Response to the Call for Evidence

Preamble

The Bill is a mix of specific provisions with little commonality and cohesion.

Its primary purpose as set out in the Policy Memorandum is the firming up of National Outcomes – Part 1. These outcomes, Single Outcome Agreements [SOAs], are to be achieved by Community Planning through the strengthening of local authority Community Planning Partnerships (CPPs) - Part 2. Communities may set themselves up as Community bodies to assist the CPPs in delivering services to their communities - Part 3. However the Bill provides no guidance on which services such Community bodies might target – they may choose to come forward in an ad-hoc way. Further provisions are made within the Bill that are largely ‘catch ups’ – the extension of the Right to Buy to urban as well as rural areas – Part 4; Requests from Communities for transfer of under used or derelict public assets – Part 5; auditing of Common Good Properties – Part 6; formalisation of Allotments – Part 7 and setting of Non-domestic Rates.

The five points:

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

   I consider that the Community Empowerment Bill is built on the wrong premise. The title itself is misleading. The Bill has nothing to do with decentralising local democracy below the existing local authority level. Indeed bullet 6 of paragraph 25 specifically excludes from this Bill any immediate change in the democratic responsibilities of Community Councils.

   Paragraph 191 of the Consultation to the Community Empowerment Bill itself states: ‘We also recognise that councils [local authorities] are the level of government closest to the citizen.

   This is currently the situation; local authorities are indeed to level of government closest to the citizen. But as the COSLA in its sponsored report COMMISSION ON STRENGTHENING LOCAL DEMOCRACY forcibly states this is not tenable for a modern state. For example the democracy appropriate for our town Linlithgow is very different from that that is appropriate for the ex coal mining towns of Uphall, Broxburn and Armadale and that from the burgeoning new town of Livingston yet it comes under the West Lothian local authority. One can hardly imagine the needs of the Highland Council covering as it does an
If the Bill is to go ahead as it stands it will allow communities to help their local authorities to undertake work set out in the Single Outcome Agreements (SOAs) and by extension the Scottish Government to improve services to their communities. However very little in the Bill indicates that Communities will be empowered to undertake work that is outwith a local authority’s SOA. The extra powers that the Bill will give to Community Planning Partnerships will further tighten the rein that the Scottish Government has over the scope and flexibility of public services. Witness the centralisation of the Scottish Police Service – it should be evident that the policing of the large cities is very different from that from highland rural areas.

Elliot Bulmer in ‘A Model Constitution For Scotland’, commissioned by the Constitution Commission, features the lack of local democracy, page 90, and advocates a number of ‘lower tier’ authorities consisting of the restored Burgh Councils and reinvigorated Community Councils with proper budgets and paid staff, to which certain powers could be delegated. – see also Article VI of his draft constitution – Local Government.

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 be able to save money by Community Bodies taking over work that the public sector would have done themselves. In the cash strapped economy we are in, this may well be seen by Government as beneficial. |

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?

| Some Communities may well be in a position to help themselves within the scope of Point 1. Such Communities are likely to be ones where its citizens have the time and good access to non-governmental funding to do so. The Bill as written indicates that the Government does not propose to help Communities with any finance directly. Witness Community Buy-out where community bodies will need to seek funds from charitable organisation. And it should be noted that even the Government’s Annex A in response to the Call for Evidence gives little concrete evidence that empowering Communities is a real ‘go-er’ |

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?

| The specific provisions for extending Community Right to Buy, Asset Transfer and Common Good Property look appropriate. However the provisions for National Outcomes, Community Planning and Participation Requests look to provide for increased central government control through the strengthening of the Community Planning Partnerships: |
the latter in particular are formal organisations who at least currently have little connection or knowledge of local communities. In this latter respect I am not content. As state in Point 1. the Bill makes no provision for further local democracy – for Communities to decide and implement what are the priorities for their own areas. These will continue to be exercised by the existing local authorities and their Community Planning Partnerships. I would like to see a provision for local communities to apply by petition to the Scottish Government for delegation of powers to local town or parish councils.

I refer to paragraph 12 of the Policy Memorandum

Democratic Engagement

12. Local government and other public service providers increasingly use a range of community engagement and participatory activities to seek views on their service delivery. This recognises that representative democracy needs to be complemented by other ways in which people can express their views and influence decisions which affect them. Such activities can in turn inspire increased engagement with local and national government. When people are actively engaged in tackling issues in their communities, have direct contact with elected representatives and feel that they can influence decisions, they are more likely to become involved in the electoral process themselves, whether at Community Council, local authority or national level. This enhances the relationship between elected members and the communities they represent and can lead to better-informed decision making all round.

This paragraph is laudable but it would be so much more laudable if citizens were able to be responsible for managing and prioritising through their own democratically elected bodies what public services they need for the flourishing of their own communities; a major irritant in Linlithgow is ‘parking’ – recently parking attendants were dispensed with and the responsibility for parking is now transferred to the police – but the police have no resources to do so. If Linlithgow had its own local council it could decide to provide funds for reinstating a parking attendant if it wishes to allocate funds for this provision. Again West Lothian council in its SOA is targeting an increase for its 4 key visitor attractions by 16% over the next four years - how much more appropriate for Linlithgow itself together with Historic Scotland to come forward with its own figures and involving the whole town to ensure that its figures are achieved in the way most appropriate. On a wider scale in
Norway the town councils are responsible for managing and running pre-school and primary schools in their towns.

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?

As the Bill focuses on Community Bodies helping themselves within the constraints of Government Policy, the Communities likely to participate most effectively are those with time and money to do so. This militates against the poorer less well-off communities who may well be those that would benefit most from improved public services. Without Government money it is unlikely that there will be many more Island Buy-outs as happened in Eigg, Gigha and Knoydart – all supported by independent charities. One of the Government’s responses in their response to the Call for Evidence to funding is apply to the Big Lottery fund – ie funds outwith the Government’s own budget.

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