



# Scottish Allotments and Gardens Society

## **SAGS response to Scottish Government Consultation on Guidance –June 2018**

The Consultation seeks responses to the following sections of the proposed Guidance to Local Authorities. This is a link to it on the Scottish Government website:

<https://consult.gov.scot/food-and-drink/part-9-allotments/>

Section 110 – Offer to lease allotment.

Section 111– Duty to Maintain List.

Section 112 – Duty to provide allotments.

Section 114 – Access to allotment and allotment site.

Section 115 – Allotment site regulations.

Section 116- Allotment site regulations: further provision.

Section 120 – Duty to review food-growing strategy.

Section 123 – Delegation of management of allotment sites.

Section 124- Promotion and use of allotments: expenditure.

Section 119 – Duty to prepare food-growing strategy.

Section 119- Food-growing strategy guidance contents page.

In respect of most Sections we regard the information as clear and understandable. We would ask you to consider indicating your support by answering Yes in order to counter any negative responses submitted from elsewhere.

However SAGS has concern with regard to the following;

**Section 110** Paragraph 1.8 states: Should the tenant at a later date wish to have a large sized or full size allotment, they may be required to submit a new application and join the waiting list. Local authorities may therefore wish to separately categorise such applications for a larger allotment (using section 111(2)).

We would like to suggest that you answer YES to Q2 and comment along the following lines

### **Comment Question 2:**

The options should be made clear to an applicant at the time of allocating an allotment. However this still may lead to the applicant making an inappropriate choice for their immediate needs i.e. opting for a large plot initially when they do not have sufficient time or skill to cope with it.

Thus the recommendation in Paragraph 1.7 for moving to a smaller allotment by discussing their requirements with their local authority allotments officer should also apply when wishing to move to a larger allotment. This would apply in situations where the allotments are centrally managed.

In situations where management has been delegated by agreement to an association, including the waiting list for plots on that site, it would be a matter for the association to determine, as is current practice in those situations at present. Changes of allotment in those situations are usually met when a suitable allotment becomes available and would be allocated in line with the agreed rules. The local authority should work in partnership with the allotment associations to sort out the needs of their members in terms of layout of site, allocation of plots and movement.

### **Section 111 Refers to Duty Maintain List**

Paragraph 2.7 states that Section 111 and the Guidance only apply to allotments owned or leased by the local authority and does not apply to independent allotment associations.

**Comment Question 4:** We have concerns that waiting list figures for independent sites are taken account of when assessing overall demand in a local authority area. Therefore we suggest in response to Question 4 that reference is included to the Open Space Audit process referred to on page 36 of the Food - growing Strategy (Para 8.5) as a means of identifying independent allotment sites and assessing demand.

This inclusion of reference to waiting lists for independent allotment sites could also be made as a response to **Question 18** by suggesting a cross reference to Paragraph 2.7 in the Guidance

### **Sections 115 Refers to Allotment Site regulations .Section 5**

#### **Section 123 Refers to Delegation of Management of allotment sites Section 7**

**Comment:** In both instances we are of the view that further clarification is needed with regard to the differences in the relationship between the local authority when delegating to an un-incorporated or an incorporated association. The differences need to be made clear so that liabilities in the case of disputes are transparent and properly understood by both parties. *Note (Most existing allotment associations are currently unincorporated associations where individual members are potentially liable in any dispute.)*

This comment could therefore be made at both sections. At **Question 10 and Question 14**

An additional comment in Question 10 with regard to Section 115 and 116 on Regulations would be that they should also be made available for inspection online.

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