

The Highland Council

Badenoch and Strathspey Area Committee – 23 February 2016

Agenda Item	4
Report No	BSAC 01/16

Localism Action Plan Update

Report by Head of Policy and Reform

Summary

This report highlights the new devolved powers for the Committee and the further powers likely to be devolved in 2016. It provides an up-date of work with partners on local community planning arrangements which Members will be involved in during 2016.

1. Background

- 1.1 For this first meeting of the Badenoch and Strathspey Area Committee this report highlights the new powers delegated to the Committee from the Highland Council and how the Scheme of Delegation is expected to devolve further powers over time. In addition it provides a brief up-date on discussions with partners regarding local community planning arrangements.

2. New Scheme of Delegation

- 2.1 The new Scheme of Delegation is attached at Appendix 1. It re-organises the former powers devolved by service and includes the following new powers for all new Local Committees:
- Establishing appropriate links between the Local Committee and the local community planning partnership (to be established) (para. 1.2);
 - Taking forward the localism action plan in the locality (para. 1.3);
 - Agreeing local community engagement approaches (para. 1.10);
 - Ensuring productive working relationships with Community Councils (para. 2.4);
 - Purchasing and disposing of Common Good Trust assets up to 10% of the value of the Common Good Fund (para. 2.9); and
 - Using participatory budgeting for any funds decided by the Local Committee (para. 2.11).

While the Common Good Fund provisions do not currently apply for Badenoch and Strathspey, Members have expressed an interest in participatory budgeting approaches.

- 2.2 At the Council meeting in December 2015, Members highlighted the role of the Cairngorm National park Authority (CNPA) in land use planning matters and this is recognised in the revised Scheme. Since then the Head of Planning and Building Standards has contacted the CNPA to amend the planning protocol to seek to formalise the Area Committee's role and relationship with the CNPA over the Local Development Plan. It has been confirmed by the

CNPA that the following statement will be included in the protocol:
“The CNPA will carefully consider representations made by partner local authorities to consultations on the LDP and associated supplementary guidance, and seek to discuss these representations with the relevant local authorities as part of the plan preparation process”.

3. Future revision to the Scheme

3.1 This first revision to the Scheme is modest but further changes are expected for the second meeting of the Committee in May 2016. Notably this includes the work underway to devolve further powers relating to relevant Community Services budgets. The types of services that are under review for local decision making include roads maintenance, winter maintenance, environmental services such grounds maintenance, community works, street cleansing and public toilets. This will be reported to the Council in March 2016.

3.2 In 2016 the Scheme will also have to adapt to include powers relating to the Community Empowerment Act and how that is agreed to be implemented. This will include for example how the Council can:

- support asset transfers and community right to buy applications;
- respond to community bodies seeking to participate in improving local outcomes;
- involve the public in decision-making; and
- how we meet our new duties on allotments.

Statutory guidance is still awaited on these new duties and the Communities and Partnerships Committee has responsibility for agreeing the overall Council approach and there is considerable scope for devolving decision-making on the implementation to Local Committees.

3.3 In 2016 we should also be clearer on other legislation that may impact on the role of Local Committees, for example the Scotland Bill and the arrangements for the devolution of the Crown Estate and the Land Reform Bill.

3.4 During 2016 the Council will consider proposals for a Highland Commission on local democracy. This would likely seek to engage with the Local Committee and may provide recommendations on future approaches to local decision-making.

4. Developing Local Community Planning Arrangements

4.1 The partners involved in community planning in Highland recognise the need for new local arrangements for engaging with communities. This is evident from:

- The latest Audit Scotland national report on Community planning that identified the need for better local community planning and agreeing local service priorities with communities;
- The Community Empowerment (Scotland) Act 2015 that specifies the purpose of community planning as achieving outcomes through the

services delivered via the listed public bodies¹. It also specifies that Community Planning Partnership (CPPs) must act to reduce inequalities of outcome resulting from socio-economic disadvantage.

