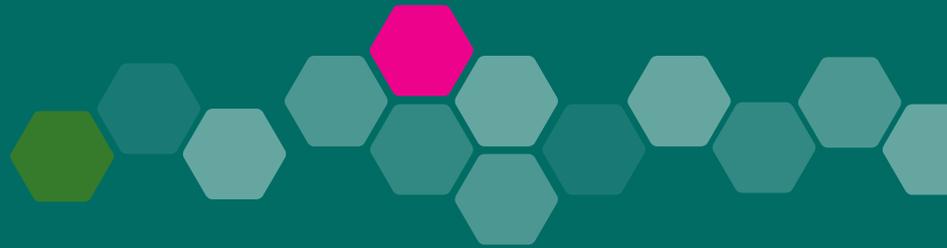




Allotments - Further Guidance for Local Authorities (Community Empowerment (Scotland) Act 2015 Part 9): Analysis of Consultation Responses



AGRICULTURE, ENVIRONMENT AND MARINE

**Allotments – Further Guidance for Local Authorities
(Community Empowerment (Scotland) Act 2015
Part 9): Analysis of Consultation Responses**

FINAL REPORT

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1. Introduction and background

1.1 Part 9 of the Community Empowerment (Scotland) Act 2015 (or the Act) aimed to update and simplify legislation relating to allotments in Scotland. The Act (Part 9) also made provisions for Scottish Ministers to issue guidance to local authorities with regard to their duties relating to allotments. The Scottish Government issued a consultation paper seeking views to help inform the development of the guidance for local authorities. The consultation ran from 25 August to 17 November 2017. This report presents findings from the analysis of the responses received to the consultation.

Policy context

1.2 The Scottish Government is committed to supporting the development of allotments and community growing spaces. This commitment was included in Scotland's original national food and drink policy, *Recipe for Success*,¹ published in 2009, and was further demonstrated in the Scottish Government's establishment of and continued support for the *Grow Your Own Working Group*.²

1.3 The current, refreshed National Food and Drink Policy: *Becoming a Good Food Nation*, issued in 2014, restates this commitment and emphasises the importance of 'Grow-Your-Own' as a way of encouraging access to healthy, affordable, sustainable food. In order to take this commitment forward, the Act included provisions to help communities to access land for growing food. The Act also aimed to update and simplify current legislation relating to allotments. It introduced new local authority duties relating to the provision of allotments, and provisions for Scottish Ministers to issue guidance to local authorities on carrying out their allotment duties (in Part 9 of the Act).

1.4 A tripartite group involving the Scottish Government, local authorities and the Scottish Allotment and Garden Society was established in 2016 in order to allow constructive dialogue between key stakeholders and to monitor how Part 9 of the Act is being implemented. The Group meets quarterly (with the first meeting held in May 2016) and is accountable to the Cabinet Secretary for Environment, Climate Change and Land Reform.

1.5 The Scottish Government is now in the process of developing guidance for local authorities, and is working in collaboration with the tripartite group in taking this work forward. Not all aspects of local authority duties under the Act require additional guidance and the consultation focused on those sections of the Act where it was thought that additional guidance would be helpful. A consultation was launched in August 2017 which aimed to give all interested parties an opportunity to contribute to the development of the guidance.

1.6 The responses to the consultation will help ensure the guidance is appropriate and beneficial to local authorities and other interested parties.

¹ *Recipe for Success – Scotland's National Food and Drink Policy*: <http://www.gov.scot/Publications/2009/06/25133322/0>

² <http://www.growyourownsotland.info/>

The consultation

1.7 The consultation paper summarised (i) the current legislative arrangements relating to allotments and the implications of the Act, and (ii) the related policy framework for allotments in Scotland. It then presented a proposed statement for each of the sections of the Act where it is anticipated that guidance will be issued, covering:

- Offer to lease allotment (section 110)
- Duty to maintain waiting list (section 111)
- Duty to provide allotments (section 112)
- Access to allotments and allotment site (section 114)
- Allotment site regulations (section 115)
- Allotment site regulations: further provisions (section 116)
- Duty to prepare food-growing strategy (section 119)
- Duty to review food-growing strategy (section 120)
- Delegation of management of allotment sites (section 123)
- Promotion and use of allotments: expenditure (section 124).

1.8 Each statement set out the proposed wording of the local authority guidance, and respondents were invited to give their views.

1.9 There were ten consultation questions altogether. Questions 1 to 9 focused on ten sections of the Act, as discussed above (one question, Question 5, covers two related sections). A final question (Question 10) asked for views on whether any other sections of the Act would benefit from guidance. All the questions used the same two-part format and comprised a tick-box question offering a five-point scale for indicating level of agreement (strongly agree / agree / neither agree nor disagree / disagree / strongly disagree) and a space for additional comments.

1.10 The consultation paper and online questionnaire could be accessed on the Scottish Government consultation hub.

About the analysis

1.11 This report presents the findings of the analysis of the responses to the questions included in the consultation.

1.12 For each of the ten consultation questions the response to the initial tick-box question is presented in table format in order to give an indication of the balance of opinion on the section of the guidance under consideration. The findings of the analysis of qualitative comments made by respondents are then presented. The analysis focuses on common themes. It presents the range of views expressed by respondents and highlights areas of agreement and disagreement amongst respondents.

1.13 There are a number of points which should be noted about the analysis presented in this report:

- In this consultation respondents were presented with a five-point scale in order to indicate their agreement or disagreement with the statement provided at each question (see paragraphs 1.8 and 1.9). However, the statement provided often

covered a range of issues, or a range of different aspects of the issue to be covered by the guidance. Respondents who provided additional comments often focused on individual specific points rather than the statement as a whole. As a result, it was difficult to interpret the initial tick-box responses (i.e. whether respondents were indicating agreement or disagreement with all or part of the statement). The difficulty of selecting a single tick-box to indicate agreement or disagreement with a complex statement was noted by several respondents.

- It was also apparent that respondents often offered similar comments, regardless of whether they agreed or disagreed, or the extent of their agreement or disagreement with the statement at the tick-box question. This made it difficult to understand what agreement or disagreement meant in terms of the guidance.
- The number of responses from organisations, and local authorities / public bodies in particular, was small and care should be taken in interpreting any apparent differences between the response from organisations in comparison with individuals (or between types of organisation).

1.14 Given the above points, the figures in the tables indicating levels of agreement and disagreement should be treated with caution.

1.15 It should also be noted that, while the focus of this consultation was on the development of local authority guidance, respondents often made comments of a more general nature. In such cases respondents discussed views on legislation, policy and practice related to allotments, Grow-Your-Own initiatives and sustainable food, and often repeated similar points across different questions. This report presents an analysis of the range of all views submitted while highlighting, where possible, direct comment or implications relevant for the proposed local authority guidance.

1.16 As with all consultations, the views submitted and presented in this report are not necessarily representative of the views of the wider public. Anyone can submit their views to a consultation, and individuals (and organisations) who have a keen interest in a topic – and the capacity to respond – are more likely to participate than those who do not. This means that the views of participants cannot be generalised to the wider population.

1.17 For this reason, the main focus in analysing consultation responses is not to identify how **many** people hold particular views, but rather to understand the full range of views expressed.

1.18 The report aims to give an overview of the main themes and points discussed by respondents in their submissions to the consultation. It cannot cover all the detailed points included in individual responses. The Scottish Government will, however, consider the responses in full as it takes forward development of the guidance.

The report

1.19 The remainder of this report is structured as follows:

- Chapter 2 presents information on the respondents to the consultation and the responses submitted.

- Chapters 3 to 12 provide the results of the analysis of responses to the consultation questions.
- Annexes to the report present a full list of organisational respondents (Annex 1), and the response rates for individual questions (Annex 2).

2. About the respondents and responses

2.1 This chapter provides information about the respondents to the consultation and the responses submitted.

Number of responses received

2.2 The consultation received 229 responses. Three respondents submitted two responses to the consultation. These responses were combined to create a single amalgamated response for each respondent.³

2.3 Thus, the analysis in this report is based on **226** responses.

About the respondents

2.4 Responses were submitted by 201 individuals and 25 organisations or groups. (See Table 2.1.)

Table 2.1: Types of respondent

Type of respondent	Number of respondents	% of total (base=226)
Individuals	201	89%
Organisations or groups	25	11%
Total	226	100%

2.5 Table 2.2 below provides further information about the organisational respondents.

Table 2.2: Organisation / group types

Organisation / group type	Number of respondents	% of total (base=186)
Third sector organisations	18	72%
Local authorities and other public bodies	7	28%
Total	25	100%

2.6 The 25 organisational respondents to the consultation were made up of local authority and other public bodies (six local authorities and one national public sector organisation); and third sector organisations (fifteen local allotment and gardening groups, one local community group, one allotments / gardening national body, and one national third sector group with a focus on sustainable food).

2.7 A complete list of organisational respondents is included at Annex 1.

2.8 The consultation questionnaire did not ask if respondents were allotments holders. However, some individual respondents explicitly identified themselves as allotment holders and / or members of allotment societies. Additionally, in many other cases, it was clear from people's responses to individual questions that they were allotment holders.

³ Permission to publish responses was given by 217 respondents – these responses can be viewed on the Scottish Government's consultation hub: <https://consult.gov.scot/>

About the responses

2.9 All but one of the responses were submitted using the online questionnaire on the Scottish Government's consultation website. The remaining response was a completed questionnaire submitted by post.

2.10 A review of the comments provided by respondents indicated the presence of 'campaign' responses, i.e. responses using identical wording or incorporating common text and phrases at individual questions. These responses have not been quantified, and all have been considered as individual responses within the analysis undertaken.

Responses to individual questions

2.11 Almost all respondents answered all the closed tick-box questions – all respondents answered the tick-box part of Questions 1, 5 and 6, while the remaining tick-box questions were answered by 96% of respondents or more.

2.12 The proportion of respondents providing comments ranged from 28% at Question 10 to 50% at Question 3.

2.13 See Annex 2 for full details of the number of responses to individual questions.

3. Offer to lease an allotment (Q1)

3.1 This chapter covers proposed guidance on local authority duties in respect of the offer of a lease on an allotment. Section 110 of Part 9 of the Community Empowerment (Scotland) Act 2015 (the Act) specifies the conditions under which an offer of a lease on an allotment can be agreed. The Act states that the offer is agreed if the local authority offers a standard allotment plot or a plot of a size specified by the applicant. If the local authority offers an allotment that is not of a standard size or of the size specified in the application to the waiting list, then the offer is not considered agreed unless the applicant accepts the offer. The same conditions apply to allotments on sites leased by the local authority to a tenant who subleases the allotments on the site.

3.2 The proposed guidance statement included in the consultation paper indicated that people on waiting lists are entitled to wait for an offer of a standard allotment plot, defined as 250 square metres plus or minus 5%, or a smaller sized plot if they specifically request this. It also indicated that when an offer of lease is made to someone on the waiting list, potential tenants should be made aware of whether the land is owned by or leased to the local authority as this can affect lease termination arrangements.

3.3 The question included in the consultation paper on section 110 was as follows:

110. Offer to lease allotment.

This section has the effect that a person on a waiting list is entitled to wait for a standard allotment of approximately 250 square metres or a smaller size (a “specified area”) if it is requested. The standard allotment plot should be considered as 250 square metres plus or minus 5%. When a lease is offered for an allotment, the potential tenant should be made aware whether the land is leased rather than owned by the local authority, as different procedural requirements apply in relation to termination (see sections 128 and 129).

Question 1: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]

3.4 All 226 respondents answered Question 1. Table 3.1 below shows that 86% of respondents agreed or strongly agreed with the statement in the consultation paper, while 6% disagreed or disagreed strongly; the remaining 8% neither agreed nor disagreed. More individuals (88%) agreed or strongly agreed with the statement than organisations (72%) and more organisations than individuals disagreed or disagreed strongly (20% compared to 4%).

