



To: **Renfrewshire Forum For Empowering Communities**

On: **1 September 2015**

Report by:

Chair of Renfrewshire Forum For Empowering Communities

Community Empowerment (Scotland) Act 2015

1. Summary

- 1.1 The Community Empowerment (Scotland) Act 2015 received Royal Assent in July 2015 and will now be implemented. Guidance from the Scottish Government will be issued in due course.
- 1.2 It is expected that Renfrewshire Forum For Empowering Communities will have a significant role to play in ensuring that some key parts of the Act are implemented effectively in Renfrewshire. In addition, the Forum will have a key role in the response of the Renfrewshire Community Planning Partnership as a whole to the Act.
- 1.3 Further reports will be brought to the Forum in due course to progress this emerging agenda.

2. Recommendations

- 2.1 It is recommended that Renfrewshire Forum For Empowering Communities:
 - (a) Notes the publication of the Community Empowerment (Scotland) Act 2015 and the expected role that the Forum will play in its implementation.
 - (b) Agrees that the Community Empowerment (Scotland) Act be included as a standing item on the Forum agenda for discussion.



3. Community Empowerment (Scotland) Act 2015

- 3.1 The Community Empowerment (Scotland) Act 2015 was passed by Scottish Parliament on 17 June 2015 and received Royal Assent on 24 July 2015. The purpose of the Act is to promote and encourage community empowerment and participation. The Act provides the legal framework for doing this, by creating new rights for community bodies and placing new duties on public authorities.
- 3.2 It is expected that the Scottish Government will produce guidance on the Community Empowerment (Scotland) Act and will engage with stakeholders on this. Implementation is expected to be within 12 months of Royal Assent.
- 3.2 The Community Empowerment Act can be found at www.legislation.gov.uk/asp/2015/6/contents/enacted. The structure of the Act is as follows:
- Part 1 – National Outcomes
 - Part 2- Community Planning
 - Part 3 – Participation Requests
 - Part 4 – Community Rights To Buy Land
 - Part 5 – Asset Transfer Requests
 - Part 6 – Delegation of Forestry Commissioners’ Functions
 - Part 7 – Football Clubs
 - Part 8 – Common Good Property
 - Part 9 – Allotments
 - Part 10 – Participation In Public Decision Making
 - Part 11 – Non Domestic Rates
 - Part 12 – General
 - Schedule 1 – Community Planning Partners
 - Schedule 2 – Public Service Authorities
 - Schedule 3 – Relevant Authorities
 - Schedule 4 – Minor and Consequential Amendments
 - Schedule 5 - Repeals



3.3 The slides and accompanying commentary attached to this report (produced by Scottish Government government shortly before the Bill became an Act) summarises key points for community planning partnerships arising from the Act. The key points for community planning partnerships are as follows:

- Community planning now has a statutory purpose focused on improving outcomes.
- The Act gives community planning partnerships a statutory basis. In particular, there are specific requirements to:
 - Prepare and publish a Local Outcomes Improvement Plan (LOIP), setting out the local outcomes that the CPP will prioritise for improvement.
 - Identify the areas and communities that experience poorest outcomes and take action to tackle inequalities of outcome through a locality action plan.
 - Review and report on progress towards the Local Outcomes Improvement Plan and locality plans.
- The Act places specific duties on statutory partner bodies and expands the number of public bodies subject to these duties.
- Running the Community Planning Partnership to ensure effective working is now a shared enterprise.
- Community Planning Partnerships to take all reasonable steps to secure involvement in community planning of any community body that is likely to contribute to it.

4. Expected Implications For Renfrewshire Forum For Empowering Communities

4.1 As one of the six Community Thematic Boards, Renfrewshire Forum For Empowering Communities will play a key role in addressing the key points for community planning partnerships outlined in paragraph 3.3. In particular, the Forum will have a key role in ensuring that communities and third sector groups are able to participate fully in the Local Outcomes Improvement Plan and the locality plans. The Forum will also play the principal role in ensuring that all community bodies who wish it are able and supported to be involved in community planning.

4.2 Renfrewshire Forum For Empowering Communities will also have a key role in establishing the process for participation requests (Part 3 of the Act), through which community bodies can initiate discussion with public services.



- 4.3 Parts 4 and 5 of the Community Empowerment (Scotland) Act deals with Community Right To Buy and Asset Transfer requests and is intended to encourage public discussion and interest in possible asset or land transfers. These issues are already within the remit of the Forum and will require further consideration of action to be taken to implement the provisions of the Act.
- 4.4 Parts 8 and 9 of the Act relate to Common Good Property and Allotments. The Forum would be expected to have a locus in developing the local response to these parts of the Act in terms of the promotion of Asset Based Community Development.
- 4.5 Part 10 of the Act relates to the promotion of public participation in decision-making. The Forum will have a role here in identifying communities where decisions require to be taken or where decisions have an impact on them and ensure that communities are encourage and supported to be actively involved in decisions.



