

## The Highland Community Planning Partnership

Chief Officers' Group  
7 November 2014

Agenda Item	5
Report No	COG 11/14

### Community Empowerment Bill

### Report by Head of Policy and Reform, Highland Council

#### Summary

This report invites the COG to discuss the opportunities and implications arising for the CPP from the Community Empowerment Bill, with a view to ensuring the CPP is ready to comply and wholeheartedly support the Bill's intentions.

#### 1. Background

1.1 At its meeting on 30<sup>th</sup> October, Highland Council considered the implications identified to date of the Community Empowerment Bill. The report is attached; and, with appendices, can be viewed at item 12 at:  
<http://www.highland.gov.uk/meetings/meeting/3335/highland>.

1.2 While the Bill is not expected to be enacted until summer 2015 and amendments are currently being considered, it is helpful to highlight the implications and opportunities for the CPP to ensure the CPP is ready for compliance.

#### 2. Parts of the Bill applying to the CPP

2.1 Part 1: national outcomes: this provides legislative force for national outcomes to be set by the Government following consultation and reviewed every 5 years. The CPP is likely to be consulted.

#### 2.2 Part 2: community planning:

- revises the definition for community planning that fits with our outcomes focus;
- sets out who is expected to participate, with the duty of facilitation no longer solely the responsibility of local authorities but shared with five partners (LAs, Health Boards, HIE, Police Scotland and SFRS);
- gives discretion to CPPs to agree mechanisms for others to participate;
- expects CPPs to secure the participation of community bodies;
- requires us to publish our plan for achieving local outcomes with associated annual performance reporting;
- all partners contribute funds, staff and resources to deliver the local outcomes plan;
- enables requests from CPPs to become corporate bodies.

- 2.3 While many of the new provisions would give statutory force to our current SOA and CPP arrangements, we would need to firm up on and publish our annual performance reports and reviews of the SOA. While we have work in progress to consider how best to extend CPP membership at a Highland level, we will have to pick up the pace on community planning at a local level especially around our duty to enable the participation of community bodies.
- 2.4 Part 3 - participation requests, or the 'right to challenge'  
This affects public bodies individually; however, given most service outcomes rely on more than one organisation's contribution it should make sense to design a common process for community groups to follow. Working on this together and with the Highland Third Sector Interface should be more effective and efficient. Currently the Bill is quite prescriptive on timescales and stages.
- 2.5 It also provides opportunities to consider the evolution of District Partnerships as well as Area Committees in considering and scrutinising participation requests.
- 2.6 There may also be scope to share resources on how we build capacity across our staff so that we can respond well to participation requests, for example sharing training, development, briefing and peer support/review.
- 2.7 Part 4 – Community control of land and buildings –Community RTB  
This extends the community right to buy. It is likely to mean more support from the Council for community ballot processes and further support from HIE given its leading role to date in this area. It does offer opportunities for all partners given our joint intention to support communities to do more for themselves (one of our 6 priorities on engaging in dialogue with communities in order to empower them to participate in service planning and delivery).
- 2.8 Part 5 – Community control of land and buildings – Asset transfer from public bodies  
This will affect partners where communities request to own, lease or manage buildings or land in public ownership and regardless of their current use. The intention is to extend community ownership and with an appeals process for community groups to follow where requests are refused (not Ministerial for Councils). As it will affect all partners with land and property and as good practice highlights the need to support community groups pre, during and post transfer, it would make sense for the CPP to design a common process to comply with the Bill and to support community groups. We should be open to sharing resources to deliver asset transfer in the Highlands. We should review the implications for the CPP Property Group.
- 2.9 Part 6 – Common Good Property  
While the Council has already developed a common good asset register, the Bill will mean consulting on this and publishing it. It should be helpful for partners to know about and comment on Common Good assets.

## 2.10 Part 7 – Allotments

Currently provisions relate to local authority owned or leased land only, but the Council has sought this to be extended to all public bodies with land. Other partners have an interest in supporting more allotment gardening; NHSH given the nutritional and well-being benefits and SNH given the environmental benefits.

## 2.11 Part 8 – Non Domestic rates

Other partners, notably HIE, may have an interest in the scope for Councils to create a localised business rates relief scheme; although currently the Bill proposes these are fully funded by Councils.