Table 3.1: Question 1 – Section 110. Offer to lease allotment

	LAs / other public bodies		Third sector organisations		All organisations		Individuals		All respondents	
	n	%	n	%	n	%	n	%	n	%
Strongly agree	1	14%	9	50%	10	40%	99	49%	109	48%
Agree	3	43%	5	28%	8	32%	79	39%	87	38%
Neither agree nor disagree	0	0%	2	11%	2	8%	15	7%	17	8%
Disagree	2	29%	1	6%	3	12%	8	4%	11	5%
Strongly disagree	1	14%	1	6%	2	8%	0	0%	2	1%
Total	7	100%	18	100%	25	100%	201	100%	226	100%

Note: Figures may not total 100% due to rounding.

3.5 A total of 97 respondents – all 15 organisations and 82 individuals – provided comments at Question 1. Views are presented below, with the issues of the offer of a standard allotment plot and the provision of information on land ownership considered in turn.

Offer of standard allotment plot

3.6 There was widespread agreement amongst those who commented at Question 1 that local authorities should recognise the legal right of those on waiting lists to a standard allotment plot defined as 250 square metres plus or minus 5%. Respondents noted that the standard allotment was recognised as the size of plot required for a family of four to be self-sufficient in fruit and vegetables and to allow crop rotation to maintain healthy soil and produce.

3.7 Respondents also recognised, however, that a standard plot could prove difficult to maintain for those new to growing, for couples or single people, or for older or less able people. While the standard plot size should be the norm, respondents who agreed rather than strongly agreed were often inclined to think that half, quarter or other part plots should be made available to people on the waiting list on request, with a right to trade up or down to larger or smaller plots subject to availability as individual circumstances changed. Some suggested that the offer of a part plot initially would give newcomers an idea of the work involved in maintaining an allotment so they could assess whether they were able to take on a standard plot. Others suggested that making half or quarter plots available on request would usefully reduce waiting lists and encourage wider participation in allotments.

3.8 However, a number of respondents stressed that those requesting standard plots should not be pressurised into accepting a smaller plot because of lack of availability of full size allotments. A few respondents also suggested that, where applicants had accepted a smaller plot because that was all that was available, they might:

- Remain (or go back) on the waiting list and be allocated a standard plot when one became available
- Be offered a standard plot ahead of people on the waiting list
- Be offered an additional small plot when one became available to ensure that the total area of their allotment plots met the standard size.

3.9 A few respondents said that applicants should not be able to specify their preferred size of plot, that people who refuse the offer of an allotment lease on grounds of size should go back to the bottom of the list, or that it was for local authorities to determine the size and location of allotments offered to those on the waiting list.

3.10 It was common for respondents who answered this question to discuss issues relating to local authority **provision** of standard sized allotment plots, with three main points noted:

- Some respondents were concerned that local authorities might attempt to meet demand and reduce waiting lists by subdividing existing standard plots to create a greater number of smaller allotments. Instead, they said that local authorities should increase supply by (i) identifying new sites which would provide standard allotment plots; and / or (ii) terminating the leases of tenants with under-cultivated or neglected allotments.
- Some were concerned that local authorities might attempt to reconfigure existing allotment sites to ensure that plots met this standard; a few, however, considered that the standard plot size was intended as a benchmark for future allotment development and should not affect long-established sites.
- Some noted that it was not always practicable for local authorities to provide standard sized plots and that people often preferred smaller plots anyway. This was the main point made by those respondents (including three local authority respondents) who indicated disagreement with the statement.

Information on ownership of land and implications for termination of leases

3.11 There were relatively few comments about the need to inform potential allotment holders about whether the local authority owns or leases the allotment land and any implications of this for termination of allotment leases. Amongst those who commented, a few agreed that it was important that those on local authority waiting lists who were offered allotments were made aware of ownership and lease implications. It was noted that early termination of a lease through a change in land ownership could result in a loss of investment, for example, in sheds or other equipment. If tenants were aware that the lease might terminate early, this might have an impact on their investment of time, money and equipment in an allotment site.

3.12 However, other respondents said that lease termination arrangements would be quite clear to those offered allotments on sites managed, and in some cases owned, by allotment associations.

3.13 In addition, some respondents said that they did not understand or were unaware that this was an issue, and one respondent queried the need for guidance on this issue as it is not addressed in Section 110 of the Act.

4. Maintenance of waiting lists (Q2)

4.1 This chapter covers proposed guidance on the duty of local authorities to produce and manage a waiting list for requests to lease an allotment owned or leased by the authority as outlined in Section 111 of Part 9 of the Community Empowerment (Scotland) Act 2015 (the Act). The section allows waiting lists to be established and maintained in any way the local authority thinks fit; it also places a duty on local authorities to remove all persons and information held about them from the list if their requests are agreed (i.e. they are offered a lease on an allotment) or if they withdraw their request before an offer is made.

4.2 The guidance statement included in the consultation specifically outlined how joint applications (covered in subsection 7 of section 112 of the Act) should be handled, and set out information that should be included on waiting lists, with views sought as follows:

111. Duty to maintain list.

This section places a duty on local authorities to produce and manage a waiting list in relation to the requests it receives to lease an allotment that the authority owns or leases. Where a request is submitted jointly, this should be regarded as a single request for the purpose of the waiting list and the first named person on the request should be considered the lead person (and will count as one person for the purposes of the duty in section 112). The form of the list is to be determined by the local authority but it should include the following:

- Name of lead person
- Address of lead person
- Special requirements
- Size of allotment requested, if specified
- Information about distance from nearby allotment sites
- Date added to the list

Question 2. To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]

4.3 All but two respondents answered the tick-box part of Question 2. Table 4.1 below shows that the great majority respondents (92%) agreed or strongly agreed with the statement provided in the consultation paper, while 5% disagreed or disagreed strongly, and 5% neither agreed nor disagreed. Individuals were, though, more likely than organisations to agree or strongly agree with the statement (92% and 80% respectively).

Table 4.1: Question 2 – Section 111. Duty to maintain waiting list

	LAs / other public bodies		Third sector organisations		All organisations		Individuals		All respondents	
	n	%	n	%	n	%	n	%	n	%
Strongly agree	2	29%	8	44%	10	40%	110	55%	120	54%
Agree	4	57%	6	33%	10	40%	74	37%	84	38%
Neither agree nor disagree	0	0%	1	6%	1	4%	9	5%	10	5%
Disagree	1	14%	2	11%	3	12%	5	3%	8	4%
Strongly disagree	0	0%	1	6%	1	4%	1	1%	2	1%
Total	7	100%	18	100%	25	100%	199	100%	224	100%

Note: Figures may not total 100% due to rounding.

4.4 A total of 81 respondents – 16 organisations and 65 individuals – provided comments at Question 2. Points made are addressed under the following themes: duty to maintain a waiting list; handling of joint applications; and information that should be held on waiting lists. It should be noted that respondents who agreed with the statement often shared similar concerns with the very small number of those who disagreed.

Local authority duty to maintain a waiting list

4.5 Most respondents **agreed** with the statement that local authorities should produce and manage a waiting list for those requesting an allotment. The main reason respondents thought that local authorities should maintain waiting lists was so that they had good quality data on the demand for allotments which would inform policy and practice on the allocation of existing allotments and the identification of suitable land for, and provision of, new plots.

Role of allotment associations

4.6 It was pointed out, however, that the statement made no reference to the relationship between local authorities and individuals or allotment associations that manage allotment sites on a devolved basis, many of which have long-established waiting lists and procedures for the allocation of allotments. Respondents thought that:

- Allotment associations should work with local authorities in managing waiting lists by providing information to local authorities on their own waiting lists, including waiting times and availability, some suggesting this should be done through an annual return that would allow collation of information at local authority level.
- Allotment associations should be provided with information from local authority waiting lists about specific requests for plots on their sites.
- Independent allotment sites should also link into central local authority waiting lists to enable the local authority to assess demand and increase choice for people looking for a plot.

4.7 It was argued that, by working with allotment associations and independent sites in this way, local authorities would be able to build up an overview of the supply of allotments and match it with demand throughout the area by providing new allotment sites where they were required or requested.

Views on local authority or allotment association maintenance of lists

4.8 There was some uncertainty about whether the guidance was in fact suggesting that allotment associations with delegated management responsibility should maintain their own lists and provide a return to the local authority on an annual basis, or whether the local authority should assume responsibility for producing and managing centralised allotment waiting lists. In addition, comments from a range of respondents, including third sector allotment or gardening associations, indicated mixed views on this issue with the following points being made:

- Waiting lists should be the sole responsibility of the local authority as information about demand and supply is currently dispersed across societies and associations, making it difficult to get an overview of the numbers seeking allotments or of issues relating to the development of allotments as part of the social landscape.
- Individual allotment associations should manage their own lists as they are better placed to allocate and run allotments for the benefit of the local community.
- If local authorities had sole responsibility for waiting lists, they might take control of the management of sites which might lead to increased bureaucracy.

4.9 The few individuals who **disagreed** with the statement mainly felt that allotment associations should maintain lists and that lists should be kept at a local or site level rather than for the local authority as a whole. Amongst the organisations disagreeing with the statement, third sector allotment or gardening associations thought that local allotment associations should maintain their own lists and allocation procedures and should provide an annual return of information on their lists to the local authority.

Handling joint applications

4.10 There were very few comments about treating a joint application as a single request with the first named applicant considered to be the lead person.

4.11 Amongst those who did comment, some thought this was a helpful provision, while others voiced concerns about (i) a lack of flexibility if the circumstances of the lead person changed; and (ii) a lack of clarity about whether the application for the waiting list would transfer to the other joint applicant if circumstances required. With regard to the latter point, there were mixed views as to whether another joint applicant should be able to take over an allotment if the lead person withdrew, with one respondent suggesting that allotments should be leased to a household provided the named persons lived at the same address, and another saying that if the named person withdrew, the second named person should reapply separately for an allotment.

4.12 One respondent noted that the issue of joint applications was mentioned in section 112 of Part 9 of the Act rather than section 111, and so it would make more sense to cover it in guidance relating to section 112.

Information held on local authority waiting lists

4.13 Although section 111 indicates that local authorities can establish and maintain their waiting lists as they think fit, the statement suggests that all local authority waiting lists

should include the name of the lead person, their address, any special requirements, the size of allotment requested if this is specified in the request, information about distance from nearby allotment sites, and the date on which the applicant was added to the list.

4.14 Relatively few respondents commented on this aspect of the guidance but most who did agreed that local authorities should include this information in their waiting lists, with some suggesting that email and telephone number should be included along with postal address details to make it easier for the local authority to contact the applicant.

4.15 While some, including two local authorities, questioned the need to include information on distances to nearby allotment sites, others thought this was important if local authorities were to be able to identify need or demand for more sites at a local level. A few respondents noted that applicants should be able to request a plot in a specific area, regardless of whether or not there were existing sites there, so that local authorities could identify where there was a demand for allotments and develop new provision accordingly.

