

Local Government, Housing and Planning Committee

19th Meeting, 2023 (Session 6)

Tuesday 5 September 2023

Evidence session: Post-Legislative scrutiny of the Community Empowerment Act 2015

Introduction

1. This paper provides background information to inform the Committee's evidence session on the four different strands of post-legislative scrutiny of the Community Empowerment Act 2015 which it or its predecessor committee has undertaken. These are:

Part 2: Community Planning
Part 3: Participation Requests
Part 5: Asset transfers
Part 9: Allotments
2. The Committee will hear evidence from Joe Fitzpatrick the Minister for Local Government Empowerment and Planning, Tom Arthur the Minister for Community Wealth and Public Finance, and Councillor Stephen Heddle the Vice President of the Convention of Scottish Local Authorities (Cosla).

Background

3. After recently completing its inquiry into Community Planning (Part 2 of the Act), this evidence session provides the Committee with the opportunity to ask the Scottish Government about its response to the Committee's recommendations on that Part.
4. Post-legislative scrutiny of the Community Empowerment Act 2015 has been a key focus of this Committee and its predecessor in Session 5 (the Local Government and Communities Committee), with other inquiries being carried out into Parts 3, 5 and 9 of the Act. Each of the inquiries made recommendations for both the Scottish Government and for local authorities about actions which could strengthen the objectives of the legislation.
5. This session will also therefore explore what progress has been made by the Scottish Government and Cosla on the recommendations made by this Committee and its predecessor on the other 3 parts of the Act. The Scottish Government is currently undertaking a review of the Act which will be of relevance, as is its ongoing Local Governance Review and the Committee's recent exploration of the role of Community Councils.

The Community Empowerment Act 2015

6. The Act was described as “a landmark piece of legislation” which sought to encourage and promote community participation and engagement in local decision-making by enshrining it as a right in law. This included powers to own or control land and buildings, and the strengthening of people’s voices in local decisions about public services.
7. The Act contains 11 different sections:
 - Part 1: National outcomes [a duty on Ministers to publish, report on and review national outcomes, and public bodies to have regard to them]
 - Part 2: Community Planning
 - Part 3: Participation Requests
 - Part 4: Community Rights to Buy Land
 - Part 5: Asset transfers
 - Part 6: Delegation of Forestry Commissioner’s functions
 - Part 7: Football Clubs [powers to facilitate supporter involvement, but this Part has not been brought into force]
 - Part 8: Common Good Property [duty on local authorities to publish and maintain a register of common good property]
 - Part 9: Allotments
 - Part 10: Participation in public decision making [power for Ministers to introduce regulations, but this has not yet been used]
 - Part 11: Non-domestic rates [new powers for local authorities]

Community Planning: Part 2 of the Act

8. Community Planning aims to improve how organisations such as local government, health boards and the police work together with other partners to improve local outcomes in an area. Community Planning Partnerships (CPPs) exist in every local authority to identify local priorities and to share resources to deliver services. The inquiry looked at the impact of the Act on community planning, and how the partnerships respond to significant events such as the Covid-19 pandemic and the current cost-of-living crisis.
9. The [Committee’s report](#) on Part 2 recommended a number of actions for the Scottish Government and local authorities. These included:
 - Addressing variation in performance across partnerships.
 - Improving levels of public participation in community planning.
 - The need for a network of local community engagement officers.
 - Providing clarity on the role of community planning in emerging priorities like community wealth building.
 - Improving resources for CPPs.
 - Defining the role CPPs should have in national emergencies.

- Better involvement of the private sector in CPPs.
 - Streamlining complex lines of accountability.
 - Improved involvement of communities of interest in CPPs.
10. The [New Deal](#) (or ‘Verity House Agreement’) between the Scottish Government and local authorities has since been published and it highlights the importance of Community Planning Partnerships:
- “Community Planning Partnerships will be recognised as a critical mechanism for the alignment of resource locally, focussed on prevention and early intervention, and delivering our shared priorities. Scottish Government will ensure that those public bodies that can contribute to community planning, play their part, including in involving local third sector and community bodies in promoting and improving wellbeing.”*
11. The Scottish Government has now [responded](#) to the Committee’s recommendations, advising that it has met with Cosla to discuss shared ambitions for community planning. On the whole it does not consider any action is necessary in response to Committee’s inquiry.
12. Cosla has also provided a written submission in response to the Committee’s recommendations (attached below at Annex B).

Participation Requests and Asset Transfers: Parts 3 and 5 of the Act

13. Part 3 of the Act introduced the right for a community to make a ‘**participation request**’ – a request to participate in a process to improve the outcome of a public service. The public body must agree to the request for dialogue unless there are reasonable grounds for refusal.
14. The Local Government and Communities Committee explored in 2021 if this aspect of the Act had been successful in making public bodies more responsive to the communities they serve. Its [report](#) provides more detail but the key findings were:
- Low numbers of participation requests at that point made it difficult to determine how successful the process has been, but the committee doubted that it indicated high satisfaction with local services and recommended that the Scottish Government and Cosla together needed to ensure there is improved awareness of the right.
 - The Committee recommended that the Scottish Government introduces an appeals mechanism for community bodies to improve public bodies’ handling of participation requests. Appeals should be considered independently of local government and the relevant public body.

14. Part 5 of the Act aimed to enable communities to have more control of a local building or plot of land and put it to good use, through an **'asset transfer'**. The Act sets out how a 'community transfer body' can request to buy, lease, manage, occupy or use land or buildings belonging to a 'relevant authority'. It also set out how the authority should deal with asset transfer requests. Public bodies must be transparent in how they assess requests and agree to them unless there are reasonable grounds for refusal.
15. The Committee found in 2021 that there had been a much greater take up of the right to request an asset transfer than for participation requests, and there was a much better awareness of the right. It heard though that the process seemed to be becoming more onerous and that communities were not always well supported. (This was echoed during the current Committee's inquiry into Part 9 of the Act on allotments last year.)
16. It also heard that community groups had experienced particular problems with asset transfer requests made to ALEOs (arms-length external organisations set up by councils to manage certain services). The Committee was concerned this was a major gap in the Act which needed addressing by the Scottish Government.
17. The Committee recognised that community empowerment was a 'work in progress' and asked the Scottish Government to ensure that it looked in more detail at how different public bodies handle participation requests and asset transfer requests. In particular how they publicise and promote the rights, make information publicly available, and reduce bureaucracy in the processes.
18. It also recommended that both processes would benefit from public bodies appointing a single point of contact to deal with both types of request and highlighted the importance of sharing good practice and support.
19. The Scottish Community Development Centre (SCDC) is supporting the Scottish Government in its review of Part 3 of the Act (Participation Requests) and has provided the Committee with a recent update on this ongoing work (see Annex B), summarised below:
- Though there are excellent examples of the use of PRs levels of uptake of participation requests are lower than expected, and there are some reports of poor experiences of the process.
 - It may be that some groups are being referred to other participation processes which meet their needs after submitting a request.

