Scottish Sports Association

Scottish Parliament
Consultation on the proposed Community Empowerment (Scotland) Bill
A submission on behalf of the Scottish Sports Alliance
The Scottish Sports Alliance thanks the Local Government and Regeneration Committee for the opportunity to contribute to this call for written evidence. The Bill has the potential to increase the contribution of sport to Scottish society and provides significant opportunities for Governing Bodies of sport in Scotland, sports clubs and others. We welcome the chance to engage with its development.

The Scottish Sports Alliance comprises: the Scottish Sports Association (SSA), the Scottish Association of Local Sports Councils (SALSC) and Scottish Student Sport (SSS). Together the Scottish Sports Alliance represents 52 Scottish Governing Bodies (SGBs) of sport, 40 Local Sports Councils and Scotland’s sizeable student population across further and higher education. Collectively our members provide opportunities for the development and delivery of voluntary sport and provide a formal structure for the over 900,000 individuals in Scotland who are members of one of Scotland’s 13,000 sports clubs. Most of these organisations are run on a not-for-profit basis and are managed by volunteers. They provide coaching, competition and participation development opportunities for their local communities and most of the 150,000 people who volunteer in sport do so within the club structure.

The Scottish Sports Alliance has compiled this response following consultation, as always, with members.

**Community Empowerment (Scotland) Bill: Local Government and Regeneration Committee Call for Evidence: September 2014**

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

As stated in SCVO’s response, the Community Empowerment Bill is a small part of the change required to enable more empowered communities. Rather, it will act as a framework to facilitate communities in making use of the provisions it provides. However, it will be a willingness and positive attitude both from community groups and local authorities that will ensure communities in Scotland become more empowered.

There are a number of areas which present potential opportunities for sport:

**Right to participate**

This provides the opportunity for established sports clubs/organisations to have formal dialogue with public authorities to optimise facility use and services. An example of an area where this could really provide benefit would be in ensuring optimal community use of the available school estate. At the moment there is a significant gap between available space/facilities and what is actually utilised by the local community. [http://www.sportscotland.org.uk/Documents/Research_Reports/School_estate_audit_-_overall_report_July_2013.pdf](http://www.sportscotland.org.uk/Documents/Research_Reports/School_estate_audit_-_overall_report_July_2013.pdf). Discussion of timetabling/programming of such facilities would be a strong example of how dialogue between clubs and public bodies could be productive in improving service delivery. The above referenced school estate report, conducted by sportscotland, highlighted programming to be one of the key areas for improvement in tackling this under-use issue. A range of Community Sports Hub examples demonstrate the efficiencies and optimal usage when community clubs are engaged and involved in facility programming. Utilising such a community approach to engage community clubs in programming for the whole portfolio of local authority sports facilities would be a relatively simple but highly effective development.

It is important that this provision would be complementary to, rather than compromising of, already established positive relationships that exist between local authorities and sports clubs. In local authorities’ reviewing of applications to participate, the Alliance would see this provision being most effective where the participation of a range of community bodies is facilitated (ensuring a wide representation of the sporting community, rather than overly sport-specific). The focus should be on demonstrating wider community
interest and sustainability, rather than personal interest. Perhaps bodies such as Local Sports Councils could be highly effective in supporting and facilitating this process.

Ultimately community sport bodies have a great deal of knowledge which, if further shared in partnership with local authorities, could see significant service improvement. This could then result in increased usage, improved efficiencies and enhanced services. The potential provided by the right for community sports clubs to be involved in enhancing the programming of facilities and delivery of services is highly significant and greatly welcomed.

**Requesting rights in relation to property & community right to buy**
Where requests are successful and if a community has an active desire to do so, community management – as well as ownership - of facilities could also provide the opportunity for more efficient facilities and services for some communities. Facility costs could be reduced with good management of a previously under-performing property/land. This increased quality could attract higher use of facilities resulting in savings, which overall increases community engagement. It is worth considering the potential impact on Leisure Trusts, were a sports group to rent/purchase land/property from them. Could this create new competition in the sport facility market and potentially bring user costs down (but at risk of reducing maintenance income to facilities)?

However, serious concerns remain around exactly what local authorities will be labelling as ‘assets’. For the most part it is unlikely that it will be facilities that are profitable and in a good state of repair, therefore concerns remain around whether an ‘asset’ would actually be a long-term liability.

Furthermore, in the case of management rather than ownership of facilities/land, for community group stability there needs to be provision for long term lease arrangements. A more detailed breakdown of what management would mean for a community group and the benefits it could provide would be welcomed.

**Rate Relief**
The Bill proposes that rate relief be managed at local level, allowing each local authority to allocate relief based on its own budget and areas where relief is proven to be most needed. Increased rate relief for established sports clubs who currently, or in the future through community empowerment, manage/own facilities will make this more appealing. For example, the current proposed review of the Water and Sewerage Exemption Scheme would only be open to charities and CASCs; there are a lot of structured, efficient clubs who are neither of these and so would not benefit from the proposed change to these exemptions. Therefore, schemes which take into account the reality of sports club structures in Scotland are welcomed. Clubs/organisations demonstrating social benefit to the community from voluntary sport, should be able to demonstrate this and receive rate relief.

The vague language of this part of the Bill does, however, raise concerns – although it provides the opportunity for rate relief to be reflective of local needs and increase those who benefit from it, it also presents a risk in that a local authority could drastically reduce rate relief to the detriment of community groups. This provision should not be seen as an opportunity for local authorities to make cuts to this particular area.

**Community Planning Partnerships (CPPs)**
Our members support the opportunity for increased dialogue between CPPs and sportscotland. Improved communication in this area will ensure CPPs are aware of what sportscotland, and sport more widely, is doing to deliver a breadth of local outcomes (including outcomes beyond sport) and how these contribute to CPP outcomes more widely. In addition to this, our members continue to advocate for greater involvement of community sport and voluntary sports clubs through the wider Community Planning process. Whilst we support increased communications between sportscotland and CPPs, our members could not more strongly
advocate the involvement of local sports clubs and other voluntary sports organisations within wider integrated CPP networks; the potential of this in relation to the Right to Participate provision and more integrated approaches to prevention is significant.

**Participatory Budgeting**

Our members support the principle of participatory budgeting. As suggested by SCVO and the submission from Barnardo’s Scotland/The Poverty Alliance/Oxfam, a certain budgetary percentage could be set aside to act as a further trial in the development of this principle. Managing competing interests between community groups would be the key challenge.

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

The overall effect should be positive. Through right to participate especially, facilitated involvement of community sports groups could feed in useful information to improve service delivery and optimise the use of the portfolio of a local authority’s sports facilities.

Effective partnerships and collaborations have regularly been shown to be key in improving local outcomes – the Bill provides a framework to establish new effective relationships and improve dialogue for existing ones.

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?**

As stated in SCVO’s response, for this Bill to be effective, the right conditions have to be created for communities to thrive:

**Awareness:** Most important is accessibility to and awareness of such processes, allowing a level playing field, particularly for community groups who may not be legislatively aware. Local authorities have the key role in ensuring groups are aware of the opportunities the Bill presents. The Bill should have in place appropriate timescales to allow community groups to draw on all available resources. Local authorities should clearly outline how they plan to raise community awareness of the Bill, indicating how partners such as ourselves at the Scottish Sports Alliance, and others, can assist in ensuring the opportunities it presents are widely publicised and facilitated.

**Capacity:** The role of effective capacity building in community empowerment will be key. For sport there is an opportunity to strengthen local clubs but the right support needs to be in place for this to happen. Although recognising the need for this capacity building, the Bill does not pinpoint any statutory measures that would facilitate this. As stated by SCVO, different communities have different capacities and will therefore need different types of support to realise their ambitions.

