

## ABERDEENSHIRE COMMUNITY PLANNING BOARD – 10 JUNE 2015

### COMMUNITY EMPOWERMENT BILL UPDATE

#### 1. Recommendations

The Board is recommended to:

- 1.1 **Note the changes proposed to the Community Empowerment Bill in the Stage 2 Report included in the appendix to this report and potential implications for partners.**

#### 2. Background/Discussion

- 2.1 The [Community Empowerment \(Scotland\) Bill](#) was introduced to the Scottish Parliament on 11 June 2014. It follows on from the Christie Commission report on the future delivery of public services that was published in June 2011 to emphasise the potential for communities to shape the design and delivery of services. Aberdeenshire Community Planning Partnership responded to two consultations that were held on the emerging Bill between [June and September 2012](#) and from [November 2013 to January 2014](#). Evidence was also provided from the Council to the Local Government and Regeneration Committee during its session on 5 March 2014 and written evidence was supplied for the committee during June-September 2014.
- 2.2 The Bill is split into eight parts:
  - 1 National outcomes
  - 2 Community planning
  - 3 Participation requests
  - 4 Community right to buy
  - 5 Asset transfer requests
  - 6 Common good property
  - 7 Allotments
  - 8 Non-domestic rates
- 2.3 In taking forward recommendations from the Christie Commission on outcomes, partnership and engagement, the Bill creates a number of duties that are relevant to Aberdeenshire Council and its partners. At a national level, the Bill seeks to place in statute an outcomes-based performance management framework. These outcomes will also be part of each Community Planning Partnership's shared plan for place – currently the Single Outcome Agreement. The Bill will place each Community Planning Partnership on a statutory footing and place duties on partners to deliver and resource the shared plan. At a local level, community bodies will now have the opportunity to formally request to take part in the delivery of a service.

- 2.4 The Bill also includes a range of wider provisions relating to land and assets. The community right to buy legislation will be extended into towns with a greater population than 10,000. Following on from Aberdeenshire Council's Community Asset Transfer policy, community bodies across Scotland will have a right to request to buy or rent the building. Those community organisations who have an interest will have to show how they are representative of and accountable to local people. Councils will have to publish a list of their common good assets and consult communities on any changes to common good property. The Bill also modernises the legislation on allotments and Councils will have to hold a list of allotments and take reasonable steps to provide more allotment sites when there are too many people on the waiting list. A final provision of the Bill relates to the scope for local authorities to create localised relief schemes for non-domestic rates.
- 2.5 A summary of the recommendations included in the Stage 2 Report are included in Appendix 1 to this report. The changes introduced at Stage 2 do not have any particularly severe consequences for Aberdeenshire CPP, however we are still awaiting further details on the provisions regarding allotments and food growing strategies during the next stage of the Bill. Amendments lodged relating to the community right to buy abandoned or neglected land were not moved and will be discussed prior to and during Stage 3 of the Bill. The largest change to the Bill at Stage 2 was the introduction of general provisions encouraging CPPs to take further action to address socio economic inequalities, in particular in considering which bodies are likely to contribute to community planning, by "having regard in particular to which of those bodies represent the interests of persons who experience inequalities of outcome which result from socio-economic disadvantage". It will now be possible to submit participation requests to multiple public authorities, which may require intensive joint working between partner and other organisations.
- 2.6 A series of questions on the Community Empowerment (Scotland) Bill were circulated to Citizen's Panel members in Viewpoint 40 Survey, along with the annual questions regarding "Community Engagement". The survey showed that awareness of the Bill was fairly limited (with around 80% stating that they were previously unaware of the Bill, with 16% stating they were aware of the Bill but knew little about it and just 4% having heard a good deal about it). 11% of respondents (94 individuals) stated that they were actively involved in a community body, whilst 21% of respondents who were not currently involved in community body stated that the provisions contained within the Bill would make them more likely to become involved. The two particular powers in the Bill which could result in increased participation in community bodies in Aberdeenshire included; (i) the right to purchase derelict, unused buildings or land, and (ii) participation requests. For those already actively involved, the most attractive provisions included; commenting on proposed changes to Common Good property, the right to make Participation Requests and powers in relation to the transfer of land and property. However, funding and other

resources (volunteers) were perceived as the main barriers faced by community groups in taking up the opportunities provided by the provisions of the Bill. The Community Empowerment Bill has been highlighted as a key change in the PESTELO/Horizon Scanning exercises for all six areas and Local Community Planning Groups are working to consider the local implications of the Bill whilst developing the Local Community Plans for 2016-2019

- 2.7 A summary of the resourcing implications for the Council (as previously submitted to the Executive in September 2014) are included in Appendix 2 to this report for further information.
- 2.8 A timetable for the Bill's passage through Parliament is included in Appendix 3 to this report (this remains unaltered from September 2014).

