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**ARGYLL AND BUTE COUNCIL**

**Short Life Working Group on Political  
Management Arrangements**

**CUSTOMER SERVICES**

**24 October 2016**

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**A Plan For Scotland: The Scottish Government's Programme For Scotland  
2016-17**

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## **1.0 EXECUTIVE SUMMARY**

- 1.1 At the meeting of the Short Life Working Group held on 22 September 2016, Members requested further information on how the review of Political Management Arrangements could be affected by the Programme for Scotland Proposals, the Community Empowerment Bill and the Islands Bill.
- 1.2 This report provides a high level overview of the Scottish Government's Programme For Scotland 2016-17 which includes reference to the Islands Bill. It also provides an update on the Community Empowerment Bill and highlights issues Elected Members may wish to take into consideration in their review of Political Management Arrangements.
- 1.3 Members are asked to consider the information provided in response to this request.

**A Plan For Scotland: The Scottish Government's Programme For Scotland  
2016-17**

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**2.0 INTRODUCTION**

2.1 Following the last meeting of the Short Life Working Group, this report provides a high level overview of the Scottish Government's Programme For Scotland 2016-17 which includes reference to the Islands Bill. It also provides an update on the Community Empowerment Bill and highlights issues Elected Members may wish to take into consideration in their review of Political Management Arrangements.

**3.0 RECOMMENDATIONS**

3.1 Members are asked to consider the information provided.

**4.0 DETAIL**

4.1 The Scottish Government's Programme For Scotland 2016-17

In September 2016 the Scottish Government set out a comprehensive programme of legislative action and practical steps focused on the themes of an education system providing opportunities for all, an economy with more jobs and fair work, public services fit for the future, empowering people and communities through strengthened local democracy and safeguarding Scotland's place in the world. These are summarised as follows:

*Education*

4.2.1 The Government has stated that this is their top priority and the ambition is to "make our education system world class with equal opportunities for all". The programme focuses on the changes required to transform the education System; to close the attainment gap, to ensure there is a curriculum that delivers and to empower teachers, schools and communities. The intention is to review school governance and take action to de-clutter the curriculum, address unnecessary workload to enable a focus on standards and attainment, direct more funding to head teachers and put teachers, schools and parents more in control of improvement.

4.2.2 Currently, legal responsibilities for delivering education and raising standards in schools sit largely with education authorities and the governance review will start with the presumption that decisions about individual children's learning and school life should be taken at school level and will explore how support at every level of the education system can be aligned to deliver that empowerment and drive improvement. It is also worth noting the intention to double the entitlement

to early learning and childcare to 1140 hours per annum by 2020.

### *Economy*

- 4.3.1 This section of the programme focuses on growing a productive, sustainable economy with more jobs and fair work. The intention is to put in place measures to grow a sustainable economy that is both resilient and inclusive by encouraging innovation and skills development, promoting international trade, and championing consumer rights.
- 4.3.2 The programme refers to infrastructure investment and set out ambitious plans for a wide range of infrastructure projects including the digital infrastructure and transport infrastructure. In relation to the economy it is worth highlighting the lifting of the Council Tax freeze from April 2017 and allowing Councils to increase Council Tax across all bands by a maximum of 3%. There will also be the development of a Scottish Rural Infrastructure Plan in 2017 to better coordinate existing and planned expenditure and resources through improved collaboration and there is a drive to seek clarity from the UK Government on the provision of funding for rural development in the event of no longer being part of the European Union.

### *Transformation of Public Services*

- 4.4.1 This section mainly focuses on the NHS and highlights four underpinning priorities for actions in the coming year that will help bring about long-term improvements to the population's health:
- empowering a truly community health service – working with integrated authorities, social care, community care, primary care, and general practice to deliver the reforms needed for successful community health services
  - enhancing mental health – improving mental health services through investments in more effective and accessible treatment
  - improving population health – working across government to help raise attainment, promote inclusive growth, and progressive human rights.
  - supporting clinical leadership of transformation – acting on the principles of the National Clinical Strategy and Chief Medical Officer's aims of 'Realistic Medicine'
- 4.4.2. With particular reference to Social Care and Caring there is the intention to building on the integration of health and social with the investment of £1.3 billion over the life of the Parliament from the NHS to integrated partnerships to build up social care capacity and provide opportunities to better support people in their localities. The reform to adult social care will consider the commissioning of residential care and the role of new models of care and support in home care. In the summer of 2017 the government we will consult on the terms of a future review of long-term care capacity. The Carers Act will come into force in April 2018 and building on this, there will be a consideration of a national or regional approach to supporting carers and cared-for people.
- 4.4.3 There is reference to other public services and in particular there is a commitment by spring 2017 to establish Community Justice Scotland as a new national strategic body to work with local community planning and community

justice partners to reduce re-offending and make communities safer places to live.