COMMUNITY EMPOWERMENT (SCOTLAND) BILL: HEADLINE MESSAGES FROM SCOTTISH GOVERNMENT

Summary [slide 1]

The Scottish Parliament passed the Community Empowerment (Scotland) on 17 June 2015. The Bill provides a legal framework that will promote and encourage community empowerment and participation, by creating new rights for community bodies and placing new duties on public authorities.

The provisions include an array of new duties in Part 2 of the Bill to strengthen community planning. CPPs and partner bodies need to be clear about what these duties mean for them.

Key Reforms to Community Planning [slides 2-4]

The Bill makes a number of significant changes to legislation covering community planning [the Local Government in Scotland Act 2003 described community planning as a process for planning public service provision where co-operation is considered appropriate, with duties on the local authority to maintain and facilitate the process and on certain other public sector bodies to participate].

- ***Community planning now has a statutory purpose focused on improving outcomes:*** Explicitly about how public bodies work together and with the local community to plan for, resource and provide services which improve local outcomes in the local authority area.
- ***The Bill gives CPPs a statutory footing for the first time.*** It places specific duties on CPPs around improving local priority outcomes and acting with a view to tackling inequalities of outcome across communities within their area. In particular, CPPs are required to:
 - prepare and publish a local outcomes improvement plan (LOIP) which sets out the local outcomes which the CPP will prioritise for improvement¹
 - identify which geographical areas have communities that experience the poorest outcomes, and prepare and publish locality plans to improve outcomes on agreed priorities for these communities
 - review and report publicly on progress towards their LOIP and locality plans, and keep the continued suitability of these plans under review.
- ***The Bill places specific duties on statutory partner bodies, linked to improving outcomes.*** These include:

¹ **Note:** LOIP is the term the Bill gives to what are presently SOAs – there is no significant difference between these in practice



- working collaboratively with other partners in carrying out community planning
 - taking account of LOIPs in carrying out its own functions;
 - contributing such funds, staff and other resources as the CPP considers appropriate to improve local outcomes in the LOIP and secure participation of community bodies in community planning.
- ***The Bill expands the number of public sector bodies that are subject to these duties.*** The 2003 Act listed as statutory partners: the local authority, the Health Board; Scottish Enterprise / Highlands and Islands Enterprise (SE / HIE); Police Scotland, the Scottish Fire and Rescue Service (SFRS), and the Regional Transport Partnership. Schedule 1 to the Bill expands this list to include:
 - Skills Development Scotland
 - the integration joint board (health and social care)
 - Scottish Natural Heritage
 - Scottish Environment Protection Agency
 - Historic Environment Scotland
 - a National Park authority
 - Scottish Sports Council (i.e. Sportscotland)
 - VisitScotland
 - the board of management of a regional college
 - a regional strategic body in Further and Higher Education (Scotland) Act 2005
 - ***Running the CPP and making sure it works effectively is now a shared enterprise.*** Under the 2003 Act, it is the duty of the local authority alone to facilitate and maintain the community planning process. The Bill introduces duties to support shared leadership and collective governance on named governance partners, i.e. the local authority, NHS board, SE / HIE, Police Scotland and SFRS. These duties include:
 - facilitating community planning
 - taking all reasonable steps to ensure the CPP conducts its functions effectively and efficiently.
 - ***Participation with communities lies at the heart of community planning.*** Consultation from time to time is no longer enough. The Bill requires CPPs to take all reasonable steps to secure the involvement in community planning of any community body which it considers is likely to be able to contribute to it. CPPs must in particular have regard to community bodies which represent those communities experiencing socio-economic disadvantage. Statutory partner bodies must contribute funds, staff or other resources to secure that participation.

Making These Statutory Duties Work [slide 5]

Provisions in the Bill underpin effective community planning, but effective community planning requires more than simply complying with these duties. CPPs and partner bodies still need to apply the principles of effective community planning, which have been consistently set out in the Statement of Ambition, pronouncements by the National



Community Planning Group and audit reports by the Accounts Commission and Auditor General.

