

# Community Empowerment and Renewal Bill



The Scottish  
Government  
Riaghaltas na h-Alba

## RESPONDENT INFORMATION FORM

Please Note both pages of this form **must** be returned with your response to ensure that we handle your response appropriately.

### 1. Name/Organisation

Organisation Name

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3. Please indicate which category best describes your organisation (Tick one only).

Executive Agencies and NDPBs	<input type="checkbox"/>
Local authority	<input type="checkbox"/>
NHS	<input type="checkbox"/>
Other statutory organisation	<input type="checkbox"/>
Representative body for private sector organisations	<input type="checkbox"/>
Representative body for third sector/equality organisations	<input type="checkbox"/>
Representative body for community organisations	<input type="checkbox"/>
Representative body for professionals	<input type="checkbox"/>
Private sector organisation	<input type="checkbox"/>
Third sector/equality organisation	<input checked="" type="checkbox"/>
Community group	<input type="checkbox"/>
Academic	<input type="checkbox"/>
Individual	<input type="checkbox"/>
Other – please state...	<input type="checkbox"/>

#### 4. Permissions - I am responding as...

<input type="checkbox"/> <b>Individual</b>	<b>/</b>	<input checked="" type="checkbox"/> <b>Group/Organisation</b>
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<p><b>(a)</b> Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?</p> <p><i>Please tick as appropriate</i>    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>(b)</b> Where confidentiality is not requested, we will make your responses available to the public on the following basis</p> <p><i>Please tick ONE of the following boxes</i></p> <p>Yes, make my response, name and address all available    <input type="checkbox"/></p> <p style="text-align: center;"><i>or</i></p> <p>Yes, make my response available, but not my name and address    <input type="checkbox"/></p> <p style="text-align: center;"><i>or</i></p> <p>Yes, make my response and name available, but not my address    <input type="checkbox"/></p>	<p><b>(c)</b> The name and address of your organisation <b>will be</b> made available to the public (in the Scottish Government library and/or on the Scottish Government web site).</p> <p>Are you content for your <b>response</b> to be made available?</p> <p><i>Please tick as appropriate</i>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p>
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<p><b>(d)</b> We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?</p> <p style="text-align: right;"><i>Please tick as appropriate</i>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p>
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**Please ensure you return this form along with your response.**

**Thank-you.**

# Community Empowerment and Renewal Bill

## CONSULTATION QUESTIONS



### **PART 1: STRENGTHENING COMMUNITY PARTICIPATION**

#### *Community Planning*

**Q1. What would you consider to be effective community engagement in the Community Planning process? What would provide evidence of effective community engagement?**

Effective community engagement in Community Planning would be: a local area where there are no disenfranchised groups or segments of the community and where community representatives are included in the CP process and community priorities are transparently incorporated into policy making.

Evidence of effective community engagement would vary depending on the characteristics of a local community, however there could and should be a standard framework for collecting and assessing that evidence. CPPs should negotiate with local communities a community engagement plan as outlined under Q11. The plan would include community priorities as outcomes as well as agreed processes and mechanisms for delivering these outcomes. This would provide a suitable framework for evidencing effective community engagement. Audit Scotland would be responsible for assessing this evidence as well as for determining the overall level of engagement with different members of the community, to determine if any groups were disenfranchised.

**Q2. How effective and influential is the community engagement currently taking place within Community Planning?**

The consultation documents description of Community Planning (CP) is accurate when it describes CP and CPPs as a process to “ensure public service providers work together to plan and deliver local services.”

However, outside of the public sector, CPPs are not well engaged with communities, the third sector or other groups speaking on behalf of communities.

**Q3. Are there any changes that could be made to the current Community Planning process to help make community engagement easier and more effective?**

Due to the range of new policy areas being directed through CPPs, an effective Community Planning process will have to provide access and, in many instances, accountability to a large number of groups not currently involved in CPPs. These processes will have to be expanded to accommodate these groups.

