



REPORT TO: CORPORATE COMMITTEE ON 15 MARCH 2022

SUBJECT: ALLOTMENT POLICY

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

1. REASON FOR REPORT

- 1.1 To inform the Committee of the requirement to update the Council's Allotment Policy and to seek approval of the revised policy.
- 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 standards and levels service.

2. RECOMMENDATION

2.1 It is recommended that Committee:

- (i) consider and approve the revised Allotment Policy as set out in Appendix 1; and**
- (ii) delegate the duty to maintain waiting lists, make allotment site regulations and progress the provision of allotments in line with the legislation to the Head of Education Resources and Communities.**

3. BACKGROUND

- 3.1 The current council allotment policy was approved by the Policy and Resources Committee at its meeting on 25 May 2010 (para 5 of the Minute refers) and has not yet been adapted to reflect Part 9 of the Community Empowerment (Scotland) Act 2015, which came into effect on 24 July 2015 and 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 list in a community reaches 15 and to make allotment site regulations.
- 3.2 This policy sits alongside the [Moray Food Growing Strategy 2020](#) which aims to increase the number of food growing areas across Moray and identifies potentially suitable land for allotments and other food growing areas in Moray.

- 3.3 Allotments can provide people with an opportunity to produce their own good quality healthy food which in turn benefits their physical and mental wellbeing.
- 3.4 Part 9 of the Community Empowerment (Scotland) Act 2015 defines allotments as land that is owned or leased by a local authority and used wholly or mainly for the cultivation of vegetables, fruit, herbs or flowers and not for profit.
- 3.5 Currently, Moray Council does not own or manage any allotment sites in Moray but does lease land in Cullen to the Cullen Community Allotment Association for the provision of allotment sites. However, in the event that there is sufficient demand (15 or more people in a locality), but no recognised community group, then there is a requirement for the local authority to actively look at direct provision.
- 3.6 This policy update provides guidance and principles that will allow the Council to work with all stakeholders to identify and develop allotment sites in line with the requirements of Part 9 of the Community Empowerment (Scotland) Act 2015. It also provides information on responsibilities and guidance to support partnership working between Moray Council, allotment community management groups and other stakeholders in managing allotment provision.

4. SUMMARY OF IMPLICATIONS

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

This report links to the LOIP outcomes:

- Empowering and Connecting Communities

And the Corporate Plan Priority:

- Empowering and supporting communities to build capacity

(b) Policy and Legal

The Council is required to produce an updated policy under the terms of the Community Empowerment (Scotland) Act 2015 - Section 9 Allotments

(c) Financial implications

Financial implications will be dependent on the future demand for allotments in Moray.

Where council owned land is required for the provision of allotments there may be capital implications in terms of developing the land for allotments, and ensuring the land is accessible and serviceable.

If the demand for allotments increases there will be implications across the services where there isn't currently sufficient resource to carry out the tasks highlighted in the policy (section 12). Additional staffing resource may be required to ensure we are able to meet the policy obligations within the required timescales.

Corporate Management Team Additional Expenditure Warning

When the Council approved the budget for 2021/22 on 3 March 2021 (paragraph 3 of the Minute refers) it balanced only by using one-off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make significant savings in future years. All financial decisions must be made in this context and only essential additional expenditure should be agreed in the course of the year. In making this determination the committee should consider whether the financial risk to the Council of incurring additional expenditure outweighs the risk to the Council of not incurring that expenditure, as set out in the risk section below and whether a decision on funding could reasonably be deferred until the budget for future years is approved.

(d) Risk Implications

If the Policy is not approved the Council will be in breach of its statutory requirements under the Community Empowerment (Scotland) Act 2015.

Officers have received requests for allotment provision from individuals and community groups. Without an updated, approved policy officers are unable to respond to requests in a timely and satisfactory manner.

(e) Staffing Implications

There will be demands on staff time if community waiting lists exceed 15, and the council is required to identify and develop allotments, and potentially manage allotment sites until a Community Group can be supported to become established.

There will be a further report to Committee should the demand for allotments start to exceed the capacity of officers within the different teams to meet the obligations as set out in the policy document.

(f) Property

The Property implications are as highlighted in this report and the draft Allotments Policy, with the Council required to identify, develop and lease or manage allotments sites on Council owned land where there is a demand for allotment provision within a specified community.

The requirement for the Council to own or lease allotment sites will need to be taken into account when considering potential Community Asset Transfer requests for land falling into the category of allotment, or identified in the Council's Food Growing Strategy or Local Development Plan as suitable for allotments or food growing, as agreeing to such requests would restrict the Council's ability to carry out its functions under the Community Empowerment Act.

(g) Equalities/Socio Economic Impact

This policy will support equitable access to allotment provision across all Moray communities. There is a requirement that all allotment sites have suitable access, and can be accessed by individuals within protected groups if required.

(h) Climate Change and Biodiversity Impacts

This policy helps the climate emergency by supporting biodiversity, and local food growing. Local Food Growth can support the reduction in carbon emissions associated with importing and transporting food.

(i) Consultations

Head of Housing and Property, Head of Economic Growth and Development, Head of Environmental and Commercial Services, Chief Financial Officer, Legal Services Manager, Lissa Rowan, Committee Services Officer, Paul Connor, Principal Accountant, the Human Resources Manager and the Equal Opportunities Officer have been consulted and the comments received have been incorporated into the report.

5. CONCLUSION

5.1 The Committee is asked to consider and approve the updated policy on Allotments as required under Part 9 of the Community Empowerment (Scotland) Act 2015.

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Background Papers:

Ref: SPMAN-1315769894-267
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