Community Empowerment (Scotland) Bill

1st Marshalled List of Amendments for Stage 2
(Local Government and Regeneration Committee)

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Long title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

Alex Rowley

1043 In section 1, page 1, line 10, leave out <determine> and insert <by regulations prescribe>

Marco Biagi

1001 In section 1, page 1, line 11, leave out from <of> to end of line 23 and insert <, by the persons mentioned in subsection (1A), of the functions mentioned in subsection (1B).

(1A) The persons are—

(a) a cross-border public authority,
(b) any other Scottish public authority,
(c) any other person carrying out functions of a public nature.

(1B) The functions are—

(a) in the case of a cross-border public authority, any function that is exercisable in or as regards Scotland and does not relate to reserved matters,
(b) in the case of any other Scottish public authority, any function that does not relate to reserved matters,
(c) in the case of any other person carrying out functions of a public nature, any such function that is exercisable in or as regards Scotland and does not relate to reserved matters.

(1C) Nothing in subsection (1A) or (1B) requires the Scottish Ministers to determine outcomes under subsection (1) that result from, or are contributed to by, the carrying out of functions by the Scottish Parliament or the Scottish Parliamentary Corporate Body.

Marco Biagi

1002 In section 1, page 1, line 23, at end insert—

SP Bill 52-ML1 (LGR Committee) 1 Session 4 (2015)
In determining the national outcomes, the Scottish Ministers must have regard to the reduction of inequalities of outcome which result from socio-economic disadvantage.

Alex Rowley

1044 In section 1, page 1, line 24, leave out subsection (2)

Marco Biagi

1003 In section 1, page 1, line 25, at end insert—

- (b) having consulted the persons mentioned in paragraph (a), prepare draft national outcomes, and
- (c) consult the Scottish Parliament on the draft national outcomes during the consultation period.

Marco Biagi

1004 In section 1, page 1, line 26, after <must> insert <, no earlier than the expiry of the consultation period,>

Marco Biagi

1005 In section 1, page 1, line 26, at end insert—

- ( ) In subsections (2) and (3), “consultation period” means the period of 40 days beginning with the day on which the consultation mentioned in subsection (2)(c) commences; and in calculating the period of 40 days, no account is to be taken of any time during which the Scottish Parliament is dissolved or in recess for more than 4 days.

Drew Smith

1045 In section 1, page 1, line 26, at end insert—

- ( ) In publishing the national outcomes, the Scottish Ministers must also publish a report on the consultation under subsection (2), setting out how—
  - (a) the national outcomes have been improved following consultation,
  - (b) the results of the consultation have influenced those improvements.

Marco Biagi

1006 In section 1, page 2, line 1, leave out subsections (4) to (6) and insert—

- (4) The persons mentioned in subsection (1A) in relation to whom the duty under subsection (1) applies must have regard to the national outcomes in carrying out the functions mentioned in subsection (1B).

Cameron Buchanan

1006A As an amendment to amendment 1006, line 3, leave out <have regard to> and insert <consider>

Cameron Buchanan

1046 In section 1, page 2, line 1, leave out <have regard to> and insert <consider>
After section 1

Alex Rowley

1049 After section 1, insert—

<Regulations under section 1(1): procedure>

(1) Regulations under section 1(1) must not be made unless a draft of the statutory instrument containing the regulations has been laid before, and approved by resolution of, the Scottish Parliament.

(2) Before laying draft regulations before the Parliament under subsection (1), the Scottish Ministers must consult—

(a) individuals eligible to vote at a local government or parliamentary election,
(b) communities and community bodies,
(c) community planning partners,
(d) third sector interfaces,
(e) third sector bodies,
(f) children and young people and organisations working for and on behalf of children and young people, and
(g) such other persons as they consider appropriate.

(3) For the purposes of such a consultation, the Scottish Ministers must—

(a) lay a copy of the proposed draft regulations before the Parliament,
(b) publish in such manner as the Scottish Ministers consider appropriate a copy of the proposed regulations, and
(c) have regard to any representations about the proposed draft regulations that are made to them within 60 days of the date on which the copy of the proposed draft regulations are laid before the Parliament.

(4) In calculating any period of 60 days for the purposes of subsection (3)(c), no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.

(5) When laying draft regulations before the Parliament under subsection (1), the Scottish Ministers must also lay before the Parliament an explanatory document giving details of—

(a) the consultation carried out under subsection (2),
(b) any representations received as a result of the consultation, and
(c) the changes (if any) made to the proposed draft regulations as a result of those representations.

