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Dear Ariane,

Thank you for your letter dated 22 January 2024 requesting clarification on the Scottish Government's current position on issues relating to community engagement and empowerment, as well as the progress of the Local Governance Review. I have set out my response to each of the points raised below. The LGR is a joint review between Scottish Government and COSLA, as such, the response to this section has been discussed and shared with them in advance.

Local Governance Review

Democracy Matters is a key part of the review and comprises of the first phase of widespread public engagement which set out the ambition for reimagining community led decision making by our communities. The second phase of engagement, which will conclude at the end of February seeks views through public consultation on the types of governance arrangements that would meet the needs and aspirations of communities themselves. Independent analysis of the submissions received will be completed by the Spring.

To broaden the range of voices that get involved in Democracy Matters conversations, we have worked closely with a wide range of partners to encourage communities of interest and place to get involved. Support has included individual grants of up to £300 for community groups to help cover the costs of hosting their own conversation. The fund closed on 26 January having allocated grants which will support the involvement of over 1,400 people taking part in Democracy Matters events around the country. Ensuring that Democracy Matters has a strong equalities focus has also been a priority. The Children's Parliament, Black and Ethnic Minority Infrastructure Scotland (BEMIS), Glasgow Disability Alliance (GDA), Making Rights Real, The Poverty Alliance and the Forth Valley Sensory Centre are all leading targeted engagement with their members and wider networks to ensure the process includes people who may otherwise not have had the opportunity to have their voice heard.

I look forward to publishing the findings report with COSLA later in the Spring and will be happy to update the Committee as we begin to set out how we will respond to what communities have asked us to do.

In terms of an update on wider work which will help deliver the objectives of the LGR, the interest from the local authorities in Orkney and Western Isles to move towards single authority type models creates an opportunity to respond to the unique challenges and opportunities of islands life. The Minister for Local Government Empowerment, and the Minister for Social Care, Mental Wellbeing and Sport will visit the Western Isles in March, when they will hear more about how the single authority model might operate and the benefits this can bring for local people. A request has also been received from local government and health and social care partners in Argyll and Bute to develop a model that is right for their circumstances; this demonstrates the wider interest in what I believe can be a transformative place based reform.

More widely, COSLA and the Scottish Government remain in proactive discussions regarding a new fiscal framework which, along with the commitment to establish the European Charter of Local Self Government into Scots Law, will help shape the work in the fiscal and functional empowerment strands of the review.

Community Councils

In your letter, you raised concerns about a lack of uniformity across local authorities in establishing Community Council complaints processes. With around 1,200 active Community Councils across Scotland, local authorities have taken different approaches to suit local needs. It is for local authorities to develop a clear complaints procedure in collaboration with Community Councils, however, the Scottish Government does fund work to support them.

We currently fund the Improvement Service to work with and support Community Councils, which includes providing online resources and hosting Community Council Liaison Officers (CCLO) networking events. How to deal with complaints is one of the issues that is often considered and these events provide opportunities to share best practice, which includes examples of good complaints procedures. We will continue to engage with CCLOs to promote good practice and work alongside COSLA and local authorities to support community councils engage effectively in an open, transparent and inclusive manner.

Review of the Community Empowerment Act

Work to review the Community Empowerment (Scotland) 2015 has also taken place over the last 18 months, with a particular focus on community ownership and strengthening decision-making to improve outcomes for local communities. The Act spans a number of policy areas and ministerial portfolios, therefore each part is being reviewed in ways that reflect its particular circumstances. The review will consider what the legislation has achieved to date and how it might be strengthened or improved in the future.

We aim to publish a report, setting out our initial findings, during summer 2024. I will be happy to update the Committee once a publication date is confirmed and to provide further details on next steps. Meanwhile, as requested, an update for parts Part 2 (Community Planning), Part 3 (Participation requests) and Part 5 (Asset transfer requests) Part 9 (Allotments) is included at **Annex A**.

I hope you find this information helpful.

TOM ARTHUR

**Community Empowerment (Scotland) Act 2015 Review
February 2024 Update for Parts 2, 3, 5 and 9**

A summary of the activity that has been undertaken as part of the review in relation to the parts the Committee requested an update on.