- Despite challenges there is a continuing commitment to the use of PRs by communities themselves.
- Public service authorities are required to publish reports and most local authorities do so but it is less clear the extent to which other public authorities who are required to are doing this.
- SCDC's work with communities shows a demand for a local review or an appeals process for participation requests, and they will report to the Scottish Government on how this might operate.
- In relation to asset transfers, the options in the Act for the lease or use of premises tend to be obscured by the focus in the Act (and of support resources) on the transfer of ownership. SCDC feel that there should be more equal emphasis on implementation of all community control options in the Act.

Allotments: Part 9 of the Act

20. Part 9 of the Act requires local authorities to take reasonable steps to provide allotments, to manage waiting lists, and creates a number of duties around the wider management of allotment sites. In addition, local authorities must develop food growing strategies which identify land suitable for community food growing or allotments, and which set out how they will increase their provision.
21. The Committee's inquiry in 2022 found that there are large and increasing waiting lists for allotments, despite the requirements of the Act. The Committee's recommendations included increased leadership from the Scottish Government, the creation of a national partnership forum bringing together local authorities and other partners, and some specific measures local authorities could take to improve access to allotments and food growing spaces. More detail on the Committee's findings is available in its [inquiry report](#).
22. In its [response](#) to the inquiry report, the Scottish Government advised that it would support the improvements recommended by the Committee.
23. The Committee has recently requested feedback from some key stakeholders on what progress has been made since then. Responses from the Community Growing Forum and the Glasgow Allotments Forum are provided in Annex C and D below. Both organisations express frustration that they have not yet seen the developments needed to address demand for and access to growing spaces.

**Committee Clerks
September 2023**

ANNEX A: RESPONSE FROM COSLA TO COMMUNITY PLANNING INQUIRY

From COSLA Vice-President, Cllr Steven Heddle



28th August 2023

Ms. Ariane Burgess MSP
Convener
Local Government Housing and Planning Committee
Via email: localgov.committee@parliament.scot

Dear Ariane,

I would like to take this opportunity to thank the Committee for its work on community planning. COSLA welcomes the Committee's report, which will undoubtedly serve to inform and support our work to strengthen community planning for the benefit of communities across Scotland.

As outlined in the recently signed Verity House Agreement, COSLA is committed to working with Scottish Government to ensure that Community Planning Partnerships are recognised as key to the alignment of resource locally, and that all local partners are empowered to make a full contribution to the community planning process.

COSLA officers will continue to engage regularly with Scottish Government officials, as well as with partners who sit on the Community Planning Improvement Board, including the Improvement Service, as we seek to take forward work to strengthen community planning in the context of the Verity House Agreement.

Please find attached to this letter COSLA's response to the Committee's recommendations - I look forward to discussing these findings further at the Committee session on Tuesday 5th September.

Yours sincerely,

Cllr Steven Heddle
COSLA Vice-President

Community Planning Inquiry – COSLA Response

The Scottish Government should ensure that its current review of the Community Empowerment Act addresses the variation in performance between CPPs.

- **In future CPPs should have a clear and defined role in any national guidance on the local response to emergency situations (such as another pandemic).**
- **Where there are examples of CPPs demonstrating best practice the Scottish Government and COSLA should ensure that this is actively shared across CPPs to help improve standards.**

Local variation is an important element of effective community planning, and can help to deliver our shared ambitions to improve outcomes by ensuring that the activities pursued by partners are sensitive to their local contexts. While recognising the paramount importance of this local flexibility in approach, COSLA - in line with the Verity House Agreement – is committed to working with Scottish Government and partners to ensure that all Community Planning Partnerships are empowered and supported to improve outcomes across Scotland. Critical to this is the empowerment of all local partners to engage fully in the community planning process, and to work collaboratively to pursue solutions which are tailored to local need.

In addition to this, the sharing of good practice has an important role to play improving the effectiveness of Community Planning Partnerships, and we are aware of the work done by partners on the Community Planning Improvement Board (CPIB) and by the Community Planning Network to facilitate knowledge sharing across the sector. We will continue to work with these partners, and with Scottish Government, to explore how good practice can best be promoted across CPPs.

COSLA is of the view that the current model of emergency response provides adequate flexibility for the involvement of community planning partners, and we recognise the valuable contribution made by CPPs to Scotland's COVID-19 response.

The Scottish Government should consider refreshing the Community Planning Guidance in view of the comments made in this report by stakeholders. In particular this should include future-proofing the guidance so that it reflects new national priorities such as Community Wealth Building and what CPPs' role will be in this, and also the increasing regionalisation of economic development.

In its development of a Community Wealth Building Bill, the Scottish Government should give early consideration to the role of CPPs in delivering the policy ambitions, whether any legislative changes to their role would be required to facilitate that, and should ensure sufficient guidance is provided to CPPs about their role in community wealth building.

COSLA remains committed to supporting the advancement of Community Wealth Building as a tool for delivering place-based, inclusive growth. Given its place-based focus, and the need for cooperation between anchor organisations, Community Wealth Building is of clear relevance to Community Planning Partnerships. We will continue to work with Scottish Government colleagues across both spaces to ensure that the connections between CWB and community planning are understood, and we are open to exploring potential changes to guidance where this is considered necessary and

appropriate. Building on the success of the locally-led, bottom-up approach to Community Wealth Building that has been taken to date, it is important that any developments in relation to CWB continue to respect the need for local flexibility in its design and implementation.

More broadly, COSLA will continue to work with Scottish Government to consider the findings of the Committee's inquiry – including the views expressed by stakeholders – and to explore the potential benefits of refreshing the community planning guidance.

The Scottish Government should consider amending the Act to require CPPs to invite the local Third Sector Interface ('TSI') and local anchor organisations to be partners.

The Third Sector plays a crucial role in community planning, and we are aware of a number of examples where Community Planning Partnerships have included the Third Sector Interface in their governance structures. The Community Empowerment (Scotland) Act 2015 made a number of important changes which strengthened the role of the third sector in the community planning process, including requiring CPPs to consider which community bodies are best placed to support community planning, and to make efforts to secure their participation. As a result, COSLA does not feel that a change to the Act is required. However, we are happy to explore with the Scottish Government and partners how the participation of Third Sector Interfaces and third sector organisations can best be encouraged through the sharing of existing good practice.

The Scottish Government should consider during its review of Part 2 of the Act how CPPs can best encourage the involvement of the private sector in community planning, for example through Business Gateway which is delivered by local authorities. It should also explore how CPPs can best contribute to increasing economic regionalisation and encourage collaboration between CPPs within regions.

In addition to the role played by Scottish Enterprise, Highlands and Islands Enterprise, and South of Scotland Enterprise, CPPs have the opportunity to engage with private sector partners as best suits their needs. The most effective mechanism for engaging with the private sector would be through a representative body such as the Federation of Small Businesses and/or local Chambers of Commerce. The former covers more local areas of Scotland than the latter which might make the FSB the better option for some rural and island communities. Further, in some areas without such representative bodies bespoke solutions for engagement may be necessary, and this should be supported and enabled.