Section 2

Marco Biagi

1008 In section 2, page 2, line 23, at end insert—

<( ) In carrying out a review of the national outcomes under subsection (1), (2) or (3), the Scottish Ministers must consult such persons as they consider appropriate.>

Marco Biagi

1009 In section 2, page 2, line 24, at end insert—

<(za) may propose revisions to the national outcomes,
zb) must—
(i) where they propose to make revisions to the national outcomes, consult the Scottish Parliament on the proposed revisions during the consultation period,
(ii) where they do not propose to make revisions to the national outcomes, consult the Scottish Parliament during the consultation period on the national outcomes as most recently published under section 1(3) or paragraph (b)(i) or republished under paragraph (b)(ii),>

Marco Biagi

1010 In section 2, page 2, line 25, after <outcomes> insert <after the expiry of the consultation period>

Marco Biagi

1011 In section 2, page 2, line 28, after second <outcomes> insert <after the expiry of the consultation period>

Marco Biagi

1012 In section 2, page 2, line 29, leave out subsection (5)

Drew Smith

1050 In section 2, page 2, line 30, at end insert—

<( ) publish a report setting out the outcomes of the consultation.>

Marco Biagi

1013 In section 2, page 2, line 31, leave out <subsections (4) to (6) of section 1> and insert <section 1(4)>
In section 2, page 2, line 37, at end insert—

\(<( )\) In subsection (4), “consultation period” means the period of 40 days beginning with the day on which the consultation mentioned in subsection (4)(zb)(i) or (ii) commences; and in calculating the period of 40 days, no account is to be taken of any time during which the Scottish Parliament is dissolved or in recess for more than 4 days.>  

Section 3

In section 3, page 2, line 39, leave out <prepare and publish reports> and insert <, as soon as practicable after the end of each 2 year period, lay before the Scottish Parliament a report>

In section 3, page 3, line 4, leave out subsection (3) and insert—

\(<( )\) In preparing a report under subsection (1), the Scottish Ministers must consult—

(a) individuals eligible to vote at a local government or parliamentary election,
(b) communities and community bodies,
(c) community planning partners,
(d) third sector interfaces,
(e) third sector bodies,
(f) children and young people and organisations working for and on behalf of children and young people, and
(g) such other persons as they consider appropriate.

( ) The Scottish Ministers must, as soon as practicable after laying a report under subsection (1) before the Scottish Parliament, publish the report in such manner as they consider appropriate.

( ) In subsection (1), “2 year period” means—

(a) the period of 2 years beginning with the day on which this section comes into force, and
(b) each subsequent period of 2 years.>

After section 3

After section 3, insert—

\(<\textbf{Interpretation of Part 1} \>

In this Part—

“community” is, unless the Scottish Minsters otherwise direct, to be defined by reference to a postcode unit or postcode units and is to be regarded as comprising the persons from time to time—
(a) resident in that postcode unit or in one of those postcode units, and
(b) entitled to vote in a polling district which includes that postcode unit or those postcode units (or part of it or them),

“postcode unit” means an area in relation to which a single postcode is used to facilitate the identification of postal service delivery points within the area,

“third sector bodies” means organisations (other than bodies established under an enactment) that exist wholly or mainly to provide benefits for society or the environment,

“third sector interface” means third sector bodies which provide a single point of access for support and advice for the third sector within a local area.

Section 4

Marco Biagi
1015 In section 4, page 3, line 9, leave out subsection (1) and insert—

< (1) Each local authority and the persons listed in schedule 1 must carry out planning for the area of the local authority for the purpose mentioned in subsection (2) (“community planning”).>

Marco Biagi
1016 In section 4, page 3, line 12, leave out from beginning to <authority> in line 13 and insert <The purpose is improvement in the achievement of outcomes>

Marco Biagi
1017 In section 4, page 3, line 15, leave out (“community planning”)

Marco Biagi
1018 In section 4, page 3, line 15, at end insert—

< (a) participate with each other, and
(b) participate with any community body (as mentioned in paragraph (c) of subsection (5)) in such a way as to enable that body to participate in community planning to the extent mentioned in that paragraph.>

Drew Smith
1054 In section 4, page 3, line 16, leave out from beginning to <with> in line 17 and insert—

< (A community planning partnership in setting outcomes of the type mentioned in subsection (2) (“local outcomes”) must have regard to>

Marco Biagi
1019 In section 4, page 3, line 19, leave out <In relation to the area of each> and insert <In carrying out the functions conferred on them by this Part in relation to the area of a>
In section 4, page 3, line 20, leave out from <and> to <planning> in line 21 and insert <for the area and the persons listed in schedule 1>.

In section 4, page 3, line 25, leave out <A> and insert <Each>.

In section 4, page 3, line 27, at end insert <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>.

In section 4, page 3, line 28, leave out <such> and insert <those>.

In section 4, page 3, line 30, leave out <such> and insert <those>.

