initial refusal.
- 7.1.9 The Council will monitor the operation of delegated functions. Any material disagreement between the local authority and Community Management Group will be dealt with under the Councils existing complaints procedure.
- 7.1.10 The Council has the power to revoke delegated functions where it reasonably believes that they are not being carried out satisfactorily.

7.2 At the entrance to each allotment site a full list of all regulations relating to the allotment site will be displayed.

## **8. Use of Council and other premises for meetings**

- 8.1 A Community Management Group may request use, free of charge, of a Council premises, or a premises run on the Council's behalf, for the purposes of holding a meeting of the tenants of allotments on the site about the site.
- 8.2 The request must be made in writing, contain contact information and details of the proposed meeting and be made at least one month before the date on which the meeting is proposed to take place.
- 8.3 The Council must within 14 days of receiving the request
- Grant the request
  - Offer the person an alternative date, time or location for the proposed meeting, or

- Refuse the request.

## **9. Disposal of Allotment Sites Owned by the Council**

9.1 The Council may not dispose of, or change the use of, the whole or part of an allotment site without the written consent of the Scottish Ministers. Any transfer of ownership of whole or part of an allotment site without the consent of the Scottish Ministers will be of no effect.

9.2 The Council must offer the tenant of the affected allotment(s) a lease of another allotment of an area the same as or similar to that of the tenant's allotment on the same allotment site or within a reasonable distance of the allotment site, if practical and necessary.

## **10. Termination of lease of allotment or allotment site**

10.1 The Council may terminate the lease of the whole or part of the allotment or allotment site on a specified date but only if;

10.1.1 The tenant of the allotment or the allotment site has been given one month's notice of termination in writing where there has been a breach of allotment site regulations by the tenant.

Or

10.1.2 The tenant of the allotment or the allotment site has been given notice of termination in writing at least one year before the specified date if the Scottish Ministers have consented to the disposal or change of use of the allotment site or the renunciation by the Council of lease of the site.

## **11. Resumption of allotment or allotment site by local authority**

11.1 Where a Community Management Group or other group of individuals leases an allotment or an allotment site from the Council, the Council may resume possession of the whole or part of the allotment or the allotment site only if

- (i) The resumption is required for building, mining or any other industrial purpose or for the construction, maintenance or repair of any roads or sewers necessary in connection with any such purpose

And

- (ii) The Council has given the required notice in writing at least three months before the date on which the resumption is to take place and it specifies that date

And



(iii) The Scottish Ministers have consented to the notice

11.2 The Council must offer the tenant of the affected allotment(s) a lease of another allotment of an area the same as or similar to that of the tenant's allotment on the same allotment site or within a reasonable distance of the allotment site, if practical and necessary.

## 12. Annual Allotments Report

12.1 By the 30<sup>th</sup> June each year, an annual report will be prepared covering;

For each allotment site-

- Location, size, and number of allotments
- Number of persons on waiting list as of last day of reporting year
- Number of persons waiting more than 5 years on list

Where the list is more than 15 or more than one person has been on list for more than 5 years-

- Any reasonable steps being taken to address the need of these person(s)
- Reasons why the duty to provide has not been met

General-

- Number of persons added/remove from lists
- Any other reasonable and relevant information relating to the performance of allotment sites

12.2 The report will be published on the Council's website.

## 13 Allotment Requests - Tasks and Responsibilities

Supporting the development of allotments requires work across several Council services. These are outlined in the table below.

|   | <b>Task</b>   | <b>Responsibility</b> | <b>Lead Officer</b> |
|---|---|-----------------------|---------------------|
| 1 | Point of contact for enquiries – through dedicated e-mail address | Communities Service   |                     |
| 2 | Updating allotments page on Council website                       | Communities Service   |                     |
| 3 | Management of waiting list  | Communities Service   |                     |

|     |  |                                     |  |
|-----|--|-------------------------------------|--|
| 4   | Capacity building support for Community Management Groups to become established  | Communities Service                 |  |
| 5   | Identification of land suitable for allotments   | Economic Growth & Development       |  |
| 6   | Provision of technical information on specific sites (access, utilities, basic infrastructure)   | Economic Growth & Development       |  |
| 7   | Preparation and submission of planning application   | Economic Growth & Development       |  |
| 8   | Undertaking works to ensure allotment site is accessible and serviceable   | Housing & Property Services         |  |
| 9   | Drawing up of lease  | Housing & Property Services         |  |
| 10  | Development of Allotment Site Regulations  | Housing & Property Services         |  |
| 11a | Annual report<br>Information on waiting lists and actions taken to meet need.  | Communities Service                 |  |
| 11b | Annual Report<br>information on current sites and occupation levels  | Economic Growth & Development       |  |
| 11c | Annual Report – information on all available sites on website  | Economic Growth & Development       |  |
|     | <b>If the trigger number on the list is reached and a community management group cannot be established to develop and manage the site then there will be additional tasks to set up a site and manage the allotments on an ongoing basis</b> |                                     |  |
| a   | Identifying suitable sites for allotments  | Economic Growth & Development       |  |
| b   | Securing sites for allotments  | Housing & Property Services         |  |
| c   | Developing sites to create allotments  | Housing and Property Services       |  |
| d   | Setting of fees for allotment holders  | Environmental & Commercial Services |  |

|   |   |                                     |  |
|---|---|-------------------------------------|--|
| e | Administration work to collect annual fees for sites                            | Environmental & Commercial Services |  |
| f | Inspection of sites   | Environmental & Commercial Services |  |
| g | Capacity building support for allotment management groups to become established | Communities Service                 |  |

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