

Highland Community Planning Partnership

Community Planning Board - 30 June 2016

Agenda Item	5i.
Report No	CPB 01/16

Community Empowerment Act: Community Planning Partnership Consultation Responses

Report by Acting Head of Policy

Summary

The report provides a summary of each of the recent Scottish Government consultations on parts of the Community Empowerment (Scotland) Act, along with the responses agreed by the Chief Officer's Group and submitted on behalf of the Community Planning Partnership. The Highland CPP Board is asked to note the consultation responses.

1. Background

- 1.1 The Scottish Government has recently been consulting on the guidance and regulations for three parts of the Community Empowerment (Scotland) Act: Part 2 Community Planning, Part 3 Asset Transfer and Part 5 Participation Requests. The consultations all closed by 20 June 2016.
- 1.2 This report provides a summary of each consultation along with the response agreed by the Chief Officer's Group and submitted on behalf of the Community Planning Partnership.

2. Consultation - Part 2: Community Planning

- 2.1 The guidance to support Part 2 of the Community Empowerment Act seeks to provide a renewed vision for community planning, building on the provisions contained within the Act. Community Planning Partnerships must take the guidance into account in taking forward community planning. The guidance also notes that partnerships should understand how their performance matches the expectations set out in the guidance and have a clear understanding of the nature and extent of improvement and support required.
- 2.2 The first part to the guidance on Community Planning is set around 9 key principles to guide community planning. This includes the shared responsibility for community planning, the importance of community participation and engagement, and the need to address inequality as a result of socio-economic disadvantage. The consultation asked for views on these principles and related elements, such as performance expectations and review periods. The second part of the guidance focuses on the statutory plans named in the Act; the Local Outcome Improvement Plan (LOIP) and Locality Plans. There is one proposed regulation in relation to this part of the Act

around the geography proposed for Locality Plans and the consultation sought views on this regulation.

2.3 The Highland Community Planning Partnership response to the consultation noted:

1. The Community Planning Partnership welcomes the Guidance.
2. The Community Planning Partnership agrees with the principles of effective community planning as set out in the guidance.
3. The Community Planning Partnership believe there is a need for further clarity around the mechanism for resolving potential conflicts between statutory functions of organisations and statutory functions around community planning. There was a desire to have a further understanding of risk management and audit functions.
4. There was a desire to simplify the performance framework for individual organisations and community planning partnerships to reduce complexity and ensure that the right data was being collated to monitor performance.
5. The CPP think that the LOIP should add value and be linked to specific priorities rather than everything within a CPP area. The CPP suggests a LOIP with a long term vision for the area and a 5 yearly review to ensure that the actions being undertaken on priorities are delivering the long term vision. This could also be revised to take account of spending reviews or changes in political emphasis.
6. The CPP believes that the Locality Plan should be as flexible as possible to ensure local circumstances are taken into account. Locality Plans should also take into account where other frameworks are already set and agreed by partners and communities.
7. The CPP agrees that the maximum population size for localities subject to locality planning should remain at 30,000 residents.

3. Consultation – Part 3: Asset Transfer

3.1 The Community Empowerment (Scotland) Act 2015 provides for community bodies to request ownership, lease, management or use of publicly owned buildings or land whether or not they are available for sale or deemed surplus to requirements by the owning body. It applies to assets held by 17 listed bodies.

3.2 The Scottish Government consultation sought views on a number of key elements of regulations to support the provisions contained within the Act:

- The types of land and buildings that are in scope.
- The requirement for public bodies to develop and maintain a register of assets and what this register might include.
- Information public bodies could provide to community transfer bodies.
- The information a community transfer body should provide with a

request.

- The process and timelines for public bodies dealing with and making a decision on a request – 6 months to make a decision once a completed request has been received.
- The review and appeals process available – proposal for 6 months for a Local Authority to review a decision.

3.3 The Highland Community Planning Partnership response to the consultation noted:

1. The CPP agrees that 6 months is a reasonable length of time to make a decision on an asset transfer, once all appropriate information has been received.
2. It is important to encourage pre-application discussion and engagement to ensure that an asset transfer request is submitted only once all the necessary preparation and documentation is available.
3. Any guidance to support this section of the Act should emphasise the need for clarification of process for communities and that it is critical to have dialogue through the process.

4. Consultation – Part 5: Participation Requests

4.1 A Participation Request enables a community body (including Community Councils) to request to take part in an outcome improvement process. The intention is to provide a new way for communities to initiate dialogue with public bodies on their own terms, with scope to raise issues that might not be open to consultation. To do this they need to say what the outcome is, why they should take part and include a description of their expertise and what improvement they expect their involvement to make.

4.2 The consultation focuses on the regulations to support this part of the Act. It seeks views on:

- The desirability of requiring all CPPs to use the same statutory form to log participation requests.
- The timescales for public bodies organising themselves to jointly respond when an improvement process involves more than one body – proposed 14 days.
- How public bodies should promote the use of participation requests.
- How public bodies should support community bodies to make a participation request and participate in an outcome.
- Timescales for assessing the request – proposed 30 days.
- Information requirements for a decision notice.

4.3 The Highland Community Planning Partnership response to the consultation noted:

1. The CPP agrees that there should be a checklist/form but that this should be developed locally between partner agencies and not prescribed centrally.
2. The CPP recommends 20 **working days** in which additional public

service authorities can respond.

3. The CPP recommends 30 **working days** as the period for assessing the participation request.
4. The CPP supports the principle of a single point of contact for groups submitting participation requests.
5. It is important to encourage pre-application discussion and engagement to ensure that any requests received are meaningful and productive.
6. Any guidance to support this section of the Act should emphasise the need to ensure minimal bureaucracy, proportionality and flexibility

5. Next Steps

- 5.1 Publication of the final guidance and regulation for Parts 2, 3 and 5 of the Community Empowerment (Scotland) Act is expected in Autumn 2016.

6. Recommendation

The Highland Community Planning Partnership Board is asked to note the responses submitted on behalf of the Partnership to the Scottish Government consultations on the Community Empowerment (Scotland) Act.

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Authors: Alison Clark, Acting Head of Policy Tel: (01463) 702512
Pablo Mascarenhas, Community and Democratic Engagement Manager
Tel: (01463) 702247