The Centre for Scottish Public Policy

Evidence on the Community Empowerment [Scotland ] Bill to the Local Government and Regeneration Committee

Participation and Asset Transfer

This submission comments on some parts of the CE[S] Bill, specifically Participation and Asset Transfer [P&AT] as requested in your recent email .

CSPP may submit comments on other parts of the Bill at a later date .

Background

The Centre welcomes the publication of the Bill and view the underlying principles as desirable and consistent with the direction we wish to see public policy on engagement and democracy moving. That said, some aspects of those principles are likely to be hard to put into legislative form and we therefore think that the Bill will benefit from wider discussion and review. We hope this will lead to a position where amendments and change emerge from such discussion and are not seen by the government ministerial sponsors as hostile and provocative.

What is a ‘community’ ?

Seeking to define community is a complex challenge that has been much discussed since the use of the word became fashionable in policy circles perhaps some 4 or 5 decades over . The presumption in the Bill appears to be primarily based on geographic notions of community. This might usefully be supplemented by some wider reflection and debate on communities of interest, and other forms of affiliation other than just geography .
The phrasing used in various Bill related documents to describe community organisations is curious: "..organisations open to everyone and really speak for their community." This might well be thought to capture the essence of Community Councils and is similar to the form defined for these in the 1973 Act. The Bill appears light on discussion of these statutory entities which have struggled to thrive in all council areas ever since their creation in post 1975.

In terms of geography, research evidence in various settings shows that people can concurrently hold more than one concept of community in their mind. Part of a town or city for others who live in that town or city; often the entire city/town itself for others who are further afield; and approximation for those from further away or overseas. To one person a community might be described variously as: Fisherrow; Musselburgh; Edinburgh at different times and in different conversations.

Therefore both proximity and scale are relevant to any consideration of participation as the next section discusses.

Participation

One aspect of the Bill is the provision for strengthening Community Planning; we view this as desirable. It is not clear whether an increased and mandated expectation of greater participation is best channelled directly through the [strengthened CPP] or through individual partner organisations. Where there are multiple approaches to participation there may well be tensions over asserted or inferred community wishes. So, for example, it appears that Police Scotland invested considerable street police time in seeking ‘community’ views on the local [ward and council] policing plans. To take one example, there is little available evidence - certainly not in published neighbourhood policing plans - that action on saunas in Edinburgh was a high community priority. Yet such action was taken, apparently in contradiction of health organisations & council views.

The other key issue is how different communities are resourced to engage in such discussion. Capacity building and purposive participation encouragement is needed if such participation is not simply colonised by those with loud voices and high order access to communication channels. This is particularly important as we are increasingly more aware of differential access to media such as the internet, telephony and similar channels across Scotland.

We have stated above that proximity and scale are relevant to notions of community and participation, another feature is representativeness. We currently operate most of our public institutions on the basis of some form of representative decision making. In local government through election; in health boards through appointed representation [trials of partial election having been abandoned]; in other public bodies through the appointment of various ‘stakeholders’ of proximately interested parties [e.g. economic interest on Scottish Enterprise].
Local Government and Regeneration Committee

Submission Name: Centre for Scottish Public Policy

Submission Number: 70

In such a context it is not clear that any other form of ‘participation’ that involved the co-option; appointment or even election of ‘community’ interests would be other than effectively creating a small number of people to attempt to represent wider interests. A current listing of, say, Community Councils in Glasgow appears to show 100+ of which some are dormant – how is any participation other than by representative numbers to be achieved in such circumstances?

Asset transfer

This appears to refer to ‘publicly owned land and buildings’ as some documents referring to the Bill state is one of the key features of the proposed legislation.

This seems to derive from the [generally very successful] experience of community right to buy in some remote and undeveloped areas of Scotland.

The explanatory documents refer here to councils, government organisations and other public bodies and explicitly indicate that the intention is to take this acquisition right beyond rural areas into all parts of the country.

A key difference between such rural areas and other developed parts of the country is that boundaries are often clearer in the former. Eigg is Eigg; Glen Elg is Glen Elg. Acquisition for ownership or use with clearly defined parameters is much more readily achieved in those places than it is in, say, Leith or South Edinburgh.

The other key difference between land [essentially the key subjects of Community Right to Buy] and properties [more probably the subjects in developed areas] is that undeveloped land can decline in quality or use value, but it is relatively inert in costs terms. A neglected field; woodland or estate may grow more weeds and collect more rubbish, but clearance/usage costs can be incurred gradually.

Urban assets tend to be costly from the date of acquisition, particularly if, as inferred from the Bill documents they are unused or underused. The LG&R Committee can walk with 15 minutes of the Parliament to at least two examples of privately and publicly owned buildings that are ‘...not in good use...run down.’ In each case, to retrieve/restore each to acceptable standards might incur £0.5/1.0M. Similar buildings are in the ownership of public bodies across Scotland. It will be a formidable business case that is required in each instance.

Summary

A commendable Bill, with underlying principles that are excellent and consistent with our ambitions in the Centre. It will be hard to capture some such sentiments and ambitions in legislative form; harder still to implement.

September 2014.
Local Government and Regeneration Committee

Submission Name: Centre for Scottish Public Policy

Submission Number: 70

Ref: CE[S]Bill
Policy Memorandum - Easy Read Version