Through their key role as part of Community Planning Partnerships, local authorities are able to draw on the expertise of colleagues across council services, including Business Gateway colleagues as required. Business Gateway is a branded business support service delivered by Local Government – with national functions provided by COSLA's Business Gateway National Unit - rather than a representative body for the private sector.

The Scottish Government's review of the Act should explore whether its ambitions for community planning are realistic without being backed up by direct investment. CPPs may have an important role to play in new priorities such as Community Wealth Building and the Scottish Government should ensure that they

are sufficiently resourced before creating any additional statutory requirements. It should also explore further how community planning partners should best direct their own resources to underpin CPPs' work.

Critical to the sustainability of community planning partnerships is the fiscal empowerment necessary to enable local partners to pool resources effectively in order to deliver for their communities. This connects closely to ongoing work regarding the Local Governance Review, as well as work to establish a Fiscal Framework for Local Government. We will work with the Scottish Government to ensure, in line with the Verity House Agreement, that community planning can effectively deliver the local alignment of resources, and that all partners play a full role in the delivery of CPP objectives.

Local fiscal empowerment is also key to the advancement of Community Wealth Building. As outlined in our response to the Scottish Government's consultation on the Bill, COSLA does not support the introduction of a statutory Community Wealth Building duty, which could risk becoming a 'one-size-fits-all' solution and putting pressure on existing resources. In keeping with the Verity House Agreement's focus on supporting local approaches by default, we instead favour increased powers and more flexible funding for Local Government – in addition to guidance and signposting – as the most appropriate and effective means of delivering on our joint ambitions for Community Wealth Building.

The Committee believes that given the important part statutory partners other than local authorities have in community planning, Audit Scotland's routine audit of them could include the effectiveness of their participation in community planning.

The Scottish Government should explore how the complex lines of accountability for community planning partners could best be streamlined.

As noted in the Committee's report, partnership working in councils – including in relation to Community Planning Partnerships – is already assessed as part of the Account Commission's Best Value reporting. COSLA is open to exploring how lines of accountability for community planning partners more broadly could be streamlined, including any potential role for Audit Scotland.

The Scottish Government should take the opportunity during its review of Part 2 of the Act to help renew CPPs' focus on the importance of empowerment and participation through identifying opportunities to drive improvement and share best practice. This could include increasing the funding provided to the Improvement Service.

Scottish Local Government remains committed to community empowerment, and recognises the importance of community participation in shaping decisions and services. In 2022, Local Government met the commitment to delivery 1% of budgets through Participatory Budgeting (PB), with over £154 million being spent through Participatory Budgeting-based activities and over 110,000 people getting involved in PB across Scotland. Work to mainstream Participatory Budgeting is continuing across Local Government, despite the challenges faced by councils in terms of staffing and budget constraints.

In addition to this, community empowerment is recognised as one of three key inter-related empowerments within the ongoing work on the Local Governance Review. As

part of this work, on 28th August COSLA and Scottish Government will jointly launch the second phase of Democracy Matters conversations to explore the future of community decision-making in Scotland.

With regards to the sharing of best practice within Community Planning Partnerships more broadly, COSLA recognises the important contribution of the Community Planning Improvement Board, Community Planning Network, and the Improvement Service in this area. We are aware that effective mechanisms for the sharing of good practice are already in place, and we are happy to consider with partners whether anything further may be useful to facilitate learning, including in relation to community engagement and participation.

CPPs should take proactive steps to ensure that communities of interest or identity are fully included in planning processes to avoid further marginalising key groups who are already at increased risk of inequality. Their voices should for example be clearly reflected in LOIPs and locality plans.

Community planning guidance sets out a clear expectation that CPPs should engage with both communities of place and of interest in the development of their activity, and it is positive to see the evidence of engagement initiatives shared by CPPs over the course of the Committee's inquiry. In addition to the requirements of the Community Empowerment (Scotland) Act 2015, councils – in keeping with their responsibilities under the Public Sector Equality Duty and Scotland Specific duties – have developed a number of mechanisms for community engagement, including engagement with communities of interest or identity. COSLA is open to exploring, with partners, how engagement with communities of interest can best be reflected in the development of LOIPs and locality plans, in a way that reflects local needs.

Community engagement requires a professional skill-set that cannot be met solely by busy CPP officers in local authorities who may lack experience. The Scottish Government should explore how it can support community planning by resourcing a network of local community engagement officers within local authorities, and by encouraging local authorities to ensure they have sufficient community planning officers.

COSLA has long argued for the need for Local Government to be sustainably and flexibly resourced to deliver on local priorities, and this includes councils having the power and resources to develop their workforces in line with the needs of their local communities. While we fully recognise the importance of community engagement as part of community planning, the introduction of ring-fenced or directed funding for local authorities to increase the number of community engagement officers would limit local flexibility and would not be in-keeping with the ethos of the Verity House Agreement. As a result, COSLA would not support this approach. It is also important to note that it is the responsibility of all community planning partners – not only the local authority- to ensure that CPPs are sufficiently resourced to meet their objectives and are able to engage effectively with communities.

The Scottish Government should consider commissioning research into the impact made by CPPs in improving inequalities. This could explore how CPPs are, and should be, linking interventions with outcomes data at a local level and outlining a framework for CPPs to use.

Community Planning Partnerships have access to a wide source of data and tools in order to support their interventions and decision-making. This includes the Community Planning Outcomes Profiles, which brings together measures of outcomes and inequality in CPP areas, as well as CPP self-assessment as part of the Public Service Improvement Framework.

In addition, we are aware that the Community Planning Improvement Board has undertaken work on the role of community planning more broadly in tackling inequalities, and in supporting financial security for low-income households. We will continue to work as part of CPIB, as well as with Scottish Government and others to explore how the role of CPPs in reducing inequality can be maximised.

There is a need to better align outcomes across the public sector, from the Scottish Government's National Performance Framework through to local delivery by statutory partners. This would better underpin the delivery of improved outcomes at all levels and also enable the evidencing of those improvements. The Scottish Government's review of community planning should consider whether Aberdeen CPP's work to align objectives should be used a case study and incorporated into the Strategic Guidance for CPPs.

COSLA is a co-signatory of the National Performance Framework and remains committed to improving outcomes for people and communities across Scotland. COSLA has long argued that local solutions are crucial to the delivery of better national outcomes, and that we will be best able to achieve our shared national ambitions when local partners are empowered to pursue approaches which are tailored to the needs of their communities.

This ethos is at the heart of the Verity House Agreement, which commits Local Government and Scottish Government to working together to deliver on three key priorities while embedding an approach which is 'local by default, national by agreement'. Importantly, the Agreement recognises the key role of Community Planning Partnerships in delivering Scottish and Local Government's shared priorities. We will continue to work with Scottish Government to ensure that work to strengthen community planning takes place within the context of the Verity House Agreement, and supports our shared ambition to improve national outcomes.

