Dear Sir

COMMUNITY EMPOWERMENT (Scotland) BILL

Introduction
Fortrose & Rosemarkie Community Council has responded to previous consultations on this Bill. The following response to the Call for Evidence avoids repetition except when necessary to emphasise the points being made.

Definition of “Community”
A group of people who have a shared ‘interest’ is not necessarily a community body. They are self-selected bodies, can overlap other communities to which they are not accountable. A community council is an elected, statutory body representing the population of a defined area. It is governed by a standard Constitution and Code of Conduct. A community council is in a unique position, but to enable it to develop its full potential to serve its community, best practice requires changes of legislation.

Legislation
Fortrose & Rosemarkie Community Council has previously stated its views regarding:

- **Corporate Body Status** with the appropriate legal powers.
- **Status as a Participant** in decision making on delivering Public Services.
- **Clarification of its role** which is not very clear in the 1973 Act.

The strength of a Community Council can be enhanced by these amendments and the consequent benefit of better outcomes for their residents.

Community Planning
Fortrose & Rosemarkie Community Council took part in workshops and seminars during the Highland Council’s pilot scheme on Community Planning. The Pilot Scheme was authorised by the Scottish Executive. The community council also took part in an annual meeting of...
Highland Council’s ‘Renewing Democracy and Community Planning Select Committee’. At discussions and seminars on Community Planning the public services included Police, Fire and Transport; the Wellbeing Alliance and many members of the Scottish Council of Voluntary Organisations (SCVO) were also involved. The role of communities was not clearly defined. Attendance at some seminars was poor and officials outnumbered delegates. Participation in matters of community safety seemed to be reserved to Fire and Police and there is valid criticism that this type of Planning is too centralised. Recent command structure changes could lead to better direct liaison between the emergency/safety service providers. As far as communities are concerned the outcomes of Community Planning discussions have not been productive. The value of maintaining this section of the Bill needs critical re-assessment.

Common Good
The Local Authority holds and administers Common Good assets on behalf of the community which owns them. This Community Council monitors its holdings, including two caravan sites and a Town Hall regularly. The proposed Register of property should have details of cash and/or investment holdings and a short statement of the current bank account. There are some matters of principle:

- Applications for grants from the Common Good must be submitted to the Local Authority through the Community Council. Lobbying elected members by special interest groups for Common Good grants is unacceptable. The Community Council is the appropriate consultee.

- The Community Council should be able to veto any proposed use of Common Good assets or income made by the Local Authority and its elected councillors. The right for Community Councils to decide must be embedded in statute. (This was recommended in an earlier submission.)

Allotments
Even in rural areas there is a shortage of suitable land. In this community 14 hectares of grade 1 farmland has been lost to housing, contrary to Scottish Planning Policy. Gardens are classed as “brownfield” site for housing. The loss of gardens is detrimental to healthy activity and to the environment. This misuse should be rectified by the Bill. Allotment sites may require vehicular access and possibly a power supply. Given that they can contribute to a food growing strategy the administrative and financing management as proposed in the Bill is not excessive. A community body might have a supervisory role on behalf of the Local Authority e.g. keeping waiting lists.

CONCLUSIONS
1 The Bill could add extra duties to the work of a community organisation. Empowerment is achieved by participating in the decision process relating to the
provision of public services, and monitoring the outcomes of these decisions. Consultation with community organisations is too often tokenistic. The principles listed in the previous paragraphs on Legislation and the Common Good are necessary for Community Council to feel that they are “empowered”.

2 The Bill imposes extra administrative tasks on public services providers. Transfer of ownership of unused buildings or land, if any is available, will make little difference to the administrative workload.

3 The capability of community bodies to take on all or some of the actions in the provisions of the Bill could be limited. Community Councils in particular have had their membership reduced on a population basis and appointing suitable Associate Members is not always possible. Many community bodies may not have the time to carry out the detailed tasks involved in the provisions of the Bill.

4 Apart from Community Planning there are no comments on the choice of matters and provisions of the Bill.

Yours faithfully

James Cornwell (Community Councillor)

Pp Mrs Elizabeth M Brown
Chair Fortrose & Rosemarkie Community Council