

Appendix: Background notes for the GAF discussion of Rules and Regulations on Sept 6th

1. Community Empowerment Act:

<http://www.legislation.gov.uk/asp/2015/6/contents/enacted>

115 Allotment site regulations

(1) *Each local authority must make regulations about allotment sites in its area.*

(3) *Regulations **must** in particular include provision for or in connection with—*

(a) *allocation of allotments,*

(b) *rent, including a method of determining fair rent that takes 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 the rent payable under the lease of an allotment,

(c) *cultivation of allotments,*

(d) *maintenance of allotments,*

(e) *maintenance of allotment sites,*

(f) *buildings or other structures that may be erected on allotments, the modifications that may be made to such structures and the materials that may or may not be used in connection with such structures,*

(g) *the keeping of livestock (including poultry), and*

(h) *landlord inspections.*

(4) *Regulations **may** in particular include provision for or in connection with—*

(a) *buildings or other structures that may be erected on land mentioned in paragraph (b) of the definition of “allotment site” in section 108, the modifications that may be made to such structures and the materials that may or may not be used in connection with such structures,*

(b) *access by persons (other than allotment tenants) and domestic animals,*

(c) *liability for loss of or damage to property,*

(d) *acceptable use of allotments and allotment sites,*

(e) *sale of surplus produce.*

116 Allotment site regulations: further provision

(1) *Before making regulations a local authority must consult persons appearing to the local authority to have an interest.*

We are waiting for the Guidance for local authorities to be issued even though the Act is in force however in the **Draft Guidance for local authorities: Consultation Scottish Government June 2018 :**

5.8 Section 115(5) allows local authorities to make different provisions for different areas or allotment sites since a ‘one size fits all’ approach to the local authority’s regulations might not be appropriate for the range of allotment sites within the local area. Local consultation with a wide range of stakeholders will help to inform local site requirements.

The response of Glasgow City Council is in the **Environment, Sustainability and Carbon Reduction City Policy Committee Report by Executive Director, Neighbourhoods and Sustainability June 2018**

<https://www.glasgow.gov.uk/councillorsandcommittees/agenda.asp?meetingid=15576>

This mainly focuses on the Food Growing Strategy but they intend to include Rules and Regulations in an 'Allotments handbook':

3.1 In parallel with the development of the Glasgow Food Growing Strategy, The Act also requires local authorities to carry out certain actions that specifically relate to allotments i.e.

Offer to lease allotment

Duty to maintain list

Duty to provide allotments

Access to allotment and allotment sites

Allotment site regulations

Allotment site regulation: further provision

Delegation of management of allotment sites

Promotion and use of allotments: expenditure

3.3 It is envisaged that Glasgow City Council will respond to these requirements through preparation of an Allotments Handbook. This handbook will be developed by 1 April 2020, via engagement with Allotment Associations, Glasgow Allotment Forum, ploholders and waiting list members. It is envisaged that it will be published online, and will be made up of a number of constituent documents, covering the points listed in 3.1 amongst other matters.

Democracy Matters questions: Consultation:

<https://beta.gov.scot/publications/democracy-matters-community-ideas-future/>

Q1. Tell us about your experiences of getting involved in decision-making processes that affect your local community or community of interest.

Q2. Would you like your local community or community of interest to have more control over some decisions? If yes, what sorts of issues would those decisions cover?

Q3. When thinking about decision-making, 'local' could mean a large town, a village, or a neighbourhood. What does 'local' mean to you and your community?

Q4. Are there existing forms of local level decision-making which could play a part in exercising new local powers? Are there new forms of local decision-making that could work well? What kinds of changes might be needed for this to work in practice? further?

Q5. Do you have any other comments, ideas or questions? Is there more you want to know?