COSLA is happy to work with colleagues to consider how examples of good practice across Scotland can best be reflected in any update to guidance.

The Scottish Government's review of the Act should consider how to foster more sharing of and continuity in CPP leadership, for example through minimum terms or rotating Chairs amongst partners. It should also explore what training is needed to enable effective leadership of CPPs and how this could be provided.

The Community Planning Improvement Board plays an important role in supporting leadership across the community planning sector. We are happy to explore with CPIB partners and others how leadership across CPPs might best be strengthened, while recognising the need for partnerships to operate in a way which best suits local needs. In addition, the Scottish Leaders Forum – co-chaired by COSLA and Scottish Government – supports collaborative leadership across the public sector.

The work that the Scottish Government and COSLA are jointly undertaking to review Local Governance in Scotland should incorporate the role that CPPs have,

and any conclusions reached should provide clarity for all partners on the importance of community planning.

COSLA is clear that work to strengthen community planning must be viewed within the context of broader public service reform, including the Local Governance Review (LGR). Key to both LGR and strengthening community planning is delivering the functional and fiscal empowerment needed to enable public bodies to effectively pool resources and to work collaboratively to deliver on local priorities.

As noted above, the COSLA and Scottish Government will jointly launch the second phase of Democracy Matters as part of the Local Governance Review on 28th August. Recent months have also seen welcome progress on the development on Single Island Authority models, as originally proposed by Orkney and the Western Isles. If taken forward - where appropriate and desired by the local community - these proposals have the potential to generate significant learning for community planning partners. In addition to these approaches, it is important that LGR provides space to explore and develop a range of models which reflects Scotland's diverse communities and geographies, and we will continue to work with Scottish Government and partners to take this agenda forward.

ANNEX B: LETTER FROM SCOTTISH COMMUNITY DEVELOPMENT CENTRE

Scottish Community Development
Centre
Suite 305, Baltic Chambers
50 Wellington Street
Glasgow G2 6HJ

Ariane Burgess MSP
Convenor
Local Government, Housing and Planning Committee

Date: 24/08/23

Dear Ms Burgess,

We are writing to you to provide SCDC's views on the progress made in implementing Part 3 and Part 5 of the Community Empowerment (Scotland) Act 2015. This is to inform the Committee's evidence session in September.

Part 3 Participation Requests

Since the introduction of the Community Empowerment Act in 2015, SCDC has played a leading role in promoting, implementing and supporting the process of Participation Requests (PRs) and has worked closely with the Scottish Government to raise awareness of the opportunities which these can provide for communities seeking to work with public services to improve service outcomes for people.

We have also developed resources – our [Participation Request resource pack](#) - to support communities to explore and use Participation Requests as one option to have a greater say in the improvement of their areas and local services. This promotes PRs and has many tools and resources explaining how they can be used, including in British Sign Language, Braille, and Easy Read formats.

At the request of the Scottish Government, we have also been working to explore levels of support for developing a system of reviews and appeals in the participation request process through dialogue with community participation bodies (CPBs) and with public service agencies PSAs. This has involved supporting a working group in examining the issues drawn from both and supporting wider events on the subject.

As part of this work, we have recently undertaken an in-depth survey of both sets of stakeholder groups on the uptake and experience of using Participation Requests. This was promoted widely across our own networks, those of others such as Third Sector Interfaces, the Development Trusts Association and Scottish Community Alliance and those of Scottish Government to reach officers administering the system of PRs in public agencies as duty holders under the Act. Whilst the analysis

is not quite complete, our emerging findings inform this response as outlined below. We have also provided some views on asset transfers based on feedback from the community groups and organisations that we work with across our programmes. Our response follows the format of the question areas raised by the committee.

Levels of awareness of participation requests in communities, particularly those where historically there has been little uptake.

With 220 responses our sample of these expressing overall views about the PR system is a substantial dataset. However, numbers of those able to comment on their experiences of completing the PR process are too small to draw concrete conclusions without national comparisons. We are currently seeking to contextualise this alongside analysis of the Scottish Government's annual returns and therefore our findings should be treated as provisional.

From our survey participants we know that the levels of uptake of PRs are poor. Our survey suggests that this is mostly to do with issues of how they are promoted, and poor experiences people have reported to us about the process.

Of the CPBs surveyed, a little under half were not aware of the right to make PRs and more than half unaware of where to find more information about the process. Links to our own resources were promoted alongside the survey which will have mitigated this to some extent. However, this illustrates the challenge which still exists in raising awareness of the legislative intent and method of influencing change.

We think that this may also illustrate the need for regular ongoing promotion using means and methods beyond those in the regulations to reach communities effectively and take account of turnover in the leadership of community organisations. Current regulations require PSAs to promote PRs via their websites. The review should consider how this could be amended to include non-digital sources of information in order to avoid digital exclusion of segments of communities not able to take

advantage of web-based information sources. Given the likelihood that respondents to our survey are more knowledgeable about community empowerment than the wider population (most were members of community groups or worked for public bodies), general awareness in communities is likely to be significantly lower than this.

Impact of the Participation Request toolkit.

Our PR pack was developed with the intention of supporting better information around PRs for community groups, particularly vulnerable groups. Our latest web analytics report shows a 54% increase in users since March. The existence of the pack was promoted to all PSAs, however there was not much signposting to community bodies by PSAs so Scottish Government have ensured that this year's annual return email specifically highlighted the information available in accessible formats and requested agencies share it. We will be looking carefully at whether this is reflected in the Scottish Government annual reporting returns required under the Act at the next opportunity.

Effectiveness of annual reports by public bodies, and compliance with those formal reporting requirements.

We understand that most Councils are now completing Scottish Government returns. However, it's not clear to what extent that other organisations which are covered by the regulations are doing this. The regulations don't set expectations for SG to publish trends in use and outcomes of PRs in Scotland overall and it would be useful to have more data - especially on what happens to requests which are rejected and referred to other processes. SCDC is exploring with Scottish Government how to integrate their annual returns with our survey results to create a clear picture of what is happening on the ground across Scotland in order to best inform the review of Part Three.

Part Three of the Act also requires PSAs to publish a report at the end of an outcome improvement process, summarising the outcomes of the process and how the community participation body influenced the process, as well as other matters. From the work we are doing for Scottish Government we are aware that in many cases these reports do not appear to have been published even though the outcome improvement process does not seem to be running anymore, suggesting they have finished.

Also, in many cases, where final reports are produced, it appears that CPBs may not always be asked for input as the both the duties of Part Three and the statutory Guidance states. We feel that this kind of reporting is key to capturing learning of how to improve participation more widely and influence the success in other participation domains such as community planning. We are also interested in supporting further independent sampling of these reports to add to a greater understanding of the impact of PRs.

Public bodies' views of participation requests denoting failure.