The Community Planning process and CPPs are going to see increasing demands for access from community groups and third sector organisations. Local third sector interfaces (TSIs), youth organisations (due to the new Children and Young People Bill), community representatives (Community Empowerment Bill) and CLD organisations (Strategy for CPPs on CLD), among others, will all want a seat at the table.

There will also be increasing calls for access to the national panel set up under the recent review of CP from SCVO, other large third sector organisations, as well as many of the same groups listed above.

*An overarching duty to engage*

**Q4. Do you feel the existing duties on the public sector to engage with communities are appropriate?**

N/A

**Q5. Should the various existing duties on the public sector to engage communities be replaced with an overarching duty?**

Yes  No

**Please give reasons for your response below.**

N/A

**If you said 'yes' to Question 5, please answer parts a. and b. –**

**a. What factors should be considered when designing an overarching duty?**

N/A

**b. How would such a duty work with existing structures for engagement?**

N/A

## *Community Councils*

### **Q6. What role, if any, can community councils play in helping to ensure communities are involved in the design and delivery of public services?**

Properly resourced and with a legitimate democratic mandate from the community, community councils could play a valuable role in the design and delivery of public services. This role could include:

- Providing local scrutiny
- Increasing awareness and uptake of public services
- Collaborating and contributing to design and delivery
- Taking over design and delivery

Community councils, however, as currently constituted, are not well placed to be universally involved in the design and delivery of public services. Activity, representation and democratic legitimacy are found sporadically across Scotland's community councils.

### **Q7. What role, if any, can community councils play in delivering public services?**

Please see comments in response to Q6.

### **Q8. What changes, if any, to existing community council legislation can be made to help enable community councils maximise their positive role in communities**

Involving community councils in the design and delivery of public services and maximising their role in communities would require first providing the councils with the proper resources and incentives to attract a truly representative and democratic body that has a real mandate to speak on behalf of the entire community.

## *Third Sector*

### **Q9. How can the third sector work with Community Planning partners and communities to ensure the participation of communities in the Community Planning process?**

Empowering communities and increasing community engagement requires involving new groups in community processes and deepening the involvement of groups on the fringe of civic engagement.

To be successful, to engage these new communities, the Bill must begin to

tackle the inequalities that exist throughout Scotland. This is particularly true of people or groups that have been effectively disenfranchised and cut off from participation in civic life.

Third sector organisations are well placed to reach Scottish communities and have a track record of delivering engagement with these hard to reach groups.

**Programme case study:** Lead Scotland's "Get Connected and Lead: Maximising the influence of minority voices" project. Disabled people are under represented in the decision making process for services provided to them. This pilot project reaches across Highland, Glasgow, West Dunbartonshire and Inverclyde and offers disabled people and carers the opportunity to become a Community Leader and to undertake a new accredited SQA Customised Award, to develop the skills needed to engage with decision makers and influence local decision making.

While the third sector is adept at reaching and involving these groups, third sector provision is asymmetrical across Scotland. Simply reinforcing existing structures in community engagement will strengthen the post-code lottery that is the reality for many people who want to be involved in the public decisions that affect their lives. The Community Empowerment Bill must offer a new, systematic approach to engaging communities.

This systematic approach would mean new levels of coordination and cooperation between the third sector and Community Planning, both at the local and national level. As discussed previously in Q3, the existing CPP arrangements and relationships with the third sector does not foster either increased engagement or coordination. New structures and relationships will be needed to facilitate this work.

### *National Standards*

**Q10. Should there be a duty on the public sector to follow the National Standards for Community Engagement?**

Yes  No

**Please give reasons for your response**

N/A

### *Community engagement plans*

**Q11. Should there be a duty on the public sector to publish and communicate a community engagement plan?**

Yes  No

**Please give reasons for your response**

CPPs should have to negotiate, publish and communicate a community engagement plan in conjunction with their local community.

If you said 'yes' to Question 11, please answer part a. –

**a. What information would be included in a community engagement plan?**

Similar to an SOA, CPPs should have to state community engagement targets and plans and how they will be held accountable for them.

