Perth and Kinross Council provided a comprehensive reply during consultation on the Bill in February 2014. The comments below should be considered in the context of this consultation document.

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

  The intentions behind the Bill of making it much easier for communities to take more of an active role in local public services are clearly articulated and positive. However the Bill is limited in terms of specific measures proposed and how they will be achieved. The quality of any secondary legislation introduced will be key to successful implementation and this needs to be developed with strong input from the COSLA Working Group and input from others who are at the heart of working with communities and fully understand what works or doesn’t work.

Overall, language and terminology could be more clearly defined and explained in the Bill making it more accessible and easy to understand for communities and to broaden active participation. The Bill should reflect the fact that the landscape of community engagement and empowerment is fast evolving, and not just in Scotland.

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

  The Bill provides opportunities for public authorities to strengthen and improve service design and delivery through ongoing dialogue with communities about aspirations, priorities and needs. Transferring physical assets and more effectively meeting need in high demand communities will reduce public spend. However this can only take place where asset transfer and community capacity have been developed to a sufficient level to improve outcomes. There will be organisational and skills development needs for staff who need support to work with communities differently. The public sector will need new wider approaches to community engagement and empowerment to ensure that new approaches to local public services are genuinely representative of communities as a whole. There will be a challenge to ensure that the most deprived communities benefit from the Bill as they can require the most support to affect change in their locality, and this will have resource implications for public sector organisations.

At the same time, public sector organisations will need to think about risk appetite and overall risk management when working in new ways. An organisational mindset which sees communities as often best placed to develop local solutions to local issues will be critical. Equally there is a need to maintain accountability to the wider public in how local services are run, and the reasons for approving or refusing asset transfers or other community-led approaches to running local services must be transparent. If local asset transfers or other community-led schemes fail, all the risk and cost will return to the public sector and there may be damage to relationships within partnerships and communities as a result, with local assets becoming potentially unused and unusable by communities and public sector alike.
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 is no single answer to this: what works in communities will always be context specific and driven by the issues which communities themselves have identified as important for them. What is clear is that legislation alone won’t bring about the changes required. The levels of capacity and willingness within communities to get more involved in doing more for themselves is a key consideration, and effective dialogue between public service organisations and communities about who can provide what will also be central.

Generally those communities experiencing the most inequalities will require the most support to take advantage of the Bill provisions, some of which are very technical in terms of the process to be followed. In the case of asset transfer requests there has to be a honest and open appraisal of what community capacity exists at the outset; how best public authorities (and other partners, including the voluntary and private sector) can help develop that capacity; what social enterprise model is most appropriate for managing the asset to be transferred; and what risk apportionment is appropriate between the transferring public authority and the community, particularly during the transition phase and initial operating period.

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?

We welcome the explicit duties on all public authorities to participate in Community Planning. We have no objection in principle to making the establishment of CPPs a statutory requirement, but we are not clear about what specific value this will bring. CPPs already exist within every local authority area and it is quite clear to Councils and CP partners that their existence is an imperative. The issue is not the existence of the CPP. The issue is the effectiveness of Community Planning as currently provided for within the LGISA 2003. The accountability of individual CP partners remains a critical success factor for Community Planning in Scotland. We recognise that accountability lines can never be simple in a world of complex public service requirements. There is insufficient detail about accountability and reporting requirements on CP partners and how these would be strengthened in practice to ensure a shift of emphasis away from process (attending meetings, contributing to the drafting of the SOA, etc) and towards effective collaborative action focussed on place based preventative delivery which improves outcomes for communities. It is not clear how new reporting mechanisms would be monitored, or intervention/enforcement would be affected in relation to CP partners which did not meet their new accountabilities.

We are not convinced that increased focus on Common Good (CG) is the most effective way to achieve the Bill’s policy aims. CG is an inefficient administrative burden on local authorities, and can divert resources from wider good work done by local authorities to deliver local services in partnership with communities. If, however, CG is here to stay, encouraging Community Councils and other community bodies to input to decisions relating to the identification, use and disposal of a CG property will be of benefit if undertaken in the spirit of openness and togetherness, and not as a token gesture. The parameters in relation to CG do need to be made clear. CG land is owned by the Council and local authorities have existing responsibilities to ensure it is used effectively. For
example, Community Councils are often under the impression (wrongly) that the CG land belongs to them.

There are a number of excellent examples of effective community engagement and capacity building in the North Perth area and we would welcome any visits as part of the evidence collecting process.