**Assets versus Liability – covering costs:** There is a significant degree of risk in handing over the management or ownership of buildings/land – which may result to be a liability, not asset – to community groups who then rely on national grant bodies (ie sportscotland) to support refurbishment or improve a service. What is the situation where a community group has taken on ownership/management that then suffers damage through force majeure with repair costs beyond the capacity of the group? What mitigation plans for such a situation will be in the legislation to protect both the facility/land and its community group buyers/management? Facility repairs can be further complicated too when involving property/land of historic significance. The Bill is strongly lacking in an explanation as to how groups are to be funded – this needs to be addressed.

There are costs too potentially, in ensuring clubs/groups are well enough equipped and have the capacity to participate to the level that the legislation may allow. Upfront costs may be needed to support community groups for longer term gains.
Employer Supported Volunteering: Volunteers are critical to the success of this Bill; they are its key enablers. The Bill can help to empower them but we also need to enable their involvement. They will drive projects from their conception through to delivery and then maintain them. As such, we believe that the Scottish Government should lead by example, supported by businesses across the country, and should strongly encourage measures to support their staff to help to increase the numbers of volunteers and ensure individuals are able to commit support to such projects. These measures should also enable a constant wave of new volunteers, whilst also leaving a monumental legacy for volunteering following the recent Commonwealth Games in Glasgow. As such, our members seek wider backing for Employer-Supported Volunteering to sustain regular (week in, week out; month in, month out) volunteering, which is the lifeblood of sport in Scotland and of civic and social society.

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?

Areas where clarity is required:

Right to participate: where there is disagreement with a local authority’s decision to allow a request or not, who will arbitrate this? There is a need for a neutral body.

Like SCVO, we too are concerned that the legislation as drafted wouldn’t permit a community to initiate an outcome improvement process for a service that does not already exist. This could prevent communities from working with public bodies to design and develop a new service in their area that is a priority for them.

Asset-transfer and funding: how will the local authority decide between competing groups’ proposals, both claiming ‘community interest’ – what are the specific criteria that define community interest?

As stated earlier in this document, the risk of local authorities listing liabilities rather than assets, is a strong concern. The knock on costs of a community group taking on management or ownership of property/land that requires high levels of investment presents an issue in itself in terms of how this will be funded – the financing of this aspect of community empowerment needs to be clear. Where is this likely to come from? What are the likely sources?

Defining a community group: from a sports perspective it is unclear where Leisure Trusts sit in terms of definition. Leisure Trusts commonly refer to themselves as social enterprises – does this therefore put Trusts in the running alongside much smaller (and lesser resourced) community groups to manage or take over ownership/management of properties? By counter to the aforementioned prospect of increased competition, the risk of Leisure Trusts themselves taking over facilities on a large scale could actually decrease competition in the sports market and cause participation costs to rise.

Rate relief – although a potentially positive provision, the language on this isn’t clear and further clarification is required to ensure that existing resources will not simply be spread more thinly or compromised.

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?

There is a likelihood that those most likely to take up community empowerment opportunities are those already actively engaged and well-resourced in the community. Local authorities need to ensure opportunities are well publicised in the community, especially to those groups who may benefit but need it to be brought to their attention that community empowerment is a means of achieving such benefit.

Asset-grabbing: Increased community empowerment could lead to those with the most resources taking over facilities/land. Systems/legislation need to ensure that local facilities continue to be available for the whole community and that access is not restricted. Community owned facilities should be widely sustainable and not overly advantage one group over another.
Volunteering: Although it makes reference to the importance of volunteers in Scotland’s communities and its commitment (non-legislative) to funds such as the Volunteering Support Fund, the Bill does not propose any measures to support the role of volunteers in facilitating community empowerment. With increased community empowerment will come an increased demand on volunteers. See our point about Employer-Supported Volunteering in Question 3.

All community applications regardless of location/interest should have to demonstrate wider community benefit. Facilitation from local authorities to equip those most in need with the necessary tools/training will be key.

The Scottish Sports Alliance thanks the Committee for the opportunity to contribute to this call for evidence. We take this opportunity to register the interest of the Alliance in being called for verbal evidence on this issue. Please do not hesitate to contact us if we can be of further assistance.

Scottish Sports Alliance
September 2014