Specifically, the plan should cover:

- An outline of the negotiations and proposals
- Who the community representatives were
- What the community priorities are
- Agreed community engagement outcomes
- Ways the plan will be shared
- How community groups and organisations can get involved
- How individuals can get involved
- How the CPP will be held accountable – how Audit Scotland will examine the plan and how communities can take forward complaints

*Auditing*

**Q12. Should community participation be made a more significant part of the audit of best value and Community Planning?**

Yes, building on the work of a negotiated, published and widely shared community engagement plan, Audit Scotland would have a relatively straight-forward format for assessing each CPP as to successful community engagement. Because of the structure of the agreed community engagement plan, Audit Scotland would evaluate CPPs against the agreed criteria and outcomes that are most prioritised by the community.

*Named Officer*

**Q13. Should public sector authority have a named accountable officer, responsible for community participation and acting as a primary point of contact for communities?**

Yes  No

**Please give reasons for your response**

Community participation should be the responsibility of the entire public sector authority. There needs to be systematic, widespread culture change in public authorities around the importance and priority of community

participation. Having a single named officer could increase the sense that it is someone else's responsibility within public authorities to foster public engagement, particularly for managers and leaders, who are important to get on board if real culture change is to happen. If public authorities really valued community input, it would require more than a single named officer to be responsible for community participation and act as a primary point of contact.

*Tenants' right to manage*

**Q14. Can the Scottish Government do more to promote the use of the existing tenant management rights in sections 55 and 56 of the Housing (Scotland) 2001 Act?**

Yes  No

**Please give reasons for your response**

N/A

**Q15. Should the current provisions be amended to make it easier for tenants and community groups to manage housing services in their area?**

Yes  No

**Please give reasons for your response**

N/A

*Community service delivery*

**Q16. Can current processes be improved to give community groups better access to public service delivery contracts?**

Yes  No

**Please give reasons for your response**

Increasing community access to public service delivery contracts will improve the incentives around the management and delivery of a given contract, provided the community is well resourced and supported within that system. Community access would then increase the level of local scrutiny, heighten local awareness and therefore could improve the delivery and management of the contract.



**Q17. Should communities have the right to challenge service provision where they feel the service is not being run efficiently and that it does not meet their needs?**

Yes  No

**Please give reasons for your response**

A community right to challenge would be a valuable part of public service delivery, provided it comes within a supportive and accommodating system for communities to knowledgably challenge or take on running a service. This would entail having relevant expertise and advice readily available for communities. A right to challenge would improve on the system of incentives and local scrutiny outlined in response to Q16.

*Community directed spending – participatory budgeting*

**Q18. Should communities have a greater role in deciding how budgets are spent in their areas?**

Yes  No

**Please give reasons for your response**

Community involvement in budgeting processes and decisions would be a valuable contribution to public service delivery, for many of the same reasons outlined in response to Q6 and Q16 around improved public sector incentives and local scrutiny, provided it comes within a supportive and accommodating system for communities to knowledgably contribute and inform the process. This would entail having relevant expertise and advice readily available for communities.

**Q19. Should communities be able to request the right to manage certain areas of spending within their local area?**

Yes  No

**Please give reasons for your response**

Similar to Q18, community involvement, including management, in budgeting processes and decisions would be a valuable contribution to public service delivery, provided it comes within a supportive and accommodating system for communities to knowledgably contribute and inform the process. This would entail having relevant expertise and advice readily available for communities.

If you said 'yes' to Question 19, please answer parts a., b. and c. –

**a. What areas of spending should a community be responsible for?**

This will depend on the capacity and will of a given local community.

**b. Who, or what body, within a community should be responsible for making decisions on how the budget is spent?**

Representative bodies can only be selected and authorised by a community itself. Communities will have different ideas about what constitutes genuine representation and similar groups will vary in composition from one local area to another.

**c. How can we ensure that decisions on how the budget is spent are made in a fair way and consider the views of everyone within the community?**

Community management of budgets must be subject to the same scrutiny and processes as budget management by a public authority. Broad based community engagement will also ensure that there are competing community groups providing scrutiny as well as an incentive towards fairness in budget decisions.