Part 2 (Community Planning)

Joe FitzPatrick, Minister for Local Government Empowerment and Planning has portfolio responsibility for Part 2 Community Planning.

The Scottish Government is continuing to consider the committee's post-legislative scrutiny of Part 2 of the Act. This work aims to identify and understand what elements of community planning are effective, what elements are less effective and how partners can support improvements together, and where it sits within the context of the Verity House Agreement and wider public service reform programme.

In Mr FitzPatrick's response to the committee's report we noted that some recommendations require further consideration and indicated that the Scottish Government would engage further with partners to agree a shared approach. This work is ongoing and officials are currently working closely with COSLA, the Community Planning Improvement Board and the Community Planning Network to further consider how to improve the sharing of best practice to reduce variation in performance, how to streamline governance and accountability, and where specific updates to guidance would be most useful.

Officials will continue to work with partners to agree and progress specific actions in response to the committee's recommendations. This will inform the review of the whole Community Empowerment (Scotland) Act 2015

Part 3 Participation Requests

The Scottish Government is continuing to evaluate participation requests (PR's) and have asked Scottish Community Development Centre (SCDC) to provide a report on the operation of the legislation. They are currently finalising this work and we will receive their findings soon. We also asked researchers based at Glasgow School of Art Innovation School to conduct a data analysis of PR activity and their report is being finalised and will help our understanding of how PR's are landing locally.

Two online workshops were held in late 2023 to capture local views including from community groups and public bodies. The Scottish Government provides funding to SCDC who conducted an online survey on the use of PR's in 2023 that had 238 respondents from almost every local authority area in Scotland. Results are still being analysed and will form part of the overall review findings. SCDC also convened a short life working group of community and public body representation to look at the implementation of PR's and to explore the feasibility of an appeals process. They have developed an online PR resource pack which has trebled its users since March

2023, now with over 1400 users. The resource includes detailed advice on PR's and SCDC has also developed accessible easy read, braille and BSL materials.

Part 5 Asset Transfers

The Scottish Government provides funding to the Community Ownership Support Service (COSS) to deliver a national programme for asset transfer activity in Scotland. They have been contributing to the review via their networks of community organisations and public authorities to gather information and data on the application of asset transfer legislation and have provided a report to Scottish Government in October 2023. COSS were also asked to conduct a data analysis of the six years data available on asset transfer to better understand local activity levels.

During 2023 Scottish Government and COSS facilitated community consultation sessions on asset transfer activity as part of the review. Workshops were held in Dumfries in June 2023, Newhaven in September 2023, and Inverness in October 2023. During the last 2.5 years with support from Scottish Government, a 'Hub and Spoke' pilot has been undertaken by COSS and Barmulloch Community Development Company (BCDC) to explore support mechanisms in disadvantaged areas. As a result of this work, 11 groups have been directly supported to progress their plans for ownership/leasing of assets with the Hub and Spoke pilot playing a highly significant role. The Scottish Government Learning from this work will be valuable for the review and help inform responses following the conclusion of the review of the Community Empowerment Act. The National Asset Transfer Action Group has also considered Part 5 to determine whether is fit for purpose or any changes need to be made.

Part 9 Allotments

Jim Fairlie, Minister for Agriculture and Connectivity has portfolio responsibility for Part 9 Allotments.

Whilst not specifically a part of the wider Community Empowerment Act review, officials will use the overall review to highlight ongoing work in relation to Part 9. This will include linking to the Committee's findings and further work undertaken as a result of their recommendations. Good Food Nation officials continue to explore alternative ways to support local authorities to meet their legislative requirements under Part 9, as well recommendations from the Committee, outlined in the inquiry report of 5 October 2022, which are within the Scottish Government's competence. This has involved identifying the most appropriate point of contact in each local authority for allotments and Food Growing Strategies. Our focus has now moved to arranging workshops which will provide an opportunity to share good practice and information exchange amongst local authorities, specifically in relation to Part 9. Discussions to determine the value and need for a local authority partner forum will take place at the proposed workshops.