### *Community Empowerment*

- 4.5.1 The Government has stated their commitment to pushing the boundaries of community empowerment and community-led innovation. The Community Empowerment Act is a first step on this journey and over the next five years there is a vision that:
- Parents, teachers and communities will lead school governance.
  - People will influence local authority budget decisions.
  - Communities will be at the forefront of managing their land and marine resources through opportunities arising from devolution of the Crown Estate and implementation of the Land Reform Act.

All this will be reinforced by new laws designed to devolve power and decision-making and actions include a new Social Security Bill that will take forward the priorities for the social security powers that are to be devolved and a Child Poverty Bill.

- 4.5.2 Community empowerment also focuses on regeneration and there will be continued investment in regeneration activity to stimulate inclusive economic growth and tackle inequality in disadvantaged communities. This will include delivery of the £25 million Regeneration Capital Grant Fund (RCGF) in partnership with local government.
- 4.5.3 Working in partnership with local authorities and housing associations the government will invest more than £572 million this financial year in the affordable housing supply programme. There will be a Planning Bill early in the Parliamentary session which will maintain the commitment to a strong, high-performing system that enables housing and infrastructure delivery and supports quality of life by promoting quality of place and the public interest. The government will work with local authorities to speed up decisions on major projects to deliver investment and economic growth more quickly and will also support interim measures to modernise compulsory purchase orders in advance of legislation to ensure vacant and derelict land can be brought back into use in our communities. The intention is also to work with local government to develop an approach to temporary accommodation in the face of changes to the benefit structure which will lead to a shortfall in the funding arrangements.
- 4.5.4 In relation to local democracy The Scotland Act 2016 gives the Scottish Parliament additional powers over the conduct of Scottish Parliamentary elections and electoral registration. Scottish Ministers already have responsibility for local government elections. Control over both sets of elections opens up new possibilities for democratic renewal and putting the voter first. In 2016-17 there will be a consultation exercise to find out what electoral reforms Scottish citizens would like to see taken forward in future legislation. Local government is a key partner for the Scottish Government in delivering improved outcomes and there is a commitment to work with local authorities to review their roles and responsibilities. There will be a Bill

introduced that will decentralise local authority functions, budgets and democratise oversight to local communities.

4.5.5 Alongside this there will be an Islands Bill that will build on the work of the Island Areas Ministerial Working Group and last year's consultation. It will reflect the unique needs of Scotland's islands and include measures such as:

- provision for island-proof future legislation and policies
- creation of a National Islands Plan
- statutory protection for the Na h-Eileanan an Iar Scottish parliamentary constituency boundary
- greater flexibility around councillor representation (ward sizes) within island communities
- extension of powers to island councils

4.6 *Legislative Programme 2016-17*

The Scottish Government will be also be promoting a full programme of Bills for consideration by the Scottish Parliament. Of these, four Bills (Air Passenger Duty, Gender Balance on Public Boards, Railway Policing and Scottish Social Security) will use powers recently devolved under the Scotland Act 2016. A full list is attached at Appendix 1.

4.7 *Implications for Political Management Arrangements*

Clearly the Programme for Government is an ambitious and far reaching programme with considerable implications on how Argyll and Bute, as well as other Local Authorities across Scotland, organises and delivers its services and works in partnership with other organisations and its local communities. Each department within the Council has been tasked with looking at this in detail and this will be reflected in service plans and ongoing strategic development activity. It is however evident that Local Government is set on a course of significant transformational change in a challenging financial environment and therefore the implication for the future Political Management Arrangements relate to the fact that whatever model the Council decides upon to provide strategic direction, ensure best value and effective scrutiny will require to have the capacity to support the pace and scale of change. Key to this will be ensuring that governance and decision-making processes and scrutiny arrangements remain appropriate for different ways of delivering services.

## **5.0 CONCLUSION**

5.1 Elected Members are invited to consider the high level overview of the programme for government and assess the implications for the review of current political management arrangements in light of the pace and scale of the proposed changes to the delivery of local government services against a challenging financial backdrop.

## **6.0 IMPLICATIONS**

6.1 Policy – none at this stage of review.

- 6.2 Financial - none at this stage of review.
- 6.3 Legal – none at this stage.
- 6.4 HR – none at this stage.
- 6.5 Equalities - none
- 6.6 Risk - none at this stage of review.
- 6.7 Customer Service - none

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**APPENDIX 1 - Legislative Programme 2016-17**

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### **Air Passenger Duty Bill**

The Scotland Act 2016 transfers to the Scottish Parliament legislative power over taxing transport of air passengers, allowing a replacement tax for APD to be introduced. The replacement tax is planned to come into effect in April 2018.

### **Budget Bill**

The annual Budget Bill provides parliamentary approval for the Scottish Government's spending plans.

### **Child Poverty Bill**

The Bill will replace the recently repealed sections of the UK Child Poverty Act 2010 concerning targets and strategies in relation to child poverty. Specifically, the Bill will enshrine in legislation the ambition to eradicate child poverty and place a duty on Scottish Ministers to publish a Child Poverty Delivery Plan every five years and to report on that plan annually.

### **Contract (Third Party Rights) Bill**

The Bill will implement the recommendations contained in the Scottish Law Commission Report on Third Party Rights in Contract. It will reform the current rule of contract law which creates an enforceable right in favour of a third party and replace it with a statutory version.

