Community Empowerment (Scotland) Bill
Local Government and Regeneration Committee – Call for Evidence

Keep Scotland Beautiful welcomes the opportunity to respond to the call for evidence from the Committee on the Community Empowerment (Scotland) Bill.

Keep Scotland Beautiful is the national environmental charity that campaigns, acts and educates and a range of local, national and global sustainability issues – we are committed to making Scotland, clean, green and sustainable, today and tomorrow.

If real progress is to be made in tackling the environmental challenges facing Scotland then we need to engage individuals, families and local communities in a meaningful way. Enabling and empowering them to effectively tackle local environmental issues that affect them on a daily basis can be the first step towards successfully addressing national and global issues.

Therefore, we welcome the introduction of the Community Empowerment (Scotland) Bill and believe that it can make a positive contribution to empowering communities across Scotland.

We have addressed the specific questions asked by the Committee in the attached document.

However, we have two specific concerns regarding the Bill we would like to draw to the attention of the Committee

1. the lack of prominence given to sustainable development, and
2. the ability of communities to access and utilise specific provisions of the legislation.

Our first concern is that an opportunity has been missed by the Scottish Government to embed sustainable development as an underpinning principle of this Bill and to ensure that this is effectively reflected in the relevant provisions of the legislation.
We would also want to be reassured by the Scottish Government that the Bill, and its component provisions, will, support and strengthen low carbon measures being progressed in the context of the Climate Change (Scotland) Act 2003.

We believe the provisions on participation requests, right to buy and asset transfer could cause changes in land use or public service delivery, and an increase in greenhouse gas emissions if the provisions of the Climate Change (Scotland) Act 2003 are not taken into account.

We note the response by the Scottish Government to specific questions raised by the Committee which relate to these concerns (Questions 21 and 147). We don’t believe that the answers provided specifically address the questions raised by the Committee or our concerns.

Our second concern relates to the ability of communities across Scotland to make use of the provisions of the Bill to have a positive impact on their neighbourhood or local area.

Although the broad thrust of the proposals contained in the Bill are worthy of support the reality is that they will be more easily accessed, and effectively utilised, by more affluent communities with well-developed civic infrastructure and associated knowledge, skills and expertise.

It is likely that those communities in areas of multiple deprivation will be less able to access and utilise the opportunities afforded by the provisions contained in the Bill. The Bill itself cannot create or improve capacity in communities across Scotland or equip them with the knowledge, skills and expertise to make effective use of the various provisions to take action to improve their neighbourhood or the services they receive.

Therefore, to ensure that the Bill has the anticipated positive impact at a local level across Scotland there is a need for the Scottish Government and other public bodies to provide additional advice, support and investment to avoid less affluent communities being left behind.

It is essential that public bodies in general, and Community Planning Partnerships in particular, work with communities to enable them to develop the capacity and capability to take advantage of the opportunities afforded by the Bill.

We hope that you find our comments on the Community Empowerment (Scotland) Bill useful. If you would like to discuss our response, or have any further queries, please contact Catherine Gee, Head of Corporate Services at catherine.gee@keepscotlandbeautiful.org.

Yours sincerely
Local Government and Regeneration Committee

Response by Keep Scotland Beautiful

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

Keep Scotland Beautiful believes that if real progress is to be made in tackling the environmental challenges that face our country then we need to engage individuals, families and local communities in a meaningful way – enabling and empowering them to effectively tackle local environmental issues that affect them on a daily basis can be the first step towards successfully addressing national and global issues.

We welcome the introduction of the Community Empowerment (Scotland) Bill and believe that it can make a positive contribution to empowering communities across Scotland.

The provisions of the Bill should enable communities across Scotland to become more actively engaged in local decision-making and empower them to play a meaningful role in the design, development and delivery of the services that affect their daily lives.

The Bill should generate a positive shift in the relationship between public bodies and the communities they serve, with a recognition the communities have an important perspective to share on their needs and aspirations and increased emphasis on collaborative working.

For example, the proposal that Community Planning Partnerships must consult and engage with the third sector, business and local communities is welcome given that their views should be central to determining local priorities and outcomes.

The challenge for CPPs will be ensuring that disadvantaged communities are equipped to be able to take advantage of any new arrangement for consultation and engagement to participate in the community planning process.

For example the proposal to extend the community right to buy, particularly the introduction of a framework for community bodies to purchase abandoned or neglected land.
This will be especially important in areas where a local community group can demonstrate that they have raised concerns about the neglect or abandonment of a specific site with the owner or relevant public body over a period of time and that no action has been taken.

This would help address a significant environmental blight in communities across Scotland and empower, in conjunction with other provisions in the Bill, local communities to take action to improve their local environment. However, we believe any community body established in this context must be able to demonstrate that it has made appropriate provision for the responsible management of the land in question and fully understands the associated legal requirements and long term implications for them.

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

Keep Scotland Beautiful believes that the Bill should be viewed positively by public bodies as an opportunity to strengthen their relationship with the communities they serve and to ensure that the unique insight of local people regarding their neighbourhood, needs and aspirations is reflected in the design, development and delivery of local services.

