Community Empowerment (Scotland) Bill
Response from Midlothian Voluntary Action (MVA)

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

There is the potential that it will empower communities, however, there is also the risk that it will only empower the communities that are either more affluent (with professionals on their committees/boards e.g. architects, accountants, etc); or that have long-established organisations with support already firmly in place.

Also, communities need to know about the Bill and the possibilities arising from it before they can benefit from it.

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

The public sector will need to be seen to treat every community body equally and fairly, particularly if there are conflicting interests, for example, to take over a community building.

3. Do you consider communities across Scotland have the capability 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?

Further to question 1, some communities undoubtedly do have the capability to take advantage of the provisions in the Bill, however, many will not. From experience, we are aware that there are communities that contain well educated and confident professional/retired professional workers that would find it relatively easy to take advantage of the provisions of the Bill. Also, that there are individual community bodies in more deprived areas of Scotland that are also fairly well able to take advantage of the Bill because they are long-established, and have been well trained and well supported over a considerable period of time.

However, we are also well aware that there are many other communities (and individual community groups) that will be less able to take advantage of the Bill for a number of reasons, for example, less education; transient populations; no access to professionals to join Boards; less confidence; and less relevant skills. These communities could potentially need considerable support. We are concerned
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that sufficient support might not be available as there are still substantial staff cuts being made at local authorities, and there are likely to be substantial cuts also at voluntary organisations including support organisations such as Third Sector Interfaces.

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?

Part 2 – Community Planning

We welcome Community Planning Partnerships having statutory requirements, however we have some concerns, for example:

(a) Clause (5) “a community planning partnership must (a) consider which community bodies are likely to be able to contribute to community planning”. This lets CPP to choose the community body(ies) they want to engage with. The Bill does not give the local voluntary sector the right to nominate one or more community bodies of their choice. We do not think this is “community empowerment”. We believe that it is important that communities, including voluntary organisations, have some say in who represents them as it is important that community bodies involved in the community planning process engage with other organisations in order to feed into/and from the process.

We are disappointed to see that whilst the Consultation in January 2014 stated (clause 151) “We further proposed that, reflecting the Statement of Ambition, the core duties of each CPP should be to:

……………… “consult and engage with the third sector and the business community on the outcomes to be achieved and how they can best be delivered” - this statement has not been included in the Bill which has been watered down to state (Part 1, clause 5 (3) ) – “in preparing a local outcomes improvement plan, a community planning partnership must consult –

(a) such community bodies as it considers appropriate, and

(b) such other persons as it considers appropriate.

Part 4 – Right to Buy

We welcome the inclusion of bodies that are SCIOs (Scottish Charitable Incorporated Organisations) to the list.

Part 7 – Allotments
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We are pleased to see the requirement for each local authority to maintain a list of persons who make a request under section 70 (1); and a Duty to provide allotments. However, we are concerned to see that there is not a timescale set down for the provision of allotments.

We also welcome the requirement for each local authority to prepare a food-growing strategy for its area which will include the identification of land that may be used for allotment sites, etc.

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?

No comments.

Further Comments

We are aware that this Bill cannot be looked at in isolation. For example, the Public Bodies (Joint Working) (Scotland) Act 2014 will drastically change the community planning environment.

Although the Integrated Joint Boards are included as Community Planning Partners in Schedule 1 of the Community Empowerment (Scotland) Bill, we are concerned that there will be a reduction in the ability of the voluntary sector to get involved in sectors where we previously were integrated into the Community Planning process.

In addition, we are aware that the economic crisis, Council Tax freeze, and the results of the forthcoming Referendum could all impact on this Bill and the ability of many communities to benefit from it.

We are concerned that the creation of Police Scotland has led to reduced subsidiarity, with more decisions apparently being taken centrally, and that there may be a reduction of importance of Community Planning accordingly.

The Policy Memorandum states that “. the Scottish Government expects all public service providers to support communities in using these processes and in becoming more empowered generally”. We are concerned there are still substantial staff cuts being made at local authorities, and there are likely to be substantial cuts also at voluntary organisations including support organisations such as Third Sector Interfaces. These are likely to impact on the ability of many community bodies to take advantage of the opportunities arising from the Bill.
This leads to the concern that potentially only already advantaged community bodies and communities will benefit from the Bill.
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