In section 4, page 3, line 32, at end insert—

<( ) Each local authority must, for the purposes of subsection (5), maintain a list of all community bodies within its area.>

After section 4, insert—

<Socio-economic inequalities>

In carrying out functions conferred by this Part, a community planning partnership must act with a view to reducing inequalities of outcome which result from socio-economic disadvantage unless the partnership considers that it would be inappropriate to do so.>

After section 4, insert—
Wellbeing of local communities assessment

(1) A community planning partnership must prepare and publish an assessment of the state of wellbeing of the communities in the local authority area in relation to which its functions under this Part are exercisable.

(2) An assessment must—
   (a) set out which communities form part of the area,
   (b) include an analysis of the state of wellbeing in each such community and in the area as a whole,
   (c) include an analysis of the state of wellbeing of any category of persons in the area whom the community planning partnership considers to be vulnerable or otherwise disadvantaged,
   (d) include any further analysis that the community planning partnership has carried out by reference to criteria set and applied by it for the purpose of assessing wellbeing in the area or in any community forming part of the area,
   (e) include predictions of likely future trends in the wellbeing of the area,
   (f) include any other related analytical data and information that the community planning partnership considers appropriate.

(3) In this section—
   “wellbeing” means the status in the area of—
   (a) socio-economic inequality,
   (b) economic development,
   (c) regeneration,
   (d) public health,
   (e) social wellbeing,
   (f) environmental wellbeing.

“area” means the area mentioned in subsection (1).

Section 5

Marco Biagi

1027 In section 5, page 4, leave out lines 10 and 11 and insert—
   <(a) local outcomes to which priority is to be given by the community planning partnership with a view to improving the achievement of the outcomes,>

Marco Biagi

1028 In section 5, page 4, line 12, leave out <outcome> and insert <outcomes>

Alex Rowley

1057 In section 5, page 4, line 17, leave out from beginning to <appropriate,> and insert—
   <( ) individuals normally resident in the area of the local authority to which the plan relates,
bodies which represent the interests of persons who use or are likely to use any services provided by any of the community planning partners,

community planning partners,

third sector bodies.

Alex Rowley

1058 In section 5, page 4, line 18, at end insert—

In consulting on a local outcomes improvement plan, a community planning partnership must make all reasonable efforts to secure representations by virtue of subsection (3) from persons or representatives of persons identified in section (Wellbeing of local communities assessment)(2)(c).

Alex Rowley

1059 In section 5, page 4, line 23, at end insert—

the most recently published wellbeing of local communities assessment published under section (Wellbeing of local communities assessment)(1).

After section 5

Alex Rowley

1060 After section 5, insert—

Community action plan

(1) Each local authority must, in relation to each community council area within its area, involve the bodies mentioned in subsection (2) in the preparation and publication of a community action plan.

(2) Those bodies are—

(a) the community council for the community council area, and

(b) community bodies.

(3) A community action plan is to—

(a) set out, in relation to each local outcome included in the area plan, the extent (if any) to which the proposed improvement in the achievement of the local outcome described in the area plan is planned to be delivered in the community council area to which the community action plan relates, and

(b) where an improvement in the achievement of a local outcome is proposed to be delivered to some extent in that area, set out—

(i) what actions will be taken to achieve the proposed improvement in that area, and

(ii) what information will be gathered in order to assess whether the proposed improvement is being achieved in that area.

(4) Local authorities and the bodies mentioned in subsection (2) must, when involved in the preparation of a community action plan for a community council area, have regard to—
(a) where the area ranks in relation to other community council areas within the local authority’s area in terms of socio-economic disadvantage, and

(b) the need for the extent of the proposed improvements in the achievement of local outcomes set out in all of the community action plans for a local authority area taken together to match the extent of the proposed improvements in the achievement of local outcomes identified in the area plan.

(5) In this section, “community council area” includes any area identified in a scheme for the establishment of community councils approved under section 52 of the Local Government (Scotland) Act 1973 as an area for which the local authority that prepared the scheme considered a community council to be unnecessary; and in this section’s application in relation to such an area, subsection (2) is be read as if paragraph (a) was omitted.

(6) In this section—

“area plan” means the local outcomes improvement plan published in relation to the local authority area that includes the community council’s area, and

“community bodies” means bodies, whether or not formally constituted, established for purposes which consist of or include that of promoting or improving the interests of any communities (however described) resident or otherwise present in the community council area.