Management of application and waiting list processes

4.16 Respondents also put forward a range of comments that addressed the general issue of management and administration of the application and waiting list process, as follows:

- **Information for applicants about sites:** Some respondents suggested that local authorities should provide information about the location and facilities on allotment sites, including terrain, whether secure cycle parking was available, rental costs, size of plots available and waiting times, so that applicants could make an informed choice about any allotment request or offer.
- **Indication of site preferences:** One respondent suggested that allotment application forms should include a tick-box question to indicate preferred sites, which should include a 'none of the above' option for applicants seeking an allotment in an area where there was no current provision. One local authority offered applicants a choice of three preferred allotment sites but noted that there were issues with long waiting times at popular sites. However, it was also argued that the preferences of existing allotment holders should be addressed before those of applicants on the waiting list.
- **Review and publication of waiting list information:** Some suggested that waiting lists should be regularly reviewed and that those on the list should be given an annual update on their position and the expected waiting time. The review would also provide an opportunity to find out if those on the list were still interested. It was also suggested that local authorities should publish basic information about waiting lists including the number of people on the list, the maximum waiting time and the location of applicants as indicators of performance and demand. One local authority planning to publish waiting list information did, however, query how changes in demand for allotments as reflected in waiting list numbers should be handled on an ongoing basis (i.e. between the required annual allotment review and the five-yearly food-growing strategy reviews – see Chapter 8) and suggested that guidance might be provided on this.
- **Avoiding double-counting:** Where local allotment associations manage waiting lists and provide information to the local authority, it was suggested that they

should also ask if the applicant is on the waiting list for other sites to reduce potential double-counting on the local authority list.

- **Improved systems:** Some stressed that the process of managing waiting lists should be clear, well-advertised, accessible and transparent for all involved. There was also a specific call for online application systems to be introduced.

5. Provision of allotments (Q3)

5.1 This chapter covers proposed guidance on the duty of local authorities to provide allotments in relation to their waiting lists as outlined in Section 112 of Part 9 of the Community Empowerment (Scotland) Act 2015 (the Act). The legislation and proposed guidance statement aims to ensure that waiting lists do not exceed half the supply of allotments owned or leased by the local authority, and that those applying for an allotment do not have to wait more than five years; and that local authorities consider making allotments available ‘reasonably close’ to where people on the waiting list live. In particular, the proposed guidance statement included in the consultation suggested how ‘reasonably close’ might be defined.

5.2 The consultation document included the following question:

112. Duty to provide allotments.

This section places a duty on local authorities to take reasonable steps to ensure (1) that the number of people on their waiting list does not exceed half the total number of allotments owned and leased by the authority; and (2) that a person on the list does not wait more than five years for an allotment. In respect of (2), as agreed during the passage of the Bill, that part of the duty will take effect later than the rest of Part 9. For local authorities which do not, when section 112 comes into force, own or lease any allotments, this duty applies when there are 15 people on the waiting list maintained under section 111. For local authorities which already own or lease allotments when the section comes into force, the duty applies when only one person is on the waiting list.

Subsection (4) provides that local authorities must have regard to the desirability of making available allotments that are reasonably close to where people on the relevant authority’s waiting list reside. There is no definition of “reasonably close” but as a guide, allotments within a 5 mile radius, or within a 30 minute journey on public transport from where people on the waiting list reside is considered reasonably close.

Question 3. To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]

5.3 All but two respondents completed the tick-box part of Question 3. Table 5.1 shows that three-quarters of respondents (78%) agreed or strongly agreed with the statement in the consultation paper, 14% disagreed or disagreed strongly, and the remaining 8% neither agreed nor disagreed. Individuals were more likely than organisations to agree or strongly agree with the statement (81% and 60% respectively), while organisations were more likely than individuals to disagree or disagree strongly (24% compared with 13%).

Table 5.1: Question 3 – Section 112. Duty to provide allotments

	LAs / other public bodies		Third sector organisations		All organisations		Individuals		All respondents	
	n	%	n	%	n	%	n	%	n	%
Strongly agree	0	0%	4	22%	4	16%	91	46%	95	42%
Agree	3	43%	8	44%	11	44%	70	35%	81	36%
Neither agree nor disagree	1	14%	3	17%	4	16%	13	7%	17	8%
Disagree	1	14%	2	11%	3	12%	19	10%	22	10%
Strongly disagree	2	29%	1	6%	3	12%	6	3%	9	4%
Total	7	100%	18	100%	25	100%	199	100%	224	100%

Note: Figures may not total 100% due to rounding.

5.4 A total of 114 respondents – 16 organisations and 98 individuals – provided comments at Question 3. Some of the comments were not directly relevant to guidance for local authorities per se and focused instead on features of the Act itself. As far as possible, this chapter summarises the comments as they apply to local authority guidance on the Act, with views presented under the following main headings: duty to provide allotments; number on waiting list and waiting time; proximity of allotments to where applicants live; and other comments on the guidance.

Duty to provide allotments

5.5 The guidance statement offered on the duty to provide allotments focuses on the management of waiting lists and provision of allotments close to where people live. However, respondents to Question 3 often discussed the current shortage of allotments and suggested that increasing the provision of allotments should be a priority for local authorities, and many felt this issue should have been directly addressed in the consultation. Respondents called for local authorities to take active steps to identify and secure more land for more allotments to meet current and potentially increased future demand. This issue is discussed further in the sections below, and also recurred across the consultation questions.

Number on waiting list and waiting time (subsections 1 to 3)

5.6 Respondents' comments in relation to the guidance on subsections 1 to 3 focused on defining 'reasonable steps'; time on the waiting list; increasing provision of allotments; managing waiting lists in high demand areas; alternative steps in meeting demand; and other concerns about the guidance on meeting waiting list demand.

Defining 'reasonable steps'

5.7 Many respondents, including organisations, sought further clarification on what was meant by 'reasonable steps' to ensure that the waiting list was no longer than half the number of local authority allotment plots, and that no one on the list waited longer than five years. Respondents frequently called for the guidance to outline what was meant by 'reasonable steps' and suggested the following examples:

- Identifying additional land suitable for growing
- Having good data on which to base analysis of long-term demand for efficient planning purposes

- Preserving good quality land to satisfy demand
- Incorporating growing spaces into regeneration planning briefs and new developments.

Time on the waiting list

5.8 The five-year waiting time limit referred to in the guidance and set out in the underlying legislation attracted some comment, with respondents generally thinking that this was too long as (i) it could result in reduced motivation or interest as applicants lose hope of getting an offer of an allotment, and (ii) changes in applicants' circumstances over that period might mean that the original request was no longer suitable. Some suggested alternative waiting time limits of between one and three years.

5.9 Concern about the five-year waiting time included in the legislation and reflected in the guidance statement was frequently cited by those who indicated disagreement at the tick-box part of Question 3.

Increasing provision of allotments

5.10 It was common for respondents to discuss steps that local authorities might take to meet demand evidenced by waiting lists. Respondents generally agreed that local authorities would have to identify suitable land for new allotments and growing spaces in order to manage their waiting lists effectively. They suggested a number of ways in which this could be done, including by:

- Making agreements with developers via the planning system to include provision of land, facilities and support for allotments and other open areas as part of all new developments, including providing accessible plots for those who need them
- Ensuring high density housing developments incorporated plenty of space for allotments and parks
- Using gap sites for small allotments in built-up areas
- Using brown field inner city sites to provide alternative growing spaces or allotments, including raised beds or planters on tarmac surfaces with accessible and easily maintained paths
- Using compulsory purchase orders to buy back land bought for development but lying vacant for use as allotments
- Working in partnership with other publicly funded institutions to provide allotment land in, for example, hospital or school grounds.

Managing waiting lists in high demand areas

5.11 A number of respondents thought that the requirements set out in section 112 of the Act for a five-year limit on waiting time and the waiting list not exceeding half the number of local authority allotments were unrealistic. Respondents made the point that, in some areas, the demand for allotments already outstripped the supply of suitable land, and heavy demand for particular local sites inevitably increased waiting times beyond the limits set out in the statement. Respondents described how in many areas, waiting lists and

times already far exceeded these limits and it was hard to see how local authorities could address the problem in view of the pressure on suitable land.

5.12 Respondents, including two local authorities, offered examples of problems in identifying land for allotments, particularly in urban areas:

- Sites with sufficient land to support several standard allotment plots would probably be earmarked for housing, retail or industrial development.
- Land had been identified for allotments but planning permission was not granted because of public objections.
- Local authorities required additional funding to enable them to provide new allotments to meet demand.

5.13 In a few cases respondents noted the competing demands on urban land, with two contrasting views offered: (i) growing spaces should not take precedence over social housing in view of homelessness; and (ii) as good quality land for cultivation suitable for allotments was difficult to find, it should not be used for housing or other developments.

Alternative steps in meeting demand

5.14 While it was common for respondents to emphasise the need for increased allotment provision, some also discussed other options for helping meet demand evidenced by long waiting lists. These largely related to three main issues as follows:

- **Taking action on vacant, neglected or underused allotments:** Several respondents highlighted the need to deal with vacant, neglected or badly maintained or under-cultivated plots efficiently and effectively so that they could be offered promptly to people on the waiting list. Respondents often focused on neglected or underused plots, noting that this situation could arise for a variety of reasons: for example, as a result of allotment holders no longer being able to look after their plots because of a change in circumstances, but nevertheless being unwilling to give up the plot because of the difficulty in securing another plot should their situation change again; or new allotment holders not appreciating what was involved in tending an allotment. A small number of respondents thought that a robust approach should be taken toward people who neglect their allotments to get them to address the problem or terminate their leases so their plots could be reallocated to those on the waiting list.
- **Offering alternative Grow-Your-Own opportunities:** Some respondents suggested that local authorities could provide information on alternative growing activities to those on the waiting list as a helpful introduction to gardening which might give applicants a more realistic sense of what managing an allotment entailed. They thought that other related activities could be useful in helping applicants to maintain motivation and enthusiasm for an allotment while on the waiting list. Other respondents, however, thought that signposting other activities in this way should not be regarded as a 'reasonable step' in managing the demand for allotments. They also thought it was important that applicants remained on the waiting list if they took up these other activities and retained their entitlement to a full standard allotment, unless they requested a smaller plot.

- **Prioritisation within allocation systems:** Respondents suggested that allotment allocation systems might be refined by, for example, giving priority to people with no access to a garden or growing space of their own, or by allocating a maximum of one allotment per household.

Other concerns about the guidance on responding to waiting list demand

5.15 Respondents noted some other concerns about how the legislation and accompanying guidance might be interpreted or altered in the future:

- Some respondents expressed concern that section 112 might lead to the possibility of a cap being applied to a waiting list if it exceeded half the number of local authority allotments. They wanted the guidance to make clear that subsection 1 was about prioritising land for allotments rather than closing waiting lists to new applicants if allotments were not available.
- A number of respondents also wanted the guidance to ensure that local authorities did not attempt to reduce waiting lists and times by subdividing existing allotments to create a greater number of smaller plots.
- One respondent was concerned that the legislation itself allowed Ministers to vary the number of people on waiting lists in respect of the provision of allotments which could reduce the effectiveness of the Act in promoting allotments.

Proximity of allotments (subsection 4)

5.16 Subsection 4 of section 112 of Part 9 of the Act indicates that local authorities should have regard to the desirability of making available allotments that are reasonably close to where people on local authority waiting lists live. The legislation does not define what is meant by 'reasonably close' but the proposed guidance statement included in the consultation paper suggests that allotments within a 5-mile radius or within a 30-minute journey on public transport from where people live could be considered reasonably close.

Definition of 'reasonably close'

5.17 Although most respondents indicated agreement with the statement presented in the consultation paper, a considerable proportion thought that a 5-mile radius or 30-minute journey by public transport was **not** reasonably close. They suggested that if allotment holders had to travel too far they would be unable to make effective use of or enjoy the benefits of their allotments, and that this could result in neglect or under-cultivation of the plot. Respondents suggested that a distance of between 1 and 3 miles and a travel time of no more than 20 minutes by public transport or walking was reasonable, and that allotments should be closer for elderly or less able people. Concerns about the definition of 'reasonably close' (i.e. 5 miles or 30 minutes travel time) were common amongst those who disagreed with the guidance statement at the tick-box part of Question 3.

5.18 Some respondents indicated a preference for using travel time rather than distance in defining 'reasonably close'. Others pointed out that distance or time to an allotment have different implications in rural and urban areas and in dispersed as opposed to built-up areas. The availability of public transport was also an important consideration in defining proximity. It was also suggested by some that local authorities should define reasonably close in the context of local geography.