From our wider engagement with public agencies, and amongst PSAs engaging with our working group and the survey funded by our Scottish Government work, we have found that many PSAs would generally prefer that PRs should not be used when there are felt to be other viable participatory alternatives.

We do agree that in places where excellent participation is the norm, there will be less need for participation requests to get people to the table and achieve better outcomes, but community bodies would assert that this is not the prevalent culture or practice in most public services, and we would agree with that. Although there are excellent examples of the use of participation requests to improve services, around 1/3 of survey participants had their requests refused. Of those which were validated, a significant majority were dissatisfied with some aspects of the way the PR was dealt with.

Some PSA would assert that the existence of alternatives is the reason why there are relatively few requests. However, we would also propose that poor promotion of PRs is an equally significant factor in reduced numbers of them and that a belief that other approaches are preferable should not frame approaches to promoting PRs or how they are assessed.

Our work to promote PRs indicates that there is interest amongst some PSA reps in strengthening promotion of PRs in the context of broader participation principles. This suggests that current participation arrangements are often not viewed as adequate for communities' needs in all parts of Scotland. These PSA reps and most CPB reps recognise this, which further implies the importance of PRs as a potential tool to raise issues and agree systematic dialogue to progress them, rather seeing them as a failure. There does seem to be a bit of a shift in PSA reps engaging with us on this issue.

Our own view is that the right to make participation requests should be viewed as a positive route for community groups and service users to identify important issues that would benefit from participatory approaches. This can be especially useful to initiate co-productive outcome improvement processes as the broader legislation intended.

Levels of participation requests made to public bodies other than local authorities

Our work has explored which organisations communities make PRs to. So far this has confirmed that Local Authorities are the primary recipient of PRs, with NHS services second. We plan to work with Scottish government and other data providers to explore these issues further and determine any patterns emerging.

Support provided to public bodies in meeting the requirements of the Act

Numbers of PSA bodies requesting support from us have reduced over the last few years. Most support requested has been in the form of one-off workshops (e.g., Orkney and Shetland Councils and West Dunbartonshire Council), plus some telephone queries in relation to specific participation requests. We also advised Aberdeenshire Council who wanted to co-produce an outcome improvement process with community councils in relation to participatory budgeting. An FE college sought support this year with understanding how they might better meet their duty. SCDC's strengthened web-based resource is something we hope to explore further this year in relation to supporting PSA needs.

The need for an appeals process for participation requests

Scottish Government fund us to explore this area of work and this work is currently still ongoing. It will conclude over the next six months and make more detailed proposals for consideration by ministers as part of the review.

Our engagement to date suggests that there is a desire amongst many CPBs and some PSAs for a system of reviews and appeals to be seriously considered to build confidence in the process and improve its outcomes. Work is ongoing to further test the level of this aspiration and possible models of developing workable processes.

Amongst the reasons for this are some issues which would benefit from clarification in guidance:

- A number of PRs have been rejected on the grounds that there has already been prior engagement or consultation on a particular matter. In our view and,

more importantly, within the legislation, prior engagement does not preclude further dialogue in order to improve outcomes.

- When explaining their decision to reject a PR, some decision notices from PSAs have highlighted a lack of community engagement with the wider community by the CPB. The statutory guidance advises community groups that this can strengthen a case when making a PR, but there is nothing in the legislation to suggest this is a requirement.
- A high number of CPBs we have engaged with have been left unsatisfied by outcome improvement processes. Many feel they have not been meaningfully involved and that decisions have been reached without taking their view into proper consideration. Many have also struggled to get PSAs to maintain and complete the process.

Our work suggests that further promotion of PR opportunities, strengthened guidance, support for groups making requests, combined with making the process more accountable, such as via local reviews or appeals, would significantly improve confidence in the system and uptake of the PR process. However, a process of reviews or appeals alone will not achieve this. Also, such a system needs to be workable and more consideration of this is needed. We are working with colleagues in Scottish Government to explore this.

To exemplify this, some legitimately community-controlled groups have had requests refused on the basis of accurate interpretation of the current legislative duties and guidance e.g., the Act states that the constitution of a community-controlled body must contain certain provisions. PSAs will apply this, and a local review or appeal would not change the outcome. Therefore, this would be the kind of detail where a process of refreshing and strengthening guidance would be equally useful as an outcome of the review of Part Three.

We have also identified the fact that in some instances the root problem is that the original guidance may not be understood or applied correctly. In such instances communities feel that there are no real consequences for the PSA involved and that reviews and/or appeals would improve that situation.

Whether public bodies are providing a single point of contact to aid participation requests and asset transfers.

In relation to participation requests, we think this is largely being honoured, although there is a feeling from our engagement that the way it is implemented can leave capacity to respond within PSAs too thin on the ground. We are also aware of situations where the responsibility for being a point of contact for PRs is 'tacked on' to the role of dealing with asset transfers. We have been told of situations where staff who are regularly dealing with asset transfers are unaware of what PRs are and their potential in the context of community empowerment.

Although it is likely that public bodies will still have more asset transfer requests to deal with than participation requests, the role of being a point of contact for PRs

needs to be given equal weight in terms of staff time, knowledge, training, and responsibility.

The officer who is the single point of contact for PRs often deals with giving groups early-stage support but is not always involved in the Outcome Improvement Process. We would suggest that refreshed principles and guidance for PRs could emphasise the need for a positive pro-PR mindset as an essential pre-requisite for those fulfilling that role and that this needs to be followed through with others who then engage with groups in the process.

The challenges in exercising asset transfer request rights when the asset belongs to an ALEO

We are unsure about this as there were no ALEOs in the PRs of the people we surveyed. However, the attached Whiteinch Library case study is one that involves an ALEO - the request has been accepted but the group state that it has not progressed at a fast pace due to the added complication of the library being managed and run by Glasgow Life.

The use of lease arrangements for asset transfers rather than transfer of ownership (which at the time of the committee’s report had been increasing)

The asset transfer provisions also apply to the lease or use of premises (Clause 79 section 2). We feel that the use of the word ‘transfers’ in the title of Part 5 combined with the emphasis on ownership in the legislation and the skewing of support funding and development resources to the community ownership agenda, may be functioning to obscure the other community control options to some extent. This is reflected in which options are promoted and therefore proceed. We would suggest that available space in public buildings should be usable by communities who need it without having to own it.

It seems surprising that fewer transfers seem to start off as use or lease requests. However, this isn’t verifiable without more data from the annual returns. To the best of our knowledge, Clause 79 also means that these other types of control arrangements are not only given equal weight in the duties, but are technically appealable if, for example, the terms of a lease were unreasonable, or a simple request for long term use was denied. All in all, we feel that the emphasis in the legislative implementation may be operating to conceal rights to options short of ownership.

We hope that these comments and views prove useful and are happy to provide more detailed information if that would be of use to the Committee.

