RIAS’s submission to the Call for Evidence on The Community Empowerment (Scotland) Bill

The Royal Incorporation of Architects in Scotland represents architects and architecture in Scotland. The RIAS welcomes the opportunity to respond to this consultation and our Planning Committee have prepared a response.

The RIAS support The Community Empowerment (Scotland) Bill and its aims to empower community bodies through the ownership of land, buildings and strengthen their voices in the decisions that matter to them; and an increase in the pace and scale of Public Service Reform by focusing on achieving outcomes and improving the process of community planning.

We have addressed the five questions as requested, however have made some specific reference to the parts of the Bill and the Memorandum where appropriate.

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

The Bill has the potential to empower communities to a considerable extent however will be dependent on how accessible the Bill will be to communities and how equipped communities will be to take on such responsibilities. With reference to the eight separate parts of the Bill please note the following;

Part 1 National Outcomes - The outcomes have yet to be determined however when set Ministers need to be aware of the responsibilities that communities will undertake and ensure that suitable resource is made available to turn these outcomes into reality.

Part 2 Community Planning - Putting Community Planning Partnerships on a statutory basis is most likely to have a positive effect on empowering communities however it is important that the partnerships truly represent the community. Can measures be taken to ensure that this is the case.

Part 3 Participation Requests - It is important that communities are aware that they can make such a request.

Part 4 Community Right to Buy Land - This will create opportunity to empower communities however we ask that measures are taken to prevent protracted legal battles.

Part 5 Asset Transfer Requests - It is positive that communities can request to take control of land and buildings however it is important that local authorities retain their responsibilities for the upkeep of these assets and this is not seen as a means of disposing unwanted liabilities.

Part 6 Common Good Property - This will help understand what is important to local communities as well as the wider good and that when determining what is for the common good, local communities are consulted.

Part 7 Allotments - This will help individuals and will empower the local community if the local community wish more allotments. This is most likely to be the case but not necessar-
ily a given, if this was not the case we would consider an individual's right to grow their own food should be the priority consideration.

Part 8 Non-Domestic Rates - This will help empower communities to create solutions to their needs and revitalise run down town centres. It will be dependent on how much rate relief will be given, to have any impact this has to be reduced to a level which will realistically help. The Ministers need to be aware that local commercial opportunities will change and that there is a need for the extent of relief to vary from area to area.

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

The most obvious disadvantage to the public sector will be the additional workload which is likely to ensue from the Bill and will additional resource be made available or will tasks be delegated to others. We would also note that there may be some public bodies which could be added to the current lists e.g. Forestry Commission, Marine Scotland. With regards to specific benefits and disadvantages please note the following:

Part 1 National Outcomes - This will put pressure onto public sector organisations however the purpose of these organisations is to serve the public therefore their key role will be enhanced.

Part 2 Community Planning - Putting Community Planning Partnerships on a statutory basis is likely to have a positive effect on empowering communities however it is important that the partnerships truly represent the community. Measures should be taken to ensure that this is the case however care is required to prevent divisions within the community.

Part 3 Participation Requests - This is likely to generate complex relationships for local authorities however will lead to the better use of assets and a more satisfied local community. The process should be simplified and be made as easily understood as possible.

Part 4 Community Right to Buy Land - If land and/or buildings which are falling into disrepair / neglect are taken on by an able group this could help local authorities resolve specific problems.

Part 5 Asset Transfer Requests - This will take the control of assets away from local authorities however this may improve their use and take some of the burden of organisation away from public sector organisations and into the hands of the local communities.

Part 6 Common Good Property - There could be different opinions on what is common good property; this may be beneficial and also a disadvantage to public sector bodies. Will there be an independent assessor to determine this list and will all parties be involved in any judgement.

Part 7 Allotments - There will be a pressure for local authorities to supply land for allotments which especially in cities will be difficult. This could be a disadvantage but also a potential benefit as redundant space can easily be transformed.

Part 8 Non-Domestic Rates - There is a case to argue that a reduction in non-domestic rates will increase the use of redundant / neglected properties with a net financial gain, it could though also result in a loss. The judgement of what would qualify for reduced rates will be
influenced by local circumstance and although overall criteria can be agreed it would be best left to the local public organisations to set rate relief.

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?

This as one of the fundamental problems of the Bill, how will communities be made aware of these opportunities and how will they be able to deal with the inevitable legal problems, monetary issues, responsibilities and likely differences of opinion. We are not best placed to comment and capabilities will vary across Scotland, the Ministers will have to find ways of ascertaining these and additional resource is inevitable to ensure these problems can be overcome.

As needs will vary across Scotland, our cities will face different challenges to the island communities, each local authority should draw up its own plan as to how it intends to take advantage of the Bill. To what extent these are devoled around the country likewise needs to be determined and Ministers need to include timescales for these into the overall programme.

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?

We fully support the aims of the Bill and many of the specific provisions, these will though be subject to development. The control of the development stage after adoption of the Bill has been placed in the hands of the Scottish Ministers e.g. in setting / reviewing the outcomes the Ministers will consult with persons ‘they consider appropriate’, it is not clear how the Ministers will determine who is appropriate. This is one example and it is important that this part of the process is transparent.

It would be helpful if there was more accountability to the developmental period of the Bill and that although a five year review is appropriate once outcomes have been set, a time period and programme should be set for the development and implementation of the Bill.

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?

Equal Rights - The memorandum states that an equality impact assessment has been carried out although has yet to be published but concludes that the Bill’s provisions do not affect equal rights, we are happy to accept the findings of the EQIA.

Island Communities - The Bill will apply to all communities across Scotland including island communities. It is noted that there may be a potential shortage of land available for allotments in island communities, it is important that this is addressed especially as this is a remote setting where this need seems greater.

Sustainable Development - Best use of land and local decision making is at the heart of the Bill. The memorandum notes no impact or minimal impact on the environment, however
there is a strong socially sustainable argument that the overall potential of the Bill is more sustainable than the current position.