Providing allotments close to where people live

5.19 Respondents agreed that, ideally, applicants should be offered leases for allotments on the sites closest to their homes. They identified the following reasons why this was important:

- To ensure full and effective use of allotments
- To encourage allotment holders to travel by foot, bike or public transport for environmental and health reasons
- To promote the role of allotments in community regeneration and sustainable communities.

5.20 However, some also acknowledged that it was not always possible to provide allotments close to where people live and that this could lead to longer waiting times. Respondents pointed out that this resulted in difficulties in transporting equipment, materials and produce to and from an allotment site on foot, by bike or by public transport if the distance or time taken was too great. One local authority thought that the 5-mile definition was unhelpful if the aim was to provide allotments of a reasonable size at community level.

5.21 Some respondents offered suggestions that might improve the supply of allotments closer to where people lived and reduce waiting lists:

- Allowing allotment holders and people on the waiting list to exchange allotments so preferences were met
- Providing smaller allotment spaces on gap sites or a network of small sites no more than ten minutes apart to encourage effective use of allotments
- Offering people on the waiting list an option to accept an allotment close to their workplace or other place where they went regularly as an alternative to an allotment close to their home.

Other comments on the guidance

5.22 Other comments on the guidance statement included the following:

- One local authority sought guidance on whether allocation of allotments should be based on distance from home to the plot (the authority's current criterion for allocation) or on length of time on the waiting list.
- Some respondents thought the guidance on waiting lists in areas where there are currently no allotments should be clearer. Respondents queried (i) how local authorities without allotments should go about compiling and managing a list and preparing and managing a site, and (ii) who should meet the cost of providing infrastructure on new sites. It was suggested that local authorities might delegate their responsibilities in this area to allotment associations as they had the experience in undertaking such duties (see also Chapters 4 and 9). Another respondent thought the guidance should cover advertising the fact that applicants could request an allotment in an area where none currently exist.

6. Access to allotment and allotment site (Q4)

6.1 This chapter covers proposed guidance on the duty of local authorities to provide reasonable access to allotments and allotment sites which it leases to tenants, as set out in section 114 of the Community Empowerment (Scotland) Act 2015 (the Act). The proposed guidance elaborated on the duties set out in the Act by referring to making reasonable adjustments to ensure all tenants, including those with a disability, can access their allotment plots.

6.2 The consultation document included the following question on section 114:

114. Access to allotment and allotment site.

This section places a duty on local authorities to provide reasonable access to allotments and allotment sites that it leases to tenants. Reasonable adjustments should be made in order that all tenants, including those with a disability, have physical access to their allotment plot.

Question 4. To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]

6.3 All but one of the respondents to the consultation answered the tick-box part of Question 4. Table 6.1 shows that the great majority of respondents, 93%, agreed or agreed strongly with the statement and only 2% disagreed or disagreed strongly. Five per cent neither agreed nor disagreed. None of the organisations disagreed with the statement. While almost two-thirds of respondents overall agreed strongly with the statement, third sector organisations were somewhat less likely than other respondents to agree strongly (50% compared to 60%).

Table 6.1: Question 4 – 114. Access to allotment and allotment site

	LAs / other public bodies		Third sector organisations		All organisations		Individuals		All respondents	
	n	%	n	%	n	%	n	%	n	%
Strongly agree	5	71%	9	50%	14	56%	120	60%	134	60%
Agree	1	14%	9	50%	10	40%	65	33%	75	33%
Neither agree nor disagree	1	14%	0	0%	1	4%	11	6%	12	5%
Disagree	0	0%	0	0%	0	0%	2	1%	2	1%
Strongly disagree	0	0%	0	0%	0	0%	2	1%	2	1%
Total	7	100%	18	100%	25	100%	200	100%	225	100%

Note: Figures may not total 100% due to rounding.

6.4 A total of 72 respondents – 12 organisations and 60 individuals – provided comments at Question 4. Respondents offered general views on the duty and associated guidance, as well as commenting on the practicalities and constraints in complying with duties included in the Act, as set out in the guidance, and the resource implications of taking forward any required improvement work.

General views on the duty and associated guidance

6.5 Almost all respondents endorsed the importance of ensuring access to allotment sites, and agreed that local authorities should fulfil their duty to ensure physical access to all allotments that they lease to tenants, including to those with disabilities. Many of the comments simply stated the respondents' view that access was 'vital'. While respondents agreed in principle that allotments should be accessible to all, they asked for some clarification of what was meant by 'reasonable access' and 'reasonable adjustments', and suggested that examples might be included in the guidance.

Practicalities and constraints

6.6 Respondents often recognised that it might not be possible to ensure full access in all cases because of the terrain on which some allotments were sited. Some suggested that, where possible, efforts should be made on all sites to provide accessible plots and raised beds near hard standings at the entrance to allotment sites, and to make sure that paths were well maintained for people with disabilities and wheelchair users. It was noted that this was already the case on some sites – two local authority respondents stated that they were committed to ensuring equality of access on their allotment sites within the constraints of the sites themselves by providing a range of plot sizes and growing formats. It was recognised that the needs of individuals change over time and that it might be necessary for existing allotment holders to move to a more suitable plot or site if there were access issues on their current allotment. Others mentioned the need to keep access roads to allotments in a good state of repair and to make sure allotment holders had access to parking spaces near the site.

Financial implications

6.7 A number of respondents, both individuals and third sector organisations, voiced concerns about the extent to which new work to improve access would be necessary on long-established sites. They questioned who would pay for any work to improve access. In some cases, allotment associations have already taken measures to improve access which they have funded themselves. They did not, however, have the resources to undertake larger scale work on site infrastructure to increase accessibility and thought that the local authority should provide and maintain access to allotment sites and fund other modifications. Some suggested that allotment associations work with local authorities to identify and implement 'reasonable adjustments' and that the local authority should make grants available to associations to help them undertake this work.

7. Allotment site regulations (Q5)

7.1 This chapter covers proposed guidance on the publication of allotment site regulations and the procedures local authorities should follow in making regulations.

7.2 Section 115 of the Act requires local authorities to make regulations about allotment sites in their area within two years of the date on which section 115 comes into force (subsections 1 and 2). Subsection 3 outlines regulations on which local authorities must include provision while subsection 4 outlines regulations on which they may include provision. Subsection 5 indicates that local authorities may make different provision for different areas or different allotment sites. Section 116 sets out requirements for local authorities to consult persons they believe may have an interest in allotment site regulations. It outlines procedures for giving notice of regulations, considering representations about them and enacting regulations.

7.3 The consultation included the following question relating to sections 115 and 116:

115. Allotment site regulations 116. Allotment site regulations: further provision

Section 115 places a duty on local authorities to publish allotment site regulations within two years from the date this section comes into force, and section 116 makes further provision about the procedures local authorities are to follow in making such regulations. Local authorities should have consulted widely with relevant stakeholders within their areas prior to publication of new regulations. In preparing their regulations, local authorities should take into consideration any existing allotment site regulations already in place at independently managed sites.

Question 5: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]

7.4 All 226 respondents answered Question 5. Table 7.1 shows that a large majority of respondents, 88%, agreed or agreed strongly with the statement provided in the consultation paper, while 3% disagreed or disagreed strongly. Eight per cent neither agreed nor disagreed. A similar proportion of individuals and organisations agreed with the statement (89% and 84% respectively).

Table 7.1: Question 5 – 115. Allotment site regulations 116. Allotment site regulations: further provision

	LAs / other public bodies		Third sector organisations		All organisations		Individuals		All respondents	
	n	%	n	%	n	%	n	%	n	%
Strongly agree	4	57%	7	39%	11	44%	102	51%	113	50%
Agree	2	29%	8	44%	10	40%	76	38%	86	38%
Neither agree nor disagree	0	0%	3	17%	3	12%	16	8%	19	8%
Disagree	0	0%	0	0%	0	0	5	2%	5	2%
Strongly disagree	1	14%	0	0%	1	4%	2	1%	3	1%
Total	7	100%	18	100%	25	100%	201	100%	226	100%

Note: Figures may not total 100% due to rounding.

7.5 A total of 78 respondents – 15 organisations and 63 individuals – provided comments at Question 5. Comments focused on the role of local authorities, the role of allotment associations, and partnership and consultation in making site regulations and each of these themes is explored in turn.

The role of local authorities

7.6 The most commonly expressed view was that the role of local authorities in developing site regulations should encompass the following:

- Consulting and co-producing site regulations with all members of the allotment community in a local area
- Providing a legal framework including equalities, data protection and compliance with legal and environmental requirements, within which individual allotment sites should develop their own rules and regulations which specify how they manage their sites on a day to day basis
- Working in partnership with plot holders to agree procedures, regulations, implementation of regulations, and the responsibilities of all involved.

7.7 Respondents thought it was very important that local authorities work closely with the allotment community as a whole, including independent and private sites, to support the development and implementation of effective regulations. Most respondents advocated a 'light touch' approach for local authorities, drawing on the experience of well-established sites and associations and respecting existing constitutions and regulations, unless there was evidence that they were not working effectively. Local authorities should be permissive rather than restrictive in making regulations and any changes should be negotiated through consultation.

The role of allotment associations

7.8 Most respondents thought that sites and associations should be free to develop regulations that reflected the local contexts in which they operated, but within the legal parameters set by the local authority. Well managed existing sites and allotment associations with established regulations should be free to continue without interference. However, local authorities should consult with these associations and build on their experience to co-produce guidance and good practice information to support the development and implementation of regulations within the legal framework and to foster greater participation in the day to day management of sites. Centrally developed regulations should be considered for guidance only and it should be recognised that 'one size does not fit all'. One respondent suggested that regulations should ensure safety but facilitate maximum community empowerment and self-determination within the context of the Act.

7.9 While one respondent thought it was preferable for local authorities to determine regulations rather than individual allotment associations, another voiced concern that local authorities would standardise regulations and management practices without considering the different circumstances of individual sites. One respondent was concerned that individual allotment association regulations could conflict with local authority regulations

within the same area. It was also suggested that there were too many rules and regulations.

7.10 There was some concern that regulations made by local authorities might be applied retrospectively which could impact on existing allotment holders. A number of respondents said that regulations and management procedures had to be workable, realistic, robust and enforceable and that consultation with the allotment community was required to ensure that this was the case. One respondent thought that there should be regular inspection and monitoring of plots to ensure that regulations were working.

7.11 A few respondents thought that it would be helpful if all local authority allotments shared the same or similar regulations. One suggested that simplified standard regulations should be produced and provided to all local authorities to ensure a simpler, quicker and less bureaucratic process. It was also suggested that a uniform approach across Scotland to certain issues such as termination and transfer of allotment leases could be helpful.

Partnership and consultation

7.12 Respondents frequently emphasised the importance of collaboration and partnership between local authorities, individual allotment associations and plot holders. It was suggested that the regulations should provide a clear framework or guidelines for the relationship between all of these key players. Regulations should be approved by those with active experience of how allotment sites function including site management committee members, plot holders, and relevant community groups and organisations. Plot holders should be considered stakeholders as not all sites were represented by allotment associations.

7.13 Respondents were clear that all members of the allotment community in a given area should be involved in consultation on regulations. It was suggested the statement should read that local authorities 'must have' rather than 'should have' consulted with relevant stakeholders. In one case a local authority had already drafted new regulations but was waiting for guidance on consultation and enactment.

Other comments

7.14 Several respondents suggested that the two-year timescale for local authorities to publish site regulations (as set out in the Act) was longer than necessary.

8. Preparation and review of food-growing strategy (Q6 and Q7)

8.1 This chapter covers possible guidance on local authority duties relating to the preparation and review of a local food-growing strategy as set out in section 119 and 120 of the Community Empowerment (Scotland) Act 2015 (the Act).

8.2 The consultation paper included two questions on this topic: Question 6 addressed the duty to prepare a food-growing strategy, while Question 7 addressed the duty to keep the strategy under review. Each of the questions is addressed in turn below, while a final section of the chapter presents a brief summary of other common points made in response to these two questions.

8.3 It should be noted that across both Question 6 and 7 similar comments were made by respondents, regardless of whether they indicated agreement or disagreement with the statement offered, and the analysis presented in this chapter does not discuss these groups of respondents separately. In both cases, though, the concerns of respondents who disagreed with the statements on preparing and reviewing food-growing strategies tended to focus on the issue of the relative treatment of Grow-Your-Own and allotment provision within the legislation and guidance (see paragraph 8.17).

Duty to prepare a food-growing strategy (Q6)

8.4 A food-growing strategy is described in section 119 of the Act as a document which (a) identifies land that the local authority considers may be used as allotment sites; (b) identifies other areas of land that could be used by a community for the cultivation of vegetables, fruit, herbs or flowers; (c) describes any steps the authority intends to take to increase provision of allotments or other land for cultivation (as required under section 112(1)); and (d) contains such other information as may be prescribed.

8.5 The statement included in the consultation paper relating to proposed guidance on the preparation of a food-growing strategy focused on encouraging consultation as part of the process of developing such a strategy. Views were sought as follows:

119. Duty to prepare food-growing strategy

When developing their food-growing strategies, it would be good practice for local authorities to consult, wherever possible, with Grow-Your-Own communities within their areas to understand how best to offer Grow-Your-Own opportunities and to assist with managing waiting lists.

Question 6: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]

8.6 All 226 respondents answered the tick-box part of Question 6. Table 8.1 below shows that the majority of respondents, 71%, agreed or agreed strongly with the statement provided in the consultation paper, while 11% disagreed or disagreed strongly. Seventeen per cent (17%) neither agreed nor disagreed. The balance of views was similar for both organisations and individuals – 68% and 72% respectively agreeing or agreeing strongly.

Table 8.1: Question 6 – 119. Duty to prepare food-growing strategy

	LAs / other public bodies		Third sector organisations		All organisations		Individuals		All respondents	
	n	%	n	%	n	%	n	%	n	%
Strongly agree	3	43%	7	39%	10	40%	79	39%	89	39%
Agree	1	14%	6	33%	7	28%	66	33%	73	32%
Neither agree nor disagree	2	29%	2	11%	4	16%	35	17%	39	17%
Disagree	0	0%	3	17%	3	12%	16	8%	19	8%
Strongly disagree	1	14%	0	0%	1	4%	5	2%	6	3%
Total	7	100%	18	100%	25	100%	201	100%	226	100%

Note: Figures may not total 100% due to rounding.

8.7 A total of 88 respondents – 16 organisations and 72 individuals – provided comments at Question 6. The following sections look separately at comments on the guidance statement provided in the consultation paper; and wider comments on the legislative duties related to preparing a food-growing strategy.

Comments on the guidance statement

8.8 Comments on the guidance statement provided in the consultation paper largely addressed two separate issues: the role of consultation in developing a food-growing strategy, including the involvement of Grow-Your-Own communities in such consultation; and the provision of Grow-Your-Own opportunities to assist with managing allotment waiting lists. The remainder of this section focuses on comments on the role of consultation. The issue of the provision of Grow-Your-Own opportunities to assist with managing allotment waiting lists was also a key point of discussion in relation to the guidance on reviewing food-growing strategies (section 120) covered by Question 7 – comments made at both Questions 6 and 7 on this issue are, thus, presented together at paragraph 8.29 to 8.31 below.

8.9 Respondents were mainly positive about the role of consultation in developing local food-growing strategies. Some respondents simply endorsed the principle while others provided additional comments which explained and expanded on their views.

8.10 For the most part, respondents were keen to see consultation with a wide range of individuals and groups with an interest in, and knowledge about, local food growing (e.g. allotment holders (current and prospective), allotment associations, Grow-Your-Own groups of various types, national third sector bodies), with some also advocating wider public and community involvement in consultations.

8.11 Respondents making more specific points in support of consultation also noted the following:

- That consultation should be obligatory rather than promoted as ‘good practice’
- That consultation should be high quality and use robust methods.
- That any local authorities that have already produced strategies should be required to demonstrate adequate consultation
- That consultation should be proactive and should not require a participation request to be pursued.

8.12 Some respondents also argued for ongoing collaboration and engagement between local authorities and relevant stakeholders to support allotment or other local food-growing activities, with specific suggestions of the establishment of working groups and networks to allow consultation, the sharing of information and the promotion and development of good practice.

8.13 There were also calls for additional guidance to be provided to assist local authorities in meeting the requirement set out in section 119 of the Act (for example, on identifying stakeholders, and on good practice regarding carrying out consultation activities).

8.14 There were, however, some notes of caution regarding consultation, with respondents highlighting that not everyone wished to participate in engagement activities, and that there were resource implications associated with such activities.

8.15 Further, alongside this support for consultation to inform a sound strategy for local food growing, others argued that consideration of allotment provision and allotment waiting lists was not a legitimate area of interest for the wider Grow-Your-Own community. Respondents in this group thought that issues related to allotments and Grow-Your-Own were distinct in nature and should be kept separate in consultation activities (and in any resulting strategies), and that this should be reflected in the guidance.

8.16 The range of views on the involvement of the wider 'Grow-Your-Own community' in consultation activities was largely in line with views on the role of Grow-Your-Own initiatives in the food strategy (see paragraph 8.17 below).

Duties related to preparing a food-growing strategy

8.17 In many cases, the comments made by respondents were relevant to the duties introduced by the Act rather than the guidance statement contained in the consultation paper. In this context, the main issue of concern was the appropriate scope of local food-growing strategies, with two broad views offered:

- Some respondents thought that there should be a broad collaborative approach adopted in developing local food strategies, which should take account of a full range of local food-growing activities; some also advocated an approach which incorporated commercial growing and food production, public sector procurement, community empowerment, public education, health and wellbeing and environmental policies. Respondents in this group were positive about the inclusion of all types of provision in food-growing strategies, and welcomed the options this offered to meet demand for Grow-Your-Own spaces.
- Other respondents, however, favoured a narrower approach with a specific focus on allotments. Such respondents often argued that allotments and other Grow-Your-Own opportunities should be kept separate in a food-growing strategy (or should be covered by separate strategies), and that demand for different types of growing spaces should be evidenced separately. It was particularly felt that allotment waiting lists should be regarded as indicating demand for allotments, and should not be interpreted as representing demand for other types of growing space, and that demand for alternative Grow-Your-Own options should be properly researched and evaluated. Some respondents did, nevertheless, agree

that both initiatives were valuable and should be seen as complementary, and thought that communication and collaboration between the sectors was helpful.

8.18 There was, though, a general concern that the provision of other Grow-Your-Own options may be used as an 'excuse' for local authorities to provide fewer allotments, and there were calls for clarity on the policy intentions.

8.19 Other comments on the duty to produce a food-growing strategy (put forward by a few respondents only) included the following:

- The key to an effective food-growing strategy was the identification and preservation of land suitable for growing for current and future use and, as such, the development of strategies had to be taken forward as part of a local authority's overall planning activity.
- An overall strategy is required but should not necessarily mean local authority management of waiting lists.
- It would be useful to have a working group from a range of organisations to share information about available local options.
- There were resource implications in undertaking consultation activities, and in taking any subsequent work forward.
- Any strategy should not impact on existing allotment sites.

8.20 Additionally, one local authority respondent suggested that a definitive deadline for the production of the strategy would be helpful.

Duty to review a food-growing strategy (Q7)

8.21 Section 120 in the Act set out the requirement for local food-growing strategies to be reviewed every five years, and, if changes were required, for a revised strategy to be produced and published electronically. The guidance statement included in the consultation paper covering this requirement included (i) proposed criteria – relating to the numbers on the allotment waiting list and the length of time people spent on the waiting list – for assessing the need for a revised strategy; and (ii) reference to the expectation that changes to the strategy would include consideration of increasing 'Grow-Your-Own opportunities'.

8.22 The consultation question was presented as follows:

120. Duty to review food-growing strategy

As part of the review of the food-growing strategy, the local authority should compare the total number of people on their allotment waiting list with the total number of allotments in their area. They should also look at the length of time a person has been on the waiting list. If the number of people waiting for an allotment site is more than half the total number of allotments, or the person on the list has waited longer than 5 years to be offered an allotment, the local authority should make changes to their food-growing strategy and look at increasing Grow-Your-Own opportunities within their area.

Question 7: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]

8.23 A total of 223 respondents answered the tick-box part of Question 7. Table 8.2 below shows a response pattern very similar to that at Question 6: almost three-quarters of respondents (73%) agreed or agreed strongly with the statement provided in the consultation paper, 16% disagreed or disagreed strongly and 11% neither agreed nor disagreed. Again, the overall pattern of responses for organisations and individuals was similar, with 68% and 73% of organisations and individuals respectively agreeing or agreeing strongly.

Table 8.2: Question 7 – 120. Duty to review food-growing strategy

	LAs / other public bodies		Third sector organisations		All organisations		Individuals		All respondents	
	n	%	n	%	n	%	n	%	n	%
Strongly agree	1	14%	5	28%	6	24%	92	46%	98	44%
Agree	5	71%	6	33%	11	44%	54	27%	65	29%
Neither agree nor disagree	0	0%	3	17%	3	12%	22	11%	25	11%
Disagree	0	0%	3	17%	3	12%	23	12%	26	12%
Strongly disagree	1	14%	1	6%	2	8%	7	4%	9	4%
Total	7	100%	18	100%	25	100%	198	100%	223	100%

Note: Figures may not total 100% due to rounding.

8.24 A total of 98 respondents – 16 organisations and 82 individuals – commented at Question 7. Two sections below look, in turn, at comments on the guidance statement provided, including the criteria for reviewing food-growing strategies and the requirement to look at increasing Grow-Your-Own opportunities; and the legislative duty to review food-growing strategies.

Comments on the guidance statement

8.25 As noted above, comments on the guidance statement focused on the following two issues: the criteria for assessing the need for a revised food-growing strategy; and the requirement to 'look at increasing Grow-Your-Own opportunities'. Each of these issues is looked at in turn below.

The criteria for assessing the need for a revised food-growing strategy

8.26 Those respondents commenting on the criteria for assessing the need for a revised strategy offered several different points, all of which indicated concerns or reservations about the criteria and how they would be applied.

8.27 Some respondents thought the proposed criteria were **too simplistic** to be used to determine the need for a strategy review. They made the following points:

- The criteria need to be applied on a more localised basis in large local authority areas in order to properly understand demand and supply.
- Waiting lists should not be the only, or indeed the main, factor in determining the need for a revised food-growing strategy; other qualitative factors relating to wider issues such as health and wellbeing should also be seen as relevant.
- Waiting list data are not accurate measures of demand. People deterred from joining waiting lists because of known short supply, and people with plots of less than 250 square metres both represent 'hidden demand', while people 'inheriting' plots informally without ever being on the waiting list also distort the overall picture of supply and demand.
- The proposed criteria should be seen as statistics that would inform a food-growing strategy review, rather than factors to determine the need for such a review.

8.28 In a few cases, respondents expressed concern that the proposed criteria might have **unintended consequences**. These respondents (i) queried whether waiting lists might be 'closed' to avoid the need to revise food-growing strategies, and (ii) expressed concern that the proposed parameters might lead to allotments not being offered until the set limits had been reached (e.g. until someone had been on the waiting list for five years).