### **3 Equalities, Staffing and Financial Implications**

- 3.1 An equalities impact assessment is not required because the Scottish Government has carried out an equality impact assessment which concludes that the Bill's provisions are neither directly or indirectly discriminatory on the basis of age, disability, race, religion or belief, sex, sexual orientation or gender reassignment.

**Sophie Humphries, Strategic Development Officer (Community Planning)**

29 May 2015

**APPENDIX 1 – COMMUNITY EMPOWERMENT (SCOTLAND) BILL – STAGE 2 AMENDMENTS SUMMARY**

<b>Amendment</b>	<b>Consequences for CPP Board/ Comments</b>
The Scottish Government must consult with communities and Parliament on the National Outcomes and report biennially on the extent to which those outcomes have been achieved.	Respond to developments through the Community Outcomes Profile project, raised through CPP Board/Executive
Ensure greater consideration of socio-economic inequalities, particularly when implementing the provisions of the Bill to ensure we are not “empowering the empowered”. These considerations should be taken into when deciding which bodies are likely to contribute to community planning.	Limited.
Changes to strengthen the role of communities in Community Planning	Minimal beyond existing Audit requirements.
Changes to provisions to strengthen the accountability of CPPs to the communities they serve through annual public reporting.	Limited.
SG considering amendments requiring CPPs to account for the quality of participation with community bodies in annual reports.	TBC. Annual and SOA monitoring reports already include details of engagement with Communities, further detail may be required.
Public bodies must report annual publicly on their work on; (annual) (i) Participation requests (ii) Community Asset Transfers (including information on requests where contracts not concluded within six months).	Limited.
Participation Requests – can now be made to more than one public service authority.	May require intensive joint working to deal with Participation Requests effectively.
Participation Requests - appeals process has now been added.	Limited.
Community Benefit Societies can now make CAT requests	Limited.
Strengthened appeal process for asset transfer requests – review of decisions by Scottish Ministers, and for Ministers to appoint an independent review panel to advise them on the review. Right of appeal to Scottish Ministers in relation to decisions on local authority asset transfers.	Limited.

<p>Community body can appeal under section 58 on the basis that no contract had been concluded within the required period.</p>	
<p>Football supporters' trusts can buy professional football clubs (full details TBC at Stage 3).</p>	<p>Limited.</p>
<p>Local Authorities register of land – amendment 1080 introduced requirement to produce public registers of land owned and leased by relevant authorities.</p>	<p>TBC</p>
<p>Detailed changes to allotment provisions; including a standard size for an allotment and changes designed to reduce waiting lists</p> <p>Approx. 250 square metres (although Amendment 1230 allows further regulations to be made on size of allotments)</p> <p>Local authorities must set out the numbers of persons who have been on the wait list for more than five years in their annual allotment report</p> <p>Allotment allocation to be organised around communities rather than local authority areas</p> <p>CPPs must also aim to ensure that those on low incomes are not dissuaded from becoming involved in allotments on a financial basis</p> <p>In preparing food growing strategies local authorities will be required to describe whether and how they will increase provision in areas that are affected by socioeconomic disadvantage</p>	<p>TBC – awaiting further details at Stage 3</p>
<p>New provisions on participation in public decision making, including on participatory budgeting</p> <p>Amendments 1223 and 1224 introduced a new power that will enable Ministers to require Scottish public authorities to promote and facilitate the participation of members of the public in the authority's decisions and activities, including the allocation of its resources/budgets i.e. "participatory budgeting"</p>	<p>Limited. Aberdeenshire CPP already exploring possibilities for PB.</p>
<p>Consultation on changes to Common Good Property – local authorities need only consult Community Councils whose area covers the area to which the common good asset relates. The requirement to consult with all Community Councils once the full listing of Common Good Property is generated remains.</p>	<p>Limited. Reduction in work load from original provisions.</p>
<p>Community Right to Buy Land – meaning of community extended to include Community Benefit Society</p>	<p>Limited.</p>

