
ARGYLL AND BUTE COUNCIL COMMUNITY FOOD GROWING STRATEGY

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this paper is to seek approval by the Council for adoption of the finalised Argyll and Bute Community Food Growing Strategy by the legally required date of end of April 2020 and to note the Allotment Rules and Regulations. This Strategy will meet the Council's duty under Part 9 of the Community Empowerment (Scotland) Act 2015 which provides a legal framework that promotes and encourages community empowerment and participation in growing food. It can be found in Appendix 1, the Rules and Regulations can be found at Appendix 3.

1.2 To ensure compliance with the Community Empowerment (Scotland) Act 2015 Part 9 - A Cross Departmental Working Group (Development and Infrastructure Services- Development Policy, Customer Services- Legal and Regulatory Support) was established in February 2019 with the following tasks:

- To draft the Argyll and Bute Council Community Food Growing Strategy (which will be referred to as the Strategy) which includes our vision, current provision of growing space, how the Council will meet demand as informed by our Waiting List Register, provide guidance for community groups and how we will carry out monitoring of the Strategy.
- Establish and maintain a Waiting List Register and report annually, for which a dedicated webpage has been developed and is to be managed by Legal and Regulatory Support.
- Draft, consult on and agree Allotment Rules and Regulations, this element was managed by Legal and Regulatory Support.

1.3. The draft finalised Strategy has taken account of the Scottish Government's Guidance Part 9 of the Community Empowerment (Scotland) Act 2015 Allotments Guidance for Local Authorities Section 119 Duty to Prepare a Food Growing Strategy; and this is reflected in the context of our rural location and our well established community and food growing culture. The Strategy contains a vision:

Vision – Our vision is to encourage and enable people in our community who wish to grow their own food, by providing: information on potential community food growing spaces, advice and guidance.

1.4. The Strategy contains the following content: legal background, current provision within Argyll and Bute, Planning context, the incorporation of the results of the Public Consultation which has provided us with an additional overview of food growing activities in Argyll and Bute in terms of Mapping, Monitoring and Review

process, Community Food Growing Guidance along with a number of Case studies to inspire others.

1.5. The team involved in the production of the Strategy are officers from Development And Infrastructure-Development Policy (Lead), Customer Services -Legal and Regulatory Support and Communications.

1.6 The Financial implications relate to officer time.

1.7 Recommendations:

The Council is asked to:

1. Agree the contents of the finalised Argyll and Bute Council Community Food Growing Strategy which reflects the duties placed on local authorities arising from Part 9– Allotments of the Community Empowerment (Scotland) Act 2015;
2. Agree that the Argyll and Bute Council Community Food Growing Strategy be adopted by the Council in April 2020 in order to meet our duty under the Part 9 of the Community Empowerment (Scotland) Act 2015 ; and
3. Note the Waiting List Register update and Allotments Rules and Regulations which reflects the duties placed on local authorities arising from Part 9– Allotments of the Community Empowerment (Scotland) Act 2015.

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2.0 INTRODUCTION

- 2.1 The Community Empowerment (Scotland) Act 2015 requires each local authority to produce a food growing strategy within two years of Part 9 of the Act, which is due by April 2020. The finalised Argyll and Bute Council Community Food Growing Strategy reflects the established culture of growing our own food from individuals to allotments associations, community growing spaces, care homes, and school gardens. This paper brings the final draft to the Council for adoption at this meeting.

3.0 RECOMMENDATIONS

The Council is asked to:

1. Agree the contents of the finalised Argyll and Bute Council Community Food Growing Strategy which reflects the duties placed on local authorities arising from Part 9– Allotments of the Community Empowerment (Scotland) Act 2015;
2. Agree that the Argyll and Bute Council Community Food Growing Strategy be adopted by the Council in April 2020 in order to meet our duty under the Part 9 of the Community Empowerment (Scotland) Act 2015 ; and
3. Note the Waiting List Register update and the Allotments Rules and Regulations which reflects the duties placed on local authorities arising from Part 9– Allotments of the Community Empowerment (Scotland) Act 2015.

4.0 DETAIL

4.1 Legislative Context

The purpose of this paper is to seek the adoption of the finalised Argyll and Bute Council Community Food Growing Strategy by Council. The finalised draft Strategy will assist in meeting our duty under Part 9 of the Community Empowerment (Scotland) Act 2015 which provides a legal framework that promotes and encourages community empowerment and participation in growing food. The Act creates new rights for community bodies and places new duties on public authorities.