## 3. **Related issues for CPP attention**

3.1 The other issues for discussion include:

1. To date no change to the Bill has been made following representation to enable incorporated status for community councils, especially to assist with asset transfer or community right to buy. Partners may want to support this amendment in opportunities they have to provide evidence for the Bill;
2. How the CPP can ensure that the Bill enables communities to be empowered where they are currently disempowered and least ready/supported to participate;
3. The political and civic momentum behind further change following the Referendum, the publication of [Effective Democracy: Reconnecting with Communities](#); and the current work of the Smith Commission.

3.2 The Council has been asked to provide oral evidence in Lochaber on 24<sup>th</sup> November as part of the Stage 1 consideration of the Bill by the Local Government and Regeneration Committee. Other partners may have been invited as well. Partners could also attend the community engagement event there in the afternoon to hear the evidence from community groups and individuals by contacting [lgr.committee@scottish.parliament.uk](mailto:lgr.committee@scottish.parliament.uk)

## **4. Recommendation**

4.1 Chief Officers are asked to:

1. consider the partnership issues raised in this report, and others they are aware of from their organisation's work to date on the impact of the Community Empowerment Bill; and
2. agree how to proceed in partnership to respond to the Bill's provisions and opportunities.

Date: 3.11.14

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## The Highland Council

Highland Council 30<sup>th</sup> October 2014

Agenda Item	
Report No	

**Community Empowerment Bill – update, implications and opportunities**

Report by Head of Policy and Reform

**Summary**

Local authorities have a particular role in leading, promoting and supporting community empowerment given their local knowledge and democratic mandate. This report summarises the provisions contained within the Community Empowerment (Scotland) Bill, how officers responded recently to a call for evidence from the Local Government and Regeneration Committee and outlines the implications of, and opportunities from, the Bill for the Council.

**1. Background**

- 1.1 The Council has responded to two earlier rounds of consultation on the proposals for the Bill, with responses agreed at the Community Safety, Public Engagement and Equalities Committee and Resources Committee. In June 2014 the Community Empowerment (Scotland) [Bill](#), was introduced to the Scottish Parliament.
- 1.2 The Bill provides a framework for empowering communities including through the community control of land and buildings, meaningful community participation in the decisions affecting people and communities and improving community planning. The Bill draws on the definition of community empowerment agreed between the Government and Cosla as ‘...a process where people work together to make change happen in their communities by having more power and influence over what matters to them.’<sup>1</sup>
- 1.3 The Bill and [accompanying documents](#) recognise that empowerment in practise can mean different things to different communities but they also recognise that empowerment is not the same as consultation or engagement; empowerment is about communities leading change for themselves.
- 1.4 The Bill reinforces the view that public bodies should focus on the assets within communities and on the potential individuals have to improve the quality of their lives, moving away from an expectation that this is the sole responsibility of public bodies whose efforts have largely and traditionally focused on planning services around shortcomings and deficits. The Bill supports the preventative agenda.

**2. The Bill process, evidence fed back and implications for the Council**

- 2.1 The Bill is currently receiving stage 1 scrutiny by the Local Government and Regeneration Committee. There was a call for evidence from this Committee

<sup>1</sup> The Scottish Community Empowerment Action Plan: Celebrating Success: Inspiring Change: published jointly in 2009 by the Scottish Government and COSLA.

with the deadline during the pre-referendum period. Officer evidence from across services was submitted and is more technical in content. This is attached at Appendix 1. There are likely to be further opportunities to contribute views on the Bill as it is considered by Committees of the Parliament. This is detailed in section four below. Enactment is expected by summer 2015.

2.2 The Community Empowerment Bill as introduced has eight key sections. These are summarised below. Members are also advised on whether any of the earlier points made by the Council have been taken on board and of the additional issues Council officers raised during the recent call for evidence. Implications for the Council are identified for each of the eight key sections.

2.3 **Part 1 - National Outcomes**

The Bill confirms that future Governments will develop a set of national outcomes, publish these and review them at least every five years. The Bill provides for consultation on the outcomes before determining them. Progress is to be monitored and reported.

2.4 View fed back to date

The Council has welcomed this approach in past consultations on the development of the Bill. Officers have noted that the extent to which the provisions for national outcomes, their review and performance reporting will empower communities will depend on:

- what those outcomes are;
- how Ministers consult on them, the reach of that consultation and how they can demonstrate they have listened;
- the accessibility of performance information to a range of interests and community groups and how that can have meaning to individual communities.