The requirement to 'look at increasing Grow-Your-Own opportunities'

8.29 There was widespread concern about the reference to 'increasing Grow-Your-Own opportunities' as a response to dealing with demand for allotments. Respondents argued repeatedly that options such as shared community gardens did not represent an appropriate substitute for an individual allotment allocated on a long-term basis. It was further argued that the two types of provision (allotments and non-allotment growing spaces) met different needs and that demand for each should be assessed and evidenced separately.

8.30 Additionally, respondents argued that local authorities needed to increase supply of allotments (or, indeed, should be **obliged** to do so) if demand outstripped supply, with some specific suggestions put forward as to how the imbalance in supply and demand might be improved: for example, by converting unused land; by building allotment provision into long-term planning; by seeking 'developer contributions' via planning obligations; by evicting poor allotment tenants; by promoting the option of shared plots (see also Chapter 3).

8.31 Less frequently, respondents, including local authorities, expressed support for the principle of a mix of Grow-Your-Own options being made available because of the difficulties in increasing allotment supply, especially in urban areas. One suggestion was

that shared spaces could be offered to people who already had their own garden (and who, it was suggested, should be lower priority in the allocation of allotments). It was, however, noted that it was important that people on waiting lists understood fully what they were being offered, and were able to make an informed decision about taking up different types of provision.

Other comments on the guidance statement

8.32 Other comments on the guidance statement focused on the provision of allotments, with the following points made by individual respondents: it might not be possible to increase allotment supply without additional resources being made available, and this should be recognised in the text of any guidance; the reference to making changes to the food-growing strategy was ambiguous when what was needed was increased availability.

Comments on the duty to review the food-growing strategy

8.33 Respondents often made comments relevant to the underlying legislative duty to review food-growing strategies, rather than about the guidance statement. In such cases respondents largely welcomed the duty, seeing it as 'essential' or 'important to spirit of the Act'; proactive or representing strategic thinking; or important for improving Scotland's health and wellbeing.

8.34 Those making more specific comments about the implementation of the duty called for the introduction of monitoring and for performance indicators to allow cross-authority comparisons. Some also queried the funding implications of such review activity, while one local authority respondent queried whether there would be sanctions for not fulfilling the requirements of the Act.

8.35 Some commented on the duty to carry out a review every five years and offered a general view that this was not frequent enough – one respondent suggested the need for annual reviews, and one local authority respondent suggested that the timing of any review might be at the discretion of local authorities, with an upper limit of five years.

8.36 It was also noted (by one respondent) that the outcome of a review might, in some circumstances, be a reduction of provision in some areas, if, for example, there was a shift in local populations.

Other comments made in response to Questions 6 and 7

8.37 Across Questions 6 and 7, respondents made a range of other comments relevant to the development and review of local food-growing strategies, with some reiterating points made in relation to other questions about the provision and management of allotments.

8.38 More generally, though, respondents were positive about the role of food-growing strategies as a mechanism for increasing growing opportunities, and for promoting and developing local food-growing activities. They were also keen to see strategic leadership and joined up thinking on this issue, and argued for further cooperation and collaboration, as well as funding, across organisations and sectors to support the aims of local food-growing.

8.39 Some respondents, however, reiterated concerns that **allotment** provision might be undermined by a perceived emphasis on alternative Grow-Your-Own provision and activities, or did not think a food-growing strategy was relevant to the needs of the allotment community.

8.40 Finally, there were calls for clarity as to what was meant by 'Grow-Your-Own' / the 'Grow-Your-Own community', and the distinction between allotments and 'Grow-Your-Own'.

9. Delegated management of allotments (Q8)

9.1 Section 123 of the Community Empowerment (Scotland) Act 2015 (the Act) covered the option of delegating the management of allotment sites to an individual or – more usually – an association representing the interests of the majority of tenants at a site. The section set out (i) the circumstances in which such a request for delegation can be made; (ii) the responsibilities that can be delegated; (iii) the process for submitting and responding to a request to take on delegated responsibilities; and (iv) the circumstances in which delegated powers can be rescinded. The guidance statement put forward in the consultation paper drew attention to the list of functions available for delegation set out in section 123, and the option of a reduction in rent for those taking on such delegated duties.

9.2 The consultation paper included the following question covering section 123:

123. Delegation of management of allotment sites

This section allows a person (usually an allotment association) to request to take on some of the functions of a local authority. The functions that may be delegated are clearly described in section 123(3). If an authority agrees to delegate functions to a person, consideration should be given to whether a reduction in rent might be warranted.

Question 8: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]

9.3 A total of 225 respondents – all but one of the respondents to the consultation – answered the tick-box part of Question 8. Table 9.1 shows that almost two-thirds of respondents (63%) indicated agreement with the statement with 38% agreeing and 25% agreeing strongly. The broad pattern of responses was similar for organisations and individuals, although individuals were more likely to neither agree nor disagree with the statement: almost a quarter of individuals (23%) ticked this response.

Table 9.1: Question 8 – 123. Delegation of management of allotment sites

	LAs / other public bodies		Third sector organisations		All organisations		Individuals		All respondents	
	n	%	n	%	n	%	n	%	n	%
Strongly agree	2	29%	6	33%	8	32%	48	24%	56	25%
Agree	4	57%	7	39%	11	44%	75	38%	86	38%
Neither agree nor disagree	0	0%	3	17%	3	12%	45	23%	48	21%
Disagree	0	0%	2	11%	2	8%	22	11%	24	11%
Strongly disagree	1	14%	0	0%	1	4%	10	5%	11	5%
Total	7	100%	18	100%	25	100%	200	100%	225	100%

Note: Figures may not total 100% due to rounding.

9.4 A total of 86 respondents – 14 organisations and 72 individuals – provided comments at Question 8. These focused on the principle of delegated management; the possibility of rent reductions for those taking on delegated duties; the relationship between

self-managed sites and local authorities; factors affecting the viability and success of delegated management arrangements; and calls for greater clarity and further guidance. Each of these is discussed below.

The principle of delegated management

9.5 In many cases, respondents welcomed the option of delegated management and more autonomy for local groups. They thought that local groups were more knowledgeable about local circumstances and ‘closer to the issues’, and could operate in a more accountable, less bureaucratic way than centralised local authority managers. It was also suggested that such arrangements might empower communities and foster a sense of responsibility and ‘ownership’ amongst allotment holders. The issue of delegated waiting lists attracted some particular attention. Some suggested that allotment associations already maintained waiting lists successfully, and that a simple annual return to the local authority would suffice in terms of allowing the collation of local authority level information.

9.6 Some respondents noted positive experiences of self-management arrangements that were already in place and operating successfully.

9.7 The alternative view – expressed by some of those who indicated disagreement with the statement offered – was that local authority management was preferable, particularly with regard to waiting lists, as this allowed for a consistent and coordinated approach to be taken. One local authority respondent who indicated strong disagreement with the statement provided at Question 8 argued that this arrangement was appropriate as local authorities were regarded as ‘trusted guardians’ of allotment provision. Others with reservations about delegated management suggested that (i) such arrangements were open to abuse or could give rise to conflict; (ii) committee members did not have the time or resources to take on such duties although they might be done as part of a paid (part-time) role, and (iii) pointed out that private sites were available for those who preferred other arrangements.

Rent reductions in return for delegated management

9.8 Respondents who welcomed the prospect of rent reductions for those who took on delegated management responsibilities thought that this was fair recognition given the work involved and the cost saving for local authorities.

9.9 Others, however, had reservations about the impact or value of such an arrangement. They were, for example, concerned that rent reductions might lead to a reduced commitment to allotment plots or that some people may be interested in taking on management duties purely in the hope of achieving a rent reduction; or that reduced income would have an impact on the local authority’s ability to provide allotment services or suggested that any administrative savings for the council should be used to fund site improvements. Alternatively, it was suggested that rent reductions were unlikely to have a big impact in terms of encouraging people to take on delegated duties given that the system already relied on individuals contributing significantly to the running of sites.

9.10 There was also a suggestion that any savings achieved by local authorities through delegating responsibilities to allotment associations should be used to fund allotment improvements rather than reductions in rents.

Relationship between self-managed sites and local authorities

9.11 Respondents made two main points relevant to the issue of the relationship between self-managed sites and local authorities: (i) it was important that ongoing links and good relationships with local authorities were maintained, and (ii) self-management should not be seen as a substitute for local authorities carrying out their responsibilities with regard to allotments, and allotment waiting lists.

Factors affecting viability and success of delegated management

9.12 A range of respondents noted that the success of delegated management arrangements depended very much on the individuals involved in allotment sites and associations at any point, which could vary over time. In particular there were concerns about:

- How inclusive allotment associations were
- How people are chosen to take on duties
- The risk of arrangements being adversely affected by the involvement of particularly dominant personalities
- Delegated management compromising the relationship between committee members and other allotment holders and / or leading to conflict or bad feeling amongst plot holders.

9.13 Several respondents argued that the right to request delegated management should be restricted to associations and not individuals, or that associations should be required to have an appropriate constitution in place. It was further argued that there should be appropriate 'checks and balances' in place, with monitoring to oversee delegated management, and to take back control in response to misuse of power or failure to carry out duties to an adequate standard. Local authority respondents were amongst those offering such comments relating to steps that might be taken to ensure good governance. There were also several suggestions for training to be provided for committees (see also Question 9), or for information and support and / or funding to be provided to help associations establish self-management arrangements.

The need for greater clarity on self-management arrangements

9.14 There was a range of calls for further clarity and additional guidance on the following:

- The roles and responsibilities that might be delegated, and the roles and responsibilities of all parties involved
- The different management models that might be adopted, and the implications involved
- The responsibilities, liabilities, risks and legal implications that might come with exercising this right
- The nature of the relationship between the local authority, the allotment association, and individual plot holders

- The relationship between fair rents and delegation of duties
- How the process for requesting delegated management related to the option for making a participation request under Part 3 of the Act.

9.15 It was also argued that local authorities had a duty toward allotment holders to make them fully aware of all the issues and implications involved, and should also be required to put procedures in place for dealing with complaints and disputes, including via mediation. The view that self-management arrangements would remove allotment activities from the scope of the Public Services Ombudsman was noted in this context.

10. Expenditure on promotion and use of allotments (Q9)

10.1 Section 124 of the Community Empowerment Act 2015 (the Act) provides local authorities with powers to incur expenditure on the promotion of allotments, and the training of allotment holders (current and prospective) in the use of allotments. It also requires local authorities to have special regard for communities which experience socio-economic disadvantage in exercising this power. The guidance statement included in the consultation paper elaborated on the duties set out in the Act by highlighting the possibility of (i) linking with other agencies in promoting food growing to wider communities; and (ii) offering training to those on allotment waiting lists.

10.2 The consultation paper included the following question on section 124:

124. Promotion and use of allotments: expenditure

This section provides a specific power for local authorities to incur expenditure for the purpose of promoting allotments in its area and providing training to allotment tenants and potential tenants about the use of allotments. In exercising this power, local authorities should consider how best to promote allotments in their area. This can include linking with organisations such as health boards and housing associations to encourage non-growers to visit allotment sites in their areas in recognition of the wider benefits growing food has in our communities.

Special consideration should be given to how best to engage with communities in areas of multiple socio-economic disadvantage.

Local authorities should use waiting lists to understand the demand for allotments in their areas and may choose to offer funded training to those on the list who are going to be offered a lease. This will ensure that newly awarded plot-holders have the skills to begin growing their own food.

Question 9: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]

10.3 Altogether, 225 respondents answered the tick-box part of Question 9. This represented all but one of the respondents to the consultation. Table 10.1 shows that 80% of all respondents either agreed or agreed strongly with the statement included in the consultation. The broad pattern of responses was similar for both individuals and organisations, although individuals were slightly more likely than organisations to disagree (disagree or disagree strongly) with the statement.

Table 10.1: Question 9 – 124. Promotion and use of allotments: expenditure

	LAs / other public bodies		Third sector organisations		All organisations		Individuals		All respondents	
	n	%	n	%	n	%	n	%	n	%
Strongly agree	0	0%	9	50%	9	36%	82	41%	91	40%
Agree	4	57%	8	44%	12	48%	78	39%	90	40%
Neither agree nor disagree	2	29%	1	6%	3	12%	22	11%	25	11%
Disagree	0	0%	0	0%	0	0%	15	8%	15	7%
Strongly disagree	1	14%	0	0%	1	4%	3	2%	4	2%
Total	7	100%	18	100%	25	100%	200	100%	225	100%

Note: Figures may not total 100% due to rounding.

10.4 A total of 97 respondents – 14 organisations and 83 individuals – commented at Question 9. The sections below present views under the following headings: general views on the guidance statement; views on training; and views on promotional activities.

General views on the guidance statement

10.5 As indicated by Table 10.1, respondents, for the most part, were positive about the possibility of funding for the provision of training, the promotion of allotments and engagement with disadvantaged communities. In some cases, respondents simply used their comments to endorse the statement saying, for example, ‘this is an excellent idea’, or describing such activities as ‘essential’ or ‘important’.

10.6 There were, however, other respondents who expressed qualified support, and suggested that any activity of this type: (i) should be secondary to the main local authority duty to provide allotments, or (ii) was laudable but had resource implications – there was a specific suggestion that local authorities could collaborate in funding regional allotment officers, thus sharing the expense involved in such activities.

10.7 Another group of respondents were concerned that training and promotional activities did not represent a good use of money, particularly given the pressures on public finances, the shortage of allotments, and the currently limited support given to allotment sites. Such views were particularly prevalent amongst those who indicated disagreement with the guidance statement at the tick-box part of Question 9. One respondent described such activities as ‘a waste of money’; another said that funding training and promotional activities was ‘absurd’. Amongst this group there were, though, some calls for funding to be used to support allotment associations, or to improve existing allotment sites.

10.8 Comments on more specific aspects of the guidance statement are presented below. Respondents commented on both training and promotional activities, although the former attracted more comment.

Views on training

10.9 Most commonly, respondents were positive about the provision of training for new or prospective allotment holders in particular. Respondents thought it was important that everyone involved understood how allotments functioned and understood the ‘culture’ of the allotment community. They also noted that taking on an allotment could be a daunting

prospect and that training would help people taking on new tenancies to make a success of their allotment, and help reduce the incidence of under-cultivated plots.

10.10 In a few instances, respondents suggested that attending training should be compulsory for new allotment holders, or might be used as a criterion in allocating allotments to those on the waiting list.

10.11 Other respondents were, however, more cautious about the value of training and the provision of local authority funding for this activity, and made the following points:

- New plot holders could generally learn from the existing allotment community and from 'trial and error'; and formal training was therefore of limited value or simply not necessary. This was seen as one of the strengths of the allotment community and of allotment growing, and there was concern that this might be undermined by the provision of formal training which might actually deter new allotment holders. This was a key point made by those who indicated disagreement with the guidance statement. It was also pointed out by several respondents that there was a wide range of (online) resources available to assist new growers.
- Training for committees and associations on **non-growing** issues related to site management might be beneficial.
- The anticipated roles and responsibilities of different bodies was not clear. It was not clear, for example, who would develop good practice and provide the required training and resources, and whether this should be done at local, regional or national level. The availability of relevant expertise in local authorities was queried by some respondents, while one local authority respondent highlighted the risk of duplication of effort between different organisations, and suggested that their role might be best restricted to signposting and sharing of information to avoid duplication with activities of other established organisations. Other respondents also suggested that the role of local authorities might be limited to funding or otherwise supporting other bodies to provide training.

10.12 Some welcomed the idea of training being provided for new allotment holders in particular but were keen that it remained optional, stressing that not everyone wanted or needed formal training.

10.13 Across respondents, there was widespread support for the following:

- The establishment of a national (online) forum for sharing of information and good practice for allotment holders, allotment associations, local authority staff with responsibility for allotments, covering both local authority and independent allotments
- The development of mentoring or buddy systems within existing allotment communities where low turnover of plots might make formal training less feasible
- Training for local authority staff with responsibility for allotments, who may not have personal experience of allotment cultivation, and for groups taking on allotments for the benefit of clients (e.g. those with mental health problems).

10.14 Some also commented on the practicalities of providing training, with the following suggestions put forward (in each case by a small number of respondents only):

- Training should be scheduled to allow working people to attend
- Local authorities might provide a handbook or basic written guidance for new allotment holders, with some suggesting that this was all that was required in the way of initial training
- Providing training on a central basis would be most appropriate and most cost-effective; an alternative view was that training would be better provided via local allotment associations who were familiar with local conditions, and that local allotment groups might be able to provide mutual support in such activities
- Training might focus on new sites given the low turnover of plots at established sites
- Training might focus on prospective allotment holders or on encouraging people to start growing food prior to getting an allotment
- Funding for training should be incorporated into plans for establishing new allotment sites
- Funding might be used to develop sites specifically for training purposes
- Allotment associations may be given modest funding (a 'stipend') in return for providing training for new or prospective allotment holders
- There might be a role for external organisations such as SRUC (Scotland's Rural College) in providing training.

Views on promotion of allotments

10.15 Those indicating agreement with the statement in the consultation paper were often supportive of work to promote allotments and food growing more generally to the public and to disadvantaged communities in general. They highlighted the benefits for health and wellbeing, and community integration and cohesion. There was support for working with health organisations, with schools and with existing community groups.

10.16 Additionally, some highlighted the fact that positive work of this type was already underway in some areas, undertaken by local authorities or individual allotment associations (e.g. via open days).

10.17 Some were generally supportive of promoting allotments and working with disadvantaged group but also noted that (i) promotion of allotments was likely to increase demand, and allotments were already oversubscribed – thus, there needed to be a balance struck between raising expectations and the ability to respond to those expectations; (ii) promotion work had resource implications which needed to be recognised; and (iii) promoting allotment holding to disadvantaged communities was a positive idea, but would require significant thought if it were to be successful in genuinely engaging and involving people.

10.18 Those who disagreed with the statement highlighted the shortage of sites as an argument against work of this type; there was also a view amongst respondents in this

group that focusing on specific communities might undermine the concept of allotments being for **all** groups. One local authority respondent also pointed out that local authorities already consider 'how best to engage with communities in areas of socio-economic disadvantage' through their wider work with Community Planning Partnerships.

11. Requirement for further guidance (Q10)

11.1 Part 9 of the Community Empowerment Act 2015 (the Act) contains 18 sections relating to the provision of local authority allotments. The introduction to the consultation paper explained that Ministerial guidance issued to local authorities would be restricted to those sections where it was thought that guidance was needed to assist local authorities in carrying out their duties. As such the consultation invited views on potential guidance covering ten sections within the Act. However, the final question in the consultation – Question 10 – asked respondents if they thought all those sections relating to functions of local authorities that required further guidance had been captured.

11.2 Views were sought as follows:

Further Guidance

Question 10: Do you think we have captured all those sections, relating to functions of local authorities that require further guidance? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]

11.3 A total of 218 respondents answered the tick-box part of Question 10. Table 11.1 shows that just over half of all respondents (55% – 47% agreed and 8% strongly agreed) thought the sections of the Act requiring further guidance had been captured in the consultation paper, a third of respondents (33%) neither agreed nor disagreed and the remaining 13% of respondents disagreed (10% disagreed while 3% disagreed strongly). Organisations were less likely than individuals to indicate agreement (agree or agree strongly) with this statement (no organisation said they agreed strongly). A third of all respondents neither agreed nor disagreed with the statement.⁴

Table 11.1: Question 10 – Do you think we have captured all those sections, relating to functions of local authorities that require further guidance?

	LAs / other public bodies		Third sector organisations		All organisations		Individuals		All respondents	
	n	%	n	%	n	%	n	%	n	%
Strongly agree	0	0%	0	0%	0	0%	17	9%	17	8%
Agree	3	43%	7	39%	10	40%	93	48%	103	47%
Neither agree nor disagree	3	43%	8	44%	11	44%	60	31%	71	33%
Disagree	1	14%	1	6%	2	8%	19	10%	21	10%
Strongly disagree	0	0%	2	11%	2	8%	4	2%	6	3%
Total	7	100%	18	100%	25	100%	193	100%	218	100%

Note: Figures may not total 100% due to rounding.

11.4 Sixty-three respondents (12 organisations and 51 individuals) provided comments at Question 10, and the views presented are discussed below. Respondents offered views on additional sections of the Act where it was felt that guidance was required, as well as

⁴ It should be noted that the 5-point ‘agree / disagree’ scale offered at the tick-box part of Question 10 is not entirely appropriate for a question starting ‘Do you think...’. In this context, ‘agree / disagree’ has been interpreted to mean ‘yes / no’. As with other questions, the emphasis of the analysis is on the comments, rather than the tick-box responses.

commenting on additional guidance required in relation to the sections where guidance was already proposed.

11.5 Those respondents who thought that guidance was required for additional sections of the Act often said that they were unclear why some sections were covered by guidance and included in the consultation and others were not. Additionally the view was expressed that restricting the guidance to statutory local authority duties meant that it did not cover significant issues of concern to the allotment community, leaving important 'grey areas'.

11.6 A few respondents offered alternative comments, with the following views offered:

- Implementation of the guidance would be important, with any gaps in the guidance becoming more apparent at that stage. It was also suggested that current regulations were not properly enforced.
- Detailed guidance was not necessary, did not take account of current successful approaches to allotment management, and risked over-complicating allotment-related activities.
- The guidance would have little impact, and did not address the issues of concern to the allotment community and / or the issue of inadequate allotment provision.
- The proposed guidance was too vague and did not provide adequate channels or options for redress if local authorities did not fulfil their duties.

11.7 Some respondents also suggested that they did not have the knowledge or expertise to comment on this question, and that the wider views of site managers and plot holders would be important in considering this issue.

11.8 In a small number of cases, respondents stated their general support for the guidance statement proposed in the consultation. Such respondents additionally suggested that (i) it was not appropriate for guidance to try to cover every eventuality; and (ii) that there may, nevertheless, be difficulties in meeting the aspirations set out.

11.9 Those respondents who identified specific sections of the Act that should be covered by guidance highlighted the following: section 113 – duty of tenants to grant sublease; section 117 – disposal of allotments; section 121 – annual allotment reports; section 122 – power to remove unauthorised buildings; and 131 – sale of produce (which, it was suggested, should be dealt with by individual allotment associations). However, it was more common for respondents to argue that fuller or extended guidance was required for those sections of the Act for which guidance was already proposed.

11.10 Additionally, there was a range of suggestions relating to aspects of allotment administration or governance (some of which related to sections discussed in earlier chapters of the report) where it was felt that guidance or additional guidance should be provided:

- Responsibilities and liabilities for all parties in taking on delegated roles
- Local authority provision of services such as mediation
- Local authority maintenance and servicing of plots (water, fencing, rubbish collection, pest control)

- The inclusion of allotments in land use strategies; and the use of the planning system to ensure future provision
- Local authority activities related to promoting the wider value of allotments, and their potential role in enhancing urban landscapes and connecting people with nature
- Increasing the transparency of allotment management including with regard to the maintenance of and access to information, and monitoring the response to requests for local authority services
- Use of allotments, and permission to sleep overnight
- Security of tenure for allotment holders
- Assessment and reallocation of abandoned plots
- Action to be taken if allotment holders do not maintain plots to an adequate standard.