Yours faithfully

Mick Doyle

Head of Programmes – Scottish Community Development Centre

ANNEX C: FEEDBACK FROM GROWGREEN SCOTLAND

Part 9A Review Update – GrowGreen Scotland

GrowGreen Scotland, with part sponsorship [£19,800 on a short term annual basis and half paid in arrears] from the Scottish Government Good Food Nation team, coordinates the Community Growing Scotland Forum (www.getgrowingscotland.org) a collaboration of support organisations and community representatives, working together to advocate for and support food growing in the community, from allotments to community gardens, orchards, market gardens and other models so every community and person in Scotland can engage and benefit. GrowGreen Scotland coordinates and delivers this online hub and help@ service on behalf of the Forum, and manages and distributes Pockets & Prospects funding and the Community Learning Exchange programme in partnership with the Scottish Communities Alliance.

GrowGreen's response on progress made following last year's enquiry is informed through our continued partnership and outreach work with communities and 'enablers' on the ground across Scotland, and delivery of the help@ advisory service.

Our approach to all aspects of Part 9 remains solution-focused and one that advocates for collaboration to support a range of local food growing solutions for equitable access and bespoke to local need. We continue to maintain that the role of local food is not given the recognition *or* appropriate investment given its ability to address multiple complex and connected issues, including climate, nature and soil emergencies, food security, community resilience local living and wealth building, social justice and just transition, health and wellbeing.

Please find our notes on the following points below, should you require any further detail on these or any other aspects of the opportunity to accelerate work on the ground through collaboration please don't hesitate to contact us.

- **Increased leadership/oversight, including data collection:**

No communication or update received on activities of Tripartite Group.

- **Create national partnership forum:**

Following last year's enquiry recommendations, GrowGreen Scotland offered to coordinate and deliver a 'Forum' similar to that delivered by DTAS supporting Asset Transfer, or to work in partnership with SG and local authorities to ensure opportunities for community growing were captured. This offer has not been take up. Through the delivery of the help@ advisory service, we regularly communicate with several local authority partners who have approached us directly for help, resources or to think through their approach to meeting statutory obligations and meeting demand for their services. We currently informally connect local authority partners around issues and opportunities they have in common. Those we have connected report it to be invaluable, we have been approached by a few directly, including

Borders and Highland, calling for us to facilitate a local authority forum to share knowledge and build capacity in this essential enabling role.

“Learning from other Officers, sharing resources and having a platform to discuss the issues that we face on a day-to-day basis is extremely helpful for both problem solving and a sense of being part of the bigger picture of promoting food growing. The discussions I have taken part in with Officers from other local authorities have left me feeling positive, included, and have helped with finding solutions to unresolved issues that I have been working on within my own region.”

- **Better monitoring and management of waiting lists by local authorities:**

A couple of officers report ‘active’ management of their waiting list where the approach taken has involved informing people waiting of other community growing initiatives that don’t require a waiting list.

- **Closer working relationship between local officers and planning departments:**

Last year’s enquiry highlighted the importance of national and local planning in safeguarding suitable land for growing local initiatives if we are to develop food security. Anecdotally a couple of local authority officers report good working relationships with planning colleagues who clearly understand the importance of local food initiatives and are keen, wherever possible, to support. Conversely other partners highlight barriers with local authority planning. See attached Forum response to Scottish Government consultation: Local Living and 20 minute neighbourhoods. A couple forum members, with funding from the Scottish Government, are currently looking at pathways to support communities looking to navigate local development planning to secure land for food growing.

- **Funding to sustain existing growing projects:**

SG Growing Together Fund (National fund) is a welcome resource for the sector, however the approach and management of the fund requires some transparency around process and urgent review. A fund delivered and administered on a similar basis to Pockets and Prospects Funding would see a more equitable and effective spend of public funds. Currently only communities with money in the bank can apply for funds which they claim in arrears, numerous groups, eligible to apply are excluded from the fund on this basis. We’d welcome the opportunity to formally propose changes.

- **Local authorities meeting requirements for preparing FGS:**

At the last count (informally Spring 2023) –7 local authorities had no evident food growing strategy. However, since the last review a couple have gone out for consultation or been published. Anecdotally one local authority partner reports their FGS is *not workable*, another reports their post, in supporting the delivery of the FGS, is up for review in the next round of budget cuts.

- **Allotments/food growing is being met in wider strategies:**

At a national level, the Forum advocates for the importance in cross-sectoral recognition and regard for local food solutions delivered by communities. The recent Local Living and 20 minute Neighbourhood consultation did not include reference to Good Food Nation (Scotland) Act or Community Empowerment (Scotland) Act (Part 9).

Community Growing Forum Scotland response to Scottish Government consultation: Local living and 20 minute neighbourhoods - planning guidance

[\[https://www.gov.scot/publications/local-living-20-minute-neighbourhoods-planning-guidance/\]](https://www.gov.scot/publications/local-living-20-minute-neighbourhoods-planning-guidance/)

We advocate for **Local Living and 20 minute Neighbourhoods - Planning Guidance** to support the planning community and local authority partners to urgently safeguard local land so communities, people and local food growing enterprises, including market gardens and other small holdings not covered by agriculture policy, can access and secure land to grow food, and to do so through consistent, effective and expedient planning processes. The role of food is not always given the recognition we believe it merits in development planning or management and needs the support of the planning system. Food is a top area for communities to address multiple complex and connected issues including the climate, nature and soil emergencies, food security, community resilience and wealth building, social justice and just transition, health and wellbeing. **Every community could deliver 'local living' solutions through food, and this can be increased and safeguarded through planning.**

New planning guidance, including through the Local Living Framework, can demonstrate that a local food system, and the land to grow in our communities, is an **essential component** to our everyday lives. Arable and usable land in all settings, from rural to urban, can be safeguarded for growing local food, the most suitable local sites prioritised for community food and nature activities; this is a foundation for Local living and 20 minute neighbourhoods. Policy priority for nature and green infrastructure, along with the listing of 'community gardens, opportunities for food growth and allotmentscommunity gardens, opportunities for food growth and allotments' in Policy 15 section is welcomed, however this needs to be expanded to encompass widescale community food growing, and the Guidance to address specific planning issues and opportunities that are currently occurring in communities across Scotland.

We acknowledge the attempt to join up multiple policy approaches and would welcome integration with the Good Food Nation (Scotland) Act and Community Empowerment (Scotland) Act (Part 9), in particular with respect to the requirements of these for Local Authority Food Growing Strategies and new Local Food Plans.as well as the duty on the local authorities to provide allotments. The 2022 review of Part 9 undertaken by the Local Government Planning and Housing Committee identified planning as a key issue in safeguarding and ensuring adequate land for a more certain and sustainable future. A more resilient food system is fundamental, with a requirement to allocate land for these purposes

close to where we live. <https://sp-bpr-en-prod-cdnep.azureedge.net/published/LGHP/2022/10/6/b4e23742-49d6-434a-8b5b-175cf60144b3/LGHP062022R10.p>

The Community Growing Forum supports the concept of more local place-based approaches to planning and the need for local community involvement in decision making. Food needs to be more explicit in planning, and local food growing and related nature based initiatives regarded by policymakers and planners as essential. A top priority for the policy context is to support access to sufficient and suitable land close to where we live, along with higher, yet still modest investment, to reap the multiple benefits.