2.5 Implications

The Bill gives legislative force to continue the current process of the Government specifying national outcomes. Currently there are 16 national outcomes. As the Bill requires the Government to consult on national outcomes the Council would have to make full use of all mechanisms to provide views and to ensure the issues that matter to the Highlands are taken fully into account.

2.6 **Part 2 - Community Planning**

The Bill aims to place community planning on a firmer statutory footing and provides:

- A definition of community planning which can be summarised as improving outcomes through public service provision;
- A new statutory duty that each Local Authority area must have a Community Planning Partnership (CPP);

- A defined list<sup>2</sup> of who must participate in community planning. Those listed are regarded as the CPP and as community planning partners. The CPP should consider which community bodies should participate and where they wish to, enable them to do so. Structures for participation are at the discretion of the CPP.
- That community planning must be facilitated by five identified partners and not solely by local authorities. The identified partners are: local authorities; Health Boards; HIE; Police Scotland; and the Scottish Fire and Rescue Service.
- That each CPP publishes a plan for improving local outcomes based on local circumstances and be consistent with national outcomes. The plan must be subject to consultation. Progress must be monitored and reported annually, with each partner to be equally accountable for the delivery of this plan.
- That all community planning partners must co-operate and contribute funds, staff and other resources as appropriate for the plan and securing the involvement of community bodies in the process.
- That the CPP must comply with guidance issued for community planning.
- Scottish ministers must promote community planning and consider requests from CPPs to become corporate bodies.

## 2.7 Views fed back to date

Improving legislation to support community planning better has been welcomed. In the recent response officers:

- Welcomed the defined list of core CPP partners and the flexibility to include others locally as appropriate and that the duties and accountabilities of community planning partners are shared. However concern was expressed that Third Sector Interface organisations are not included in the defined list of CPP partners alongside public bodies and that community groups do not have to be formally constituted to be community planning partners.
- Expressed concern that the legislation does not enable CPPs to include their own priorities where those may diverge from the national outcomes. Without the ability to do this, this could disempower communities if national policies do not reflect the needs in a CPP area and are too top down.
- Sought clarity on the audit and inspection process for community planning.

## 2.8 Implications

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<sup>2</sup> Defined partners that must participate with each other in community planning are: the local authority; community bodies (whether or not formally constituted established to promote or improve their community's interest); the management board of a regional college of further and higher education and any regional strategic body for further and higher education; Police Scotland; Health Board; HIE or Scottish Enterprise; any integration board (established for health and social care); National Park Authority; SEPA; Scottish Fire and Rescue Service; SNH; Scottish Sports Council; Skills Development Scotland; Regional Transport Partnership; and Visit Scotland.

Many of the Bill provisions build on the Single Outcome Agreement approach already in place. Also the CPP at a Highland level has been reviewing its governance and membership arrangements and the provisions on governance, including the shared responsibilities among partners will be helpful to this process. The Bill should mean less reliance on the Council for organising and chairing CPP meetings, providing minutes and agenda services, initiating changes to the partnership and co-ordinating responses on behalf of the CPP. However the sharing of responsibility for achieving outcomes is already underway in the Highland CPP as Highland partners do take lead responsibility for the achievement of specific outcomes; only two out of seven are led by the Council.

2.9 The Bill will push the partnership to increase the pace on community planning arrangements at a local level, joining up engagement and empowerment processes and on integrating and sharing resources. The partnership is well placed to progress with this agenda, with these issues already discussed at Board level. At the recent meeting in October the Board agreed the priorities for improving community planning. These are attached at Appendix 2. One of the six priorities is to engage in dialogue with communities in order to empower them to participate in service planning and delivery.

2.10 **Part 3 - Participation Requests**

The Bill outlines that if a community group feels it can improve the outcome of a public service it has the statutory right to request to take part in a process to improve that outcome. The process for handling requests is prescribed including how to establish the process and meeting various timescales, for example the process being underway within 90 days of it being established. At the end of the process the public body must also publish reports on whether the outcome was improved and describe the community group's contribution to that. In this process community groups may come together and public bodies may come together. Public service providers can disagree to requests only where there are reasonable grounds and these must be explained.