Other Features in Bill Relevant to CPPs and Partner Bodies [*slide 6*]

- **Part 3 - Participation Requests:** Provides a new way for communities to initiate dialogue with public service authorities on their own terms. The Bill allows communities to raise proposals or issues that may not be on the authority's agenda, or outwith their consultation structures. Public service authorities must agree to the request for dialogue, unless there are reasonable grounds for refusal. They are not required to agree to the community body's proposals, but will have to listen and report on the outcomes.
- **Part 4 – Community Right to Buy:** Amends the Land Reform (Scotland) Act 2003, extending the community right to buy to all of Scotland, urban and rural, and improving procedures. It also introduces a new provision for community bodies to purchase land which is abandoned, neglected or causing harm to the environmental wellbeing of the community, where the owner is not willing to sell that land. This is if the purchase is in the public interest and compatible with the achievement of sustainable development of the land.

We expect that asset transfer under Part 5 will be an easier option for community bodies to pursue in relation to public sector land and buildings, but community right to buy is still available to them if they wish to use that mechanism.

- **Part 5 – Asset Transfer Requests:** Provides community bodies with a right to request to purchase, lease, manage or use land and buildings belonging to local authorities, listed Scottish public bodies or Scottish Ministers. There will be a presumption of agreement to requests, unless there are reasonable grounds for refusal. Reducing inequalities will be a factor for public authorities to consider when making a decision. Relevant authorities will be required to create and maintain a register of land which they will make available to the public. [*See Annex A for further information*].
- **Part 7A - Participation in Public Decision-Making:** A new regulation-making power enabling Ministers to require Scottish public authorities to promote and facilitate the participation of members of the public in the decisions and activities of the authority, including in the allocation of its resources. Involving people and communities in making decisions helps build community capacity and also helps the public sector identify local needs and priorities and target budgets more effectively. The regulations can specify which authorities are included, which of their decisions are affected and who should be able to participate in them.

Next Steps [*slide 7*]

We hope the Bill will receive Royal Assent later this summer. No commencement dates have yet been set. Implementation is likely within 12 months of Royal Assent, with more than commencement date likely. We expect to produce guidance on several



elements of the Bill, including community planning, and will want to engage stakeholders on this.





Summary of Changes (1)

From (2003 Act)	To (This Bill)
CP as process, where partners co-operate in local service delivery.	Clear purpose for CP: how public bodies work together and with the local community to plan and act to improve local outcomes.
No statutory reference to CPPs.	Duties on CPPs around this redefined purpose, and to act with view to tackle inequalities. Includes preparing LOIP, reviewing and reporting on progress. Also to prepare locality plans for localities in which communities experience poorest outcomes.

 The Scottish Government

Summary of Changes (2)

From (2003 Act)	To (This Bill)
Duties on statutory partners restricted to participation in CP.	Duties on public sector partners linked to CP purpose - including resourcing LOIP priorities, and taking account of these in undertaking their own functions.
Only 6 statutory partners.	Expanded list of statutory partner bodies (e.g. SNH, SDS, regional colleges, IJBs).

 The Scottish Government



Summary of Changes (3)

From (2003 Act)	To (This Bill)
Duties on local authority alone to maintain and facilitate CP.	Promotes shared leadership and governance. Places governance duties on a defined set of partners, to facilitate CP and take reasonable steps to ensure CPP operates effectively.
General duty to consult with communities.	More than consultation. Full <u>participation</u> with communities expected throughout CP process. Includes duties on partners to resource participation.

 The Scottish Government

Other Features in Bill Relevant to CPPs and Partner Bodies

- Part 3 – Participation requests
- Part 4 – Community right to buy
- Part 5 – Asset transfer requests
- Part 7A – Participation in Public Decision-Making

 The Scottish Government



Making Statutory Duties Work

Statutory duties on:

- CPPs
- governing partners
- all statutory partners

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- Community engagement & co-production
 - Understanding of area's needs, incl. distinctive needs of communities
 - Clear vision
 - Focus on key priorities
 - Focus on prevention
 - Tackling inequalities
 - Aligned resources
 - Strong shared leadership
 - Effective performance management
 - Robust governance & accountability

 The Scottish Government

Other Features in Bill Relevant to CPPs and Partner Bodies

- Part 3 – Participation requests
- Part 4 – Community right to buy
- Part 5 – Asset transfer requests
- Part 7A – Participation in Public Decision-Making

 The Scottish Government



Next Steps

- Bill has passed its Parliamentary stages.
- Awaiting Royal Assent.
- Different parts of the Bill are likely to come into force at different times.
- As a rough estimate, we expect most parts of the Bill to come into effect within a year of it becoming an Act.
- We are preparing supporting statutory guidance.

 The Scottish Government

Making It Work



What are the issues for this CPP and for us as partners?

 The Scottish Government