

Minister for Local Government Empowerment and Planning
Ministear airson Cumhachdachadh is Dealbhachadh
Riaghaltas Ionadail
Joe Fitzpatrick MSP
Joe Mac Giolla Phádraig BPA
Minister for Community Wealth and Public Finance
Ministear airson Beartas Coimhearsnachd is Ionmhas
Poblach
Tom Arthur MSP
Tom Artair BPA



T: 0300 244 4000
E: scottish.ministers@gov.scot

Ms Ariane Burgess MSP
Convener
Local Government, Housing and Planning
Committee
By email: localgov.committee@parliament.scot

12 July 2023

Dear Ariane,

Thank you for your letter of 28 June requesting reflections on progress to help inform the tracker report of the Local Government, Housing and Planning Committee. Given the breadth of issues covered, we are pleased to enclose a joint response to committee's questions in the following annex.

Yours sincerely,

JOE FITZPATRICK

TOM ARTHUR

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE
We invest in people Silver



New Deal

As you will be aware, the Committee has been closely following the progress being made toward a new deal for local government. The Committee believes that the agreement of the new deal is essential and the findings of the Accounts Commission's overview of local government only strengthen that view. The Committee very much welcomes the positivity and drive you have brought to the efforts to establish a new deal and the Committee would welcome any update you can give it.

SG Response

Local and national government signed a landmark agreement, to be known as the Verity House Agreement, on Friday 30 June. The Verity House Agreement forms part of a New Deal with Local Government, and can be accessed in full on our website:

<https://www.gov.scot/news/a-new-deal-with-local-government/>

The Agreement, setting out the way the two spheres of government will work together going forward, was signed by the COSLA Presidential Team, COSLA Political Group Leaders and the First Minister, Deputy First Minister, and the Minister for Local Government Empowerment and Planning.

In addition to the Verity House Agreement, the New Deal with Local Government will include a new Fiscal Framework and a shared programme of work up to 2027 in due course. The New Deal as a whole will better enable us to achieve our shared priorities of tackling poverty, transforming our economy through a just transition to deliver net zero, and delivering sustainable, person-centred public services.

We are committed to building a stronger relationship with local government, with mutual trust and respect at its core. The Agreement is based on the idea that councils know best how to serve the people in their communities and, by giving them greater flexibility over how they use their budgets and regularly reviewing their powers and funding, we can empower them to put that knowledge into practice. The Agreement is just the start of the process and we look forward to working with COSLA and our local authority partners to achieve better outcomes for people and communities across Scotland.

Local Governance Review

While we fully support the current focus on the new deal for local government, the wider ambitions of the local governance review must not be neglected and we have welcomed your commitment to reigniting the democracy matters conversations. The ambitions expressed at the outset of the local governance review must be realised and power, responsibility and resources devolved to the most local level. We would be grateful if you could provide the Committee with more detail on the timescales for the democracy matters conversations and what their focus and format will be.

The Committee has been exploring issues around both community planning and community councils. We look forward to receiving your response to the Committee's report on community planning. The Committee will also be continuing its work looking at community councils and would welcome your thoughts in that context on the role you envisage for community councils.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

SG Response

The Scottish Government remains committed to the principle of subsidiarity and ensuring that decisions are taken as close as possible to the people they most affect. We're pleased to confirm that the *Democracy Matters* national conversation will resume on 28 August as part of the Local Governance Review (LGR). The engagement process will last for 6 months, providing communities of place and interest an important opportunity to have their say on the future of decision-making in their towns, villages and neighbourhoods.

Over 4,000 people from diverse backgrounds got involved in the first phase of the conversation. Overwhelmingly, people told us that they want more local control and influence over decisions which directly affect their community. We will now ask communities to consider a broader set of questions to help us understand what this control should look like in practice and how to ensure any new arrangements benefit all communities. The questions found at the following link will all feature in a refreshed discussion document: [Local Governance Review - Democracy Matters Phase 2 \(www.gov.scot\)](https://www.gov.scot/publications/local-governance-review-democracy-matters-phase-2/discussion-document/pages/1-introduction.aspx).

We are working closely with COSLA and the community sector to mobilise the next part of the conversation. Close involvement of key stakeholders such as community councils, Community Planning Partnerships, Third Sector Interfaces and equalities groups will help to ensure that engagement is widespread and highly inclusive. Most of all, we want to hear from as many communities as possible and hope that local groups will once again choose to host their own *Democracy Matters* events. Support for communities will include a facilitation guide, easy read version of the discussion document and a small grants fund to cover the cost of hosting a conversation. In addition, the Scottish Community Development Centre (SCDC) and Development Trust Association Scotland (DTAS) will host events in locations around the country where they will provide community development based facilitation. We also expect this element of the conversation to feature a national on-line session which will bring together different conversations from across geographies and provide an opportunity for people to get involved who are unable to attend a local event in person.