2.11 Views fed back to date

The Council has welcomed this approach in earlier consultations. In the recent evidence provided, officers:

- Welcomed the decision taken to simplify the various definitions of a community body and also the inclusion of a clause to enable public service authorities to decline multiple participation requests for the same outcome, an issue the Council expressed significant concern over during the last consultation.
- Noted however that the current Bill still lacks clarity regarding reasonable grounds for refusing any request and that guidance to support this legislation will be critical to ensure that groups are not only enabled legislatively, but are able to understand what they have been empowered to participate in.

2.12 Implications

The encouragement for communities to be involved in improving outcomes is not necessarily new for the Council given various programme commitments

and work underway on, for example, self-directed support, tenants managing their estates, the community challenge fund, the LEADER programme, the role of parent councils and our petitions process. However with the legislation we will need to design a process to comply with the prescribed stages and timescales. We will also need to build capacity in the council to respond to requests positively. This will be a matter of freeing up time and developing the culture further that values and supports community empowerment.

2.13 Requests to participate in improving health and social care outcomes would be aided by the integration of those services. However, given that local outcomes are likely to involve more than one service provider, it would make sense for the process to be designed with CPP partners. This raises opportunities for the role of Area Committees and District Partnerships in the process.

#### 2.14 **Part 4 - Community control of land and buildings: Community Right to Buy**

This section of the Bill is written to replace provisions in the Land Reform (Scotland) Act 2003. It aims to broaden the right and make purchase easier. New and replaced provisions include:

- Extending community right to buy to urban as well as rural communities, lifting the 10,000+ population exclusion so that all of Scotland is included;
- Community groups will also be able to buy abandoned or neglected land and buildings, even if the owner does not want to sell and subject to Ministerial approval;
- Streamlining the processes for purchase and clarifying aspects of the process including defining communities and group eligibility, ballot arrangements, extending the period for concluding sales, dealing with late applications and the valuation process.

#### 2.15 Views fed back to date

Officers welcomed the decision taken to extend the Community Right to Buy and include this within the scope of the Community Empowerment Bill. Concerns were expressed however regarding the complexity of a number of the provisions including mapping and late registrations. It was also suggested that more clarity is needed for communities to be able to demonstrate land is abandoned or neglected.

#### 2.16 Implications

Across Scotland nearly half a million acres of land have transferred into community ownership and the Government has set a target of increasing this to one million acres by 2020. Community buy-outs have been pioneered in the Highlands and Islands with over 60 community owned assets (mostly land including forests) in Highland assisted by HIE. The main implications for the Council will arise from the likely increased interest in communities to own land and derelict or abandoned buildings in both rural and urban areas, including those currently in Council ownership. This could require more Council resources in support through funding and staff time. We can also expect more requests to support the community ballot process. Capacity to respond to requests will be needed.



2.17 **Part 5 - Community control of land and buildings: Asset Transfer Requests**

The Bill provides for community organisations to request ownership, lease or management of publicly owned buildings or land, whether or not they are available for sale or deemed surplus to requirements by the owning body. The initiative is placed with communities and their requests must be granted unless there are reasonable grounds for refusal. Public bodies must also respond to information request about the assets it holds when requested. Communities have the right to appeal to Ministers where requests are refused; although for Councils the appeal route is through the Council's own appeals process. If an asset transfer is agreed the public authority must make an offer to the community body within 6 months, unless the community body and public authority agree to an extension.

2.18 Views fed back to date

Officers welcomed the decision that it would not be appropriate for an external body to review any decision taken by a Local Authority. A number of issues were raised regarding the process for considering and determining asset transfer requests. These included how to deal with multiple asset transfer requests (ATR) for the same asset; that any ATR needs to evidence how each of the core criteria will promote, improve and deliver benefits to the community; and that safeguards are required within the legislation or regulations to ensure that any successor owner benefiting from the asset transfer delivers benefit to the community.

2.19 A further area of concern noted is that the ATR process in essence removes the discretion of the (local) authority to seek a Best Value outcome to a property disposal, and thereby potentially foregoing a capital receipt that could be reinvested/recycled through its capital programme to deliver improved public services. Clarity was requested on whether other aspects of legislation require to be repealed to reflect this.

