COMMUNITY EMPOWERMENT (SCOTLAND) BILL

Call for written evidence as part of Stage 1 consideration of the Community Empowerment (Scotland) Bill.

A. Background to CRNS

1. Community Resources Network Scotland (CRNS) represents reuse, recycling and repair organisations across Scotland on issues of sustainable community resource management.
2. The majority of members of CRNS are social enterprises managing waste resources at a local level through recycling, re-use, composting, waste reduction and waste education activities.
3. Members prevent tonnes of valuable product and materials from ending up in landfill, create local jobs and other economic opportunities, and typically work to help those on low incomes or who are disadvantaged.
4. The CRNS State of the Sector survey for 2014 shows that:

   a) Third Sector re-use and recycling activity was reported in all 32 local authority areas. The greatest concentration of activity was in Edinburgh and Glasgow.
   b) The Third Sector diverts in excess of 46,000 tonnes per year from landfill or other final disposal routes. Recycling tonnage is the largest proportion of that figure at 31,575 tonnes (68%) followed by re-use tonnage at 13,695 tonnes (29%) and community composting at 427 tonnes (1%).
   c) Third Sector re-use and recycling activity generates in excess of £24 million turnover per year. There is an uneven distribution of turnover across the third sector: Five organisations (4%) reported a turnover of over £1 million whilst 21 organisations (19%) reported a turnover of less than £25,000.
   d) Fifteen organisations reported that they had experience in winning tenders to deliver re-use and recycling activities with 41 organisations reporting they had not considered tendering at all. Twenty three organisations reported that they currently had at least one service level agreement in place to provide re-use and recycling services.
   e) The finance data shows a trend towards more earned income and less grant income for Third Sector re-use and recycling organisations: 51% of gross income was reported as earned income for 2010-11 and this figure had risen to 64% for 2012-13. CRNS has seen an increase in diversification among members as a matter of necessity and views this as an opportunity for the sector seeing diversification into recycling bike, jewellery and other such items. This shift appears to be driven by economic necessity for the sustainability of member organisations.
f) Third Sector re-use and recycling organisations reported employing 685 full-time equivalent staff, involved 3,448 volunteers and supported 682 placements annually. Twelve organisations employed over 50% of the total staff numbers reported and 75 organisations reported having five or fewer full-time equivalent staff.

In response to the invitation to give evidence to the Scottish Parliament’s Local Government and Regeneration Committee’s call for written evidence on the above Bill, CRNS has consulted members and provides a summary of collated responses below.

Specifically the call for evidence focuses on the following questions.

1. To what extent do you consider the Bill will empower communities, please give a reason for your answer.
2. What will be the benefits and disadvantages for public sector organisations as a consequence of the provisions of the Bill?
3. Do you consider communities across Scotland have the capabilities to take advantage of the provisions of the Bill? If not, what requires to be done to the Bill, or to assist communities, to ensure this happens?
4. Are you content with the specific provisions in the Bill, if not why what changes would you like to see, to which part of the Bill and why?
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?

CRNS Responses

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

CRNS Response

CRNS welcomes the provisions in the Bill and agrees that these will empower communities in Scotland. In particular the removal of barriers to make it easier for communities to achieve their goals by giving ‘clear rights’ to play a more proactive role and placing ‘clear duties’ on public sector bodies to engage with communities is welcomed.

a. CRNS would welcome transparent guidance on the duties and responsibilities of public sector bodies and the requirement for these bodies to publish their approach to community engagement, the timescales attached to each stage and the arbitration process applied where a community feels it has not been given sufficient opportunity to respond.

b. CRNS would also propose that the ‘clear rights’ for communities to play a more proactive role in their community is clearly publicised and distilled into easy to understand, plain English guides.
c. The Bill clearly extends community participation in planning and this is welcomed, however CRNS is concerned that many communities will still be disadvantaged by the ‘weight’ of public bodies over smaller less resource rich community groups. CRNS would advocate for support for such groups to have access to funding to enable them to engage, where appropriate, professional support to represent their views without incurring major expense.

