

Management Committee

Date: 31 October 2014

Agenda Item: 8



Community Empowerment (Scotland) Bill

1.0 Purpose

This paper provides an update on the Bill and the potential implications for community planning partners to help the CPP Management Committee consider any future course of action.

2.0 Recommendations

- Note the content
- Discuss and agree further action which may include:
 - Further updates
 - Issues taken to other strategic groups or individual organisation boards.
 - Further investigation of ways to best approach the right to participate in particular through liaising with other areas which have started looking at this in detail to improve consistency.

3.0 Background

In August 2014 the CPP team circulated a published easy read version of the Community Empowerment (Scotland) Bill to CPP Management Committee members and to Area Community Planning Groups via the council's Governance service.

In summary this version makes clear:

- The Bill is a plan for empowering all people in Scotland to get involved and help to make important decisions.
- Communities can be groups of people in the same local area or groups of people with a common interest.
- Communities should have help to do things for themselves if they need help. This could be for things like taking over a building for people to meet and socialise or helping people learn new skills.
- People who shape and run public services should ask local people what services they need and how these should be delivered.

The Laws proposed in the Bill are to make it easier for communities to get help and support to do things for themselves and to have a say about public services. The proposals include:

- Right to request - If community organisations think they can help to improve services they will be able to contact the service provider and make suggestions. This can include taking over the service and providing the service.
- Community Right to Buy - A change of law to allow community organisations to buy land that may not be put to good use or buildings that may be run down even if the owner does not want to sell their land.
- Community organisations can ask to take control of publically owned buildings or land not being used by public bodies.
- Councils must make their list of common good property clear to everyone and fully consult before they make changes to the use.

4.0 Points to consider from the Bill

As part of the process of the Bill going through Parliament, the Parliamentary Committee is currently taking evidence on the Bill. Points made following consideration of the Bill at a recent meeting of the Community Planning Managers network are included below.

Recognised benefits

- Puts involvement of more partners on a statutory footing.
- Opportunity to work at a more local level with empowered community organisations.

Potential issues for partners to consider

- The public service provider must talk to the community organisation, community company or community group registered as a Scottish Charitable Incorporated Organisation (SCIO) about their ideas for changing the service. Therefore a process to manage approach and response would be beneficial.
- If the public service provider does not agree to talk to the community organisation they must explain why.
- The decision making process will have to be clear and accountable in evidencing how the community organisations plan is better for local people than the plan of the public sector body.
- A risk to consider from the outset is the question of who meets the cost of bringing community run facilities back into fitness if the community groups no longer need them.
- May need to introduce terminology of Local Improvement Plan to replace Single Outcome Agreement to reflect the terminology used in the Bill.

- There are potential significant resources required to deliver the level of power to communities set out in the Bill.

Identifying potential way forward

It may make sense to have a process to facilitate right to participate requests that is similar across partners and CPP areas where possible to limit confusion to people and communities approaching through this route, similar to FOI.

At the Community Planning Managers network meeting on 3 October it was noted that at least three councils/ CPPs are looking in some detail at the process of how they would manage enquires from community organisations to deliver services. It would be useful to speak to those CPPs and identify good practice so as to create a consistent approach if considered best locally.

5.0 Conclusions

It is important for all public sector bodies to consider the implications of the Bill. The Community Planning Team would be interested to know from the CPP if there are any other national group of professionals looking at this to inform local responses? Or if the issues raised in this paper are being looked at in forums of other CPP partners?

The CPP Management Committee should agree the best way forward for keeping up to date with the Bill and to be best prepared for it.

6.0 Implications

Strategic Implications	Relates to delivery of all outcomes
Consultations, Previous considerations	CPP partners may have responded individually to the consultation on the Bill. The points noted in the report are from the Community Planning Managers Network meeting on 3 October 2014.
Resources	There are potential resource implications from the right within the Bill for community organisations to contacts public sector bodies with proposals to better manage service delivery. There is the potential for public sector bodies to work together on an agreed approach to handling such requests.
Prevention	N/A
Equalities	The Community Empowerment (Scotland) Bill has been subject to an equalities impact assessment.

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References

Community Empowerment (Scotland) Bill easy read version:
<http://www.scotland.gov.uk/Resource/0045/00457535.pdf>

Appendices

N/A