2.20 Implications

Since 2010 the Council has transferred 24 assets into community ownership, including 10 village halls. Currently a transfer to community ownership is dependent on communities approaching the Council about vacant properties but the Bill enables requests for land and buildings in use. Most transfers to communities take place for £1 and are approved through the asset management board. Based on desk top market values the discount for the 24 assets transferred so far totals £1.975m. The Bill will impact on the annual targets set for raising income through market value sales, currently at £1m.

2.21 Experience to date shows that sometimes when a group approaches the council for a property they may have interest but not capacity to take it on and this can delay the asset transfer process. This highlights the need for communities to be supported better through the process and good practice identifies the need for support pre, during and post transfer. For some communities, leasing may be a route to ownership in the longer term.

- 2.22 Similarly, sometimes our asset transfer process takes too long for those groups able to move more quickly. As well as supporting groups to take on ownership or leasing we will need to re-design our process for transferring assets that complies with the Bill's timescales and makes the process clear and transparent, with a view to enabling more transfers.
- 2.23 **Part 6 - Common Good Property**  
The Bill aims to increase transparency about the existence, use and disposal of common good assets, and to increase community involvement in decisions taken about their identification, use and disposal. It requires Councils to establish and maintain a list of all common good property and make this publically available. When establishing this register, Community Councils and other community bodies must be invited to comment on it as a way to highlight any items they believe should be included or omitted. The Council must also consult on any decisions to sell or change the use of common good property, and the public must be informed of any decisions.
- 2.24 Views fed back to date  
In responding to the call for evidence officers expressed disappointment that the concerns noted during the consultation phases had not been addressed; namely the requirement to consult with all Community Councils in a local authority area and not just the ones for each Common Good area and the need to consult with all relevant community groups. This would appear to be an unnecessarily onerous task and one open to interpretation. The current provisions would also include un-constituted groups which appears inappropriate.
- 2.25 Implications  
The provisions contained in the Bill related to Common Good funds in general and we already have a register of Common Good property, although in future this will need to be published on the Council's website. The areas of concern however, as noted above, are the consultation implications when creating the register, maintaining the register and any disposal of Common Good property. If the Bill proceeds in its current form this will be administratively onerous.
- 2.26 **Part 7 – Allotments**  
The Bill repeals allotments legislation dating from 1919, simplifies provisions and recognises the interest in community growing. A new definition of allotments is provided, and can be summarised as land owned or leased by a local authority on a non-profit basis to grow vegetables, fruit, herbs or flowers. Councils must keep a waiting list for allotments and take reasonable steps to provide more allotments if the list becomes too long. The Council will need Scottish Government permission to sell or change the use of land used for allotments. An allotments report must be published each year along with a food growing strategy. This must set out the land identified for allotments and other community growing and how it will meet demand. The Council must set regulations for allotments covering allocations, rent, maintenance and whether keeping livestock and selling surplus produce are allowed.
- 2.27 Views fed back

Officers noted that the Bill only refers to Local Authority owned or leased land. The legislation still does not recognise the role of other statutory bodies by placing duties on all public sector land owners to make suitable surplus land available. There is also still no provision for the Local Authority to limit the number of sites that must be provided simultaneously across the entire Local Authority area, potentially presenting a capacity issue for the Council.

#### 2.28 Implications

Annual reports on allotments are provided to the Planning, Development and Infrastructure Committee and the Council's programme has extended the commitment to include the encouragement of community growing. The most recent annual report (May 2014) listed nineteen new allotment sites supported by the Council (nine since 2009), a further five allotment associations identifying suitable land and six associations seeking sites across the Highlands. In addition 33 community gardens were identified and members agreed to target Council financial support to community growing initially in areas of multiple deprivation.

2.29 At this stage it is not anticipated that the current allotments policy will have to change significantly from our current processes however we will need to ensure that the information we hold fulfils the reporting requirements contained within the Bill. We are unlikely to know the full details of this until the detailed guidance is published. However, there could be capacity issues if we are unable to limit the number of sites to be provided at any one time.

#### 2.30 **Part 8 - Non-Domestic Rates**

Councils will have the power to create localised business rate relief schemes to encourage businesses in the area. There will be no restrictions but any local reliefs will need to be fully funded by the Council.

#### 2.31 Views fed back to date

The Council has been supportive of this element of the Bill in past consultations. It aligns with commitments in the Programme on local taxation and non-domestic rate incentives for town centres in need of support.