Context:

Food related activities in communities have multiple proven benefits and are central to creating happier, healthier, more resilient local communities. Increasingly communities and people, across Scotland, are recognising the power of a food focus, and benefiting through food activities: growing, sharing, learning, eating, and reducing waste, they are connecting with food, nature, each other and the community - in ways that suit them and their area. Food is a key component in addressing the multiple and complex global and local challenges, and people and communities participating in the food system provides proven solutions to food issues including insecurity and system shocks [COVID 19, Brexit, Ukraine war for example], and to connected issues including climate and nature emergencies, physical and mental wellbeing. The food system in itself is complex and fundamental to everyone, and local community food solutions are fundamental to local living, and accelerate the delivery of healthy lives, and sustainable and resilient places. Food growing is an anchor activity for community food action, and is delivered through a wide range of settings and models: it includes allotments and community and home gardens, market gardens and community farms; located in urban to rural settings; on public, private and community owned land; and through entirely volunteer-led projects to organisations delivering complex and essential services to their community. These sites, intentionally and or informally, are often a hub for providing a range of local activities and services including food pantries, climate and nature action and learning, health and wellbeing improvement, skills development, social connection and cohesion, and addressing food insecurity and waste. Along with people directly benefitting, the whole community benefits through improved assets, environmental stewardship, increased resilience and inspiration for a good quality of life for now and the future. They are demonstrating how communities can lead connected and effective solutions.

The Community Growing Forum Scotland is a collaboration representing and supporting local growing and nature activity in communities, with representatives from community projects, intermediary organisations, local authorities, and other national and local partners. We represent 1000s of communities across Scotland from urban to rural settings, with a focus of our collaboration to increase participation for communities and people growing and wanting to grow food, supporting them to develop land, assets, and skills. www.getgrowingscotland.org

ANNEX D: FEEDBACK FROM GLASGOW ALLOTMENT FORUM**Report on the present state of allotments provision in Glasgow and the implementation of the Allotment Inquiry recommendations:**

Our experience in answering this question relates to:

Action	<p>The publication of Glasgow's Food Growing Strategy Action Plan Report and the Allotments Report both published in March 2023;</p> <p>Participation in the Food Growers' Forum which was set up in June 2021 under the Plan*.</p> <p>A survey conducted by GAF re: services to sites which was returned by 15 of the GCC's 22 allotment sites.</p> <p>A short-term working group set up by GAF to explore issues relating to the establishment of a central waiting list.</p> <p>A case study from The People's Plot</p>
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* The remit of the Forum was to monitor and assist in the implementation of the Food Growing Strategy. Membership was by open invitation to all allotment associations, community gardens, and organisations involved in the Glasgow's Community Food Network

• **Increase leadership/oversight from Scottish Government, including data collection**

Barriers to data collection and analysis:

- a) The lack of a definition of the lower size limit for an allotment (i.e. what distinguishes an allotment plot from a raised bed) means that reports to the Council list numbers of plots where a high proportion of those plots are of at most 4/5 square metres in extent which is insufficient for an allotment garden and not what individuals sign up for when they join an allotment waiting list.
- b) The lack of a central waiting list in order to assess demand according to the measure adopted by the 2015 Act. (Reports used data known to be inaccurate)
- c) Inaccuracies concerning what is and what is not a local authority allotment site by the definition of the Act i.e. private sites listed as a GCC sites. (e.g. Sir John Stirling Maxwell) .
- d) The listing of community gardens, which offer small raised beds to members as allotment sites e.g. Greyfriars Gardens and Centurion Way.
- e) Assigning numbers of plots to some sites which the Associations feel are significantly over what they actually have e.g. Mansewood 109 - Chair says they have 68, Beechwood 52 plots - Secretary says they have 39.
- f) Use of inaccurate data in a way that conveys a narrative of greater progress in the provision of new allotments than is in fact the case. (For instance 11 out of 32 entries in a table giving the data specified by the Act in the Allotment Report for Glasgow are inaccurate. The total number of plots on GCC leased sites, given as 1657, is thus a significant overestimate of what is actually available.
- g) No reporting of what progress is being made in getting access to land for growing projects.
- h) No evaluation of processes for access to land, joining a waiting list, or securing a land lease on VDL is touched upon although would-be allotmentees are recommended

on the Council's website to band together and use the asset transfer process to establish a lease.

• **Create national partnership forum**

We are not aware of any reports on the proceedings/outcomes of the Tri-partite group or any proposals for a National Partnership Forum.

• **Better monitoring and management of waiting lists by local authorities**

GCC has twice asked Associations on GCC sites to provide data on an Excel spreadsheet listing: *title; forename; surname; address; postcode; email address; phone 1; phone 2; date applied and notes.*

Not all sites have replied. The waiting lists held by allotment associations are of very variable quality – some are seldom reviewed or updated.

An app to support a centralised waiting list has been promised since 2019 but has not been produced as yet nor are officers able to tell us when it will be produced.

As far as we know there has been no involvement of allotment associations in any discussion of how a central waiting list might operate other than the short-term working group convened by GAF on this topic in 2022.

The requirement: *“The local authority must give written notice to a person who made a request under subsection (1) confirming receipt of the request before the expiry of the period of 14 days beginning with the date on which the request is received by the authority.”* Is a complete dead letter at the minute.

• **Closer working relationship between local officers and planning departments**

Glasgow's Neighbourhoods, Regeneration and Sustainability Department deals with both Food Growing and Planning and therefore this linkage is intra-departmental rather than interdepartmental. In Glasgow it also involves an “arms-length” organisation called People Make Glasgow Communities which is linked to NRS.

The detailed case study (over 3 years) that we have from The People's Plot, a group trying to procure land for an allotment site, shows that there are considerable problems of basic communication within the local authority. The process for identifying and seeking permission to use/lease a site is divided across different silos in NRS which do not appear to communicate well with each other as exemplified by inaccuracies in relation to basic data about sites e.g. sites listed as vacant but already in use etc. For this group getting accurate and timeous information from the various different groups of officers and agencies and attempting to clarify the process for making an application has been tortuous and frustrating.

The website support for groups seeking land for allotments is extremely difficult to navigate e.g. a Story Board map has been produced that is overly complex and poorly explained (It was not, so far as we know, designed with any involvement of likely end users.)_The information for individuals seeking a plot is just a contact list for existing sites. There is no information about the duty of the local authority to provide plots for individuals or any time scale or proposals for new sites. No links to planning and new developments.

There are opportunities for new plots in the public realm but the experience at Gartnavel Royal Hospital which has 9 'open beds', has just created 9 more and has the land for many more is that there has been no collaboration between the Council and the Health Board.