*Definitions for Part 1*

**Q20. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 1. Please also give us examples of any definitions that you feel have worked well in practice**

Communities must be defined as thematic as well as geographic. Improving community participation means improving participation and finding community leaders among real people. Reasons for people's non-participation, such as inequality of income or education, may be correlated with geography, but others, such as disability, or being a carer, may be less so. Only by defining communities as thematic as well as geographic, and improving participation and facilitating the emergence of leaders in both instances, will this Bill be successful.

**Community/programme case study:** In the Highlands, Lead Scotland runs a programme called The Campaign Group, which aims to be a voice in the local area for disabled people. Recently, the group's emphasis has shifted as increasing numbers of people under 25 were attracted to the idea of greater civic participation. Since April 2012 these young people have formed the core of the group. One of the more vocal learners, 17, is a former member of the Highland Youth Parliament.

**PART 2: UNLOCKING ENTERPRISING COMMUNITY DEVELOPMENT**

*Community right to buy*

**Q21. Would you support a community right to buy for urban communities?**

Yes  No

**Please give reasons for your response**

**If you said 'yes' to Question 21, please answer parts a., b. and c.:**

- a. Should an urban community right to buy work in the same way as the existing community right to buy (as set out in Part II of the Land Reform (Scotland) Act 2003)?**

- b. How should an 'urban community' be defined?**

- c. How would an urban and rural community right to buy work alongside each other?**

*Community asset transfer*

**Q22. The public sector owns assets on behalf of the people of Scotland. Under what circumstances would you consider it appropriate to transfer unused or underused public sector assets to individual communities?**

**Please also answer parts a. to d. below:**

**a. What information should a community body be required to provide during the asset transfer process?**

**b. What information should a public sector authority be required to provide during the asset transfer process?**

**c. What, if any, conditions should be placed on a public sector authority when an asset is transferred from the public sector to a community?**

**d. What, if any, conditions should be placed on a community group when an asset is transferred from a public sector body to a community?**

**Q23. Should communities have a power to request the public sector transfer certain unused or underused assets?**

Yes  No

**Please give reasons for your response**

**Q24. Should communities have a right to buy an asset if they have managed or leased it for a certain period of time?**

Yes  No

**Please give reasons for your response**

**If you said 'yes' to Question 24, please answer part a:**

**a. What, if any, conditions should be met before a community is allowed to buy an asset in these circumstances?**

*Common good*

**Q25. Do the current rules surrounding common good assets act as a barrier to their effective use by either local authorities or communities?**

Yes  No

**Please give reasons for your response**

**Q26. Should common good assets continue to be looked after by local authorities?**

Yes  No

**Please give reasons for your response**

**If you said 'yes' to Question 26, please answer parts a. and b.:**

- a. What should a local authority's duties towards common good assets be and should these assets continue to be accounted for separately from the rest of the local authority's estate?**

- b. Should communities have a right to decide, or be consulted upon, how common good assets are used or how the income from common good assets is spent?**

**If you said 'no' to Question 25, please answer part c.:**

- c. Who should be responsible for common good assets and how should they be managed?**

*Asset management*

**Q27. Should all public sector authorities be required to make their asset registers available to the public?**

Yes  No

**Please give reasons for your response**

**If you said 'yes' to Question 27, please answer part a.:**

**a. What information should the asset register contain?**

**Q28. Should all public sector authorities be required to make their asset management plans available to the public?**

Yes  No

**Please give reasons for your response**

**If you said 'yes' to Question 28, please answer part a.:**

**a. What information should the asset management plan contain?**

**Q29. Should each public sector authority have an officer to co-ordinate engagement and strategy on community asset transfer and management?**

Yes  No

**Please give reasons for your response**

**Q30. Would you recommend any other way of enabling a community to access information on public sector assets?**

*Allotments*

**Q31. What, if any, changes should be made to existing legislation on allotments?**

**Q32. Are there any other measures that could be included in legislation to support communities taking forward grow-your-own projects?**

*Definitions for Part 2*

**Q33. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 2. Please also give us examples of any definitions that you feel have worked well in practice**