#### 2.32 Implications

The main implication is the need to fully fund any rate relief schemes.

#### 2.33 **Other feedback**

Two other areas of feedback were provided on the Bill. These relate to:

- Community Councils - with officers noting disappointment at the noticeable absence within the Bill to strengthen the position of Community Council roles and responsibilities and the scope for them to have incorporated status. Officers noted that it appears to be at odds with the current direction of community empowerment in general not to consider Community Councils given that they are a key building block within our communities.
- Equalities – with feedback seeking the Bill to make direct links to the duties set out in the Equality Act 2010. It was stressed that the connection should recognise that different groups have historically been

under-represented in community activities or faced barriers to participation and the Bill is an opportunity to help mainstream the duty into the scope of its powers. It will be important to ensure that all groups are empowered equally by the Bill.

### **3. Further opportunities for empowerment**

#### **3.1 Further opportunities for empowerment**

Most provisions in the Bill can be seen as a continuation of practise and the Council can comply by increasing the pace of some work already programmed, particularly through the CPP, or through putting new managerial arrangements in place for e.g. new processes for responding to rights to participate in improving outcomes, supporting asset transfer and consulting on Common Good Registers.

3.2 However rather than simply responding to the Bill's requirements, the policy memorandum accompanying the Bill is enabling and recognises the particular role of local authorities in leading, promoting and supporting community empowerment given its local knowledge and democratic mandate.

3.3 The Council can demonstrate leadership, support and promotion of community empowerment to date through:

- The council's values, these are listening, being open, valuing the views of others, improving services, supporting, partnering and delivering.
- The council's programme with one of the seven themes on empowering communities with commitments across the programme relating to improving participation, supporting communities, letting people have more of a say and being more accessible as an organisation.
- The Council's action plan on increasing voter turn-out, especially among younger people as overseen by the CPE Committee.
- CPP progress, particularly on joining up approaches to engagement and seeking new ways of empowering communities to participate in service delivery and planning.

3.4 The Bill is well timed to consider what more can be done to empower communities given the recent increase in democratic participation in the Referendum, the subsequent Smith Commission and the publication from the Commission on Strengthening Local Democracy. These issues are considered separately at this meeting of the Council.

3.5 In June this year we included an expanded set of questions in our annual survey of the Citizens' Panel about civic and democratic engagement. The full report is available on the website, and positive responses on being involved in the democratic process include:

- 77% of respondents said they were interested in the democratic process;
- Over 50% said in the past 12 months they participated in voting in an election, created or signed a paper or e-petition and contacted their Councillor, MSP, MP or MEP;
- 69% said they wanted to be involved in decision in their area (with people aged 16-24 years more likely to want this involvement – at 89%

compared to 56% of those aged over 65 years).

- 53% said they wanted to be involved in decision making in the country as a whole, with higher levels among 16-24 year olds (at 72% compared to 41% of those aged over 65 years).
- More people agreed than disagreed that every citizen should get involved in politics if democracy is to work (48% compared to 22%) and that they enjoyed working with other people on common problems in their community (39% compared to 20%).
- More people agreed than disagreed that the Council is helpful and listens to local people.

3.6 Responses indicating that more needs to be done to increase the confidence of individuals and communities to be involved in decisions affecting them include:

- More people disagreed than agreed with the statement 'when people like me get involved in politics they can really change the way the country is run.' (36% compared to 33%).
- Only 18% felt they had some or a great deal of influence over decision-making in their local area, compared to 43% saying they had not very much influence and 38.5% saying they felt they had no influence at all.
- The main personal barriers for limiting influence were: lack of time, feeling their opinion would not be listened to, not being given the opportunity, not knowing how to get involved, not feeling qualified enough, not knowing enough about decisions and not feeling able to make a difference.
- More people disagreed than agreed that they would do a good job as a local councillor or MSP/MP (36% compared to 31%).
- More people disagreed than agreed that the Council represented their views (26% compared to 25%) and involved them in how it spends money (48% compared to 20%).

3.7 An interesting point is that when asked what had the most impact on people's everyday lives, from a choice of seven, the top three were media, Parliament and local people working together. These were chosen more often than local councils, charities and voluntary organisations and community organisations.

