Q1 - To what extent do you consider the Bill will empower communities, please give reasons for your answer?

The bill will only empower communities if they are able to be sufficiently organised to take advantage of the provisions of the bill.

Currently there is a so called community consultation process within the Scottish Planning system. However, community representative whether community councils or self organised groups, are usually up against big developers who employ their professionals effectively against lay people with no matching resources. The process is unequal, power conferred by virtue of the process is simply not there in reality. The same will happen with this bill.

It seems to me that in this bill, everything is in the spirit of empowerment and in the procedures, yet nothing about the reality of how communities will be represented other than in the case of specific one issue groups.

Power to the people is meaningless if the people whilst been shown the route, do not have the wherewithal for the journey, let alone reaching the outcome stage set for them.

Q2 - What will be the benefits and disadvantages for public sector organisations as a consequence of the provisions in the Bill?

I am not especially interested in the benefits or disadvantages to public sector organisations.

It seems to me simply more time distracted from doing what they should be doing already. This might end up being yet another layer of bureaucracy. It is very telling that they need a new bill in order to know that they have to take account of community aspirations and needs.

Q3 - 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?

No I do not.

What do we mean by communities, local residents, active groups with a single goal or what ? Who exactly are community organisations and who do they represent ? A community can be a group, a village of a whole town or urban district. How will they organise themselves in a democratic manner and be truly representative of the wider community.

When making an application a community participation body is expected to provide details of any knowledge, expertise that the body has. How are they expected it do this ? They will need professional expertise. How are they expected to be funded ?

Passing power to communities is only going to work if you have a model for structuring and organising what they can do and how they do it. For example saying that communities have the right to buy land is no use if they have no professional help and funding, to investigate its condition ( e.g. any contamination ), its suitability for the project, to value it, to buy it and then to manage it.
Submission Name: Leslie Howson

I think we need ‘a community assistance bill’ with funding mechanisms.

Q4 - 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?

I applaud the spirit of the bill viz. greater power to communities to take on public sector land and buildings, greater transparency in the management and disposal of all local authority owned property whether or not common good property etc. However, I am not content with certain aspects of the Bill.

The process is very rigid and dictatorial and controlled from the top down and not from the bottom (i.e. the community level) upwards. I can appreciate the need for the process to be controlled at each stage presumably to ensure accountability, combat corruption and guide the process. However, national outcomes, determined by the Scottish Minister, local outcome improvement plan determined by each community planning partnership. No community involvement there then! Who sets the outcome and on what criteria? Those eligible to be community planning partners seems to be extremely limited!

NB: I am anyway, sceptical about the term ‘outcome’, a word now used to replace aims, potentially ignoring needs and opportunities which should be the basis on which to make assessments for future aims. Simply setting an outcome, at outset is too specific, with the risk of ignoring issues cropping up during the process, which may put the initial outcome in question.

I am not convinced that the process will be sufficiently inclusive at any level. The community planning partnership decides what are the priorities as regards outcomes and then also decides whom they will or will not consult. A vociferous and very active, one issue, community group can end up having more of a say that the wider community, who historically speak through their community council. Thus under ‘Governance’, I think there should be something about inclusiveness e.g. that each local authority and community planning partner must ensure that they are satisfied that all relevant community opinions are catered for in the process.

Another flaw is the lack of guidance and support to communities to take advantage of this new freedom to decide, this new empowerment. The proper setting up of the community controlled bodies is crucial to ultimate empowerment of communities and to ensure that it is not the community planning partnership which decides the outcomes sought but local people.

With regards to communities tasking over apparently vacant or abandoned land and buildings. It is morally wrong that government can force anyone to sell their property. Why should an owner have to sell a building or land to a community and at what price, the market price, valuation figure, highest bidder? Land is rarely abandoned another word which needs defining. All land is owned by someone whether it has a building on it or not.

I do support the notion of more local authority unused and vacant land and building (including common good property) being available for community use. However I can see the present trend of Councils selling off such land to developer to counter Government cuts, will continue. They cannot simply give the land to communities as communities will struggle to raise the necessary purchase price. There have to be other financial mechanisms in place to help fund communities aspirations.
Q5 - What are your views on the assessment of equal rights, impacts on island communities and sustainable development as set out in the Policy memoranda.

Community empowerment increases equal rights but also raises human rights issues. It is important to strike a fair balance between the general community interest and the protection of land owners’ human fundamental rights.

Clearly the right to buy can be beneficial to island communities and especially if the land has been so abandoned and neglected and that it is counter to the survival or the whole community.

I am concerned about how all this land which is passing into community hands is to be secured legally, and properly and transparently managed and safeguarded for future generations and in the best interests of the wider community.