- **Funding to sustain existing growing projects**

The Let's Grow Together Fund (£50k per annum) has been used to distribute grants of up to 5K to applicants on two occasions. In the first year 14 grants were made 3 of which were for the restoration of three community allotment plots (one at Lambhill, 1 at Pollokshaws, Growing 21, and 1 at South Western allotments, the other successful applications were all for raised beds or planters. No support was given to an allotment association.

The Let's Grow Together Fund is listed in the food growing strategy action plan as assisting the development of new growing projects but in fact successful (and unsuccessful) applications have been almost exclusively made by previously established community gardens or on community plots on established allotment sites.

A recent GAF survey covering 15 of the 22 allotment associations based on GCC sites indicated a generally poor level of support from the authority and a particular concern with the lack of communication. Requests and queries raised by Association Committee seldom received any response. Respondents felt that support to allotments had declined markedly in the last decade or so.

- **Local authorities meeting requirements for preparing Food Growing Strategies**

Glasgow has published a Food Growing Strategy and in 2021 it produced a Food Growing Strategy Action Plan listing 16 actions. There has been progress in supporting and extending some community gardens. The new allotment site at Drumchapel and extensions at Mansewood and Croftburn have added to the number of half plots available for people wanting allotments.

However, progress in bringing new land into cultivation, other than by direct involvement of the authority in setting up a project, has not progressed. An FOI has established that there is not enough funding available for the Authority to be able to meet the demand for allotments by being directly involved in the practicalities of setting up sites. (capacity roughly 1 site of 36 half plots every 2/3 years)

Progress in getting access to land for growing purposes by actors other than the authority seems to have been negligible. Current mechanisms under the 2015 Act for asset transfer are not working – even largish projects like the one for the use of Ruchill golf course are as enmeshed in bureaucracy and muddle between official agents as is the case with the small group cited above under bullet point 4.

Ruchill Golf course is an area of 46 acres for which People Make Glasgow Communities are considering applications. It is a beautiful site with no history of industrialisation and would be ideal for an urban farm, allotment, orchards etc. However, the development of the plan has been left to a very small group of grant funded organisations whose staff (on temporary contracts) are expected to consult, design and make a business plan. There has been no input to support the this complex process from the Council

- **Allotments/food growing is being represented in wider strategies**

Apart from the Food Growing Strategy, Glasgow Food Plan and the land for allotments shown in the Open Space maps. we have found no evidence of allotments being represented in wider Council strategies other than the occasional sentence or referral to the Food Growing Strategy. .

In planning applications land for allotments and growing is in the 'demand led' category rather than 'publicly useable spaces' (e.g. play parks, amenity spaces and communal private gardens). It is difficult to see how demand for allotments could be shown in new developments where people have

not yet bought their homes and where the demography of the neighbourhood will undergo significant changes.

The Glasgow Strategic Plan simply commits to “*Deliver the Food Growing Strategy and increase the number of allotments and community growing spaces across the city*”. But no numbers or timescale.

Recommendations

Improving the Accuracy and Effectiveness of Reporting

The Scottish Government has an option to review the Act and, for example, add to the allotment Report 121 (r) *such other information as may be prescribed*.

- (i) Widen requirements Allotment Report to report on the ‘reasonable steps’ that have been taken as recommended in Guidance. Include information about areas of land for allotments in local development and place plans.
- (ii) Minimum size allotments to clarify distinction between a plot that would satisfy the purpose of the act to provide a patch of land that is of sufficient size to grow vegetable, fruit and flowers. Amend 109 (3) *The person making the request must, if the area of the allotment sought is less than 250 square metres, specify the area in the request. Only areas requested larger than 25 square metres are considered as a request for, or an offer of, an allotment.*
- (iii) Clarify difference between organisations wanting land under the Asset transfer section and those persons (individuals) who just want a plot on an allotment site that it is the duty of the local authority to provide.
- (iv) 111 (2) *The list may be established and maintained by the local authority in such form as the authority thinks fit* - Consult with allotment associations and other relevant groups to provide a clear, transparent way of establishing and maintaining the waiting lists.
- (v) Clarify that allotments reports should be published on the authority’s website in a place which is clearly devoted to food growing matters not tucked away in committee papers. In addition notification should be sent to all plot-holders and those on waiting lists saying when and where the report is available.
- (vi) Transparency with reports of cross department meetings to be easily available to the public.
- (vii) Systems analysis of what information is needed at what level - at the moment all information is contained on digi-maps but these are not easily accessible or usable by the general public.
- (viii) Clarification of process including consultations on allotments rules and regulations, and how these can be carried out in a participative manner.

Creating a national partnership forum

Top priority should be given to the sharing of good practice among local authorities and local associations. If regional bodies such as FEDAGA and GAF were supported in regions across Scotland then there would be a sound base of for the sharing of information and skills for the benefit of local communities. The use of a variety of models for providing access to land for growing including allotments in urban areas. More creativity about how community growing models become part of the public realm in urban settings once again.

Better monitoring and management of waiting lists by local authorities

To monitor and encourage demand, application to the waiting lists must be based on transparent, participative information. There should be good Council websites with links to and input from community councils and anchor organisations.

Local Development and Place Plans

The Guidance states: *local authorities have powers under section 70 of the Local Government (Scotland) Act 1973 (“the 1973 Act”) to acquire land (by agreement) for the purposes of the benefit, improvement or development of their areas³. Section 73 of the 1973 Act enables a local authority to*

appropriate, for the purpose of any functions, land already vested in them for the purpose of any other function.

Any Local Development Plans should highlight this option and consider whether it is suitable or if remediation is required.

Allotments and growing spaces should be central to decisions on planning applications as a matter of course and not 'demand led'.

Funding to sustain existing growing projects

- * Agreement is needed between local authority and allotment associations on responsibilities and support. The Survey showed that associations undertake the immediate management but need support for capital works such as paths and disabled access should come within the Council budget.
- * Transparency on where allotment rents are spent in Allotment Report
- * The local authority Budget statements about funding for allotments should include equivalent contributions from allotment association members.

Local authorities meeting requirements for preparing Food Growing Strategies

Once prepared it is the actions, evaluation and monitoring that is essential. FGS should be followed up with an action plan and then yearly report to the relevant Council committee again with public notification. (5 years in legislation). Local authorities cannot meet the requirements for Food Growing without adequate funding. Growing must be given the same priority in health and place policies with cross organisational co-operation as happens with Sports.

Allotments/food growing being represented in wider strategies

The Guidance section 3.7 on reasonable steps to meet demand

Officers responsible for allotments should consult with a wide range of internal and external stakeholders when carrying out their analysis of demand for the local authority area. Such stakeholders should include, as appropriate, the following: planners, community development and health improvers, senior elected members, senior managers from relevant public services, members of the business community and the third sector, allotment associations, local grow-your-own groups and community gardens.

The membership and reports of these consultations and monitoring forums should be on website.

Jenny Reeves Chair Glasgow Allotments Forum

Judy Wilkinson Member Glasgow Allotments Forum