tsiMORAY response to a call for Evidence on the Community Empowerment (Scotland) Bill 2014

The Scottish Parliament has issued a call for evidence to inform its consideration of the new Community Empowerment (Scotland) Bill. The response of tsiMORAY to the five questions posed is as follows:

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

The Bill marks an important step forward in the empowerment of our communities. We are particularly pleased to see the introduction of the following elements:

- the enshrining into legislation of the concept and practice of national outcomes setting and review;
- the requirement for Ministers to consult when setting and reviewing national outcomes;
- the inclusion of community bodies in community planning;
- the provision for participation requests by community bodies;
- the extension of the ‘right to buy’ to all of Scotland’s communities;
- the provision for asset transfer requests by community bodies;
- the introduction of a duty for local authorities to establish and maintain common good registers;
- the introduction of a duty for local authorities to consult before the disposal of common good assets;
- the inclusion of an updated duty for local authorities to provide allotments;
- the introduction of a duty for local authorities to prepare and review a food-growing strategy.

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

While the implementation of the Bill is likely to require a reallocation and refocusing of resources for some public sector organisations, this disadvantage should be more than offset by the advantages which will flow from the development of more capable and engaged communities in the public sector organisations’ operating areas.

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

There are different levels of capacity in communities across Scotland. It is important to include provision for community capacity building in the Bill
or in associated guidance to ensure the implementation of the Bill results in a reduction, rather than an increase, of inequality across communities. The commitment to community capacity building should include a presumption in favour of such activities being resourced by the public sector and delivered by the third sector.

4. 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 Bill marks an important step forward in the empowerment of our communities, some elements could helpfully be strengthened, including:

- more specific requirements regarding consultations by Ministers when setting and reviewing national outcomes, so that a broad range of stakeholders, including civic society and communities, is consulted;
- the inclusion of third sector interfaces, or more generically third sector representation, as statutory participants in community planning, albeit without the imposition of the duties which apply to public sector organisations;
- the provision for community bodies to be able to proactively request to be included in community planning;
- a commitment to community capacity building along the lines set out in our answer to question 3, above;
- the review of the processes a community needs to go through to exercise its ‘right to buy’, to make it easier for communities to exercise their rights in this respect;
- safeguards against the pre-emptying of asset transfer requests through the transfer of public assets and services to ‘arm’s length organisations’ by public sector organisations;
- the introduction of a duty for local authorities to engage with communities when preparing and reviewing their food-growing strategies;
- the introduction of a duty for community planning partnerships and public sector organisations to demonstrably engage with communities and the third sector in the planning, development and delivery of services, including a commitment to the principles and practice of co-production, supported by the adoption of the National Standards for Community Engagement as a code of conduct.

5. What are your views on the assessment of equal rights, impacts on island communities and sustainable development as set out in the Policy memorandum?
We have no further comments other than those set out in our answer to question 3.

FV - 5 September 2014