**APPENDIX 2: IMPLICATIONS FOR THE COUNCIL (DRAFTED SEPTEMBER 2014)**

PART	SECTION	IMPACT	RESOURCES
1	National outcomes: a set of national outcomes must be developed, consulted on and published by Ministers	No impact. Aberdeenshire Community Planning Partnership has a Single Outcome Agreement in place with the Scottish Government.	No additional resources required.
2	Community planning: partnerships are placed on a statutory footing and partners must deliver and resource a shared plan for outcomes.	Partner organisations will have to show the resources they are contributing towards the delivery of the Single Outcome Agreement.	No additional resources required.
3	Participation requests: a community body will be able to put forward a case to participate in the delivery of a service	Public bodies will have to agree to the request for dialogue unless there are reasonable grounds for refusal. If it refuses the request, it must explain the reasons. At the end of the process the public body must publish a report on whether the outcomes were improved and how the community body contributed to that improvement.  There is the potential for fragmented service delivery in different areas of Aberdeenshire.	Process will need to be supported and administered. Further resource implications beyond that are difficult to quantify at this point.
4	Community right to buy: the right to buy will be extended into urban areas with a population greater than 10,000.	The towns of Ellon, Fraserburgh, Inverurie, Peterhead, Stonehaven and Westhill will now be included within the community right to buy legislation. The legislation has not been created as a means to transfer land at significantly below market value.	Staffing resources will be required to process applications.
5	Asset transfer: community bodies will have a right to request to purchase, lease, manage or use land and buildings belonging to local authorities, Scottish public bodies or the Scottish ministers.	The Council already has a Community Asset Transfer policy. These provisions could increase the number of applications for asset transfer. Community bodies must state the price they are willing to pay for an asset which may, in turn, lead to	2 FTE posts to enable and evaluate applications during first year, reducing to 1 FTE post thereafter.

PART	SECTION	IMPACT	RESOURCES
		pressure on the Council or other public bodies to accept less than market value.	
6	Common good: local authorities must establish and maintain a register of all property held by them for the common good and requires local authorities to publish their proposals and consult community bodies before disposing or changing the use of common good assets.	<p>The Bill as drafted requires the Council to consult every community council in Aberdeenshire for every possible sale, rather than the local community council, which would be very time consuming.</p> <p>There are significant resource implications arising from the creation of a register of common good assets. It may also be challenging to fill the posts necessary to fulfil this duty.</p>	2.5 FTE posts to set up and maintain register over two years
7	Allotments: local authorities must hold and maintain a waiting list for allotments. It must take reasonable steps to provide more allotments if waiting lists exceed certain trigger points.	Local authorities must publish an Annual Allotments Report and a food-growing strategy, setting out land that has been identified for allotments or other community growing in the local authority's area and how it will meet demand. They are required to make regulations about allotments (which was previously optional). These will cover issues such as allocations, rent, maintenance, and whether tenants are allowed to keep livestock or sell surplus produce.	Costings to be confirmed (estimated £150k cost of sites, £2k cost of plot, £20k per annum for administration and policy)
8	Non-domestic rates: local authorities can create localised relief schemes to reflect local needs and support communities.	This duty is optional for the Council.	No additional resources expected to be required.

**APPENDIX 3: COMMUNITY EMPOWERMENT (SCOTLAND) BILL – OUTLINE TIMETABLE FOR PARLIAMENTARY SCRUTINY**

January 2015	Mid-January – Publication of Stage 1 Report on the Bill
February 2015	Late January or Early February – Stage 1 debate and vote on the Bill If the Parliament approves the Bill at Stage 1, it will then move on to the amending stages (stages 2 and 3). If the Bill is not approved at Stage 1, it falls.
March 2015	Parliament would agree the dates for stages 2 and 3 after the end of Stage 1 consideration. If the Bill proceeds, these stages could take place between February and March 2015.
April 2015	Easter Recess
Late April/Early May	Stage 3 Consideration