11.11 More generally, respondents noted the following:

- The guidance on sections already covered could be further developed, with a specific suggestion from one local authority respondent that the guidance would benefit from being 'island-proofed' to ensure it took account of the particular circumstances in such areas.
- It was important that the guidance was clear so that all parties (local authorities, allotment holders and allotment associations) understood the duties contained in the Act and could work within the regulations.⁵ In some cases, respondents offered revised drafting of individual guidance statements to assist with this.
- The guidance needed to take account of the interests of all stakeholders; in particular there needed to be clarity as to the application and implications of the guidance and underlying legislation for the full range of allotment models including independent allotment sites and sites leased from the local authority.

⁵ In making these comments, some respondents may not have fully appreciated that the guidance under consultation was to assist local authorities in complying with their duties under the Act.

12. Summary of recurring themes and cross-cutting issues

12.1 This chapter presents a brief overview of (i) recurring themes and points raised by respondents in their submissions to the consultation, and (ii) other points of a general nature relating to the broad policy area which are not covered in the analysis of the response to individual questions. It also presents a summary of comments about the consultation process which respondents highlighted in answering the consultation questions.

12.2 The consultation paper issued by the Scottish Government did not include a question asking for 'any other comments', and this chapter draws on material from across Questions 1 to 10.

Recurring themes and points

12.3 The following points – ranging from the general to the more specific – were made by respondents at multiple questions across the consultation, and were also re-stated in the responses to Question 10:

- The need to increase allotment provision, while also offering some flexibility in the size of plots offered, and to improve support given to current allotment sites
- Waiting lists, and the pros and cons of local as opposed to centralised management
- Delegated as opposed to centralised management, and the need for clarity about the full range of permutations, and the implications for relationships with local authorities
- The importance of meeting the needs of existing allotment holders (who may have accepted a less than ideal plot rather than remain on a lengthy waiting list) as well as those waiting for a plot
- The importance of offering a range of Grow-Your-Own options to suit different needs and circumstances, including allotments and community gardens, with a range of views expressed on whether these options should be considered separately or approached in a coordinated holistic way
- The need for systems to monitor allotment upkeep and for procedures for dealing with under-cultivated and neglected plots
- The need for affordable rents and clarity about rental charges
- The need for transparency and easily accessible information regarding allotment management and administration
- The need for budget implications to be considered within the context of current pressures on public expenditure, and to be accounted for in food-growing strategies.

Comments on the broader policy agenda

12.4 Respondents made a range of points about the wider policy area relating to allotments and Grow-Your-Own initiatives, and support for local food production. Respondents commonly argued that allotments and other Grow-Your-Own activities should be seen as contributing to cross-cutting policy agendas linked to health and wellbeing, community engagement and cohesion, equalities, climate change, biodiversity, environmental protection and sustainability. As such, respondents thought that local food production was an issue that went beyond allotments or local food-growing strategies. They wished to see a cross-cutting, collaborative approach to work in this area (as advocated by the Scottish Government's *Becoming a Good Food Nation* policy paper⁶) involving all local authority departments and local community planning partners, and other stakeholders with an interest in this issue (including from the Grow-Your-Own and community garden sectors), and for this to be reflected in any guidance issued.

Comments on the consultation process

12.5 Some respondents made comments – at Question 10 in particular – on the consultation process itself, highlighting implications for how respondents had answered the questions posed, and for how the responses might be interpreted. They made the following main points:

- There had been insufficient engagement with stakeholders about developing the guidance prior to issuing the consultation paper.
- The consultation had been complex and unwieldy, and the questions had not been clear; in particular, the consultation paper had not provided sufficient background or explanatory information, and the format used for the questions – asking respondents to indicate agreement or disagreement with complex statements covering a range of issues – had not been an appropriate or helpful approach.
- The proposed guidance and the consultation should have been wider in scope to reflect the cross-cutting nature of allotment activities (see paragraph 12.4 above). There was, however, an alternative view that the consultation should have focused more narrowly on local authority duties relating to allotments, and not 'conflated' policy on allotments with policy on other Grow-Your-Own initiatives or other social inclusion objectives.

12.6 It should, however, be noted that the responses to the two evaluation questions included in the online consultation questionnaire showed that most respondents were satisfied with the consultation process – in their comments, such respondents welcomed the consultation and the opportunity to contribute to the development of local authority guidance, and were positive about the consultation paper itself.⁷

⁶ *Recipe for Success – Scotland's National Food and Drink Policy*: <http://www.gov.scot/Publications/2009/06/25133322/0>

⁷ The online consultation questionnaire included two evaluation questions, asking for views on the consultation process and on the online consultation platform. The responses to these two questions have been analysed in full and submitted to the Scottish Government.

Annex 1: Organisational respondents

Third sector organisations (18)

- Allotments Association of Crieff
- Beechwood Allotments Association
- Blaine Valley Allotments Association
- Dunblane Allotment Group
- Dundee Federation of Gardeners and Allotment Holders
- Erskine Community Allotments
- Glasgow Allotments' Forum
- Killandean Community Allotment Association
- Murrayfield Allotment Association
- North Kelvin Meadow
- Nourish Scotland
- Organic Growers of Fairlie
- Ossington Gardens Association
- Perth Working Men's Garden Association
- Sandy Road Community Garden / Thornwood Community Garden
- Scottish Allotments and Gardens Society
- Stirling Allotment Association
- Wellington Allotment Gardens Association

Local authorities and other public bodies (7)

- City of Edinburgh Council
- East Dunbartonshire Council
- Glasgow City Council
- Scottish Borders Council
- Scottish Natural Heritage
- Shetland Islands Council
- South Ayrshire Council

Annex 2: Response rates for individual consultation questions

The table below shows the response to individual consultation questions. Given the very high response to the closed questions, it may be sufficient to include only the *number* of responses (and not the percentage of responses) in the full report.

Question		Number of responses	% of total (226)
1	<p>Section 110. Offer to lease allotment</p> <p>This section has the effect that a person on a waiting list is entitled to wait for a standard allotment of approximately 250 square metres or a smaller size (a "specified area") if it is requested. The standard allotment plot should be considered as 250 square metres plus or minus 5%. When a lease is offered for an allotment, the potential tenant should be made aware whether the land is leased rather than owned by the local authority, as different procedural requirements apply in relation to termination (see sections 128 and 129).</p> <p>Q1: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]</p>	226	100%
	Comment	97	43%
2	<p>Section 111. Duty to maintain list</p> <p>This section places a duty on local authorities to produce and manage a waiting list in relation to the requests it receives to lease an allotment that the authority owns or leases. Where a request is submitted jointly, this should be regarded as a single request for the purpose of the waiting list and the first named person on the request should be considered the lead person (and will count as one person for the purposes of the duty in section 112). The form of the list is to be determined by the local authority but it should include the following:</p> <p>Name of lead person Address of lead person Special requirements Size of allotment requested, if specified Information about distance from nearby allotment sites Date added to the list</p> <p>Q2: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]</p>	224	99%
	Comment	81	36%
3	<p>Section 112. Duty to provide allotments</p> <p>This section places a duty on local authorities to take reasonable steps to ensure (1) that the number of people on their waiting list does not exceed half the total number of allotments owned and leased by the authority; and (2) that a person on the list does not wait more than five years for an allotment. In respect of (2), as agreed during the passage of the Bill, that part of the duty will take effect later than the rest of Part 9. For local authorities which do not, when section 112 comes into force, own or lease any allotments, this duty applies when there are 15 people on the waiting list maintained under section 111. For</p>	224	99%

	<p>local authorities which already own or lease allotments when the section comes into force, the duty applies when only one person is on the waiting list.</p> <p>Subsection (4) provides that local authorities must have regard to the desirability of making available allotments that are reasonably close to where people on the relevant authority's waiting list reside. There is no definition of "reasonably close" but as a guide, allotments within a 5 mile radius, or within a 30 minute journey on public transport from where people on the waiting list reside is considered reasonably close.</p> <p>Q3: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]</p>		
	Comment	114	50%
4	<p>114. Access to allotment and allotment site</p> <p>This section places a duty on local authorities to provide reasonable access to allotments and allotment sites that it leases to tenants. Reasonable adjustments should be made in order that all tenants, including those with a disability, have physical access to their allotment plot.</p> <p>Q4: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]</p>	225	100%
	Comment	72	32%
5	<p>115. Allotment site regulations 116. Allotment site regulations: further provision</p> <p>Section 115 places a duty on local authorities to publish allotment site regulations within two years from the date this section comes into force, and section 116 makes further provision about the procedure local authorities are to follow in making such regulations. Local authorities should have consulted widely with relevant stakeholders within their areas prior to publication of new regulations. In preparing their regulations, local authorities should take into consideration any existing allotment site regulations already in place at independently managed sites.</p> <p>Q5: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]</p>	226	100%
	Comment	78	35%
6	<p>119. Duty to prepare food-growing strategy</p> <p>When developing their food-growing strategies, it would be good practice for local authorities to consult, wherever possible, with Grow-Your-Own communities within their areas to understand how best to offer Grow-Your-Own opportunities and to assist with managing waiting lists.</p> <p>Q6: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]</p>	226	100%
	Comment	88	39%
7	<p>120. Duty to review food-growing strategy</p> <p>As part of the review of the food-growing strategy, the local authority should compare the total number of people on their allotment waiting list with the total number of allotments in their area. They should also look at the length of time a person has been on the waiting list. If the number of people waiting for an allotment site is more than half the total number of allotments, or the person on</p>	223	99%

	<p>the list has waited longer than 5 years to be offered an allotment, the local authority should make changes to their food-growing strategy and look at increasing Grow-Your-Own opportunities within their area.</p> <p>Q7: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]</p>		
	Comment	98	43%
8	<p>123. Delegation of management of allotment sites</p> <p>This section allows a person (usually an allotment association) to request to take on some of the functions of a local authority. The functions that may be delegated are clearly described in section 123(3). If an authority agrees to delegate functions to a person, consideration should be given to whether a reduction in rent might be warranted.</p> <p>Q8: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]</p>	225	100%
	Comment	86	38%
9	<p>124. Promotion and use of allotments: expenditure</p> <p>This section provides a specific power for local authorities to incur expenditure for the purpose of promoting allotments in its area and providing training to allotment tenants and potential tenants about the use of allotments. In exercising this power, local authorities should consider how best to promote allotments in their area. This can include linking with organisations such as health boards and housing associations to encourage non-growers to visit allotment sites in their areas in recognition of the wider benefits growing food has in our communities.</p> <p>Special consideration should be given to how best to engage with communities in areas of multiple socio-economic disadvantage.</p> <p>Local authorities should use waiting lists to understand the demand for allotments in their areas and may choose to offer funded training to those on the list who are going to be offered a lease. This will ensure that newly awarded plot-holders have the skills to begin growing their own food.</p> <p>Q9: To what extent do you agree with this statement? [strongly agree / agree / neither agree nor disagree / disagree / strongly disagree]</p>	225	100%
	Comment	97	43%
10	<p>Further Guidance</p> <p>Q10: Do you think we have captured all those sections, relating to functions of local authorities that require further guidance?</p>	218	96%
	Comments	63	28%



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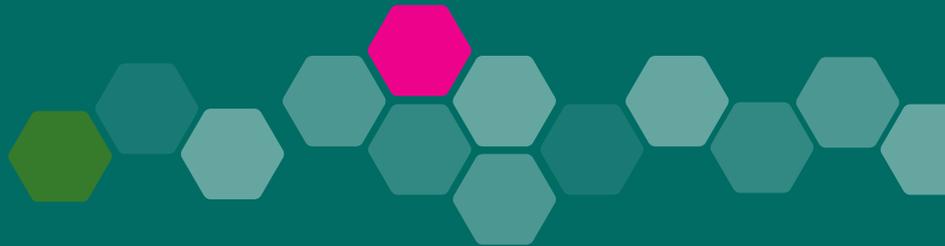
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