**PART 3: RENEWING OUR COMMUNITIES**

*Leases and temporary uses*

**Q34. Should communities have a right to use or manage unused and underused public sector assets?**

Yes  No

**Please give reasons for your response**

**If you said yes to Question 34, please answer parts a., b. and c.:**

**a. In what circumstances should a community be able to use or manage unused or underused public sector assets?**

**b. What, if any, conditions should be placed on a community's right to use or manage public sector assets?**

**c. What types of asset should be included?**

*Encouraging temporary use agreements*

**Q35. Should a temporary community use of land be made a class of permitted development?**

Yes  No

**Please give reasons for your response**

**Q36. Should measures be introduced to ensure temporary community uses are not taken into account in decisions on future planning proposals?**

Yes  No

**Please give reasons for your response**

**Q37. Are there any other changes that could be made to make it easier for landlords and communities to enter into meanwhile or temporary use agreements?**

*Dangerous and defective buildings*

**Q38. What changes should be made to local authorities' powers to recover costs for work they have carried out in relation to dangerous and defective buildings under the Building (Scotland) Act 2003?**

**Q39. Should a process be put in place to allow communities to request a local authority exercise their existing powers in relation to dangerous and defective buildings under the Building (Scotland) Act 2003?**

Yes  No

**Please give reasons for your response**

*Compulsory purchase*

**Q40. Should communities have a right to request a local authority use a compulsory purchase order on their behalf?**

Yes  No

**Please give reasons for your response**

**If you said 'yes' to Question 40, please answer part a.:**

**a. What issues (in addition to the existing legal requirements) would have to be considered when developing such a right?**

**Q41. Should communities have a right to request they take over property that has been compulsory purchased by the local authority?**

Yes  No

**Please give reasons for your response**

**If you said 'yes' to question 41, please answer part a.:**

**a. What conditions, if any, should apply to such a transfer?**

*Power to enforce sale or lease of empty property*

**Q42. Should local authorities be given additional powers to sell or lease long-term empty homes where it is in the public interest to do so?**

Yes  No

**Please give reasons for your response**

**If you said 'yes' to Question 42, please answer parts a., b. and c.:**

**a. In what circumstances should a local authority be able to enforce a sale and what minimum criteria would need to be met?**

**b. In what circumstances should a local authority be able to apply for the right to lease an empty home?**

**c. Should a local authority be required to apply to the courts for an order to sell or lease a home?**

Yes  No

**Please give reasons for your response**

**Q43. Should local authorities be given powers to sell or lease long-term empty and unused non-domestic property where it is in the public interest to do so?**

Yes  No

**Please give reasons for your response**

**If you said 'yes' to Question 43, please answer parts a., b. and c.:**

**a. In what circumstances should a local authority be able to enforce the sale of a long-term empty and unused non-domestic property and what minimum criteria would need to be met?**

**b. In what circumstances could a local authority be able to apply for the right to lease and manage a long-term empty non-domestic property?**

**c. Should a local authority be required to apply to the courts for an order to sell or lease a long-term empty non-domestic property?**

Yes  No

**Please give reasons for your response**

**Q44. If a local authority enforces a sale of an empty property, should the local community have a 'first right' to buy or lease the property?**

Yes  No

**Please give reasons for your response**

**If you said 'yes' to Question 44, please answer part a.:**

**a. In what circumstances should a community have the right to buy or lease the property before others?**

*Definitions for Part 3*

**Q45. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 3. Please also give us examples of any definitions that you feel have worked well in practice**

## **ASSESSING IMPACT**

**Q46. Please tell us about any potential impacts, either positive or negative, you feel any of the ideas in this consultation may have on particular group or groups of people?**

**Q47. Please also tell us what potential there may be within these ideas to advance equality of opportunity between different groups and to foster good relations between different groups?**

**Q48. Please tell us about any potential impacts, either positive or negative, you feel any of the ideas in this consultation may have on the environment?**

**Q49. Please tell us about any potential economic or regulatory impacts, either positive or negative, you feel any of the proposals in this consultation may have?**

**Thank-you for responding to this consultation.**

**Please ensure you return the respondent information form along with your response.**