The committee specifically asks about the role of community councils. As already noted, we look forward to the vital contribution which community councils can make to the *Democracy Matters* conversation. The Scottish Government recognises the important role of community councils in bridging the gap between local authorities and communities and to help raise awareness of the opinions and needs of the communities they represent. Since 2013, we have provided annual funding to the Improvement Service (IS) to continue their support for community councils. This support has been critical in strengthening the networks for both community councils and Community Council Liaison Officers (CCLOs) and developing the national website, which provides a central platform for news, resources and tools.

In 2023, IS have been funded specifically to coordinate and update the Model Scheme of Establishment for community councils and four associated documents, in collaboration with the Scottish Government, SCDC and COSLA. These documents include: the Good Practice Guidance, Code of Conduct, Model Constitution and Standing Orders. Updates have been made to reflect direct feedback from community councils and key changes since 2009, such as reference to the National Planning Framework (NPF) 4 and digital engagement. These refreshed documents are scheduled to be published in September 2023.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE
We invest in people Silver



Understanding Barriers to Local Elected Office

The Committee is continuing to pursue its work in relation to understanding barriers to local elected office. The Committee has recently published letters from political parties where they have set-out how they are seeking to improve the diversity of their candidates at local elections. The Committee welcomes the re-establishment of the Scottish Local Authorities Remuneration Committee and looks forward to considering its findings. In the meantime, the Committee would welcome any further reflections you might have on how the local governance review is considering the diversity of councillors in its efforts to renew local democracy.

SG Response

The remit of the LGR is to consider how power and resources should be shared between national and local government, and with communities. While this does not involve specifically considering the diversity of councillors, one of the many potential benefits of strengthening local decision-making is attracting a bigger and more diverse group of people to stand for local elected office.

As noted in the response to the previous question, the *Democracy Matters* engagement process will begin later in the summer. The discussion document provides an outline of possible new arrangements for democratic decision-making at community level. These outline arrangements place an emphasis on the diversity of representation in any new community decision-making bodies and participation of the wider community in decision-making processes. The discussion document specifically asks people to provide views on how new decision-making bodies could be made to be truly representative of the local community and the type of selection methods which could enhance equality.

This emphasis reflects what people told us during the first phase of engagement about the importance of involving diverse interests in decision-making and ensuring the voices of those with protected characteristics have real influence within democratic systems and processes. It is essential that equalities considerations are designed-in to any new arrangements and we are committed to taking a human rights based approach to policy development. We heard from people from a wide-range of backgrounds during the first phase of the *Democracy Matters* discussion and will once again promote the conversation across equalities interests and work closely with organisations such as the Children's Parliament, BEMIS, and Glasgow Disability Alliance.

Community Empowerment (Scotland) Act 2015 – post legislative scrutiny

As noted earlier, the Committee has published its report on its post-legislative scrutiny of Part 2 of the Act and looks forward to your response in relation to that. Last year the Committee published its report in relation to Part 9 of the Act. We would be grateful for any update the Scottish Government could give on how it is responding to that report and providing the leadership role the report envisages for the Scottish Government.

We appreciate that a review is ongoing of the Community Empowerment Act, but we would be grateful too if you could provide the Committee with any update on progress in relation to Parts 3 and 5 in particular, which were looked at by our predecessor committee. We understand that these matters fall within the responsibility of the Minister for Public Finance and Community and we have accordingly copied this letter to him.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE
We invest in people Silver



SG Response

As noted by the Minister for Environment and Land Reform when meeting with the Committee earlier this year, local growing is very important to the Scottish Government. We have taken on board all the recommendations made by the Committee following the review of Part 9 and, although the current resource constraints facing both local and national government budgets will likely result in progress made against the recommendations being slower than community growing and allotment stakeholders, as well as the Scottish Government itself, would like, we remain fully committed to making progress where we can over the months and years to come.

Since the publication of the Committee's report, steps have already been taken to respond to, and provide the leadership role the report envisages for the Scottish Government. A survey of local authorities was recently undertaken to identify the current contact point for allotment services and to determine the current position of each local authority with regards to meeting their legislative duties relating to publication of Food Growing Strategies and annual allotment reports. The results of this survey will allow the Scottish Government to identify potential ways to support and empower local authorities to encourage the publication and/or review of Food Growing Strategies. The survey also provided an opportunity to gather thoughts from local authorities on the possibility of an ongoing data collation and/or the creation of a standardized annual allotment report template, as suggested by the Committee.

Officials will soon be undertaking a review of funding currently awarded to support the delivery of community food growing projects. This review will provide an opportunity to ensure the funding is providing value for money, particularly important in these times of budget restrictions, as well as taking into account the recommendation that funding grants need to balance the need to fund innovation with the importance of sustaining existing community projects that have already demonstrated their value.