Aspects of the Act require a local focus, for example:

- the CPP must work with any community body that wishes to take part and especially securing the participation of community bodies that represent the interests of people experiencing inequalities resulting from socio-economic disadvantage.
- The CPP must identify localities within its area that experience poorer outcomes and disadvantage. For these areas a locality plan must be prepared, published and updated and include local outcomes to be achieved, the timescales and be consulted upon.
- For health and social care the Public Bodies (Joint Working) (Scotland) Act requires that integration implementation plans are to be planned and led locally in a way which is engaged with the community (including in particular service users, those who look after service users and those who are involved in the provision of health or social care.)
- For community learning and development (CLD) the statutory instrument requires a CLD strategy coordinating partnership activity and targeting communities in need of most support.
- Scottish Government's Economic Strategy states that:
"As we deliver our economic strategy we will bring an increased focus on local communities. Consistent with our commitment to community empowerment, local communities will have the opportunity to participate in shaping their local economy." (p.78)

4.2 During 2015 the CPP agreed to support local experiments in community planning and around the geography for the new Local Committees; but it has yet to consider how best to do this, including sharing resources. This will be taken forward in 2016.

4.3 Members' aspirations for Badenoch and Strathspey that require partnership involvement need to feed into the development of local community planning. Members previously agreed they sought:

- All the public bodies in the Badenoch & Strathspey area come together to be solution focused and share resources for Badenoch & Strathspey communities – with decisions made there sticking. Including national

1. ¹ For the Highland area the listed bodies are; Police Scotland; Scottish Fire and Rescue Service (SFRS); NHS Highland; HIE; SNH; the Cairngorm National Park Authority; UHI; Historic Environment Scotland; regional college Boards; SEPA; the Scottish Sports Council; Skills Development Scotland; HITRANS; and Visit Scotland. Community planning is a shared duty to be facilitated by 5 of the listed bodies, for Highland they are the Council, NHS, HIE, Police Scotland and SFRS.

and regional bodies.

- We have full engagement of the third sector and communities building on VABS work and commercial organisations
- Many more people want to stand for election – Community Council and local government
- People have a voice and can affect decisions
- Resources target inequalities – including rural inequalities and improving transport

4.4 These are relevant for discussion with partners and community bodies. Members will be involved further as the approach to local community planning evolves in 2016-17. We are also looking at elected and board member training and development in community planning roles and approaches. A similar work stream for staff development is being explored.

5. Implications

5.1 Resource: More resource allocation is planned to be decided locally from a future review of the Scheme in March 2016. Members will consider the resource implications of webcasting at this meeting. Discussions with partners are still required to identify shared resources for new local community planning arrangements.

Legal: The Council's localism action plan reflects the new duties arising from the Community Empowerment Act (2015) and other legislative references are cited regarding local community planning.

Equalities: The new arrangements for local community planning need to be inclusive.

Climate Change/Carbon Clever: Officers required for presentations to the Committee not based locally are encouraged to use video conferencing to reduce carbon emissions from travel and costs.

Risk: An evolutionary approach to amending the Scheme of Delegation avoids risks to good governance. Partner engagement is required to establish new local community planning arrangements and taking the right time to do this avoids risks to partnership working.

Gaelic: There are no Gaelic implications.

Rural implications: All of the new Local Committees established are in the rural areas of Highland.

6. Recommendation

6.1 Members are asked to note the new powers devolved to the Committee and the planned further devolution of powers subject to Council approval in March 2016, and that further changes are likely during 2016.

6.2 Members are asked to note that further work is required with partners to develop community planning arrangements for Badenoch and Strathspey and that they will be involved in this further in 2016-17.

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Local Committees
Powers Delegated from the Council
Agreed December 2015

1. General Powers

- 1.1 To appoint the Chair of the Local Committee, responsible for the running of the Committee and the management of its functions. To appoint a Civic Leader where appropriate.
- 1.2 To develop appropriate connections with, and ensure Council support for, the local community planning partnership for the area covered by the Local Committee.
- 1.3 To ensure implementation of the Council's localism action plan as it relates to the locality.
- 1.4 To scrutinise and monitor the local delivery of Council services, within approved resources and strategy.
- 1.5 To scrutinise the performance of, and engage with, Police Scotland and the Scottish Fire and Rescue Service.
- 1.6 To monitor the delivery of Council Capital Projects within the local area, as agreed within the Council's Capital Programme.
- 1.7 To approve delegated local functions e.g. Road Traffic Orders; Road Construction Consents; and Upholding Access Rights.
- 1.8 To champion local initiatives which promote and support the traditional languages, heritage and culture of the Highlands.
- 1.9 To deal with requests for and make nominations/ appointments to local outside bodies not covered by the Council or Strategic Committees e.g. Local Access Forums.
- 1.10 To agree any local community engagement, including the work of Ward Forums in relation to Council business in the locality.
- 1.11 To ensure that all local decisions taken are within the terms of the legislation governing the work of the Council and the approved Scheme of Delegation to Committees and Officers.