### **Domestic Abuse Bill**

The Bill will create a new offence of domestic abuse that will include criminalisation of psychological abuse that can be difficult to deal with under existing laws, ensure appropriate penalties are available to deal with domestic abusers, and will provide a range of associated measures to modernise the justice system response to domestic abuse

### **Expenses and Funding of Civil Litigation Bill**

The Bill is an important part of the Scottish Government's commitment to making the civil justice system more accessible, affordable and equitable. It will introduce measures to make the costs of civil action more predictable, to extend the funding options for pursuers, and to bring more equality to the funding relationship between claimants and defenders in personal injury actions.

### **Forestry Bill**

The Bill will complete the devolution of forestry. It will:

- ensure the Scottish Government has control of all aspects of forestry and introduce new arrangements for its governance, development, support and regulation
- transfer the powers and duties of the Forestry Commissioners - as they relate to Scotland - to the Scottish Ministers.
- facilitate establishing a forestry and land management body which will focus initially on the development and management of the Scottish Ministers' National Forest Estate. It will have the flexibility to use land for a variety of purposes and the potential to take on management of other publicly-owned land in the future

### **Gender Balance on Public Boards Bill**

Using the new competence transferred to the Scottish Parliament through the Scotland Act 2016, the Bill will require positive action to be taken to redress gender imbalances on public sector boards.

## **Housing (Amendment) Bill**

The Bill will ensure registered social landlords (RSLs) continue to be classified as private sector bodies. That classification is at risk because some of the powers of the Scottish Housing Regulator are likely to cause the Office for National Statistics (ONS), in its current review of the classification of RSLs, to classify RSLs to the public sector as public corporations. In the event of that happening the Bill will provide the basis for the ONS to revisit its decision by:

- removing the need for the Regulator's consent to the disposal of assets by RSLs
- limiting the Regulator's ability to appoint members and managers to RSLs
- removing the need for the Regulator's consent to the restructuring, winding up and dissolution of RSLs

## **Islands Bill**

The Bill will build on the work of the Island Areas Ministerial Working Group and last year's consultation. It will reflect the unique needs of Scotland's islands and include measures such as:

- provision for island-proof future legislation and policies
- creation of a National Islands Plan
- statutory protection for the Na h-Eileanan an Iar Scottish parliamentary constituency boundary
- greater flexibility around councillor representation (ward sizes) within island communities
- extension of powers to island councils

## **Limitation (Childhood Abuse) Bill**

The Bill fulfils a recommendation from the Scottish Human Rights Commission by removing a barrier for child abuse survivors to accessing civil justice. Cases of child abuse are considered sufficiently unique to warrant a different regime in relation to the limitation period. The Bill will:

- remove the three year limitation period for personal injury actions where the person raising the action was a child (under the age of 18) at the time the injury occurred and the act or omission to which the child's injuries were attributable constituted abuse
- remove the limitation period whether the abuse occurred before or after the commencement of the new provisions
- apply to abuse that took place after 26 September 1964 - meaning that if an individual suffered abuse prior to 26 September 1964 and did not raise a claim before 25 September 1984, the law of prescription continues to apply and the pursuers' rights will remain extinguished

## **Railway Policing Bill**

The Bill will exercise the competence over railway policing devolved to the Scottish Parliament through the Scotland Act 2016 by conferring railway policing powers on Police Scotland and the Scottish Police Authority. It will also put in place funding arrangements in respect of those functions in preparation for the integration of the British Transport Police (BTP) in Scotland into Police Scotland.

## **Social Security Bill**

The Bill is intended to set out an over-arching legislative framework for social security in Scotland and will take forward the Government's priorities for the social security powers that are to be devolved, ahead of the establishment of a new Social Security Agency. Evidence gathered from a wide-ranging consultation on social security will inform the final content of the Bill which will set out an over-arching legislative framework for a new, Scottish social



security system. Specific areas on which are expected to be reflected in the Bill include:

- fixing the Scottish Government's principles for social security in legislation, including the principle that people should be treated with dignity and respect
- delivering on the Scottish Government's policy commitments, including our commitments to: increase Carer's Allowance to the level of Jobseeker's Allowance, and replace Sure Start Maternity Grants with a new maternity and early years allowance called the Best Start Grant
- taking a Scottish approach to important social security matters such as helping to ensure that the user's experience reflects our principles, reviewing and appealing decisions and taking care of each individual's information and personal data

### **Wild Animals in Circuses Bill**

The Bill will ban the use (performance and exhibition) of such animals in travelling circuses on ethical grounds on the basis that this practice is morally objectionable to a large proportion of Scottish society and will put in place enforcement provisions and sanctions for non-compliance with the ban

### **Referendum Bill**

The Government will publish for consultation a draft Referendum Bill, in order that it is ready for introduction should the Scottish Government conclude - and decide to seek Parliament's agreement - that independence is the best or only way to protect Scotland's interests in the wake of the EU referendum.