- 4.2 To ensure compliance with the Community Empowerment (Scotland) Act 2015 Part 9, a Cross Departmental Working Group (Development and Infrastructure-Development Policy; Customer Services - Legal and Regulatory Support) was established in February 2019 to implement the various tasks coming from the Act. This report deals with three of these tasks- the draft Argyll and Bute Council Community Food Growing Strategy, maintain a Waiting List register and the Allotment Rules and Regulations. The Act requires that the Strategy is adopted by the Council by April 2020.
- 4.3 Other requirements of the Act include: a duty to establish and maintain an allotments Waiting List register, make allotment site rules and regulations; and produce an allotments report for the Area each year. On this occasion only, these matters are included in this report and in subsequent years will be covered separately by Legal and Regulatory Support.

Production of Argyll and Bute Final Draft Growing Strategy

- 4.4 The Strategy has taken account of the Scottish Government's Guidance (Part 9 of the Community Empowerment (Scotland) Act 2015 – Allotments Guidance for Local Authorities Section 119 Duty to Prepare Food-Growing Strategy.
- 4.5 The Strategy has followed and interpreted the Scottish Government Guidance on developing a Food Growing Strategy in as much as its relevance to a rural and island local authority like Argyll and Bute which has an existing well- established 'growing our own food' culture. Consequently the Strategy reflects the established culture of growing our own food from individuals to allotments, to a range of community growing spaces and school gardens.
- 4.6 As part of the process of producing the Strategy, we surveyed stakeholders including: Community Councils, Allotment Associations, Community Groups, Schools, Housing Associations and individuals thus providing the Strategy with a snap shot of the current status of growing our own food in Argyll and Bute. This was followed by a six week public consultation to further shape the document- the results can be viewed in Appendix 2.

Our growing spaces are recognised as a valuable resource for individuals and communities, they provide a range of benefits which includes:

- Growing your own food contributes to a low cost and environmentally sustainable ethos including factoring in climate change challenges,
- Contributes to Health and Wellbeing – influencing a positive lifestyle choice and physical exercise,
- Social interaction and inclusion for a range of age groups and provides an opportunity for learning through knowledge exchange,
- Contribute to and benefit biodiversity.

- 4.7 The Argyll and Bute Council Community Food Growing Strategy Vision is –
'To encourage and enable people in our community who wish to grow their own food; by providing: information on potential community food growing spaces, advice and guidance'

4.8 The Strategy includes the following content: -

- The legal context of the Act,
- Current provision within Argyll and Bute,
- The planning context,
- An indicative map of the range and location of food growing activities.
- Proposals for monitoring and review of the Strategy.
- Case studies show casing the types of community food growing activities,
- Community Food Growing Guidance information- https://www.argyll-bute.gov.uk/sites/default/files/community_food_growing_guidance_updated.pdf

The Strategy can be accessed via a Story Map at this link: <https://argyll-bute.maps.arcgis.com/apps/MapJournal/index.html?appid=8b4f54a2f5034d9299bd11369408dc6>

Allotments - Waiting List Register & Rules and Regulations

- 4.9 Argyll and Bute Council has three allotment sites (as defined by the Act which are those on Local Authority land) one in Helensburgh and two in Rothesay. They are each managed by allotment associations. Other Community Food Growing Spaces such as community gardens and schools exist within a number of mainland and island sites and they are managed by local dedicated community members and school groups.
- 4.10 Section 9 of the Act looks to simplify the law regarding allotments. To ensure compliance with the Act, Local Authorities are obliged to manage waiting lists for allotments and take reasonable steps to address high levels of demand. Local authorities also have to report on their allotment provision annually and make allotment site regulations.
- 4.11 Legal and Regulatory Support have responsibility for the Waiting List Register, which is now open to members of the public and can be accessed by clicking on this [LINK](#). If enough people register in an area where the numbers are viable and suitable land can be found within Argyll and Bute Council ownership that meets the criteria of being local, accessible and fit for purpose, the Council will provide advice and guidance in order to help explore the options.
- 4.12 At the time of preparing this report 23 individuals had requested to be included on the Register (15 within Bute and Cowal and 8 within Helensburgh and Lomond only). Legal and Regulatory Support have highlighted the demand to colleagues within Commercial Services and Development and Economic Growth and are working together to put arrangements in place to address such requests and provide information on potential growing spaces.
- 4.13 Legal and Regulatory Support have also prepared Allotment Rules and Regulations which have been prepared in response to the legislative requirements and in support of the Councils Community Food Growing Strategy. As the Council does not currently directly manage any allotments it is envisaged that initially these will form part of the suite of guidance documents available to interested parties and will only be brought into use in the event of direct management of a council operated allotment.
- 4.14 As part of the process of producing the Rules and Regulations, the Council

consulted stakeholders. The consultation commenced on 24 January and concluded on 21 February 2020.