The review of the Community Empowerment (Scotland) Act 2015 was launched on 22 July 2022 at the Loch Ness Community Hub, Glenurquhart by Tom Arthur, then Minister for Public Finance, Planning, and Community Wealth. Since the review was launched, Scottish Government has taken a range of actions to progress the review of part 3 (Participation Requests) and part 5 (Asset Transfers) which will contribute to the work of the overall review. These actions include:

- asking SCDC to explore part 3 (Participation Requests) with their stakeholders and community groups, and to provide comment on its operation including the potential need for an appeals system. SCDC has established a working group from their networks including community councils; community organisations; academic partners; and local authority representation. The working group is looking at the current implementation of part 3 and what changes are required to improve the process. They are also considering changes to Scottish Government guidance on participation requests, and looking at the potential for introducing an appeals system for participation request legislation, and how one could work.
- asking the 77 Public Service Authorities (PSAs) concerned with Participation Requests in June 2022 and again in June 2023 at annual reporting time for their comments on the operation of part 3. Both enhanced annual reporting templates included an additional section on the review and asked the PSAs for their reflections on the legislation, how it was working, and what needed to change. We expect data for both years to be limited given

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

the low numbers of Participation Requests involved, however we will collate these responses and will summarise findings in the context of the final review report.

- working with SCDC to plan 2-3 jointly hosted community workshops during August/September 2023. These workshops will be held in person and will focus on community groups experiences of Participation Requests to ask what is working well with current legislation and what needs to change. Venues are still to be agreed, and we will look to maximise opportunity for everyone to attend. These workshops are in addition to the existing workshops currently being hosted by SCDC with their networks of partners and community groups which are focusing on the legislation and the potential need for an appeals system for Participation Request legislation.
- asking the Community Ownership Support Service (COSS) to comment on part 5 (Asset Transfers) and to report on their operation with particular reference to local activity and their impact on tackling inequalities. We have also joint funded a two year pilot exercise with COSS in Barmulloch, Glasgow (for the first year) to look at an anchor hub model of support for local groups engaging with the asset transfer process. The findings of this work in 2021-22 will be added to the second year of the pilot which was extended to Inverclyde in 2022-23.
- asking COSS to analyse the six years data on asset transfer that is available to date and to provide a clear picture on local activity levels and implementation. COSS has taken on a researcher to carry this work out on our behalf who will comment on areas of good practice; increases and decreases in activity; and areas of little or no activity. This work will help us better understand how local activity levels are impacting the policy at a national level.
- asking the 95 Relevant Authorities (RAs) concerned with Asset Transfers in June 2022 and again in June 2023 for their comments on the operation of part 5. Both enhanced annual reporting templates included an additional section on the review and asked the RAs for their reflections on the legislation, how it was working, and what needed to change. We will share data gathered with COSS to be included in the review of local activity levels being conducted.
- working with COSS to plan a series of jointly hosted community and relevant authority workshops for asset transfer which have already begun and are due to complete in October 2023. The first workshop was held on 8 June 2023 in Dumfries and was attended by community organisations and local partners including the Third Sector Interface and the Local Authority. Subsequent in person community workshops are planned in August/September 2023 once the school holidays end in Inverness, Dundee, and Edinburgh, although venues are still to be agreed. An online workshop for all 95 relevant authorities is planned for September 2023, and we are also exploring co-hosting an in person event with local authorities in South Ayrshire in August 2023.
- working closely with Scottish Government Analytical Services on understanding and presenting the data collected, and with Scottish Government Legal Division on what legislative changes can be achieved within the scope of the review and their impact.
- asking our policy colleagues concerned with the other parts of the Community Empowerment (Scotland) Act 2015 that are subject to the review to provide quarterly

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



updates on progress and impact of their work into the review. These updates will be collated and will form part of the final report on the review of the Community Empowerment (Scotland) Act 2015 which is expected later in 2023.

NPF4

The consideration of NPF4 has occupied much of the Committee's time so far this session. We appreciate it is too early to assess the extent to which its ambitions are being realised. We would, however, welcome an indication of what you are doing to ensure that we have sufficient planners with the necessary skills to give full effect to NPF4. Moreover, we would welcome your reflections on what you are doing to ensure that NPF4 is sufficiently joined up with other Scottish Government strategies such as Housing to 2040 and Local Outcome Improvement Plans. We look forward to considering NPF4 in more detail with you in the early part of next year.

SG Response

National Planning Framework 4

We continue to receive good feedback from stakeholders on the ambition and content of National Planning Framework 4 (NPF4) and were delighted to receive a national planning award recognising its contribution to addressing climate change.

We are making good progress in implementing the Delivery Programme, including the publication of the Local Development Plan Guidance, the launch of the Phase 3 Permitted Development Rights consultation and the first meeting of the Planning, Infrastructure and Place Advisory Group. We continue to engage with Ministers across portfolios to explore shared areas of interest and ensure activity is effective, proportionate and joined up. The Minister for Local Government Empowerment and Planning will write to you following summer recess with the next iteration of the Delivery Programme.

Having a pipeline of talented and skilled planners is essential to realise the ambitions of NPF4. We have committed to funding 10 bursaries for students undertaking post graduate planning education in Scotland in the coming year and we continue to work with Heads of Planning Scotland, the Royal Town Planning Institute, the planning schools and other key stakeholders to take forward the medium and longer term recommendations of the Future Planners report. We are very supportive of this package of measures to help build professional capacity including by supporting new routes into the profession.

It is important to ensure we understand the pressures faced by the planning service and we will continue to work with the High Level Group on Planning Performance and the Applicant Stakeholder Group to drive forward improvement.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver

