West Dunbartonshire welcomes the opportunity to provide evidence on the Community Empowerment (Scotland) Bill, particularly in relation to the likely empowerment of communities, their capacity to take advantage of this and the benefits and challenges to public organisations.

**To what extent do you consider the Bill will empower communities, please give reasons for your answer?**

Through provisions in the Bill communities and community groups will have a clear role and clarity of purpose for their involvement in localised community planning. The model is inconsistent in Scotland at the moment so the ‘minimum standard’ defined in the Bill gives more consistency and allows communities to understand their role more fully.

The focus on the role of local residents and community groups will also facilitate a more comprehensive approach to community led regeneration across Scotland with a focus on priority setting based on ‘place’. Within West Dunbartonshire we are testing a model of neighbourhood management which dovetails well with the provisions set out in the Bill and would allow for more accountability at a local neighbourhood level.

It is important however that while we ensure a focus on local residents at the heart of decision making, we also recognise that this level of involvement is not wanted or required for all community groups seeking involvement. We must work on a spectrum from informing through to full empowerment and coproduction. It is critical that a suite of models and mechanisms for engagement are available and that these are determined based on local need and capacity.

While we welcome the Bill and the desire to strengthen empowerment of our communities and residents we would urge caution around the assumption the Bill will fully address need in this area. While the Bill fully sets out the additional ‘delegated authority’ communities will have through provisions it does not address the supports required by communities to take up this ‘delegated authority’. There is a need to full investigate and scope the requirements of communities to become stronger and more confident in assuming the provisions of the Bill.

**What will be the benefits and disadvantages for public sector organisations as a consequence of the provisions in the Bill?**

West Dunbartonshire welcomes the proposed widening of the Local Government (Scotland) Act 2003 to all agencies. This shared leadership of
the CPP extended to all partners gives stronger governance and accountability to the partnership.

The provisions of the Bill will support public sector organisations to drive forward the pace of reform. The shared responsibility and accountability will support the national focus on joint planning and resourcing for CPPs. The statutory basis for the SOA guidance going forward is also helpful and will strengthen the focus from all agencies on improving wellbeing.

The support on offer through What Works Scotland will be invaluable for progressing the early intervention and prevention focus inferred from the Bill, and will support empowered and involved communities as the route for consultation and engagement from all partner organisations.

The role of the National Performance Framework as a supporting structure for the direction of CPPS in building and strengthening empowerment is also welcome, particularly within a streamlined and focused outcomes framework model.

There are however areas where caution is required and further scoping and detail needed when exploring the provisions of the Bill. There is a significant cost associated with capacity building and responding to participation requests, it is critical that this resource requirement is met to enable local areas to deliver on the provisions of the Bill and give it ‘teeth’ within local communities.

There are also a number of practical challenges for CPPs likely to arise in implementation, such as the timely availability or data to show progress and the likelihood of localised data being available from all partners for each small community given the lack of coterminosity of key agencies across Scotland.

There will also be a challenge in each area, linked to the use of the NPF, in relation to how progress is shown annually given the generational nature of the outcomes being addressed. It is critical that progress and direction of travel can be shown and reported regularly to fit with the strengthened model of accountability to local communities.

**Do you consider communities across Scotland have the capabilities to take advantage of the provisions of the Bill? If not, what requires to be done to the Bill, or to assist communities, to ensure this happens?**

While there is appetite and desire in local communities to take advantage of provisions in the Bill there is a need to provide national support to allow CPPS to support communities in building capacity and resilience. Community led regeneration is welcomed and perhaps there could be more public social partnerships funded to allow this model to grow further. Support around the
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challenges and process of procurement will also be needed, both for agencies and for community groups if delivering a new model of commissioning and regeneration.

It is important to note that not all community groups want involvement and engagement at the same level. It is important that groups can fit into a framework at the appropriate level for their needs and that this Bill does not assume a single model of engagement and participation.

The national work currently underway to build the role of Community Councils is welcome as they will be a key mechanism for representation and for the dissemination of information locally. Community Councils will also be an ideal vehicle for developing and strengthening local community involvement and engagement and may act as an umbrella organisation for many smaller groups in the local area.

**Are you content with the specific provisions in the Bill, if not what changes would you like to see, to which part of the Bill and why?**

While the provisions of the Bill appear to give communities greater encouragement to become more involved and engaged in local planning, design and delivery of services much support would be required to enable this. There is also a significant lack of direction around long term sustainability, particularly in relation to transfer of assets.

Additional clarity could also be added on the relationship between the Bill and other existing legislation and policy areas. This would be of particular assistance in relation to the Local Government (Scotland) Act 2003 and the 2012 specific duties of the Equality Act 2010.

Given the focus on empowering local community groups it would also be helpful if the provisions in the Bill provide clarity and are written in a manner which is easily accessible to all readers.

**What are your views on the assessment of equal rights, impacts on island communities and sustainable development as set out in the Policy memorandum?**

The policy memorandum notes that the legislation will be in line with the Equality Act 2010 and the 2012 specific equality duties. It would be helpful if the eventual guide that accompanies the legislation takes account of evidence and positive practice such as using Equality Impact Assessment as a key tool for ensuring inclusion fairness and effectiveness.

The memorandum highlights the desirability of Local Authorities having impact assessed policies and procedures in place for transfer of allotments and
assets, and we would be highly supportive of this. Ensuring that Equality, Human Rights, Health and Social Economic impacts are assessed at the same time would add value to the process, and this is already the direction of travel for many Local Authorities in terms of their impact assessment processes.

Among Local Authorities and to a lesser extent other public bodies it is common to have an equality outcome on increasing participation and involvement based on local evidence of a deficit for some groups. This is one way to help ensure that the eventual legislation is brought to life with fairness and inclusion at the fore.

**Specific Comments:**

**Non Domestic Rates**
In general the intention to permit the rating authority to introduce a scheme for the reduction and remission of rates is well founded. This would be particularly helpful in areas of deprivation or where incentives are required to stimulate economic development and the creation of jobs. However the concept may cause difficulty where localised works are affecting the short term trading ability of businesses. Under the previous regime it the Assessor would have dealt with the matter under a material change of circumstances appeal. It would be helpful for the legislation and provisions to be more specific and make strong reference to an economic benefit rather than a generalised scheme.

**Community Right to Buy**
The Bill and provisions provide clear guidance on the procedures to be undertaken by all parties when a community body wishes to acquire a property. This includes a clear definition of the size and scale of the acquiring organisation. The definition of abandoned or neglected land relies wholly upon the dictionary definition. Land however need not necessarily be abandoned or neglected just because it has not been worked. This could be the case where a developer has banked land for future development. Clearer definition and guidance should be included; failing which there is a risk that issues will have to be referred to the courts for clarity.

**Asset Transfer**
While the Bill provides clear guidance on the procedures to be undertaken it may be prudent to all detail to ensure that in the situation where the body with acquired interest is the subject of a winding up order the disposing party should be considered as part of the process for the onward transfer or return of the property.

**Allotments**
The detail in the Bill and supporting provisions in relation to allotments is welcome. Trigger points are particularly welcome, as is the simplification of duties and increased transparency in relation to cost recovery powers.