Local Government and Regeneration Committee

Submission Name: Co-Cheangal Innse Gall
Submission Number: 113

Community Empowerment Bill (Scotland)
Submission by Co-Cheangal Innse Gall

Introduction

Co-Cheangal Innse Gall is the Third Sector Interface for the Western Isles and a partnership of 5 organisations. Our remit is to promote, support and develop the third sector, social enterprise and volunteering, and to provide a bridge between the third sector in the islands and the Outer Hebrides Community Planning Partnership.

We do not make representation on all parts of the Bill, but only on those parts which most affect our communities, our sector and our role as a TSI.

While welcoming the Bill, there are issues which are of concern as they have particular relevance in rural, peripheral and island communities and which should be noted in any future iterations of the Bill. Similarly, the role of TSIs in engaging with, and advocating on behalf of, communities needs to be further defined.

Part 1 National Outcomes

The inclusion of setting national outcomes in to primary legislation is welcome but this must be underpinned by a commitment to a consultation process which is fully inclusive and which has co-production with the third sector and communities at its core. The National Standards for Community Engagement should be reviewed and adopted as a code of conduct for engagement, as at present, there is no definition of who or what should be consulted, on what matters, nor is there an effective mechanism for ensuring consistency. Review of the Standards will have desired outcome of allowing true priority setting within communities and enhancing local democracy.

Part 2 Community Planning

The Bill focusses on the duties of statutory partners and makes little mention of Third Sector Interfaces; rightly so, as it should be remembered that TSIs are not statutory bodies, nor is it in the interest of either national government or local community planning partnerships that they be required to adopt the duties imposed in the legislation. However, it is crucial that TSIs are recognised as a mandatory partner within Community Planning Partnerships and there is scope for closer definition of the role of TSIs as advocates for the third and community sectors in the guidance, particularly as it relates to any review of National Standards for Community Engagement. This should be aligned to a programme of community capacity building around issues such as participatory budgeting and the setting of local priorities. TSIs are the natural vehicles for these mechanisms and should be defined as such in the guidance. Properly briefed and resourced TSIs are vital if community
planning and community engagement is ever to be truly effective and the guidance should reflect this. This can only result in a strengthening of the community planning process.

Similarly, if the spirit of the Bill is to be upheld, the diverse nature of island communities and their very specific needs must be recognised the legislation. There is a long history of community engagement within island communities and if the final Act, in its aspiration to the effective utilisation of all the assets of a community, is to be effective, then there needs to be a recognition at this stage that there is much to learn from the experience of small, island communities and that this represents a considerable community asset.

Part 3 Participation Requests

If the final Act is to have any hope of realising a community’s aspiration to true and equal say in the design and delivery of services, then the legislation must give it some teeth to participation requests and impose a duty on statutory agencies to be proactive in their engagement with the community and third sectors, backed up by the mechanisms through which this will be achieved within the guidance.

There is still an assumption that statutory agencies will have the right to invite participation to those organisations or communities as they see fit. In fact, the spirit of the Act demands that this top down approach be reversed. Only through recognition of this will a culture change across all agencies and sectors – including the third sector – be realised and it is scarcely in doubt that such a change is necessary. The Bill as it stands at the moment does not fully articulate this duty and is very woolly on how it will work in practice. If allowed to proceed to the Act, this will represent a significant “watering down” of the spirit of the legislation and if this is to be restored, there needs to be a commitment to a programme of capacity building within communities and smaller third sector organisations in order that the third and community sectors can fully engage with the process. Without this, progress will be slow and may never be effective. It will be “business as usual”.

Part 5 Asset Transfer

Much of what is contained in this section of the Bill is already in practice in the Western Isles and in other rural areas of Scotland, and Comhairle nan Eilean Siar maintains an asset register and encourages asset transfer. However, this is not the case for all public bodies; other agencies are more reluctant to pass assets into community control as a first option, even when there is an existing leasing arrangement, and the Bill needs to address this.

There is, at present, no clarity on the process for asset transfer, on regulation of transfer to ALEOs or on transfer to consortia of community groups within either the Bill or the guidance. There needs to be further consultation on these issues. At present, the onus is on the community to ensure that these issues are addressed but this is against a background of lack of capacity within some communities to fully realise this, meaning that there is inherent disadvantage. Law is supposed to address fundamental inequalities and the lawmakers, as was pointed out in the previous section on
participation requests, require to give the Bill teeth and apply similar solutions in providing for community capacity building within the guidance.

Part 6 Allotments

The Bill makes no mention of the particular landholding issues of rural and crofting communities and in the Western Isles, where 75% of the population live on land which is in community ownership, it makes absolutely no sense for the local authority to acquire land for allotments when much of it is already in community ownership. The Bill should recognise the particular arrangements in crofting and community landholding communities and extend the definition to include use of community owned land for allotments. The local authority could retain the duty to maintain the list of requests and to work with community land owners to deliver allotments. The current provisions in the Bill do not allow for this.

Anne Sobey
Chair
Co-Cheangal Innse Gall
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