Background and context

Social Enterprise Scotland supports the principles of and motivations behind the Community Empowerment (Scotland) Bill. We appreciate the work that The Scottish Government has done so far in bringing the Bill forward, as well as the inclusive process of a wide-ranging and comprehensive consultation. We also recognise the important role of local authorities and community groups in facilitating community empowerment and their work in driving forward this agenda at a local level.

Empowerment is not just a word. It should also be seen in the real world context of improved relationships with neighbours, better physical and mental health, sustainable economic growth, greater individual life chances, in unlocking democracy and in the raising of the ambitions and potential of a community.

While we support many of the provisions contained within the draft Bill we believe that more can be done to improve and strengthen the legislation as we go forward. Community empowerment is part of a longer term process and we see the current Bill as a step in the right direction on this journey.

Many social enterprises across Scotland are already taking practical action to empower communities. It is people in communities who are forming development trusts, community-owned co-operatives and other local social enterprises, to take forward this agenda and drive innovation in areas like Community Shares and regeneration.

Specific provisions in the Bill and potential changes

We refer the Committee to our submission to The Scottish Government consultation on the Bill, as well as the response to the Commission on Strengthening Local Democracy (COSLA and partners) consultation.

We also support and refer the Committee to the joint submission by Oxfam Scotland, Barnardo’s Scotland and The Poverty Alliance, particularly the proposal regarding Participatory Budgeting.

Key points and questions:

- Finance is the key element in driving community empowerment. While we understand that the Bill is part of a wider legislative and regulatory framework, at least some provisions regarding finance should be included in this Bill.
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- Participatory Budgeting is one concrete way to empower communities. Specific ways to operate it in practice can be left up to individual local authorities and local organisations but 1% of CPP budgets should be specified in the Bill.

- There may be scope to include provisions about boosting crowd-funding and Community Shares, without introducing regulation or stifling the organic progress that is already being made.

- As a general principle a far larger proportion, at least 50%, of local authority funds for public expenditure should be raised at a local level than is currently the case.

- Asset transfer - can the Bill cover additional public bodies such as the National Museums Scotland, National Galleries Scotland and VisitScotland and perhaps the SQA and SDS and other smaller bodies?

- Asset transfer - despite the different legal status of universities, is there scope to include universities within the provisions of the Bill?

- Asset transfer - a right of appeal to Ministers is welcome but is there scope for an independent appeals process too or instead?

- Asset transfer - is there scope for a “right to try”, whereby there is a phased trial process for community organisations to take on assets?

- Asset transfer - can we include an “absolute right to buy” for community organisations in certain circumstances?

- Asset transfer - can Community Interest Companies (CICs) be specifically mentioned by name in the Bill, as SCIOs are?

- Community Planning Partnerships - need to recognise the role of and include local social enterprises and community anchor organisations like Housing Associations and Credit Unions.

- Community Planning Partnerships - equality of participation in CPPs e.g. ALEOs and social enterprises should be treated the same. Local authorities (despite an appropriate facilitation role) should not always be “leading”.

- Allotments - change wording to clarify that community organisations and other social enterprises can use allotments to make profit and sell produce for community benefit, so long as they have appropriate asset lock etc.

- General point - there should be serious moves towards hyper-local neighbourhood democracy. Services are best delivered at the most local level possible, with the
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greatest level of democracy possible and by community organisations and social enterprises.

- General point - democracy is not just about elected representatives or local authorities but is also about direct community democracy and community organisations i.e. social enterprises.

- General point - we need to begin the process of a real shift in the delivery of services from the public sector to community control and ownership.

For any questions or enquiries about this consultation response, please contact Duncan Thorp, duncan.thorp@socialenterprisescotland.org.uk / 0131 243 2650.