Local Government and Regeneration Committee

Submission Name: North Ayrshire Council
Submission Number: 37

Community Empowerment (Scotland) Bill: Call for Written Evidence
North Ayrshire Council

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

North Ayrshire Council welcomes the Community Empowerment Bill and agrees that the Bill goes some way towards empowering communities in certain policy areas, including:

- Increasing sustainable economic growth;
- Seeking to Increase individual and community capacity, making communities more confident and resilient;
- Making use of community talent, creativity and combined resources to achieve an empowered community (asset based community development approach);
- Empowering communities to influence and effect change in the way services are designed and delivered; and
- Engaging with communities so that community voices are heard in public sector processes.

However, a number of opportunities to embed broader principles of community empowerment could also have been included.

For example, the proposed use of the National Standards for Community Engagement, and the requirement to publish and implement a community engagement plan as discussed in the previous consultation on the Community Empowerment and Renewal Bill, should be reintroduced. It is acknowledged that the requirement to engage with communities is included in the Bill in relation to community planning, and is expressed with a focus on the outcome, rather than the process. A more rigorous approach may be required.

The Bill requires Community Planning Partner agencies to report annually on their community engagement activity. The Bill could be an opportunity to encourage Community Planning Partners to jointly plan and monitor community engagement, and the resultant outcomes.

A ‘place based’ or neighbourhood planning approach is at the heart of getting effective business and third sector engagement. There should be a requirement to develop an evidence-based neighbourhood profile within the Community Planning approach, to agree priorities and obtain partner commitment to pursue such priorities. This process provides ample opportunity to engage with
businesses, community and third sector, both in agreeing the priorities and their roles in implementing these.

The Council welcomes the Government’s statement that it is committed to subsidiarity and local decision-making in public life and the recognition that councils are the level of government closest to the citizen, giving people an opportunity to participate in decision making affecting their everyday environment. However, the importance of the role of young people should be recognised, including their right to statutory consultation.

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

The Bill places a duty on the Scottish Ministers to develop, consult on and publish a set of national outcomes for Scotland, which must be reviewed at least once every five years. This provides a positive and constructive basis for policy development within Community Planning Partnerships.

Moreover, the clarification and strengthening of the role of Community Planning Partnerships is a helpful direction of travel, especially with its emphasis on place and the importance of community engagement.

Evidence shows that involving people more regularly and more effectively in the decisions that affect them leads to better outcomes, making the most of the knowledge and talent that lies in communities. It also increases confidence and fosters more positive relationships between communities and the public sector. Community bodies might use the “Right to Participate” provisions to discuss with service providers how they could better meet the needs of users, to offer volunteers to support a service, or even to propose that they take on the delivery of a service themselves. It will be for the public body to decide whether to make any changes to existing service delivery arrangements.

If the community body proposes to deliver services itself, the public body will need to decide whether the community body has an appropriate corporate structure and the capacity to take on that role.

The processes set out for requesting a right to participate are fairly complex. Unless appropriate support and guidance is provided for marginalised and less organised communities, the complex process will result in further marginalisation of less powerful communities and interests.

The above is also true in relation to the right to buy legislation.

In relation to the Common Good provisions, a challenge is provided in identifying all of the community bodies which are known to the authority. Central registers will require to be established, which can be accessed when representations are required to be offered.
The Community Empowerment (Scotland) Bill contains a potentially significant change for non-domestic rates (Part 8 of the Bill).

The Bill proposes that the Council can from the 1 April 2015 introduce its own scheme for the reduction and remission of rates to meet the needs of local business and communities.

The Council will have the discretion to reduce or remit the rates for any non-domestic property, in any designated area, for any designated activity or for any other reason decided by the Council. The only condition detailed in the Bill is that the relief ends when there is a change of occupation.

Councils will need to fund the scheme themselves and take into account the interests of the council tax payer; this is because any loss of income from non-domestic rates incurred by the scheme must be offset from other income raised by the local authority.

The two broad implications for local authorities in relation to allotments are based around the responsibility of the local authority to manage waiting lists and respond to demand for allotments by providing more allotments should waiting lists exceed certain trigger points.

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 communities become more empowered they are likely to seek partnerships with organisations in the public private and voluntary sector to achieve their goals. Supporting such approaches is increasingly becoming a priority in the context of re-shaping public services. In North Ayrshire a recent review of directorates brings together Economy and Communities which will be well placed to drive the ambition the Scottish Government has for local community empowerment and local economic growth.

However, the availability of appropriate support, guidance and a culture of nurturing community action are key.

Support for groups and organisations to build their own capacity and aspirations is a basic requirement, and needs to come from the public and third sectors. Resources have been reduced through the process of public sector reform and are often insufficient to effect lasting change in communities.

The Bill provides the right for communities to be consulted on local budgets. The Bill will strengthen requirements for communities to be involved in setting priorities for public services, which has a significant impact on how budgets are
spent. The Scottish Government also supports Participatory Budgeting (PB), which directly involves local people in decisions on a specific budget. The Scottish Government is funding consultancy support to help more local authorities develop PB in their areas. Significant training and support will be required for community organisations to participate.

While the Bill does not amend the legislative status of Community Councils, it does recognise their interest in shaping local services, and gives them a specific role in relation to common good assets.

The Scottish Government is taking forward work to strengthen the role of Community Councils and increase the diversity of members, but significant support, training and resource implications will result at national and local level to ensure that Community Councils fulfil their responsibility to be genuinely representative and effective.

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 provisions of the Bill are largely already being addressed by North Ayrshire Council as evidenced in:

- The Community Planning Partnership;
- Neighbourhood Locality Planning;
- The Review of Community Councils;
- Review of Corporate Management Team 2014;
- The Community Engagement Strategy - including the corporate cohort training with the “Consultation Institute.”
- Asset Transfer Policy and Guidance;
- The Community Contract/ SLA partnership with Community Associations in the management of Community based assets;
- The Asset Based Community Development programmes with key partners including Health and the CPP with regard to early and effective intervention; and
- The Allotment Strategy.

North Ayrshire Council would be happy to discuss any of the above initiatives in relation to the call for evidence.

North Ayrshire Council wishes to reiterate its support for the Bill but also the requirement for additional resources to continue to build capacity in communities, particularly in deprived communities, to develop the approach
which underpins the Bill. Specific policy initiatives, such as the right to buy, the right to participate, the provisions for non-domestic rates and the development of allotment and food strategies will be resource intensive and will require public sector partners, especially local authorities, to identify and prioritise resources in a climate of financial austerity.

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?**

North Ayrshire Council agrees with the assessments as set out in the Policy Memorandum.