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

CRNS Response

CRNS welcomes the Bill placing statutory duties on Community Planning Partnership to engage with the community will, in the view of CRNS provide a more robust methodology for engaging communities across Scotland. However focusing the definition of communities by geography, with passing reference to areas of mutual interest may disadvantage like-minded groups forming alliances to work together over a wider area. The Christie Commission stated that Scotland’s public services is founded on four pillars: People, Partnership, Prevention and Performance. Applying these principles with the Empowerment Bill will enable a wider definition of Community and allow for greater engagement across Scotland where communities of interest can participate alongside local (geographic) communities to greatest advantage.

a. Reference is made to community in terms of geography, common interest and/or characteristics of its membership, however it is up to the public body to determine the validity of the community body corporate structure. Reference to corporate structure suggests bureaucracy and has the potential to put off small community groups with little secure funding. CRNS would welcome clarification on this point and would suggest that public bodies should engage with communities of all sizes and types, regardless of corporate structure. Over prescription of structural requirements of community bodies will disadvantage small groups.

b. CRNS’ view is that public sector bodies planning processes will be greatly enhanced by engaging with the wider community if the process applied is equitable and fair. Public bodies by their nature tend to be large, run by professionals and have well defined administrative systems. While this is appropriate and reassuring for the wider public to know that public funds are well managed it also may be that the very structure of large public bodies creates an immediate barrier for engagement.

c. CRNS would advocate that engagement with community groups is held at community level – in community environments where the symbols and structures of public services are less in evidence and so removing what could be viewed as an intimidating consultative process. While this approach may cause an extended timeframe for public bodies it would have the advantage of overtly showing willing in true engagement and should lead to better quality decision making.
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?

**CRNS Response**

As previously stated, CRNS’ view is that many community groups will be capable of self-representation where they are of scale, however smaller groups may be disadvantaged through lack of resource. Resource in this context is viewed as time, expertise and/or finances. Where this situation occurs CRNS would advocate for intermediary bodies to support such representation as may be required. This in itself is not a wholly perfect solution as many intermediary bodies are also cash or time poor. Specifically CRNS determines intermediary bodies in this context as membership and other representational bodies and not the more widely understood definition of government intermediary agencies.

a. CRNS would support simplified methodologies for engagement with communities to ensure that they are able to participate in the new provisions. Such methodologies could make use of technology – on-line survey, facilitated discussion, local newspaper or television articles, Facebook and other social media streams that can allow for fast and effective interaction across a wide range of people.

b. CRNS’ view is that too often changes in the community are seen to be ‘under the radar’ and only when a change is made do communities who would have engaged react. A proactive approach to engagement is needed to ensure that the flow of change is and is seen to be open and transparent, allowing for decisions to be taken collectively.

c. CRNS accept that no matter how extensive a consultation not all views will be capable of being addressed, however it should be possible to extend the process of local governance to incorporate the widest community if effective methods are applied. The cost of non-engagement is surely higher than an extended timescale to bring as many views to the table as possible.

d. A CRNS concern is the weighting given to small groups in terms of their ability to lobby. Size of a group is not necessarily a representation of its importance and CRNS does not find in the Bill anything that reassures that the minority view can be heard or credited as easily as that of larger, resource rich and/or more organised groups.

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?

**CRNS Response**

CRNS welcomes the Bill and its provisions, with the proviso of comments above. In relation to changes CRNS considers the following improvements could be included:

a. Clarity of the rights of community groups
b. Stronger emphasis of community definitions to support communities of interest and collective working  
c. Clear methodologies for promoting engagement with timescales and remedies for review of challenged decisions  
d. Clarity on the weighting given to small group responses  
e. Clarity on what constitutes ‘corporate’ structures and how small groups can accommodate such requirements  
f. Clarity on the use of intermediaries in responding to community planning  
g. Clarity on the availability of funds for small groups to engage professionals to support them in effective engagement on their behalf.

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?

CRNS Response

CRNS‘ view is that the application of the Equalities Act in relation to the rights and impacts of island communities and sustainable development is fair and welcomes the inclusion of the need to consider this issue when determining asset transfers or participation requests.

1 State of the Sector Report 2013. A study into the activities of the Scottish Third Sector re-use and recycling organisations. CRNS; March 2014