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?

We are concerned about the ability of communities across Scotland to make use of the provisions of the Bill to have a positive impact on their neighbourhood or local area.

Although the Bill itself is worthy of support the reality is that its provisions will be more easily accessed, and effectively utilised, by more affluent communities with well-developed civic infrastructure and associated knowledge, skills and expertise.

It is likely that those communities in areas of multiple deprivation will be less able to access and utilise the opportunities afforded by the provisions contained in the Bill.

The Bill itself cannot create or improve capacity in communities across Scotland or equip them with the knowledge, skills and expertise to make effective use of the various provisions to take action to improve their neighbourhood or the services they receive.

To ensure that the Bill has the anticipated positive impact at a local level across Scotland there is a need for the Scottish Government and other public bodies to provide additional advice, support and investment to avoid less affluent communities being left behind.
It is essential that public bodies in general, and Community Planning Partnerships in particular, work with communities to enable them to develop the capacity and capability to take advantage of the opportunities afforded by the Bill.

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?

Keep Scotland Beautiful welcomes the proposal for the National Performance Framework and Scotland Performs to be placed on a statutory basis.

We also welcome the duty that the Bill would place on Scottish Ministers to develop, consult on and publish a set of national outcomes for Scotland, which would be reviewed at least once every 5 years, with regular public reports on progress towards those outcomes.

However, Keep Scotland Beautiful believes that careful consideration should be given to the outcomes identified within the NPF, specifically those that relate to sustainable development and community and environmental wellbeing.

We believe the current set of outcomes relating to sustainability and wellbeing are fragmented and do not allow a holistic view to be taken of either the current position in relation to these outcomes or positive/negative movement.

Keep Scotland Beautiful welcomes the proposals contained in the draft Bill to strengthen community planning and the core duties of Community Planning Partnerships.

However, as stated earlier, the challenge for Community Planning Partnerships will be ensuring that disadvantaged communities are equipped to be able to take advantage of any new arrangement for consultation and engagement to participate in the community planning process.

We welcome the proposal contained in the draft Bill to introduce a framework that allows an appropriate community body, or a group of bodies, where it believes it could help to improve the outcome of a service, to make a request to the public body or bodies that deliver that service, asking to take part in a process to improve that outcome.

We already support joint working between local authorities, other public bodies and local communities to facilitate and support activity to improve local environmental quality.

We believe that the proposed framework would allow this activity to be developed and strengthened in a structured way, enabling a local community group or groups to become
more actively engaged in the planning and delivery of activity that has a direct impact on their neighbourhood and local environment.

We note and welcome that the provisions of this bill amount to a presumption in favour of agreeing to participation requests.

We also note the provision for consideration of the following in the determination of participation requests:

*Whether agreeing to the request…would be likely to promote or improve*-  
- Economic development  
- Social wellbeing  
- Environmental wellbeing.

As these components essentially represent the three pillars of sustainable development, we feel an important opportunity has been missed to embed sustainable development as an underpinning principle of the Bill that is suitably reflected in all of its provisions.

We are also concerned that the potential benefits of this framework will be limited to affluent communities with well-developed civic infrastructure who have the capability to navigate the proposed process which could be considered onerous and overly bureaucratic.

Without the provision of additional support for, and investment in, capacity building it will be difficult for communities in areas of deprivation to take advantage of the legislation to become more actively engaged in the planning and delivery of activity that has a direct impact on their neighbourhood and local environment.

We welcome the proposals contained in the Bill to make changes to the community right to buy legislation and extend the provision to the whole of Scotland.

We particularly welcome the proposal to introduce a framework for community bodies to purchase abandoned or neglected land.

This will be especially important in areas where a local community group can demonstrate that they have raised concerns about the neglect or abandonment of a specific site with the owner or relevant public body over a period of time and that no action has been taken.

This would help address a significant environmental blight in communities across Scotland and allow, in conjunction with other provisions in the Bill, local communities to take action to improve their local environment.
However, we believe it is essential that any community body established in this context must be able to demonstrate that if has made appropriate provision for the responsible management of the land in question and fully understands the long term implications.

Keep Scotland Beautiful notes the proposal contained in the draft Bill that would allow communities to request that ownership of assets in their area owned by the public sector be transferred to enable them to address local needs and deliver community benefit.

Again, we believe it is essential that any community body established in this context must be able to demonstrate that if has made appropriate provision for the responsible management of the asset in question and fully understands the long term implications.

Keep Scotland Beautiful welcomes the proposal to place a duty on local authorities to hold and maintain waiting lists for allotments, and to take steps to provide more allotments if the waiting list exceeds certain trigger points. We support a range of food growing projects in communities across Scotland through funding from the Climate Challenge Fund and advice and recognition from the Beautiful Scotland and It’s Your Neighbourhood Campaigns.

Access to an adequate supply of allotments would enable the work currently being supported at a local level to be maintained and expanded. A number of groups who we have worked with have identified issues in relation to the provision of allotments and their ability to reach agreement on an appropriate lease with their local council.

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?

Our concerns regarding equalities and sustainable development are reflected in our covering letter and in the detail of this response.