

ITEM No ...3.....

REPORT TO: NEIGHBOURHOOD SERVICES COMMITTEE – 18th NOVEMBER 2019
REPORT ON: ALLOTMENT REGULATIONS
REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES
REPORT NO. 377 - 2019

1. PURPOSE OF REPORT

- 1.1 To outline the process for making allotment regulations for both directly managed and leased allotment sites as required by Part 9 of the Community Empowerment (Scotland) Act 2015.

2. RECOMMENDATIONS

- 2.1 Note the contents of this report and the timeframe recommended for the consideration of the regulations.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications.

4. MAIN TEXT

- 4.1 Part 9 of the Community Empowerment (Scotland) Act 2015 consolidates, updates and simplifies the previous statutory regime regarding allotments by bringing it together in a single piece of legislation. Part 9 replaces and repeals various statutory provisions including the Allotments (Scotland) Acts 1892, 1922 and 1950 in their entirety and some provisions of the Land Settlement (Scotland) Act 1919.
- 4.2 Section 115 requires each local authority to make allotment site regulations by 1st April 2020 for allotment sites in the area of the local authority. In preparing such regulations, local authorities should take into consideration any existing allotment site rules, regulations or constitutions, including those onsite rules drafted by individual allotment associations
- 4.3 Local authorities should consult widely with a range of stakeholders in their area and take their views into consideration. Stakeholders may include allotment associations, allotment holders and other interested persons. Local authorities should be satisfied that they have engaged all relevant stakeholder groups in their local area.
- 4.4 Section 115 sets out the scope of the regulations, which must include provision for or in connection with:
- a) allocation of allotments (individual plots);
 - b) rent, including a method of determining fair rent that takes into account of:
 - i. services provided by, or on behalf of, the local authority to tenants of allotments,
 - ii. the costs of providing those services, and
 - iii. circumstances that affect, or may affect, the ability of a person to pay rent payable under the lease of an allotment;
 - c) cultivation of allotments;
 - d) maintenance of allotments;
 - e) maintenance of allotment sites;
 - f) building or other structures that may be erected on allotments, the modifications that may be made to such structures and the material that may, or may not, be used in connection with such structures;
 - g) the keeping of livestock (including poultry), and;
 - h) landlord inspections.
- 4.5 Although Dundee City Council currently has regulations for the allotment sites it manages directly (Ancrum Road, Macaulay Street, Arklay Terrace and Magdalen Green) other sites which the Council owns, but leases to allotment associations, have their own regulations (Kinnaird, West Law, City Road, South Road, Stirling Park, Murrayfield). The effect of section 115 of the above Act is that there will be one set of

regulations applying to all allotment sites, owned by Dundee City Council, across the City. Section 115 does not apply to privately owned allotment sites.

- 4.6 Despite Dundee City Council and some of the Allotment Associations entering into new lease agreements recently, Section 115 clearly states that Dundee City Council have to make a set of regulations for all sites. These regulations will pertain to the management of the allotment sites, rather than the use of the land (lease) and therefore are separate from any lease.
- 4.7 Setting regulations that cover all sites is a significant departure from the 'business as normal' case in Dundee. However Dundee City Council must ensure that the process complies with the legislation and guidance set out by the Scottish Government, whilst making the process as simple as possible and striving for consensus.
- 4.8 To achieve the target date of 1st April 2020, the following timeframe is proposed:

18 th November 2019	inform elected members of requirement to set allotment regulations
November / December 2019	draft regulations taking into consideration existing regulations and rules for managed and leased sites. informal consultation / briefings with stakeholders
13 th January 2020	report to Dundee City Council Neighbourhood Services Committee putting forward the proposed regulations, requesting approval to commence formal consultation and the remit to make the regulations
January / February 2020	one month consultation period advertised in local newspaper
by 31 st March 2020	make regulations to be signed by Proper Officer of Dundee City Council

- 4.9 As outlined above Council Officers will engage with Allotment Associations and interested parties prior to the formal statutory consultation period of one month with the aspiration that the proposed regulations presented to the Neighbourhood Services Committee on the 13th January 2020 are, so far as possible, acceptable to the Allotment Associations, individual plot holders and other interested parties.

5 POLICY IMPLICATIONS

- 5.1 This report has been subject to an assessment of any impacts on Equality & Diversity, Fairness & Poverty, Environment and Corporate Risk. A copy of the Impact Assessment is available on the Council's website at www.dundee.gov.uk/iia/reports.

6 CONSULTATIONS

- 6.1 The Council Management Team have been consulted in the preparation of this report and are in agreement with its contents.

7 BACKGROUND PAPERS

- 7.1 None.

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8 November 2019