3.8 Based on the survey results from June this year there is an appetite and need for more participation in the democratic process. The Bill can support the Council to find new ways of empowering people and communities, learning from good practice across Highland and elsewhere. Having improved community planning in terms of joint working with public service organisations since 2003, the Bill can enable the evolution of community planning into communities' planning. By supporting more participatory democracy, members can be supported in their representative and community leadership roles.

#### **4. Further opportunities to respond to the Bill**

4.1 It will be important to continually review the provisions within the Bill as it progresses through Parliament and the implications for the Council. Some implications will not become clear until the guidance/regulations to support the Bill are published.

4.2 The Local Government and Regeneration Committee is now taking oral evidence on the Bill. This will last until late November 2014. There are several community evidence sessions taking place across the country. One of these will be at Lochaber High School in Fort William on the 24 November 2014. The Committee will be holding a community engagement event during the afternoon (from 2.45pm until 4.15pm) to hear the views of individuals and organisations active in the community. Later in the evening (5.15pm until 8pm) the Committee will hold a formal meeting where it will take evidence from invited witnesses on the Community Empowerment Bill. It is anticipated that the Council will be invited to give formal evidence. Should any Member wish to attend the afternoon community event or be in the public gallery for the Committee meeting, you must book by contacting [lgr.committee@scottish.parliament.uk](mailto:lgr.committee@scottish.parliament.uk).

4.3 The stage 1 report on the Bill is likely to be published by mid-January 2015 with the first stage debate taking place in late January or early February 2015. Parliament will agree the dates for stages 2 and 3 after the end of stage 1 consideration.

## **5. Implications**

### **5.1 Resource Implications:**

COSLA is lobbying the Government to ensure that the Bill is cost neutral for Councils. The financial implications identified so far include difficulties in meeting annual targets for capital receipts from the sale of land and buildings if a community seeks ownership or leases at below market value, requests for funding to support community right to buy and any costs associated with publishing reports. Staff time will be needed to design new processes and to support capability within some communities to own and/or run buildings and services. Building organisational capacity to empower communities will be supported through awareness raising, training and peer support.

### **5.2 Legal and risk Implications:**

This report details the requirements of the Bill, where these replace current legislation and link with other legal requirements such as the Equality Act. By planning for the implications of the Bill the risk of non-compliance is reduced.

### **5.3 Equalities Implications:**

The responses to consultations on the Bill have highlighted awareness that some community groups need more support than others to be involved in decisions affecting them and to have their voices heard. This is aligned to the Equality Act.

### **5.4 Climate Change/ Carbon CLEVER Implications:**

The emphasis of the Bill is on local solutions and these should enable lower carbon choices for configuring services, for maintaining local buildings and making good use of land. Where possible the requirement to publish reports should be met through the website to avoid costs and carbon emissions associated with paper copies.

5.5 Gaelic Implications:

As with all areas of Council policy, in the future groups will be able to ask to participate in any area of Gaelic policy/service delivery if they feel they are able to improve the service outcome. All published reports will comply with the Council's policy in Gaelic translation.

5.6 Rural Implications:

It will be important to ensure that all groups across Highland, regardless of their location, are equally empowered by the legislation. Currently most community ownership of buildings and services are found in rural locations.

**6. Recommendations**

6.1 Members are asked to note:

1. The key provisions contained within the eight parts of the Community Empowerment (Scotland) Bill as introduced, with enactment expected by summer 2015.
2. That most Bill provisions can be seen as a continuation of current practise, with implications mainly about the pace of change and the design of new processes. Some of these will have resource implications. Some implications will not become clear until guidance and regulations are published.
3. The opportunity to provide oral evidence on 24<sup>th</sup> November in Fort William as set out in paragraph 4.2.

6.2 Members are asked to consider:

1. The officer evidence submitted during the pre-referendum period to the Local Government and Regeneration Committee and agree whether any other points need to be raised as the Bill progresses through Parliament.
2. How the Council's role in leading, promoting and supporting community empowerment can be enhanced by the Bill, building on the Council's values, Programme, voter participation action plan, CPP priorities and feedback from the Citizens' Panel on the appetite for democratic participation. The timing of the publication from the Commission on Strengthening Local Democracy and the Smith Commission is supportive, and feature as a separate item for this Council meeting.

Designation: Head of Policy and Reform

Date: 14-10-14

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