

## Process towards new Community Empowerment and Renewal (Scotland) Act.

### Background document for Allotment holders in Scotland

For: Scottish Allotments and Gardens Society and Glasgow Allotments Forum

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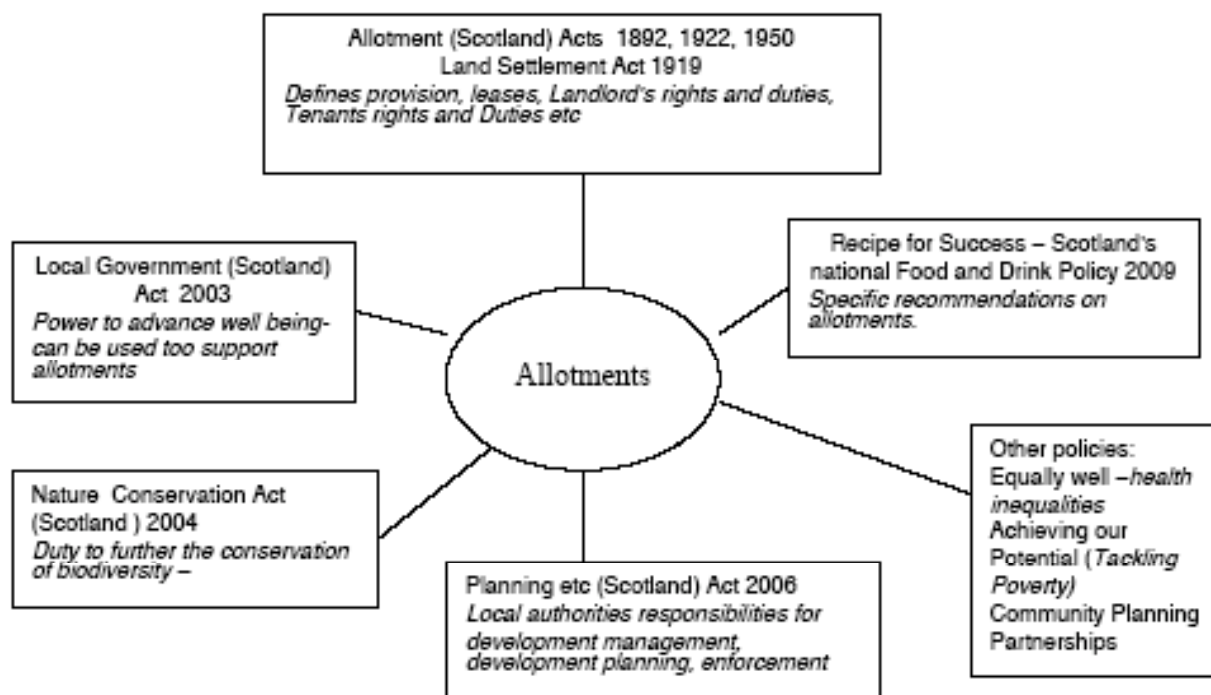
Date: August 1<sup>st</sup> 2012

If you want a small space to grow your own vegetables, listen to the birds, learn how to garden from your fellow plot-holders, share your despair at the weather, the slugs and snails but rejoice in your fantastic peas or strawberries then please respond to the consultation. If you already have a plot please respond to enable others to have one as well and to make sure that your allotment site is secure and sustainable.

### 1. Why a Bill?

A Bill reflects the will of the people for a change in their circumstances. In 1892 in the industrial revolution the first Allotments (Scotland) Act was enacted. It reflected the poverty at the time and the need for ordinary people to have a plot of land to grow food. The Act placed responsibility on the Council to provide and manage this and on the tenants to look after the land. It provided the framework for the Councils to set up allotments. Parts of this Act are still in force but the long waiting lists in several parts of the country show that there is a need today for new legislation to encourage local authorities to work with the allotment community to realize the physical and social resource that allotments provide.

### Scottish Government legislation already in place that affects allotments:



Existing legislation can be used to improve and increase allotments but the local authorities have discretionary powers in how they allocate budgets and their priorities. Among the suggested aims of the new Bill are *to strengthen the participation of communities*, *to unlock the knowledge, ability and potential of all Scotlands communities* *Strengthen opportunities for communities to take independent action to achieve their own goals and aspirations and ensure communities are able o have a greater role in how their local public sector services are delivered.* The allotment community must decide what we would like to happen, how this can happen and the safeguards that should be put in place to protect allotments

## **2. Background to Consultation:**

The Scottish Government has always been committed to Scotland's communities being supported to do things for themselves and to people having their voices heard in decisions that affect their area. The 2011 manifesto commitment reinforced this commitment by proposing the development of a Community Empowerment and Renewal Bill to make it easier for communities to take over public sector assets that are not used or underused and to help communities deal more effectively with vacant or derelict property in their areas.

The Scottish Government has also welcomed the Christie Commission's recommendation that the Bill consider ways to strengthen the participation of communities in the planning and delivery of services. We need to ensure our public services are high quality, continually improving, and efficient and responsive to local people's needs.

### **2.1 Purpose of consultation**

The Scottish Government have worked closely with partners across the wider public, private, third and community sectors to develop ideas for the Bill. Listening to people with interest and experience across the sectors will help us to develop effective and meaningful legislation that will support and enable communities to become more empowered, so they may achieve the best outcomes for local people.

A public consultation on the proposed Bill was launched on 6 June 2012 and will run until 26 September 2012. This exploratory consultation contains a range of ideas that aim to strengthen opportunities for communities to take independent action to achieve their own goals and aspirations and ensure communities are able to have a greater role in determining how their local public services are delivered.

The responses to this consultation will help decide what ideas are taken forward in a draft Bill. A consultation on the draft Bill is planned for Summer 2013 and, parliamentary timetable permitting, the Bill will be introduced in Winter 2013.

### **2.2 To comment on Consultation (until 26<sup>th</sup> September 2012):**

The shortened version of the consultation document can be downloaded from [www.scotland.gov.uk/consultation](http://www.scotland.gov.uk/consultation)

The full version is available on [www.scotland.gov.uk/Publications/2012/06/downloads](http://www.scotland.gov.uk/Publications/2012/06/downloads)

- Glasgow Allotments Forum is holding an open meeting on August 8<sup>th</sup> 2012 with presentations on the Consultation followed by a workshop to inform the GAF team writing the response.
- Scottish Allotments and Gardens Society will circulate a draft SAGS response to all members in August.
- From the Scottish Government  
*Updates and news on events relating to the development of the Bill will be shared via the Scottish Government website - dedicated community empowerment pages are being developed and we will be encouraging you to share your stories and experiences.*  
*For those who like engaging through twitter please follow the Bill via @CommEmpower and help the Community Empowerment Unit keep track of discussions on the Bill by using #scotCERB.*  
*If anyone would like to contact the Community Empowerment Unit - please email us at [community.empowerment@scotland.gsi.gov.uk](mailto:community.empowerment@scotland.gsi.gov.uk).*

Date	Process	Comment	Actions
Up to 26 <sup>th</sup> Sept 2012	CONSULTATION	<ul style="list-style-type: none"> <li>• WHY: vision for allotments – what we would like to see</li>   <li>• HOW: what <b>legislation</b> would really make a difference?</li>   <li>• WHAT: produce data and evidence to back up suggestions for legislation. Show that allotments fulfill a need and should be part of this Bill</li> </ul>	<p><i>Enthuse, show the passion and the contribution allotments make to the wider political agenda</i></p> <p><i>Check what existing legislation, policies and structure are there but not implemented and exploited.</i></p> <p><i>Clear simple requests for new legislation</i></p> <p><i>Need strong evidence and case studies to make our case</i></p>
2012-2013 on-going	Reference group with SG, COSLA and NGOs to monitor process	COSLA key player in this	<i>Make sure Council representatives have documents we produce.</i>
Oct/Nov 2012	RESPONSES ON WEB Collated by SG	what other people have said including responses from <ul style="list-style-type: none"> <li>• Councils</li> <li>• Other growing communities</li> </ul>	<i>Consider suggestions</i>
Nov 2012	MINISTER agrees content of draft Bill		<i>Hope</i>
Nov 2012– Jan 2013	DRAFT BILL	<ul style="list-style-type: none"> <li>• draft has to go though legal eagles; Environmental, Equality, Business etc assessments; financial implications and get Cabinet sign off</li> </ul>	<i>Remember this when producing data and evidence – must have strong case for all these areas.</i>
Summer 2013	Full Consultation on a Draft Bill	Another opportunity to offer comments – but this time on specific proposals for legislation as they would appear in a law	<i>Need to be very clear that there is full support from plot-holders to alter or retain any specific proposals affecting allotments.</i>
Winter 2013	Bill introduced to Parliament	Goes through three stages Local Govt and Regen committee in the lead. Evidence is taken by committee and debates held in full Parliament. Amendments can be tabled and debated.	<p><i>Discuss this with our MSPs</i></p> <p><i>Offer libations to the gods</i></p> <p>.</p>
Summer 2014	Bill approved by Parliament and becomes an Act	Big PR exercise	<i>Decide next steps in how we use this to achieve vision!</i>

#### **4. Background Information on Councils and allotments:**

##### **4.1 COSLA Allotments in Scotland Guidance Notes for Scottish Councils: endorsed by COSLA's Environment, Sustainability and Community Safety Executive Group in June 2006.**

**[www.sags.org.uk/docs/legal/CoslaGuidelines.pdf](http://www.sags.org.uk/docs/legal/CoslaGuidelines.pdf)**

These guidelines were produced as result of a petition to Parliament from SAGS in 2001 and the resulting inquiry into allotments by the Local Government Committee in 2002.

This is an important document because it outlines the benefits of allotments, the legal responsibilities of Councils although the recommendations are only 'good practice.'

#### **ROLE OF COUNCILS**

##### **Legislative Background**

*The powers and obligations vested in a council are to be found in the Allotments (Scotland) Acts of 1892, 1922 and 1950 and the Land Settlement (Scotland) Act 1919.*

##### **Councils are required to:**

- *Consider any representations made by local residents to the effect that a council needs to take action in terms of the Allotments (Scotland) Act 1892.*
- *Acquire any suitable land that may be available to be let as allotments to local residents where either through representations by the public or through other means a council concludes there is a demand for allotments. Such land may be within or outwith the council's boundary.*
- *Make the allotment regulations known by such means as it thinks fit, and provide to any local resident, on demand, a free copy of the regulations.*
- *Keep a register available for public inspection showing the details of (i) the tenancy acreage and rent of each allotment and (ii) any unlet allotments.*
- *Provide an annual statement of accounts in respect of the council's allotment provision.*

##### **Councils have powers to:**

- *Acquire land through purchase or lease and to do so by agreement or through compulsory measure.*
- *Improve the land acquired for allotments. This may be by enclosing the land, draining it, dividing it into allotments, or creating approaches or roads.*
- *Make regulations as they consider appropriate to regulate the letting of allotments. This covers matters such as eligibility, size of allotments, conditions as to how they may be cultivated, rent, and period of notice. Such regulations require to be put to public consultation and then to Scottish Ministers for confirmation.*

*Councils should also give consideration to using other legislative tools such as the Power to Advance Well Being, contained with the Local Government in Scotland Act, as a means to furthering allotment provision.*

#### **COSLA Good Practice advice :**

These should be considered when responding to the CERB consultation:

- Councils are encouraged to establish a clear point of officer contact for all queries relating to allotments. Requests for allotments should be dealt with in a clear and transparent manner.

*Comment: to comply with the 1892 Act a list of requests for allotments should be kept.*

- Councils are encouraged to accurately assess the number of plots within their area and the demand for them. When forming local plans, councils should count allotments separately from other forms of green space.

*Comment: the typology in PAN 65 [www.scotland.gov.uk/Resource/Doc/225179/0060935.pdf](http://www.scotland.gov.uk/Resource/Doc/225179/0060935.pdf) lists Allotments separately although this has not been recognized in some greenspace audits and development recommendations*

- Councils should undertake the promotion of underused sites and take steps to promote allotment gardening as part of sustainability and healthy living initiatives.
- In line with the likely future requirements for local authorities to have regard to open and green space audits, an 'early warning scheme' should be established to alert officers with responsibility for allotments as to any planning application that might impact on allotment sites.

#### **4.2 Council sites:**

In 2010 the total number of Council plots was 4465 with a recorded number on waiting lists of 5849.

Glasgow has formed 5 new sites since 2009 but still has 1922 Constitution and 1959 rules.

It was reported that in 2010<sup>1</sup>, Argyll and Bute, Clackmannanshire, East Ayrshire, East Dunbartonshire, East Renfrewshire, Moray, North Ayrshire, North Lanarkshire, Perth & Kinross, West Lothian and Western Isles do not keep waiting lists and deny they have Council allotments.

#### **5. Land:**

The Audit of 2007 reported that there were 211 active allotment sites in Scotland with a minimum of 6,300 individual plots. 69% of the sites are local authority owned and 23% are independently owned (8% the ownership was unclear). Between 2007 and 2010, 27 new allotment sites were formed, 24 on private land or associated with housing associations and Development Trusts.

Historically in Scotland there was a distinction between 'allotment' and 'allotment garden' (1). An allotment was quite a large piece of land (at least an acre) and could be used to keep livestock. An allotment garden (plot) was originally defined in law as being not more than 40 poles (that is ¼ acre or about 1000sq. m.). Today 200/250sqm is often regarded as a typical plot size, but in fact the size (and shape) will depend on what can be fitted into the site. Plot-holders work full plots, half plots or even quarter plots. Modern allotment sites often have plots rented by community groups and may also have common areas for the amenity of all plot holders on the site.

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<sup>1</sup> [http://www.transitiontownwestkirby.org.uk/files/allotment\\_waiting\\_lists\\_scotland\\_2010.xls](http://www.transitiontownwestkirby.org.uk/files/allotment_waiting_lists_scotland_2010.xls)