- 4.15 The consultation approach was largely determined by paragraph 116 (2) of the Act. The Act obligated the Council to advertise in at least one newspaper giving notice of the authorities' intention to make the Rules and Regulations. The Council went beyond this requirement and advertised in various papers (Helensburgh Advertiser, Dunoon Observer, Argyllshire Standard, Oban Times, Campbeltown Courier and Argyllshire Advertiser). The draft Rules and Regulations were also promoted via the Council's website and were also circulated to those registered via the Keep in The Loop consultation facility.
- 4.16 The public consultation process was designed to recognise and draw upon the knowledge and expertise in community food growing across Argyll and Bute. A total of 36 responses were received which proved essential in creating a set of Allotment Rules and Regulations that will help support groups to independently manage their respective growing spaces.
- 4.17 Following the consultation the Rules and Regulations were refined, as appropriate, and are attached in Appendix 3. The rules are an operational matter to be utilised by the Council in the event that it is directly providing allotments to the Public. As such these have been approved by the Council's Strategic Management team in advance of the deadline for constituting such rules by April 2020

Monitoring and Review of the Strategy

- 4.18 Under Section 120 of the Act the Council is required to review its' Food Growing Strategy. This review must be carried out within 5 years of the date of the publication of the initial Community Food Growing Strategy, and every five years thereafter. If as a local authority we decide to change the Strategy following a review, we are required to publish an amended Strategy electronically at that stage.

Consultation and Adoption

- 4.19 The Strategy supports the duty in the Act as well as encouraging community groups to get involved in growing their own. The advice that has been provided in the document will help frame local community action and thus empower them to support the Growing Your Own national policy. The Strategy will be made available on the Council's website once adopted by Full Council in April 2020.
- 4.20 The Strategy does not require Strategic Environmental Assessment (SEA).

5.0 CONCLUSION

- 5.1 In conclusion, the finalised Argyll and Bute Council Community Food Growing Strategy will help meet our duty under Part 9 of the Community Empowerment (Scotland) Act 2015 and provide information to assist those individuals and community groups who wish to grow their own food. This has a wide range of benefits from local food supply, health and wellbeing, learning, social interaction

as well as contributing to our biodiversity, the climate change agenda and our excellent environmental credentials

6.0 IMPLICATIONS

- 6.1 **Policy:-**The Strategy will be an adopted policy of the council with the establishment of the Allotment Rules and Regulations are a legislative requirement and will be held in abeyance until such time as the Council directly manages allotments. It is cross referenced in the Local Development Plan- Open Space Policy which safe guards sites for the growing of food.
- 6.2 **Financial:** - None- officer time only. (8 officers involved)
- 6.3 **Legal:** - Meeting our duty to produce a Food Growing Strategy, Allotment Waiting List and Rules and Regulations under Part 9 of the Community Empowerment (Scotland) Act 2015.
- 6.4 **HR-** N/A
- 6.5 **Fairer Scotland Duty:-** this is embodied in the Community Empowerment (Scotland) Act 2015 and taken into account in the preparation of the Strategy.
- 6.5.1 **Equalities** – Yes completed.
- 6.5.2 **Socio-economic Duty**-N/A
- 6.5.3 **Islands:** - the Strategy is all inclusive.
- 6.6. **Risk:** - Failure to progress and adopt the Strategy and Allotment Rules and Regulations will lead to failure to fulfil our duty by April 2020
- 6.7 **Customer Service:** - The Strategy and Allotment Rules and Regulations have undergone a full consultation process and the Waiting List is available for public use.

Interim Executive Director with responsibility for Development and Economic Growth - Kirsty Flanagan

Executive Director with responsibility for Legal and Regulatory Support Services – Douglas Hendry

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1st April 2020

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APPENDICES

Appendix 1- Argyll and Bute Council Community Food Growing Strategy

Appendix 2- Summary of the Public Consultation: 2 September- 7 October 2019

Appendix 3 - Argyll and Bute Council Allotment Rules and Regulations and summary of public consultation.