Section 6

Alex Rowley

1061 In section 6, page 5, line 3, at end insert—

< ( ) The duty in subsection (1) of section (Community action plan) (as read with subsections (2) and (3) of that section) applies in relation to a revised local outcomes improvement plan published under subsection (5) as it applies to a local outcomes improvement plan published under section 5(1).>

Section 7

Marco Biagi

1029 In section 7, page 5, line 5, after <prepare> insert <and publish>

Marco Biagi

1030 In section 7, page 5, line 7, after <out> insert—

< ( )>

Marco Biagi

1031 In section 7, page 5, line 9, leave out <to which the report relates> and insert <, and

( ) the extent to which—

(i) the community planning partnership has participated with community bodies in carrying out its functions under this Part during the reporting year, and
that participation has been effective in enabling community bodies to contribute to community planning>

Alex Rowley

1062 In section 7, page 5, line 10, at end insert—

<(  ) In relation to each such outcome, the progress report is also—

(a) to list each community action plan that identified that outcome as one in relation to which some or all of the proposed improvement in the achievement of the outcome would be delivered in the community council area to which the plan relates, and

(b) to include—

(i) an assessment, based on information gathered by virtue of sub-paragraph (ii) of section (Community action plan)(3)(b), of whether there has been any improvement in the achievement of the outcome in that area, and

(ii) an assessment of the extent to which any such improvement has resulted from the actions set out in the community action plan by virtue of sub-paragraph (i) of that section.>

Section 8

Marco Biagi

1032 In section 8, page 5, line 17, leave out <community planning partner> and insert <person>

Section 9

Cameron Buchanan

1063 In section 9, page 6, line 15, leave out <securing> and insert <inviting>

Section 10

Marco Biagi

1033 In section 10, page 6, line 24, leave out <comply with> and insert <have regard to>

Cameron Buchanan

1064 In section 10, page 6, line 24, leave out <comply with> and insert <consider>

Drew Smith

1065 In section 10, page 6, line 24, after <any> insert <statutory>

Marco Biagi

1034 In section 10, page 6, line 27, leave out <comply with> and insert <have regard to>
**Community engagement standards**

(1) The Scottish Ministers may by regulations make provision for or in connection with the introduction of community engagement standards.

(2) Regulations under subsection (1) may in particular make provision for, or in connection with, specifying—

(a) the ways in which the community planning partners mentioned in section 8(2) are to follow these standards in carrying out their functions under this Act,

(b) the manner in which the community planning partners mentioned in section 8(2) must carry out any consultations in relation to their functions under this Act,

(c) the ways in which public service authorities are to follow these standards in carrying out their functions.
Section 96

Marco Biagi

1038 In section 96, page 76, line 17, after <section> insert <4(6), 8(3) or>

Alex Rowley

1070 In section 96, page 76, line 17, after <12(1)> insert <or (Community engagement standards)(1)>

Alex Rowley

1071 In section 96, page 76, line 19, at end insert—

<( ) regulations under section 1(1),>

Schedule 4

Marco Biagi

1039 In schedule 4, page 80, line 3, at end insert—

<Local Government (Scotland) Act 1973

In the Local Government (Scotland) Act 1973—

(a) in section 99 (general duties of auditors), in subsection (1)(c), for “sections 15 to 17 (community planning) of the Local Government in Scotland Act 2003 (asp 1)” substitute “Part 2 of the Community Empowerment (Scotland) Act 2015 (community planning)”, and

(b) in section 102 (reports to Commission by Controller of Audit), in subsection (1)(c)—

(i) the words “and Part 2 (community planning)” are repealed, and

(ii) at the end insert “and Part 2 of the Community Empowerment (Scotland) Act 2015 (community planning)”.>

Marco Biagi

1040 In schedule 4, page 80, line 8, at end insert—

<Local Government in Scotland Act 2003

In section 57 of the Local Government in Scotland Act 2003 (power to modify enactments), in subsection (2)(a), for “, 13(1) or 15(1)” substitute “or 13(1)”.>

Marco Biagi

1041 In schedule 4, page 81, line 19, at end insert—

<Fire (Scotland) Act 2005

In the Fire (Scotland) Act 2005—

(a) in section 41E (local fire and rescue plans), in subsection (6), for “Local Government in Scotland Act 2003 (asp 1)” substitute “Community Empowerment (Scotland) Act 2015”, and
(b) in section 41J (Local Senior Officers), in subsection (2)(c), for “section 16(1)(d) of the Local Government in Scotland 2003 (asp 1) (duty to participate in community planning)” substitute “Part 2 of the Community Empowerment (Scotland) Act 2015 (community planning)”.  

_Police and Fire Reform (Scotland) Act 2012_  

In the Police and Fire Reform (Scotland) Act 2012—  

(a) in section 46 (duty to participate in community planning), in subsection (2), for “section 16(1)(e) of the Local Government in Scotland Act 2003” substitute “Part 2 of the Community Empowerment (Scotland) Act 2015”, and  

(b) in section 47 (local police plans), in subsection (11), for “Local Government in Scotland Act 2003 (asp 1)” substitute “Community Empowerment (Scotland) Act 2015”.

_Schedule 5_  

_Marco Biagi_  

1042 In schedule 5, page 81, line 30, at end insert—  

<Section 57(2)(b).>