

**SCOTTISH GOVERNMENT 5th TRIPARTITE GROUP MEETING, ALLOTMENTS
- MINUTES -**

THURSDAY 14th September 2017 at 13:00

**ROOM B-1, SAUGHTON HOUSE, BROOMHOUSE DRIVE, EDINBURGH,
EH11 3XD**

Attending

Mark Thirgood – (Scottish Allotments
and Gardens Society (SAGS))
Ian Welsh - IW (SAGS)

Judy Wilkinson - JW (SAGS)
Ian Woolard - (Local Authority (LA)
Edinburgh)

George Burgess – GB (Chair, Scottish Government (SG))
Robin MacLean – RM (Note, SG)

Apologies

Apologies were taken on behalf of Peter Duncan (LA - Fife), Neil McAteer – NM (LA - North Ayrshire), Alexander Paterson - SP (Local Authority (LA), Glasgow) and Alison Swanson - AS (SAGS).

1. Introduction

1.1 GB welcomed the group and introductions were made.

2. Previous Minutes & Actions

2.2 Minutes from the previous meeting were accepted.

2.3 GB brought the group up-to-date on the status of the actions from the previous meeting (outstanding Action 1: RM to invite Kristen Anderson to next Tripartite meeting; outstanding Action 2: Judy Wilkinson to send RM Asset Transfer issue & proposed way forward; outstanding Action 3: SAGS funding proposal).

3. SG Update

3.1 GB introduced himself as the recently appointed Deputy Director for the Food, Drink & Trade Division and updated the group on Amanda Fox's new role within the Rural Economy and Communities Division.

4. SAGS Reflections

4.1 MT outlined that he felt that there was a developing issue of trust between SAGS and SG and gave a brief history of the Bill stages of Part 9 (Community Empowerment (Scotland) Act 2015) when conflict arose. MT described his views on SG's process behind the launch of the Part 9 Guidance consultation on 25 August 2017.

4.2 The main issue was that the Tripartite Group did not have the chance of meeting to discuss the final draft consultation document before it went live.

4.3 The meeting heard that the working deadline for preparing a whole package of work around Part 9 was the end of 2017 and discussed a number of set-backs which occurred, having the combined effect of making it critical to launch on August 25 in order to meet the deadline of the end of the year.

4.4 The two main issues which affected the timeline were identified as the Tripartite sub-group exercise not having completed and failure of the Tripartite Group to meet due to inability to identify a date which suited the majority of members.

4.5 A discussion took place around the sub-group exercises and about establishing a quorum (the minimum number of Tripartite Group members who must be present at a properly called meeting in order to conduct business in the name of the Group).

4.6 It was agreed by those present that a quorum should be defined as being one member from each of the three bodies which make up the Tripartite Group i.e. one member from SAGS, one member from a LA and one member from SG. (Action 1: RM to confirm with the wider group that they are happy with the proposed Tripartite quorum).

4.7 The meeting discussed that the guidance consultation falls short of reaching its full potential e.g. it misses the opportunity to seek views on examples of “reasonable steps” in relation to section 112 (Duty to provide allotments).

4.8 It was accepted by the group that there is a need to move on and to re-establish trust. Towards that end MT asked that all future publications in relation to Part 9 should be shared with the Tripartite Group prior to being finalised. GB agreed that related Part 9 publications would be shared with the Tripartite Group prior to publication.

5. SG update, Part 9 implementation

5.1 RM updated the group on the work around developing secondary legislation under Part 9 (transitional and compensation regulations). Local authorities have been asked for their comment on SG proposals for the transitional legislation and these are currently being taken into consideration by SG legal Division (SGLD). A separate “mini consultation” is currently underway to determine the procedures for paying compensation. This will complement the public consultation on compensation that was run in 2015 and will inform the secondary legislation.

5.2 RM outlined the timeline for consulting on guidance and a discussion ensued about analysis of responses and whether extra weighting will be given to certain groups of respondents. It was explained that the analysis is yet to be procured but regardless of whether a particular respondent has allotment experience, a useful comment or idea will be treated as such.

5.3 IW asked if there are set procedures to follow when producing SG guidance. GB discussed the legal basis of guidance, when it is exercised and why Ministers may choose to produce guidance.

5.4 MT asked whether there is scope to run a separate consultation on guidance in the future to which GB confirmed that it is an option if needed.

5.5 RM outlined SG's Food Growing Strategy (FGS) work and discussed the original intentions including seconding the Fife Allotments Officer to take forward a national conversation and to develop a draft template. The 1st draft template has been released to stakeholders for comment and discussion.

5.6 A discussion took place about SG funded projects looking to advance local authority food growing strategies and the question was raised as to whether this is the best way forward, considering SG guidance on FGS has yet to be developed. RM clarified that SG sponsored FGS work is being carried out to advance understanding on the topic and will be used to help inform the national template. However, given that the duty to produce a FGS has not yet been commenced, there is plenty of time for local authorities to adhere to any guidance produced by SG at a later date.

5.7 JW requested a meeting with the above mentioned projects in order to understand better the work they are doing around assisting local authorities to develop their food growing strategies (Action 2: RM to explore this with Greenspace Scotland and the Federation of City Farms and Community Gardens organisations).

5.8 RM told the group that the timescale for pulling the various Part 9 strands together is still set for the end of 2017 but this can change, depending on the need for more work on e.g. guidance. GB went through the process involved in bringing a Commencement Order related to Part 9 before Parliament and discussed that there is a need for Parliamentary scrutiny.

6. AOB

6.1 The group discussed devolved management sites and heard from JW about an example of conflict on a site in Glasgow. The question arose as to where people can go to discuss issues that take place on devolved sites and that there is a need to ensure that management is only devolved to suitable groups of individuals.

6.2 A more general discussion was had about whether, strictly speaking, certain devolved management sites even fall within the scope of Part 9. The scenario was discussed of a local authority leasing land to an allotment association which then goes on to sublease to individual plot holders. (Action 3: RM to discuss scenario with SGLD).

7. Date of Next Meeting

7.1 RM to send Doodle Poll for next meeting (Action 4: RM to send poll).

The meeting closed at 16:00