2. Specific Powers

Corporate, cross service and civic powers

- 2.1 To consider any proposals made by Council Services to review service delivery, other than annual revenue budget proposals, which would have a materially significant impact on the Locality.
- 2.2 To agree any Bye-Laws and Management Rules etc. and their amendment or review.
- 2.3 To recommend to Council any proposals for Business Improvement Districts.

- 2.4 To ensure productive relations with Community Councils within the locality and to agree any Community Council boundary changes.
- 2.5 To support local youth forums and to promote the engagement of young people in local democracy.
- 2.6 To facilitate and, where appropriate, make arrangements in relation to Town Twinning and ceremonial matters.
- 2.7 To invite groups/ bodies funded by Highland Council or with an Elected Member on their Board, to submit an update report to the Local Committee should the Committee consider it necessary.

Finance Services

- 2.8 To allocate and monitor expenditure from agreed localised funds e.g. Deprived Area Fund, Carbon Clever Community Capital Grants and to allocate Ward Discretionary Grants where individual grant awards exceed £10,000 (individual awards of up to £9,999 are delegated to the Ward Manager following consultation with local Ward members).
- 2.9 To oversee the management of any Common Good Fund (CGF) assets for the locality by: scrutinising CGF budget monitoring; approving costs and grant applications for any local CGF as required and agreed within Council policy; and to purchase and dispose of Common Good Trust assets up to 10% of the value of the CGF. (For the avoidance of doubt, the purchase and disposal of Common Good and Trust assets of more than 10% of the value of the CGF is reserved for Highland Council).
- 2.10 To approve any Local Authority Trust costs associated with the locality and to approve grant applications in excess of £10,000 as required and agreed within Council policy.
- 2.11 From the resources that are agreed to be delegated to the Local Committee, for the Local Committee to agree which resources are to be allocated through participatory budgeting and the methods to use.

Community Services

- 2.12 To monitor local housing performance in relation to voids, arrears, maintenance and prevention of homelessness.
- 2.13 To approve maintenance programmes for roads and bridges within the Locality and the budget and strategy agreed by Council.
- 2.14 To approve the winter maintenance plan within the strategy and budget allocated by Community Services Committee.
- 2.15 To monitor the local delivery of the transport strategy and local community transport schemes.
- 2.16 To promote Road Traffic Orders, where there are statutory objections.
- 2.17 To approve the stopping up of roads and private means of access and the deletion of roads from the list of public roads and the adoption of roads (that are not constructed under the Road Construction Consent procedure) onto the list of public roads.
- 2.18 To approve local levels of service for grounds maintenance, street cleaning and public conveniences within the budget and strategy agreed by the Community Services Committee.

- 2.19 To approve local initiatives to encourage waste minimisation, reduce litter and increase recycling within the strategy and budget agreed by Community Services Committee.

Development and Infrastructure Services

- 2.20 To monitor the status of building projects and environmental works in the agreed Capital and maintenance programmes.
- 2.21 To consider the content of and approve Development Briefs and Master Plans (with the exception of those prepared as Statutory Supplementary Guidance) relating to land within their geographic area. In the case of Development Briefs and Master Plans relating to land within their geographic area and prepared as Statutory Supplementary Guidance, to consider their content and recommend them to the Planning, Development and Infrastructure Committee for adoption.*
- 2.22 To monitor progress in the implementation of Local Development Plans in general, consider the content of Local Development Plans applicable to their geographic area that are being prepared or reviewed in accordance with the Development Plans Scheme and submit representations and recommendations on those Local Development Plans to the Planning, Development and Infrastructure Committee.*
- 2.23 To agree the naming of buildings and streets within the Council's control.
- 2.24 To review Core Path Plans and make recommendations to the Planning, Development and Infrastructure Committee.*
- 2.25 To identify property which is non-operational or which may be declared surplus to requirements for referral to Asset Management Project Board.
- 2.26 To approve local Safer Routes to Schools projects within the strategy and budget agreed by Community Services Committee.

Care and Learning Service

- 2.27 To monitor the local delivery and outcomes from Curriculum for Excellence, including performance of schools within the locality.
- 2.28 To scrutinise and monitor HMIE school inspection reports.
- 2.29 To monitor the local delivery of the Highland Play Strategy as agreed by the Education, Children and Adult Services Committee.

* Within the parts of Badenoch & Strathspey Area covered by the Cairngorms National Park Authority, the starred items are reserved to that authority.