

REPORT TO: POLICY AND RESOURCES COMMITTEE ON 25 MAY 2010

SUBJECT: ALLOTMENTS POLICY AND DRAFT LEASE

BY: CHIEF EXECUTIVE

1. REASON FOR REPORT

- 1.1 To approve the Allotments Policy and draft lease following a public consultation.

2 RECOMMENDATION

- 2.1 That the Policy and Resources Committee approve the Allotment Policy and draft lease.**

3. BACKGROUND

- 3.1 At the Policy and Resources meeting held on 20 October 2009 the committee;

- (i) noted the current demand for allotments
- (ii) instructed officers to carry out further investigations into the suitability and status of sites identified and to bring the results of that investigation back to a future Policy and Resources Committee
- (iii) agreed that further work be done on budget negotiations and to look at a reasonable figure to set aside for further development of allotments; and
- (iv) approved the draft policy, subject to amendments noted regarding plot sizes, number of poultry, beehives and fires on plots, and lease template for consultation and instructed officers to bring the results of this consultation back to a future Policy and Resources Committee including more clarity required regarding the council's responsibilities in terms of legislation and the allotment association's responsibilities.

- 3.2 Copies of the policy were sent out to Allotment Associations, Community Councils, Area Forums and to all relevant departments within the Council. The consultation ran from 15 February 2010 until 5 April 2010.

- 3.3 A consultation meeting was held on 24 February 2010 in the Elgin Library which was attended by 25 people. Following speeches by a speaker from Highland Council, Transition Town Forres and Elgin Allotment Association, 3 workshops looking at the policy and lease were held.
- 3.4 The main responses from the consultation meeting were that:
- The draft policy and its approach was welcomed warmly and people were supportive of the policy aims.
 - The allocation of required parking spaces is excessive and places a burden on allotment associations that they will find difficult to achieve.
 - All allotments should be organic
 - Plot sizes need to be more flexible.
 - Future Local Plans need to take account of allotments.
 - New housing or other Council developments should include provision for allotments.
- 3.5 A number of changes to the allotment policy were recommended and incorporated where appropriate into the revised policy. **(See Appendix 1)**
- 3.6 The Council's powers and duties are set out in **Appendix 2** to this Report. Although the Council does have obligations in terms of the legislation outlined, one of the ways to fulfil these is through the devolved management of the allotment sites to community associations. This forms the basis for the policy formulated. The policy, as outlined, depends on the availability of suitable land for use as allotments. If land availability becomes an issue, then members of the public may make representations to the Council requiring them to take action in terms of the Allotments (Scotland) Act 1892. If it was considered that the Council was not meeting its legal obligations, then this ultimately may be challenged through an application to the Court of Session for Judicial Review."
- 3.7 Further investigations have been carried into the suitability of sites identified and will be reported back to Policy and Resources Committee when available.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Development Plan/Community Plan/Service Improvement Plan

The provision of allotments will contribute to the delivery of a number of SOA objectives. This report is in accordance with the

objectives of the environmental programme of the Corporate Development Plan

(b) Policy and Legal

The Council's Legal obligations are listed in appendix 2 of the report

(c) Resources (Financial, Risks, Staffing and Property)

Development of allotments may require additional capital funding and this matter would require to be considered during the next review of the capital programme.

(d) Consultations

The consultation document was distributed widely to community councils; Area forums and allotment associations. All relevant Council departments were included in the consultation process.

5. CONCLUSION

5.1 That the Policy and Resources Committee approve the Allotment Policy and draft lease following the consultation exercise.

Author of Report: John Ferguson Community Planning and Development Manager

Background Papers:

Ref.: