



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

LOCAL GOVERNMENT AND REGENERATION COMMITTEE

Wednesday 8 October 2014

Session 4

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CONTENTS

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COMMUNITY EMPOWERMENT (SCOTLAND) BILL: STAGE 1 1

LOCAL GOVERNMENT AND REGENERATION COMMITTEE
25th Meeting 2014, Session 4

CONVENER

*Kevin Stewart (Aberdeen Central) (SNP)

DEPUTY CONVENER

*John Wilson (Central Scotland) (Ind)

COMMITTEE MEMBERS

*Cameron Buchanan (Lothian) (Con)

*Mark McDonald (Aberdeen Donside) (SNP)

*Stuart McMillan (West Scotland) (SNP)

*Anne McTaggart (Glasgow) (Lab)

*Alex Rowley (Cowdenbeath) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Teresa Aitken (Glenboig Neighbourhood House)

Alice Bovill (St Mary's Centre Dundee)

Ryan Currie (Reeltime Music)

Martin Doherty (Volunteer Scotland)

Linda Gillespie (Development Trusts Association Scotland)

John Glover (Community Land Advisory Service)

John Hosie (Dundee City Council)

Archie MacGregor (Scottish Water)

Dewi Morgan (Old Aberdeen Community Council)

Robin Parker (Barnardo's Scotland)

Maggie Paterson (Community Learning and Development Managers Scotland)

Judith Proctor (NHS Grampian)

Alan Thomson (Scottish Water)

Yvonne Tosh (Douglas Community Open Spaces Group)

CLERK TO THE COMMITTEE

David Cullum

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Local Government and Regeneration Committee

Wednesday 8 October 2014

[The Convener opened the meeting at 09:32]

Community Empowerment (Scotland) Bill: Stage 1

The Convener (Kevin Stewart): Good morning and welcome to the 25th meeting in 2014 of the Local Government and Regeneration Committee. I ask everyone present to switch off mobile phones and other electronic equipment, as they may affect the broadcasting system. Some committee members will refer to tablets during the meeting; that is because we provide papers in a digital format.

Our first item of business is our third oral evidence session on the Community Empowerment (Scotland) Bill. Three panels will give evidence. I welcome the first panel. Archie MacGregor is land and property development manager at Scottish Water; Alan Thomson is head of corporate relations at Scottish Water; John Hosie is community regeneration and health manager at Dundee City Council; and Judith Proctor is corporate lead integration and general manager in Moray community health partnership, NHS Grampian.

A representative from North Lanarkshire Council was supposed to be here but, unfortunately, that representative pulled out of the session at the last minute. I am extremely disappointed by that.

Do the witnesses have any opening remarks that they would like to relay to the committee? As they are shaking their heads, we will move on.

I will start with a simple question. Why are the proposed new powers necessary? Do you think that there will be changes in current practice? Ms Proctor, would you like to start, please?

Judith Proctor (NHS Grampian): Yes. Thank you. Good morning.

NHS Grampian very much welcomes the proposals in the Community Empowerment (Scotland) Bill, in particular the opportunities that we see in the provisions for us to engage deeply with communities and co-create sustainable services for the future. However, in common with some of the other submissions that the committee has received, we note that engagement goes so far, and we see a lot of the opportunities through, for example, the locality working that is allowed

through the Public Bodies (Joint Working) (Scotland) Act 2104 to really co-produce services with people. We had hoped for further clarity on that.

We think that the opportunities in the bill are significant. We recognise some of the potential challenges for us in delivering on them, but the potential in the proposals for communities and people across Scotland to really engage with public services and help to co-produce them is significant.

Archie MacGregor (Scottish Water): Scottish Water is also very supportive of the bill, and of giving communities the opportunity to submit asset transfer requests in particular. One of the reasons why the bill is needed is that the existing framework in which public bodies operate is a very formal process in which asset transfers can happen only at market value. There is no existing guidance as regards leases or arrangements in which communities can come forward and make use of assets or apply for their transfer. The only other thing in operation is the community right to buy, which, of course, applies to rural areas at the moment. A broadening of the principle for communities to get involved is to be welcomed.

The Convener: I am not fully aware of the rules and regulations that would apply to Scottish Water, but obviously an asset can be sold for less than its market value from other public bodies if there is ministerial approval for that sale. Would that apply to Scottish Water, too?

Archie MacGregor: That is correct, but the bill will provide much more of a framework that will give confidence to officers to deal with requests from communities.

The Convener: I wanted to clarify whether the rules that currently apply to other public bodies apply to Scottish Water, too. That is useful. Thank you.

John Hosie (Dundee City Council): The bill is welcome, because it endorses many people's aspirations to see more empowered communities. That is positive. There are many diverse opportunities. There are challenges particularly in some areas of greatest deprivation in the support levels that are required to help groups to evidence need and consult within their communities, and the support role of others to help them to go through the process, acquire an asset and sustain it. Those challenges should not be underestimated.

The Convener: Okay. Out of general interest, Mr Hosie, your job title is community regeneration and health manager. Are you funded jointly by the council and NHS Tayside?

John Hosie: No. I am funded fully by Dundee City Council.

The Convener: Okay. That is also useful.

Anne McTaggart (Glasgow) (Lab): I thank Mr Hosie for what he said, which leads me on to the next question.

You have illustrated the fact that some of our communities do not have the capacity to take advantage of the provisions in the bill. What will your organisation do to assist those communities?

John Hosie: In Dundee, we have a well-established structure for the co-ordination of local community planning. In the eight multimember wards, we have local community planning partnerships, which are chaired by a first to third-tier officer of the council and involve elected members, council departments, the national health service, the police, fire and rescue, and up to six local people who are representatives of key community organisations. Therefore, we have a strategic mechanism in the city that will assist when we are raising awareness of matters to do with asset transfer.

In the area of work for which I am responsible—community regeneration—there is a direct link with the staff who are under my management and who have roles in capacity building across a diverse range of community groups. A multi-agency approach that reflects our partnerships is probably key to that. However, we do not see ourselves doing anything different in principle from what we currently do. The bill just gives that a very different dimension.

The Convener: Does Scottish Water want to comment?

Alan Thomson (Scottish Water): Support for communities would be wide ranging. An example could be fisheries groups and reservoirs. Some community groups would like to buy a reservoir, but the on-going maintenance of the reservoir might not be defined as being in those groups' best interest. We would look to work and negotiate with them. If the reservoirs are redundant—one in particular is used for unemployed people, wellbeing and a number of other initiatives—we would need to enter into a longer-term lease, so that if the reservoir was sold, the lease would go with it.

There is a range of things that we can do to work with communities.

Anne McTaggart: What would you do proactively to encourage community members?

Alan Thomson: In the example that I gave, we have an involvement with the fisheries group. We have dialogue with it and there are on-going leases. If something was going to happen with the reservoir, we would look at the longer term.

We have community managers across the country who liaise with property colleagues.

Judith Proctor: I will build on some of the comments from my colleagues on the panel. The bill's provisions will enable us to make more of an impact with the work that we do to engage with communities and build capacity. NHS Grampian has responsibility for layers of public health through the organisation and, within community health partnerships, we have responsibility for community wellbeing and health improvement at that level. Those are the resources that we would apply—and are already applying—to building capacity in communities to participate in our work and co-create services in the future.

NHS Grampian has a duty as a partner in local community planning partnerships, of which there are three in the north-east and Grampian, to engage with communities.

The committee will be well aware of the key elements in the Public Bodies (Joint Working) (Scotland) Act 2014, including the creation of bodies corporate—the integrated joint boards. We will have to set out in our integration schemes how we will engage with and encourage communities to participate. In our submission to the committee, we pointed out the need to ensure that we are aligned with those things, rather than working in two parallel processes, so that we can maximise our input.

Strategic plans are significant vehicles for engaging and working with communities, particularly at local level. They can begin to address some of the challenges that we see around some communities of interest being better able than others to take part. The opportunities in the 2014 act for us to focus on localities might enable us to target some of that work at deprived or disadvantaged communities.

As a public body, we have been undertaking a lot of work under policies such as reshaping care for older people. There are opportunities in that work to build on the engagement and continue dialogues that we have with our communities on shaping services.

The Convener: I am going back to yesteryear, Ms Proctor, in a deprived community in Aberdeen. NHS Grampian came out to consult on local health priorities. The folks there—surprisingly, for me—said that their main priority was mental health. NHS Grampian's priority was to get folk off smoking. A fair number of members of the community gave their view, but mental health did not feature in NHS Grampian's priority list.

Have things changed since then, or do some organisations pay lip service to consultation and forget the views that are expressed by communities?

09:45

Judith Proctor: That is a good question. There could be tension between engagement with communities and the statutory obligations and targets to which some public bodies are subject. The challenge for us all—for policy makers and public bodies—is to balance the rights, responsibilities and opportunities in communities with the other priorities.

In our response to the consultation on the bill, we pointed out the challenge that arises when some of the tensions become apparent, such as when there are requirements for major service change. A community might have given a clear signal on services and change, but tension might arise because that is seen as a major service change, which might be a political challenge locally and nationally.

The task is challenging, and engaging with communities can be challenging. There can be more than one view, so we must balance that by being clear in our approaches and in our way of working that we are listening to all voices.

The Convener: The committee has in recent times gone round the country to talk to folks about various issues. I understand that engagement can be challenging, but I feel that common sense sometimes does not come into play. To return to my example, if folks have a lot of mental health problems that are not being addressed, they are hardly likely to be able to give up smoking. Smoking might be the only thing that is keeping them going.

I know that others set targets and priorities, but going out and speaking to folk to get their opinions should not be a pointless exercise. Common sense dictates that targets will not be met unless other issues are addressed. Participation requests will give folks more ability to influence decisions. How will that make a difference? How do we bring common sense into play?

Judith Proctor: Common sense involves understanding what our communities want. Engagement involves having a genuine dialogue. As an NHS board, we must be clear with our communities about the elements of service that we can provide and the resources that we have to do that. There are examples of participatory budget setting that get us into that productive dialogue.

No public body can do everything that it might want to do or everything that a community or individuals in a community might want to do, but we can genuinely discuss what people want, what their priorities are and what our challenges, targets and statutory duties are. We can find a pragmatic way forward to deliver on all those aspects as far as we can.

That approach involves a shift in how we work and how we all think. Such dialogue does not happen quickly; it takes time to build trust in communities where we might not have done that before. It is important to take time to do that.

Alex Rowley (Cowdenbeath) (Lab): Given that everyone on the panel welcomes the bill, I will ask about participation requests, which I am trying to get my head round. What is your understanding of them? Do you have practical examples of when community organisations could come along with a participation request? If we are trying to explain the term to community groups, what does it mean?

John Hosie: In Dundee, we are in the early stages of the journey. We will accommodate and incorporate participation requests in the future. We will help groups to see their right to make such requests.

We have had no requests yet, but we are prepared to refine our strategy once the bill is implemented. We will make local groups aware of the opportunities.

The Convener: Will you expand on what happens now, without the bill in place, if a community comes to you and says, “We don’t think this service is being delivered right. We want to know the thinking behind the delivery and the budget that has gone in”? If a community wants to influence something, how does it do that at present, without the bill? It would be interesting for the committee to hear your views on that.

John Hosie: We have a part-time asset transfer co-ordinator post. It has only been in place since December last year and it is only 10 hours a week, but it is the first point of contact for most groups and organisations. We have tried to raise awareness, and that person has done a lot of groundwork to help groups to see what is coming. We have our information posted online and we are increasing that information and directing community groups to it.

In short, if we are approached by a community group, we will sit down with it, talk through the issues that it sees as local priorities and work out ways of taking them forward. Things can come to nothing, or they may go through a process. I do not know whether that answers the question.

The Convener: Okay. I ask Scottish Water to comment, please.

Alan Thomson: We deal extensively with communities across the country. A lot of that is to do with our capital programme and the delivery of services for customers. We have a structure within our business whereby we have regional community managers and they work with our capital and delivery teams, but we also issue contact details to local councillors and MSPs and

we have a public affairs department. We try to have as many open channels as we can for customers to approach us. We will engage with them in the community because we want to do something, but equally there is engagement back into Scottish Water.

When we get requests, we liaise across the business with our land and property departments to move them forward and we enter dialogue and negotiation with people to see what can be done.

Judith Proctor: I do not think that NHS Grampian has a formal process of the sort that the bill supports for dealing with such requests. However, working alongside communities happens through our community health partnership structures and direct requests to the board, particularly related to specific services.

I can certainly imagine requests for participation where service change is proposed, and there will be examples of that throughout the NHS in Scotland. When we remodel or redesign services, patient groups will want to be involved in the design of those services and we will seek to involve them in that. The same potentially applies where we are looking to remodel or change building-based services.

I can certainly see where requests for participation in those things would come through, and there is an opportunity to have a formal process around that. Such a process would hopefully make it much easier for communities to understand how they can engage. I imagine that, at present, it feels quite complicated and people may not know where to approach a board in order to participate in service change.

Alex Rowley: I am trying to get at whether organisations have properly thought through the participation request process. My reading of it is that a local organisation could look at, for example, the community planning partnership in its area. If it has an outcome to improve health and wellbeing through healthy eating and exercise but a local body thinks that it is not doing that too well, it could come along and say, "We want to get involved in the delivery of this service. We could have healthy eating classes and engage people better than you are doing. The local football team can get involved in running sport and leisure to increase people's fitness, and the outcomes will be that people will eat more healthily and be fitter. That's in line with the strategic plan. We want to deliver that, and we're placing a request."

How will you deal with that? That is my understanding of what could happen if the bill that you have just welcomed is passed.

Judith Proctor: Yes. That is a really good example of how the formal participation requests would operate. From a board and community

health perspective, that is exactly the sort of partnership working that we have been looking to develop in CHPs and will look to develop even further through public bodies work and the integration work in which we are involved.

We will also look to develop it with localities by getting community groups to take part in those processes and take on those services to help us to achieve the outcomes. That must be the ideal for all of us so, as public bodies, we will need to create the formal routes through which we can make known to our communities how they can avail themselves of those opportunities.

Alex Rowley: One of the criticisms of the community planning partnerships is that the third sector and others feel excluded. The partnerships are basically run by the local authorities and the next big partner is the NHS. The idea of the participation request is that community organisations could come forward and demonstrate that they could achieve certain outcomes. Therefore, the relationship would have to change. It would not simply be about them being in there to do something; they would have to demonstrate it.

How geared up are you for that? Would it mean significant change within your organisation if community organisations took a greater role in the delivery of services? What would it mean for your organisation? Are you equipped for that right now?

The bill says that, if the community organisations can demonstrate that they will achieve the outcomes,

"The authority"—

the local authority, health authority or whoever it is—

"must agree ... unless there are reasonable grounds"

not to do so. What is the definition of "reasonable grounds" and should there be an appeals process for that?

How geared up are you to make the shift if a community group comes along and says that it could achieve certain outcomes? That would be a significant shift.

Judith Proctor: It involves a shift in the way that we think, but it builds on work that we have been trying to achieve through community health partnerships and local work that has been happening under the umbrella of community planning for a number of years. The third sector—the private sector, too, but particularly the third sector—is key to us being able to deliver that. The roles of the developing third sector interfaces are really important and, although we need to build capacity in communities for participation requests,

we also need to support our emerging third sector interfaces to build some of that capacity locally.

My focus on health and social care integration leads to my response to your question about getting geared up for participation requests. The gearing up will be the work that we, under the legislation on integration, will do in defining our localities and how we engage with them and encourage them to participate. It will give us a clear approach to working with the resources and assets that are in a local community to shape services.

I am not sure whether that answers all your points.

Alex Rowley: I noticed that Scottish Water did not say much about outcomes. How good are public bodies at clearly defining outcomes and organising services and budgets based on the outcomes that they are trying to achieve? How good are they at measuring outcomes and how do they report them?

Alan Thomson: Scottish Water's outcomes are heavily measured. They are based on ministerial objectives. The business plan for 2015 to 2021 that has just been announced was formed after extensive consultation with customers, the customer forum and our regulators—the Scottish Environment Protection Agency and the drinking water quality regulator for Scotland. However, that business plan included what customers want on a range of things—water quality, waste water and flooding—more than it has ever done. That was balanced against what customers want to pay for those services.

I am delighted to say that the plan has just been agreed. It will provide considerable benefits for our customers. We are the only utility in the United Kingdom to agree that our prices will be fixed at 1.6 per cent until 2018, so we are giving customers price stability with a range of outcomes that we need to achieve throughout the country. Those are measured and targeted by regulators and they are agreed in a package of measures. That is, broadly speaking, how the water industry works.

10:00

On your point about how we engage communities in our business plan, I think that every organisation always has to be open to new opportunities and should not close things down. The point that was made about common sense is very apt. We have to remain alert to opportunities to work with communities, partly because of what we want to get out of that. At the end of the day, we need to do certain things in our capital programme and we need to engage with communities. It is not just a case of dig, dig, build,

build and everybody should be grateful. We have to engage meaningfully with our communities to ensure that, when we arrive to make improvements, we do that in a collaborative way. When we work with sensitive communities where we have gone in before, we try to learn from the experience and get a better outcome for our customers.

The Convener: Let us look at an apt example for Scottish Water. You have talked about all the engagement that you do with the regulators and Government, the ministerial targets and all the rest. Let us look at Aberdeen, where there have been flooding difficulties in the merchant quarter and the area of the city known as the Green. Businesses and residents there have had real difficulty in understanding what Scottish Water has been doing to resolve the difficulty. If, after the bill is enacted, those folks decide that they have had enough and they put in a participation request to try to influence change—maybe in the capital plan or in what you are doing to resolve their difficulty—how do you deal with that? How do you cope with that?

Alan Thomson: In the merchant quarter in Aberdeen, we have been engaging with local businesses and groups. We have also engaged with the local authorities. The key for us in such situations is to understand the root cause of the problem.

Internal flooding is a terrible thing to happen to any customer, and our capital programme focuses on reducing the number of customers who are at risk of internal flooding. A lot of good work has been done on that over the years. Our next programme involves looking at external flooding in order to understand and define which areas of Scotland are most at risk and what interventions we can put in place to alleviate the flooding for our customers.

We would look at it—

The Convener: Can I stop you, Mr Thomson? You have Scotland-wide priorities, Ms Proctor has priorities right across Grampian and Mr Hosie has priorities throughout the city of Dundee. However, the folks who have businesses in or who live in the Green area of Aberdeen are interested in their little bit. You have talked about communication. A lot of those folks would say that they dinna feel that they are being communicated with particularly well. They feel that they have been unable to influence what you are doing, and the bill will give them the right to do that. Frankly, if you talk to them as you are talking to us about your Scotland-wide priorities, they will say that that communication is of no value to them. How will you ensure that you gain their involvement and ensure that the communication is right for the

difficulty that they have instead of talking about your Scotland-wide priorities?

Alan Thomson: We have specific hotspot problems in Aberdeen and we do not yet know what the solution is or how best to resolve them—the issue might be not sewer incapacity but a surface water problem. The key, as with all communities, is to make sure that we give the community named contacts so that they do not have to go through the whole organisation and tell everybody the background to their issue. We try to enable ease of contact so that we can engage with customers. When the fix is not yet known, we always try to put in place interim measures to help customers where we can.

You mentioned Aberdeen, convener, so forgive me for mentioning Glasgow—

The Convener: I am happy—I am not trying to be parochial.

Alan Thomson: It is a good example of our approach, which we are rolling out to other areas. A lot of areas in Glasgow suffered from flooding. Some people said that it was the sewers, others said that it was the surface water and others said that it was the watercourses. The reality was that nobody knew what the problem was. Everybody wanted to pour concrete and come up with a solution, even though it might not have been the best and most sustainable solution. In partnership with Glasgow City Council, SEPA, Clyde Gateway and the then Scottish Enterprise Glasgow, we decided that we would spend money on actually understanding the problem. We created integrated catchment models to understand what happens with certain rainfall events.

The upshot is that we now have that information in Glasgow, and Clyde Gateway is spending £7 million on regional SUDS—sustainable urban drainage system—ponds; we have just announced £250 million to improve the infrastructure in the city of Glasgow; and Glasgow City Council has spent money on flood prevention. Without that information, we would all have been spending money in our own capital programmes. Now that we have the knowledge from the models, we find that the issue is not about putting water in pipes; it is about how we manage the water above the system.

That is a great example, which applies to many communities across Glasgow and in other areas. It shows that, when we get that type of understanding, the solution will be far better for communities and will not just be a patch and repair solution.

The Convener: Mr Hosie, please.

John Hosie: Was the question about outcomes?

The Convener: Yes.

John Hosie: I guess that our guides are the single outcome agreement and the delivery plan, which include matters relating to asset transfer, capacity building and improvement in service delivery. That framework is complementary to our local community planning process. A few years ago, we developed an impact assessment for our local community plans. The next time that we will carry out the assessment will be halfway through our current plans, which run from 2012 to 2017.

We have developed a triangulation system, in which we engage with service planners and providers, the active and engaged community—people who are already involved in their community through community councils, housing groups or other representative structures—and the general public. That is one measure. The last time that we did the assessment, we looked for and could not find any other examples in Scotland of an impact assessment being undertaken of local community plans. The local plans are rolling plans so, as matters relating to asset transfer emerge, they will be incorporated. That system will allow us to measure how effective we are in meeting the objectives and outcomes.

I should say that the plans are based on engagement with local people and do not contain top-down actions. Across the city of Dundee, there are about 900 actions that are based on consultation with local people. We have an obligation to report to those people on the progress that is being made.

John Wilson (Central Scotland) (Ind): I draw attention to my entry in the register of members' interests. I need to express my disappointment that North Lanarkshire Council could not send a representative along to speak to the written submission that it made. It will become clear later in the meeting why I am expressing my disappointment in that way.

Is Scottish Water involved in any community planning partnerships or any sub-groups or working groups of community planning partnerships?

Alan Thomson: Yes, we are involved in some but not all of the community planning partnerships. We have written to all 32 council chief executives to indicate our willingness to participate, where appropriate, in community planning partnerships, on water-related issues, anything to do with Scottish Water's activities, the capital programme or integration. We do not want to go along to meetings just for meetings' sake and if we are not going to add value. Some local authorities have taken up our offer, but some have not. We are willing to participate, but we must ensure that we

have meaningful input in the areas in which we attend.

John Wilson: The reason I ask is that Scottish Water is, as far as I am concerned, crucial, particularly to some of the economic development work that is being done throughout Scotland. It is unfortunate that Scottish Water is not involved in many more community planning partnerships.

However, the question for Ms Proctor and Mr Hosie is whether you see community planning partnerships having an increased role in ensuring that we get greater community empowerment. Should CPPs be assisting communities to identify where community asset transfers should take place, where appropriate? The CPP has an overarching role that brings together a number of different bodies. Do you think that it is the appropriate body to assist communities to take forward community asset transfers, where appropriate?

Judith Proctor: To really support the empowerment of communities, we need to look at the opportunities for leadership that exist at all the different levels that are available to us. Community planning partnerships are a good vehicle for having oversight of an area and a place, and for providing direction and support for better engagement and participation with communities. The leadership role of all the organisations that sit around the CPP table should ensure that all partners are engaged in building capacity and encouraging and supporting engagement.

We should see that in all the layers—again, I bring up integration—from the SOA down to the locality plans that we have to develop. We should see that sort of engagement with communities on service co-production expressed in all the layers, from community planning downwards.

The Convener: When you talk to communities, do you use terms such as “service co-production”?

Judith Proctor: No.

The Convener: No.

Judith Proctor: Well, I do. Although “co-production” is quite a jargonistic term, I think that it is a really good one, and it is one that I use. I acknowledge that it is a jargonistic word, but I think that the sentiment and philosophy underneath it are really sound, because co-production is not about consulting people on a redesign or tweak that we have decided on; when we get underneath it, it is about genuine—

The Convener: I think that the very interesting thing, Ms Proctor—I said this the other week and it was the same last week—is that, if you were to go out into communities and talk in the language that is being used here today and elsewhere, that would be a huge turn-off straight away.

Judith Proctor: Of course.

The Convener: So, in reaching communities and getting the level of engagement that is required, we will have to rethink the terminology and get back to basics in the use of language.

Judith Proctor: Of course.

John Hosie: I agree with that point. When we did the consultation in 2012 to create our most recent local community plans, some issues were raised that were specific to communities in multimember wards and some issues were city wide, such as tackling drug misuse and mental health and wellbeing. The other point that came up was that we should keep things simple and not send out hundreds of leaflets full of text and jargon. We need to do things differently.

To return to Mr Wilson’s question, engaging with communities through community planning partnerships is definitely part of our core business. The way in which the structure has evolved in Dundee means that we have the Dundee partnership, which is the complete community planning partnership, and eight local community planning partnerships, which have local people sitting on them and are well placed to support groups to find a way through the maze. In addition, we have theme groups such as the building stronger communities group, which is one of the places where community asset transfer would be located. The chairs of each of the six regeneration forums in Dundee sit on the building stronger communities group, so we cannot get away with using jargon; the information has to be pretty much factual, straight and understandable. We consistently receive that message.

10:15

John Wilson: An issue that is coming out in the bill involves the right of communities to make an asset transfer request. The bill says that the organisations that currently own the assets or the land have to have “reasonable grounds” not to accept that request. What would be seen as reasonable, from the point of view of members of the panel, with regard to refusing an asset transfer to communities?

Archie MacGregor: Any request would be considered fully. Obviously, to reiterate, we are supportive of the bill. However, in terms of the framework that we consider issues in, we have operational sites that are, in effect, industrial sites where water and waste water are treated. If they are part of our operational infrastructure, they might be serving not just the immediate local community but a vast tract of Scotland. If a community was looking to take over that asset, that would be quite a consideration for us, and we would ask whether that was really appropriate.

We can foresee situations involving not only Scottish Water but any public body in which a community asks whether it can lease or take over areas of ground within a site that are lying unused but which, in asset management plans or business plans, are earmarked for expansion and are simply being kept on hold for future use. Of course, we would approach the request with a flexible mind. If the community was willing to take on the site for only, say, five years and was happy for us to take back the land once we were ready to progress our investment and our expansion plan, there is no reason why we could not come to some arrangement.

Another good example would be assets that carry risks with them. I am thinking of our impounding reservoirs, some of which are close to large built-up areas. In the past 12 months, Scottish Water has taken a decision not to dispose of what we call category A reservoirs, which are those in relation to which, if there were a serious structural failure of the dam, considerable risk would be posed to the communities downstream. We think that we should retain them, as we have expertise in managing reservoirs and in the relevant legislation.

Those are examples of assets in relation to which we would not be minded to grant either a long-term lease or an outright disposal, and something more short term would perhaps be appropriate.

The Convener: I do not want to go into what a category A reservoir is in any great depth at the moment, but perhaps you could send us some details of what that means.

Archie MacGregor: Sure.

Judith Proctor: I echo my colleague's view. From the perspective of NHS Grampian, I believe that every request would be considered. Within the broad range of services that the board delivers, it might be that some services in relation to which there is a request for a transfer are not actually owned by the board—I am thinking about some primary care premises that are owned by general practitioners or independent contractors. Obviously, they would not be included in the ambit of the legislation.

The risk-based approach that Mr MacGregor mentioned is important, as is the need to focus on outcomes when we consider requests—is the request going to deliver good outcomes for the community?

John Hosie: The question was about when we would refuse or defer a request. A starting point would be to offer support to the group. The way in which we have developed our outline framework for assessment means that 50 per cent weighting is given to community benefit. As a starting point,

we would help groups that were making requests to see what that entailed, how they could evidence need and how they could consult their communities to ensure that there was collective ownership.

Our starting point would be positive rather than negative, and support would be built into that approach in a range of ways. However, by the time the request came to the community asset transfer steering group, which we have in place with different council departments, we would need to risk assess it from the point of view of governance capacity, community benefit and financial planning. Support would have been built in before that, but I guess that there may be circumstances in which a starting point would be a short lease rather than outright ownership, depending on the capacity of the group. We would see the starting point as being very different, though.

Stuart McMillan (West Scotland) (SNP): Good morning, panel.

I have a few questions following on from Alex Rowley's a few moments ago, and the previous question. What discussions about the bill have you had, or are you aware have taken place in your organisations, with trade unions?

Judith Proctor: I am not aware that we have had any discussions yet with our staff-side representatives. In NHS Grampian, in common with other boards in Scotland, there is a range of guidance and statutory relationships with our unions. There will be opportunities through our partnership forums to have those discussions. I am not aware of any discussions, although that is not to say that they are not taking place.

Alan Thomson: I am unaware of any specific discussions about the bill.

John Hosie: Sorry, could you repeat the question?

Stuart McMillan: Are you aware of any discussions that have taken place between your organisation and trade unions regarding the bill?

John Hosie: Not to my knowledge.

Stuart McMillan: We have received evidence a number of times from local groups that have had something to contribute but have felt as if they have been stonewalled, which makes it quite difficult for them to get involved. I have heard that in the region that I represent, too. Although the bill is designed to open that up, a discussion that I had with a senior public representative a couple of years ago indicated that, if there was a more open approach, it would have staffing implications for that public body.

Section 19(3)(c) contains various points to open up discussions, such as economic development and regeneration. Section 19(5) says:

“The authority must agree to the request unless there are reasonable grounds for refusing it.”

Returning to the initial question about trade unions, if trade union representatives said to you that a more open approach could lead to a public authority losing staff, would you consider that to be a reasonable ground for refusing to enter into discussions?

John Hosie: No. We live in tough economic times and how we utilise resources needs to be carefully measured. If something is a community priority, we need to shift our priorities to support it. I guess that, if they are effective, support and engagement do not come cheap. They are time and staff intensive, and there are implications for how we manage staff workloads. However, that is not to say that they are not a priority and that we cannot look at what the priorities are and match the resources accordingly.

Alan Thomson: We remain open to any approach from communities. Certainly the requests that I am aware of to date tend to be about specific pieces of land or about assets that people may want to buy or lease. The requests have not tended to veer into any form of consequences for staff or internally to Scottish Water. However, we certainly remain open to engaging with third sector or other community groups.

A few community groups have thought about the possibility of training people to become water ambassadors at some of our more historic assets. We remain open to that possibility and we want to engage, because if it leads to a better outcome for communities and for assets that we utilise or no longer utilise, it is in everybody's interests. It goes back to the point that, if it is common sense for us and for our customers to do it, why would we not do it? However, to date, requests have tended to be site specific.

Judith Proctor: The panel will be aware that NHS staff terms and conditions are nationally negotiated and we are governed by a whole range of regulations that would come into effect if a significant change was expected through the transfer of a service or an asset that would have an impact on staff.

Our well-established partnership working with trade unions would be a key focus and they would have to be partners in such situations. However, I echo what my colleagues on the panel have said. We need to start with a positive view of what a community group is trying to achieve through the asset transfer and how we could support the outcomes that it is trying to achieve, and then our

staff-side partners need to be key partners in those discussions.

I can envisage the service change and asset transfer that might lead to those discussions. If we take a positive perspective that we are trying to achieve outcomes, perhaps the opportunity for a board or a public body is to ensure that within the parameters of the staff terms and conditions, we are able to deliver that service in a publicly owned building. It is about that partnership work, with that positive focus on better outcomes for people.

Mark McDonald (Aberdeen Donside) (SNP): Returning to the issue of capacity within communities, I note that a number of examples have been given. However, what springs most readily to mind for me is the two save our school campaigns against school closures in my constituency—one in a regeneration community and one in an affluent area—and the contrast between the approaches that were taken.

One campaign was able to call on parents and individuals in the community who had strong professional backgrounds such as doctors and planners; people in the other community required a level of intensive support to put together their campaign and marshal their arguments. That strikes me as being the kind of approach that will be commonplace as the community empowerment agenda moves forward. What role will your organisation play in those communities of most need, where the activism and enthusiasm are undoubtedly there but perhaps that professional expertise to do things such as putting together a business case does not exist? What will the role of your organisation be in supporting those communities to ensure that they can take full advantage of the legislation?

John Hosie: It fits neatly because our resources are deployed in areas of greatest need to try to plug the inequalities gap, which is a long-term aspiration. Where we concentrate our resources, it is a natural role for us to support community groups. When groups have a single issue to do with a school, we need to be careful because our employer is the city council and we are talking about the education department. We can go only so far in the level of support that we give, but we can certainly support groups to campaign and point them in the right direction.

It is our core business to build capacity among groups of people who happen to reside in the areas of greatest deprivation. That is negotiated, and sometimes it involves a balance between challenge and support. Sometimes we have to challenge groups to see things slightly differently, while supporting them on their journey. That is our core business.

10:30

Judith Proctor: That area has been noted as one of risk and concern in many of the responses that the committee has received. There are well-placed communities, with a lot of natural resources, that become very much involved and seize the opportunities, and there are those that do not have the capacity or capability and which lose the opportunity if not encouraged.

There is a role for community planning partnerships, with their place-shaping and identification work. Their boards' role is to support an understanding of where communities of deprivation are. Sometimes, they will be geographically placed, but boards and public bodies have a role in understanding deprived communities of interest and groups, as well as communities, that are disadvantaged, and in ensuring that they are able to participate. There is a focus on locality working down at the level of general practices, teams, social workers and third sector partners, which builds on work that has already been happening in the communities concerned.

Archie MacGregor: My area of expertise is asset disposals and transfers. Scottish Water has been very proactive in working, in particular, with groups with aspirations to take over some of our underused or unused assets. There is an example in Dundee, where a group has had aspirations for several years to take over a historic building. That group has had capacity and capability issues. We could have walked away and ignored the group, pointing out that it did not have a business plan—obviously, this was before the bill was introduced. In fact, we have engaged proactively with Dundee City Council, which has experience of working with community groups. The group will rely on some lottery funding. It was struggling to put together some of the business case requirements to support a lottery bid, but the council used its experience of similar community projects.

We acted as a facilitator as well as the asset owner, producing the right package of information to help with the project. I am pleased to say that it looks as if the outcome will be in keeping with what we, as asset owner, hope the project will do, as well as with the community group's aspirations.

Mark McDonald: There are examples, including in my constituency, of community empowerment occurring without legislation being in place. I think that the bill is necessary, because such cases can often be exceptions rather than the rule.

Where your organisations have had positive experiences, with communities taking on assets or becoming more involved in how things operate, is there a role in connecting up communities, so that the ones that have had positive experiences and

are doing good things can be put in easy contact with others? We are often bad at sharing best practice across Scotland. We are also bad at making small local authority or community jumps between areas. Is there a role for your organisations in ensuring that communities are better connected in that way?

The Convener: We are now against the clock, so I ask for brief answers if possible, please.

Judith Proctor: On that notion of sharing best practice, communities that are experiencing something that is difficult and challenging and new for them can work with places that have been through the process and have experienced some of the pitfalls and challenges, so that they do not get repeated. That means having a network where communities can be supported. Organisations such as the one that I represent can also be supported in this regard. That would be welcome.

Alan Thomson: I firmly agree with that. We can learn to exchange best practice and share some of the things that went right—or did not go right. For example, we took a lot of learning from the major planning application for the Katrine water treatment plant in Glasgow. It was a big application, which involved a lot of consideration of the community, planning gain and all sorts of things. When it came to the application for the major Glencorse water treatment works outside Edinburgh, we thought about what we had learned and encouraged community groups and councillors to exchange the information so that we could get a better outcome. We got planning for Glencorse in 10 months, partly because we had learned from what had not gone well in the earlier application.

I go round the country and speak to communities. Early engagement is important and people can come forward with good ideas, but if we do not think that what they have suggested will happen, it is as well to say that to the community right from the beginning. If people's expectations are raised and they form groups and so on, but then the answer is a no, there can be a lot of negativity. There are benefits in giving good, concise information to communities at an early stage about what is likely to happen in the longer term. It is about being open and honest with people right from the off.

John Hosie: I will give two examples. We have regeneration forums in six of the eight most deprived wards in Dundee. The forums elect 15 local people to make decisions about funding allocations. The chairs meet every month with a common agenda, and they find the meeting valuable.

We get feedback from people throughout the city who want us to create opportunities for them

to meet people in other parts of the city. As a result of that, the Dundee partnership runs a community conference every six months. It is not for professionals and elected members; it is for local people who sit on community councils, housing groups, youth groups and whatever. The agenda is theirs, not ours. We have had successful conferences in the centre of Dundee on Saturday mornings, which suits people, and people have talked about welfare reform, asset transfer, tackling poverty and so on. We have had positive feedback about the connections that have been made.

Cameron Buchanan (Lothian) (Con): I am interested in asset transfer. Do you have a register of your assets? Is it available to the public? Is there an appeals process if someone does not agree with a transfer? For example, you talked about people taking on property on a short lease. Is there an appeals process in that regard?

The Convener: Let me add to that question. Do you have a full and comprehensive asset register?

John Hosie: Yes. It is online on Dundee City Council's website. We have just agreed to share it through the local community planning partnerships. We are doing as much as we can do to raise awareness of the opportunities that are available.

We do not have an appeals process. We are in the early stages of implementing the strategy, and we would seek advice on the matter, as appropriate.

Archie MacGregor: We have a register of all our operational and non-operational assets.

The Convener: Is it full and comprehensive?

Archie MacGregor: I do not think that any organisation, particularly a nationwide one such as Scottish Water, could be absolutely sure of having everything on its register. We have inherited assets from predecessor organisations—

The Convener: That always amazes me. I ken everything that I own. [*Laughter.*]

Archie MacGregor: Certainly all our key assets are listed. There are thousands and thousands of assets on the asset register.

Judith Proctor: The board is required to compile and publish a property and asset management strategy, so that is available. I understand that the strategy includes the physical assets and their condition—

The Convener: The board has a strategy, but does it have a full and comprehensive register?

Judith Proctor: Yes, it does, and it is required to be published. All boards have one.

The Convener: That is interesting, because I think that NHS Grampian used to struggle in that regard.

Cameron Buchanan: Do the witnesses think that we should have an appeals mechanism in the context of asset transfer?

Judith Proctor: There should always be an opportunity for appeal. I am not an expert in physical asset transfer, but an appeals mechanism seems reasonable to me, if it is proportionate.

The Convener: Do you agree, Mr MacGregor?

Archie MacGregor: Yes, I would say so. As I said, there is an element of judgment in assessing requests. We might not always make the right judgment call, so it is fair that decisions can go to appeal.

John Hosie: I agree. The question is where and with whom the appeals process sits.

The Convener: I will bring in Stuart McMillan, if his question is very brief.

Stuart McMillan: It is very brief. Does Scottish Water have outstanding legal issues arising from asset transfers to you from other public authorities?

Archie MacGregor: One or two, which emerged from the separation of the water and drainage functions from council bodies. They do not in any way impact on our operations; it is purely about separation of legal titles.

The Convener: Thank you all very much for your evidence. I appreciate that that was a long session.

10:41

Meeting suspended.

10:48

On resuming—

The Convener: I welcome to the meeting our second panel of witnesses: John Glover, Scotland community land adviser, the Community Land Advisory Service; Martin Doherty, policy adviser, Volunteer Scotland; Robin Parker, public affairs officer, Barnardo's Scotland; Maggie Paterson, chair, Community Learning and Development Managers Scotland; and Linda Gillespie, programme manager, Development Trusts Association Scotland.

Does anyone wish to make an opening statement?

Robin Parker (Barnardo's Scotland): I will take you up on that offer, convener.

Thank you for the opportunity to make a presentation to the committee. Our organisation welcomes the fact that a bill dealing with community empowerment is on the table. We know from our work that more connected and empowered communities are more in control of their future and destiny and that they experience better outcomes, and that is why we should have this bill. Although we see some merit in each of its parts, we will judge it not only on how it further empowers already empowered communities but how it tips the balance towards the most disempowered communities—those that experience the most significant inequalities—to ensure that every community benefits from its measures.

As matters stand, the bill can be strengthened, and we have worked with a number of organisations to that end. If some of our issues can be picked up and the bill itself can be strengthened, it will do more to tackle some of the deep inequalities.

Martin Doherty (Volunteer Scotland): I, too, thank the committee for the opportunity to give evidence. One of our gravest concerns is the lack of reference in the bill to the individual—the volunteer—who seeks to empower both thematic and geographic communities.

We are looking for the opportunity to promote the idea of improving the national performance framework. There should be some recognition of the impact of volunteering across the framework to ensure that outcomes related to volunteering can be properly measured and that our knowledge and, critically, the role of volunteering in our communities can be enhanced.

Linda Gillespie (Development Trusts Association Scotland): On a point of clarification, convener, you referred to me as the programme manager of the Development Trusts Association Scotland. In fact, I am the programme manager for the community ownership support service, which operates out of the association.

The Convener: Thank you—that is indeed very useful for us to know.

Thank you for those opening statements. Mr Parker gave us a brief overview of why he thinks the powers in the bill are necessary. What do the other witnesses think? Are public bodies ready to deal with the new powers? We will start with Ms Gillespie.

Linda Gillespie: We very much welcome the bill, which is absolutely necessary to make the asset transfer process easier across all public bodies. Local authorities already have the power to transfer assets, but the bill will enshrine that power across the whole public sector.

John Glover (Community Land Advisory Service): Thank you for the invitation to speak to the committee. The powers in the bill are useful and necessary. Given that I am involved as much in brokering temporary community use of assets as I am in brokering permanent transfers of assets, I very much welcome the fact that the asset transfer requests provisions talk about not only ownership or leases but management and use. That is important. For that matter, I also agree with the Government's policy memorandum that not all communities are ready to take on ownership.

I am also in favour of the approach taken in the bill because it could bring in a lot more land. After all, the issue is not just the nature of the communities but the nature of the land. As the previous panel touched on, even land that is earmarked for a different use in the long term should be made available to the community in the short term. There are good practice examples of that going on; however, it is also very evident that a lot of land that could be used by communities has had a fence put around it and is lying vacant. I therefore very much support how the provisions will encourage meanwhile use of land.

Are public authorities ready for the powers? I think not. Again, I can highlight good practice examples such as Glasgow City Council's stalled spaces scheme, which is being promoted across Scotland, and I know of successful community interactions with various landowners, but my impression is that more work needs to be done to get public authorities into a mindset where it becomes second nature to make land available to communities.

Maggie Paterson (Community Learning and Development Managers Scotland): Good morning. Community Learning and Development Managers Scotland welcomes both the opportunity to give evidence this morning and the bill itself.

We have members from all 32 local authorities, and I agree with the statement in the policy memorandum that the experience of and progress towards community engagement and empowerment vary considerably across Scotland. We welcome the bill as it will help to reduce that inconsistency.

Readiness for the bill also varies. A number of communities are very strong; they are aware of themselves as assets and aware that they can make an important contribution. Others will need support to be able to take advantage of the rights that are being offered through the bill.

The same applies to public authorities. Some have experience and practice that is in line with the bill and already empowers and engages

communities. However, practice varies; it is not consistent.

Robin Parker: I will add to what I said in my opening remarks and comment particularly on part 3 of the bill.

The bill will enable us to realise much more that participation and involvement in decision making are a right of communities. As things stand, such involvement is understood as best practice and it is something that most public bodies endeavour to achieve. Part 3 or something like it can help to create a situation in which a community can turn round and say, “No, it’s our right to be involved in this decision. We think we’ve got something to bring to it, and we want to be involved in the decision-making process.”

Given our point of view as a children’s organisation, I should mention in particular that involvement in decisions that are relevant to a young person is one of the rights established in the United Nations Convention on the Rights of the Child, which ministers now have a duty to take into account as a result of the Children and Young People (Scotland) Act 2014.

I have another point about why the bill is needed. Some people have said that legislation cannot do it all; that is absolutely right, and an element of capacity building and so on needs to go alongside the provisions in the bill. However, there are certain things that the bill can bring. First, as we have outlined in our written submission, strengthening the community planning part will ensure that community empowerment is seen as one of the purposes of public bodies.

Secondly, the reality is that public bodies hold a lot of power in Scotland, and it is quite right that they should. After all, local authorities have elected members and so on as a result of democratic processes. However, the bill can ensure that we hand over some of that power and involve communities day to day in the decision making of public bodies. After all, the people who use public services are above all others the experts in how they can be improved.

The Convener: You mentioned participation requests, Mr Parker. The bill states that, for an organisation to make a participation request, it has to be a constituted body. Let me throw something at you. We know that there have been difficulties around care leavers, and we legislated recently to improve that situation. How do you see a group of care leavers, for example, getting together to challenge a public body and put forward a participation request to improve the services that they get?

Robin Parker: I am pleased that you have used that example, first because we work closely with care leavers and secondly because it is one of the

examples that we have been thinking through. The Scottish Government consulted a number of times before the bill reached the Parliament, and thinking about examples such as the one you have mentioned, I note that in one of the first instances of consultation we said strongly that we were keen for the bill to support communities of interest as well as geographic communities. We are pleased that the bill reflects that.

As for the fact that a community body has to be constituted, we would very much welcome clarification from the Government—perhaps the committee can help with this—on how constituted it thinks that a body has to be and whether that needs to be brought out more either on the face of the bill or through guidance. We would like that condition to be applied flexibly so that a group would not need to be constituted formally.

11:00

The Convener: Thanks. The definition in the bill as introduced seems to be pretty loose, so clarification is probably required in that respect.

Mr Doherty, you talked about individuals. Given that volunteers often work on an individual basis, the constitutional aspect might, as with the issue that I raised with Mr Parker, pose some difficulties. Might there be opportunities for volunteers to get together to try to increase their influence in terms of participation?

Martin Doherty: There would be such an opportunity if formal volunteering levels were not flatlining, which is what, as the Scottish household survey substantiates, they have been doing for nearly a decade in this country. I can give the committee some instances of that in areas that members might cover as MSPs.

Volunteering levels in Aberdeen city, which you and Mr McDonald cover, have dropped from 33 to 27 per cent since 2007. Although that might not seem substantial, it can be, given the relative figures for volunteering and the inequality in the area. In East Lothian, the formal volunteering rate went down from 37 to 32 per cent. Fife is one of the areas where the rate went up, rising from 22 to 28 per cent. The rate in Glasgow follows many of the city’s own indicators and has fallen from 25 to 24 per cent. In Inverclyde, the rate fell from 29 to 24 per cent; in North Lanarkshire, from 24 to 21 per cent; and in West Lothian, from 29 to 26 per cent.

I mention those figures because the challenge for us, as a national body for volunteering, and for policy makers is to stop them falling. If there is not at least some stabilisation or increase in the number of people identifying as volunteers, we will not have an empowered community. For us, that rings alarm bells for not only this bill but a range of

policy agendas, including the integration of health and social care, areas of which rely heavily on volunteering activity.

We therefore have grave concerns. We think that there are opportunities, but there needs to be a wee bit of clarity.

The Convener: You have opened up a can of worms there.

Martin Doherty: That was my intention.

The Convener: Before taking supplementary questions from Mark McDonald and Alex Rowley, I want to ask a question of my own. One of the things that the committee heard on its recent visit to the Western Isles—

Martin Doherty: Thankfully, no one from the Western Isles is here.

The Convener: Almost all the people in that community do some form of volunteering, but they do not see it in those terms. With some of the statistics that you have given us, which as you have rightly pointed out are from the Scottish household survey, might it be the case that some folks who answered the survey's questions did not actually realise that they were volunteers?

Martin Doherty: There is an element of that. Around 30,000 people participated in the survey in 2007. The number who participate now has fallen slightly but, on the other hand, the methodology has greatly improved, and I am certainly not calling into question the SHS, which I think is a very robust piece of work. Indeed, at this moment, it is also the only piece of work that we have on this issue. We in Volunteer Scotland are trying to work with the Scottish household survey team to try to improve the questions, and we would certainly like to debate with them the idea of informal volunteering.

The recognised figure for formal volunteering in Eilean Siar—the Western Isles—is 57 per cent. The area has pockets of deprivation but it is very rural—indeed, more so than the Highlands—and an island community. That volunteering figure speaks volumes about the opportunities. If someone lives, say, at the top of the Western Isles and the NHS needs someone to clip their toenails because they cannot reach their toes—please forgive the example—they will get a volunteer from Stornoway to go and do it.

Mark McDonald: I am interested in the statistics. As you have said, the SHS is all that we have to go on. From your experiences and discussions with voluntary sector partners around Scotland, can you tell us whether what you have just described is replicated in communities in other areas? Many local authorities have areas of deprivation and areas of affluence, and it would be interesting to find out whether people in areas of

affluence are more likely to volunteer than people in areas of deprivation, or vice versa.

Martin Doherty: The link between deprivation and low levels of volunteering is very clear: areas with high levels of deprivation have low levels of volunteering. There are issues around social capacity and social networking—and I use that term in its broadest sense. However, going back to Mr McDonald's earlier comments about communities sharing skills, I think that you will find a lot of skilled people in communities of high deprivation, but what is lacking are the opportunities to use that skill and to be listened to.

Over the past 10 years, there has been substantial investment in the third sector, but for Volunteer Scotland it is not about just the third sector but all sectors—both private and public—that use volunteers. You have just heard from witnesses from the NHS, but I did not hear them mention volunteers. You also heard from witnesses from Scottish Water, which uses volunteers at some of its reservoirs. Local authorities talk about asset portfolios, and I would be interested to know whether they list the volunteers that they all use. Some local authorities do not even know how many volunteers they have in their asset portfolios.

Alex Rowley: I am pleased to hear the figures for Fife. The only criticism that I have made—and I have made it over a number of years now—is that Fife Council is pretty poor at engaging with third sector organisations. We tend to associate volunteering with the third sector when, as you have pointed out, that is perhaps not the right approach.

How do you see the bill supporting the involvement of more people at a voluntary level? What aspects of the bill are good? More important, what do you think needs to be added to it?

Martin Doherty: For us, as a national body, the bill is a step forward. We were told that the bill is very much a formal bill about the practicalities. As we recommend in our submission, one of the major things that we would have liked to see in it is early involvement. You spoke earlier to the public bodies about community bodies, and you should get the community bodies in before you decide what an appeals process is. You need to get them to help you design the process of applying for an asset transfer, and you need to involve individual volunteering organisations in the design of local approaches to community asset transfer. That would be a practical step forward.

The Convener: I do not want to stay on the subject of volunteering the whole time, but there is one key thing that we need to know from you, Mr Doherty, before I bring in other members. It seems that, in some places, folk are feart to volunteer in

case they lose benefits as a result of the UK Government's welfare reform policies. Has that had an effect on the number of volunteers, particularly in our more deprived communities?

Martin Doherty: There is anecdotal evidence from third sector interfaces—I am aware that you do not like jargon, convener; I am talking about the old councils for voluntary services, volunteer centres and social enterprises—that they are seeing increased numbers of volunteers. However, we would need to get the numbers from them directly, as they are difficult to get hold of.

We are starting to work closely with not just Voluntary Action Scotland but the Department for Work and Pensions on mitigating as much as possible the impact on potential volunteers. We want to ensure that they are being given the right resources and that they are being signposted in the right direction rather than its being a case of, "I'm here because I've been told to be."

Robin Parker: I want to chip in briefly on Mr Rowley's question. On section 17 of the bill, which deals with participatory requests, we would hope that, if a group of people who were not yet constituted were to come forward, most local authorities would provide them with support and assistance to become constituted and fulfil all the requirements. However, something in the bill that proofed that and ensured that there was some duty on the public body to support such a group in coming together and making something like a participation request would be a beneficial addition.

Anne McTaggart: Welcome, panel. I have a few questions. I might dot all over the place. My first question is for Maggie Paterson. In your submission to the committee, you said that the bill's provisions

"do not directly facilitate community empowerment."

Throughout your submission you talk about national standards. Can you tell me how they could co-relate and work together?

Maggie Paterson: I assume that you are talking about the national standards for community engagement and how all that works.

Anne McTaggart: Yes.

Maggie Paterson: The bill does not, in and of itself, facilitate community empowerment. With regard to sharing power, the bill still puts the community planning partnership or the public authority in the position of responding to a request, rather than its being something in which it participates. I agree with Martin Doherty that the process for participation is decided by the public body.

The standards for community engagement talk about communities being involved at the outset, and it should be clear what the process of engagement is and what is there for discussion. That is the kind of thing that we mean when we talk about progressing empowerment and standards.

Does that answer your question?

Anne McTaggart: Yes.

We have heard a lot that less-deprived communities will suffer as a result of the bill. What will your organisation do to combat that?

The Convener: I will add to Anne McTaggart's question. You represent a national body: Community Learning and Development Managers Scotland. The committee has visited many places and we know that in some areas there is good practice and that there are interventions in deprived communities that help to build capacity, but in other areas that is flat. How do your organisation and the folks whom you represent ensure that best practice is exported across the country?

Maggie Paterson: A key purpose of Community Learning and Development Managers Scotland is to bring together the community learning and development workforce to share best practice, so that in my area I become aware of the good practice in someone else's area and become aware of the issues that people face. It helps people to learn from others' experience of overcoming barriers. That is how we do it.

The committee will be aware of the Requirements for Community Learning and Development (Scotland) Regulations 2013. A key aspect of that is about identifying communities' needs for community learning and development. Across our membership that is a key focus, at the moment. We will support our partners and encourage our membership to use the regulations as a way of identifying need in a range of communities.

The need for support in one community might differ from that in another, but the regulations require authorities to identify need and to explain why certain needs are not being met. As an organisation, we will encourage our membership to be aware of the bill's implications and of where we can play a role in supporting identification of need for community and learning development—for capacity, in this case—so that people can access their rights under the bill.

As an organisation, our purpose is to share practice and to support the implementation of legislation such as the CLD regulations and the Community Empowerment (Scotland) Bill, when it is enacted.

11:15

Mark McDonald: I asked the previous panel about community capacity and the difference between affluent and deprived communities and the level of support that they are likely to require. I do not think that any community is without capacity or ability, but the issue is how that is channelled, harnessed and supported. Do we need to identify somebody whose job it is to support communities? There is a risk that if we do not do that, it will become nobody's job.

Linda Gillespie: Our community ownership support service has just under 400 inquiries coming through. Mark McDonald's point about affluent and less affluent communities is well made. Affluent communities get through quickly and have access to mixed skills in their communities. They speak the language of the public sector and of funders.

In general, we find that communities react to threat and opportunity—when there is the threat of closure or when an opportunity emerges. In less affluent communities, exactly the same applies. Through our work with local authorities, we have costed the asset transfer strategies. That is an internal document but, broadly, if a body was to access grant funding to help it through the process, the amount would be in the region of £20,000 to £25,000. If a body has access to skills in its community, it can go through an asset transfer process, just accessing the professional services that it needs, for about £12,000 or £13,000. So, there is a financial element. Straight support is needed for less affluent communities, whereas more affluent communities just get through the process.

John Glover: I agree with everything that Linda Gillespie has just said. The message from the previous panel—that more disadvantaged communities need more support—is one that I hear from the network that I am in. I agree with Linda Gillespie's point about language. That applies to officialdom and to trying to understand the bill, which is not an easy read for someone who is not used to dealing with legislation.

A lot of groups have difficulty with just finding the right person to speak to in a local authority. Therefore, I am very much an enthusiast for the idea of having a named officer in local authorities with whom communities can engage. All local authorities have an allotments officer, who is often the person that the groups that I deal with are interested in, but there is no consistency across the 32 local authorities on which department deals with the issue—sometimes it is the estates department and sometimes the parks department. There is no consistency among councils on whom a community should speak to if it wants to take on a bit of land.

The Convener: You are concentrating on councils, but the bill covers other public bodies. Should other public bodies have named officers?

John Glover: Certainly the major landholder bodies should. For instance, I would support the proposal for named contacts for Scottish Water and NHS bodies. However, I am not sure that having such a person would be appropriate for some of the more minor bodies.

Maggie Paterson: On participation requests, the bill is quite difficult to assess, and it would be particularly difficult for less affluent communities. The process itself creates another barrier for less affluent communities, if that is what we are calling them. The participation request provisions give me the right to say, "Can I participate in your process?", but if that process is complicated and inaccessible, having the right to participate in it is only one step forward. I might also need support to access the process and take advantage of it.

That is particularly difficult for less affluent communities. For example, if I had a concern about the process that had been outlined for me to participate in, I would have to put that concern in writing. That is a barrier for me from the start. It is a barrier for some communities, and there is a disadvantage there.

The Convener: Is not that where your members come in to help folk? I am keen to stress that, although we are talking about affluent communities and less affluent communities, there are some folks in those less affluent communities who are as articulate and capable as folks in affluent communities, if not more so.

Maggie Paterson: That is why I said what I said about the terminology that is being used, although what the convener says is certainly the case. The capacities of communities vary not only in relation to their affluence. Nonetheless, there are communities that would find it difficult to access their rights and which need support. The purpose of our organisation is to support our membership to give the best-quality and best-informed directed support that it can. It is clear that resources are limited across our membership and across other public authorities to do that.

Robin Parker: I absolutely agree with the convener's point. When we looked at the Scottish Government's last consultation on the bill last Christmas, we put together—with some of our front-line staff—things that, from our experience, matter in community empowerment. One of those things is always to take a strengths-based approach and to recognise the assets that already exist in a community.

I think that Mr McDonald said to the previous panel that specific expertise is sometimes needed, especially perhaps for some of the later provisions

in the bill, such as those on asset transfer, which Barnardo's is probably less familiar with. Such expertise is needed to allow take-up of the provisions.

We feel that we have expertise, from our experience, in respect of participation requests. There is something missing from the bill in terms of there being a duty placed on public bodies to support groups that come forward to go through the process. I am caricaturing the relevant section a bit, but it currently reads a little bit as though there is an opportunity for community groups to come forward to ask for things and say what they would like to do, but all the decision making is still on the public body side. In the work that we did with Oxfam and the Poverty Alliance, we thought that that section absolutely needs an appeal mechanism that would ensure that it is not just public bodies that will decide on how the process will happen.

Finally, it is perhaps a bit more difficult to build the need for a named person into a bill, but something could certainly make it clear to public bodies that community empowerment is part of their purpose. That would be really beneficial. It could be made clear which organisation does that.

Maggie Paterson mentioned the national standards for community engagement. Their being put on a statutory basis in the bill would really help. A lot of really good consultation by public bodies takes place, but putting the national standards on a statutory basis would make it clear that high-quality and genuine involvement should always take place.

Martin Doherty: I back up what Maggie Paterson and Robin Parker said. A named person really should be a strategic element of every local authority, community planning partnership and NHS board as part of their vision for how they will involve either individuals through volunteering, or community volunteering that involves organisations. Having another named person on top of 32 local authorities, 15 health boards, our special boards—I cannot remember how many of those we have—and all the other public bodies would not be of benefit to anybody, but all public bodies should be fully cognisant of the powers in the bill, what it means for them, and how it will be implemented in their physical day-to-day activity. When someone picks up the phone and receives a request about an asset transfer, they should know what that involves, and they should know that it relates to them, because their organisation wants to empower communities and to make them healthier, more sustainable and more resilient. That means ensuring that that is in the culture of organisations; it is not necessarily about naming specific individuals.

I would back up Maggie Paterson with regard to the participation request. If communities and individuals are not involved at the beginning, you might as well not bother. If the aim is to design a participation request, my advice is that it be designed around the people who need it, if you are proceeding with any element of that. The more you do to empower people at that early stage, the fewer problems you will have down the line with governance processes, and the more tangible your outcomes will be. That is why we would really like to see a national performance framework in terms of volunteering.

Mark McDonald: Perhaps I can crystallise that with an example. Before I got involved in elected politics, I was involved with a group of sports clubs, which had come together with a view to taking on an area of land and developing a sporting facility there. The convener will be familiar with it.

The Convener: All too familiar.

Mark McDonald: Because the land was held by the local authority, there was a view from council officers that they did not want to be seen to be too involved with giving support for a business-case grant application and so on, because they would then have a role to play in asset disposal and asset transfer. That led the group to fall into the trap that many groups fall into, with self-proclaimed experts in how to get funding and how to approach things attaching themselves to the group and offering what was, in fact, poor advice. That, in turn, led to things not really moving forward at all. Lo and behold—nothing has happened.

Situations in which there is such a vacuum undoubtedly exist. There might be a conflict of interests if a body gets too involved in providing support for community initiatives, because of its role in the transfer of an asset. Should we therefore have more robust guidance about whom communities can approach, and guidance for public bodies so that they can advise communities that, although they cannot be the organisation to provide the support that they need, there are others that they can approach for that advice and support? That would prevent scenarios such as the one that I described.

The Convener: That was a very long question. I would appreciate briefer answers if possible, please.

Martin Doherty: Talk about me opening up a can of worms! That question opens up various issues for community groups and, I recognise, for public bodies, including cost implications. Nevertheless, there has been substantial investment, both under the present Administration

and under previous Administrations, in third sector support for that type of approach.

My approach would be more about how we collaborate. How are we working together in the 32 community planning partnerships to ensure that groups are supported? A substantial amount of work is being undertaken by the community planning partnerships. They need to adopt a more collaborative approach in order to ensure that communities are involved and supported and that there is less duplication.

For public bodies that might feel put off about being involved in providing support during a community transfer, openness and transparency might be the way to tackle that. If bodies are open and transparent, I cannot imagine there being any reason why they would not want to support a community group of which they are supportive.

The Convener: So, is there a certain amount of risk aversion and duplication?

Martin Doherty: I would say so.

Linda Gillespie: The example that Mark McDonald gave is interesting. Over the past year, there has been quite a shift. I know that most of my examples are based on local authorities, but more than half of Scotland's local authorities now have asset transfer strategies in place, with decision making by different groups.

There is some very good practice. East Ayrshire Council, for instance, has brought together teams of officers to support community groups through asset transfer. That is quite different from the decision making within the council. The South Lanarkshire Council approach brings together external bodies to support community groups as they go through asset transfer. The situation is beginning to improve.

As regards the bodies that do not have the required range of skills available to them compared with local authorities, their approach to the asset transfer process—when they are not necessarily in a position to assess various aspects of it—remains to be developed.

11:30

Maggie Paterson: The bulk of the members of Community Learning and Development Managers Scotland are local authority employees. The conflict of interests that was mentioned has, historically, been a potential issue for our capacity building workers and community workers, but it has probably declined over time.

As an organisation, our role is to support community capacity building staff, to affirm that their role is supporting the community to take actions and to progress issues that are theirs,

rather than those of the worker, and to try to create a division or wall between their role as local authority employees and the wishes of the community group, which go in a direction that affects other parts of the local authority. Professional practice has developed along those lines.

To respond to Mark McDonald's question about capacity building for asset transfer requests, our workforce would recognise that we do not necessarily have all the skills to support community groups to progress such requests and would call in and facilitate a range of support for those community groups by other local organisations, such as the CVS. Indeed, Linda Gillespie's organisation—the Development Trusts Association Scotland—came and spoke to our membership so that we would be aware of the support and services that are available nationally to groups that want to go down the asset transfer route.

John Glover: I agree with what other witnesses have said about conflict of interests. The reality is that, if local authority or other public body officials are trying to support a community group, they may find themselves having a conflict of interests. In almost every case of asset transfer, there will be a degree of negotiation, but one cannot really negotiate with oneself. If we are negotiating the terms of a lease, we need two informed parties to have a dialogue about that.

There is a need for support services for communities outwith the public sector landowners. The service that Linda Gillespie and her colleagues supply and, within its limited remit, the service that I supply are needed and will need to be developed. Once the bill is passed and as we work towards commencement, we will need to work up the third sector support services to ensure that we are ready to hit the ground running on asset transfer and participation requests.

Robin Parker: One thing that always matters in any type of community empowerment right across the board and across all the provisions in the bill is that we are clear about the agendas of the parties to a discussion. That is always important. All the cards have to be on the table: otherwise, it is not an empowering engagement for either side.

Other witnesses probably have more expertise to bring to the discussion on the asset transfer measures in the bill. Conflicts of interests are much more of an issue with such matters, because they are much more of a legal dialogue and outcome. It is a little bit less of an issue with the participation request provisions, which are much more about co-production and look towards organisations getting alongside each other and taking decisions together.

Cameron Buchanan: Mr Glover, you say in your submission:

“Nothing in the Bill as introduced does anything to promote meanwhile community use of privately owned land.”

Are you advocating that communities should be allowed to purchase or lease privately owned land? I did not quite understand your point.

John Glover: I used the expression “meanwhile ... use” in the context of temporary use. I was talking about privately owned land that might be land banked for future housing but which is not being built on at the moment. Although the bill extends the right to buy, if land is intended for housing, it will probably not be in the public interest for the community to buy it. The bill allows participation requests and asset transfer requests to be made to devolved public sector authorities, but there is nothing in it that will increase the chances of a private sector landowner agreeing to lease or to license land temporarily to the community.

Although there are a few shining examples of good practice, my general experience is that there is a reluctance on the part of landowners to let communities use their land temporarily. There are various reasons for that. There are issues to do with the planning system: landowners may be concerned that they will prejudice their long-term planning use for the land. There are certainly valid concerns about whether a landowner will get their land back if they let a community group on to it. If they agree on a three-year lease, for example, will the community group leave voluntarily at the end of the three years? If not, what reputational damage will the landowner suffer if they have to go through legal processes to regain possession?

There are issues to do with the law of leases that scare people off—in particular, the processes for terminating leases are really quite obscure. Also, there is the issue of risk aversion—land professionals such as surveyors and lawyers may well say to their employers, “Don’t let the community on to your land because it will just cause you problems.” Another issue is contamination—people have concerns about where liabilities for remediation may lie. A range of things could be done through legislation—not necessarily in this bill—to promote more community use of privately owned land.

The Convener: Many of those issues are outwith the scope of the bill, so could you restrict your next question to the bill, please, Cameron?

Cameron Buchanan: Certainly.

There appears to be no appeal mechanism. Are you in favour of an appeal mechanism if requests are denied?

John Glover: If you will permit me to give a fairly technical answer to that, I thought that the bill was satisfactory because, although there is no appeal provision on the face of the bill, normal administrative law will still apply. We are looking at discretionary decisions by councils, so if a council makes an irrational decision, that will be challengeable under normal administrative law, without the need for a special appeal process. In considering that point during the last Government consultation on the bill, I could not think of a way of improving on what the common law already provides in terms of an appeal process.

Alex Rowley: My question is about participation requests and how seriously local government, for example, will take the process and what priority it will have. I suspect that if we went into a lot of communities right now and talked about outcomes, even many of the community groups would not be that up on what the outcomes are—if, indeed, there are any local outcomes. Local authorities are under immense pressure and their social work and education budgets are overspent—Fife Council is projecting that it will have to make £70 million in service cuts over the next wee while, for example—so CLD might be seen as one of the Cinderella services. Given that, does the bill need to go further and force community planning partners to engage more with communities, particularly in looking at local outcomes plans?

Martin Doherty: Collaboration differs among community planning partnerships and it involves the relationships with NHS boards and other public bodies. The sooner individuals or groups are involved in the planning process, the better the process will become and the easier it will be to design services that meet the community’s needs—not the needs of the public sector, the third sector or the private sector. If a service is designed around a community, it will meet the community’s need, which is a good thing.

Alex Rowley: I do not disagree; I am totally committed to the principle. However, the current financial climate and difficulties mean that local authorities have scarce resources, so does the bill need to go further and force local authorities to engage properly on outcomes plans?

Martin Doherty: My answer might go back to what I said about culture change. If bodies are unwilling to change the culture of engagement with communities and individuals, engagement will not improve, no matter how legislation is changed. People—individuals in organisations, community groups and the third sector—need to be willing to work together. In no shape or form can legislation force people to do that; I would find that difficult to see.

Robin Parker: Legislation cannot do everything on its own, but it can help to stimulate culture change and can play an important role. One of the first principles is that the people who use public services are the greatest experts in those services. That principle always applies, no matter whether public spending is increasing or decreasing or whether the decisions that are to be made are difficult or happy. I am interested in how the minister and the Scottish Government see that fitting in with everything that is in the bill.

I see the participation request as a backstop; when other things have been exhausted, communities can say that it is their right to be involved in such decision making. The bill could be strengthened to ensure that participation is not just for Christmas or when it is requested, because participation should take place throughout.

There is no magic bullet for community empowerment, but the national community engagement standards are a shiny projectile. We should apply those standards and ensure that engagement is always done well and genuinely, as happens in the vast majority of cases.

The bill requires community planning partnerships to draw up a local outcomes improvement plan—it will no longer be called a single outcome agreement. When they do so, they need to have much more of a balance. Their main purpose has been joint planning by public services—to be fair, they have been driven to do that. That purpose is good and it delivers better outcomes, but it is fair to say that CPPs have done less well at involving communities in their local public services and in how those services are planned. When CPPs draw up outcomes improvement plans, they must do so through a participative process that involves all members of the community in the area. That is important and should be built into the bill.

Maggie Paterson: I agree that it is possible to go further by strengthening the bill and perhaps by using regulations to implement the bill in a way that is more in the spirit of what is intended. Examples of participation have been given—I also gave one. What matters is the process as much as anything else. The extent to which the process can be legislated for is limited, but perhaps the process can be set out in regulations a bit more. As has been said, terms such as “local outcomes improvement plan” do not necessarily trip off the tongues of our community members.

We need to ensure that the processes are clear enough and that the jargon is translated so that people know what the bill means for them and why they as a community may want to engage with it. That needs to happen on a number of levels. We need to make those concepts more explicit in the bill and in the supporting regulations, but we would

also expect the support to be put in place to enable communities to access their rights. The processes must be inclusive and transparent, and they should involve communities from the outset.

11:45

The Convener: I will play devil’s advocate. You talked about strengthening regulation. Many of us, particularly those of us who have served in local authorities, have faced comments such as, “Sorry, we can’t do that because the regulations don’t allow us to.” Should there not be a level of flexibility?

Maggie Paterson: That may be the case. My most recent experience concerns the CLD regulation, which quite explicitly puts the onus on local authorities to identify needs in the community, and outlines the process by which the three-year plan that we are obliged to produce should be drawn up and what it should contain.

We at Community Learning and Development Managers Scotland see the benefits of that approach in enabling us to do what we do. It will, we hope, be possible to have the benefits of the bill without the constraints, and with the flexibility that you mentioned.

John Glover: I am slightly concerned about Alex Rowley’s suggestion. If one requires public authorities to be more proactive, one could end up with a situation in which the public authority imposes its will on the community rather than the community deciding what it wants to do.

Rather than strengthen the bill in this area, my preference would be to treat the matter as an implementation issue. We need to ensure that the mechanisms are in place for sharing good practice so that successful community engagement in one part of the country can be shared throughout the whole country.

Linda Gillespie: I am here to offer an asset transfer point of view, but I work in the Development Trusts Association Scotland. The bulk of our members deliver services in their communities, and I agree with John Glover that the guidance rather than the legislation could be used to encourage wider communication and consultation.

Stuart McMillan: Do you have any views about the assumption that requests will be accepted unless there are any reasonable grounds for refusal?

Linda Gillespie: That assumption is most welcome and it puts a very positive spin on the bill, which will make it considerably easier for communities to move forward with asset acquisition.

John Glover: I agree—the bill is quite a brave, innovative piece of drafting, but that is the right way to do it.

Maggie Paterson: That assumption is helpful in relation to participation requests and asset transfer requests.

Robin Parker: It is positive for participation requests, but that does not negate the need for some sort of appeal process.

Secondly, the section of the bill on the decision process mentions the basis on which the decision must be made, but one thing that is missing from that is any mention of social inequality and poverty.

Martin Doherty: I agree with what the rest of the panel have said, and I agree specifically with Robin Parker's point about an appeal process. I do not think that any new community group that was starting up, which would have limited resources, would have the ability to challenge any public body in the courts if it had to. It is quite unreasonable to expect the very small voluntary organisations that will be leading on the process to challenge any public body in the courts, so an appeal process would be most welcome.

Stuart McMillan: Section 19(5) says:

"The authority must agree to the request unless there are reasonable grounds for refusing it."

What would be an unreasonable ground for refusing a request?

The Convener: That is a very difficult question for the panellists to answer, Mr McMillan.

Stuart McMillan: It was worth a try.

The Convener: Does anyone want to have a stab at that? I would not be keen to do so.

John Glover: A plainly unreasonable ground would be if a member of the public body wanted to use the asset for their own benefit.

Maggie Paterson: The bill talks about a participation request theoretically lasting for about two years—that is, another request cannot be made on the same subject during that period. An issue that concerns us relates to the fact that community engagement and empowerment is an on-going process—it tends not to end once it starts. If the area in which the engagement or empowerment had been requested was an on-going issue, it does not seem unreasonable for a community group to say, "Well, actually, that thing that we were involved in last year still seems to be an issue. We would like to continue to be involved."

I can see why such a provision might be included in the asset transfer element of the bill because there might be vexatious requests, as the

policy memorandum says, but in the case of community engagement and empowerment, we would like to think that outcomes could be transformed and that we could achieve health and wellbeing improvements in a short period, although that tends not to be the case. Therefore, it could be unreasonable to end the participation prematurely or, if there was a reason to continue to engage, to withhold continued participation.

John Wilson: Good morning. My first question is for Ms Gillespie, although it is open to the rest of the panel to answer. You gave two local authority examples of what you considered to be good practice in community engagement. Will you give or hint at some of the areas where there is less than good practice?

Linda Gillespie: We are seeing a much more nuanced approach from smaller local authorities that have smaller and more clearly defined communities. In the East Ayrshire example, the nuanced approach was about seeing the issue as a sustainable asset transfer. Larger local authorities in a metropolitan area can find it difficult to articulate how to define their communities and how they would transfer an asset. The value of assets is also an element; indeed, that is more challenging for local authorities in cities. The more metropolitan local authorities are taking a more cautious approach to the development of their strategies.

Robin Parker: I will make generalisations rather than give specific examples.

An issue that came up in discussion with the previous panel was about what point in the process the engagement takes place. It is important that that happens at the start of the process; otherwise a community could be left with a problem. For example, a community might be told that one of two schools should be shut and asked what they think. That would not be a genuine engagement. The authority needs to start at the beginning of the process and, in that example, work through it by asking, "This is a difficult decision that we have to make; how can we best make this together?" That would be a much more positive engagement.

If the start of the whole process is to be the outcomes plan for the community planning partnerships, that is where the participative process in which folk get involved must happen.

My second general point is there are groups that are often described as "hard to reach", but Barnardo's much prefers the term "easy to ignore". It is important to build in ways in which public bodies can be made to think about who those groups are and make a particular effort to involve them.

My final comment relates to the previous point. We talk about community engagement, but what is a community? We have not really thought about that. It can be easy to think that the whole of a local authority area is a coherent community, when that is clearly not the case. Barnardo's works a lot with families, and for families the sense of community is about something that is much more the size of the school catchment area, for example. There are also communities of interest, which often provide people with a strong sense of community. We talked about them earlier.

This is not in the bill, but some thinking about much smaller-scale things should be reflected in the whole process. The Public Bodies (Joint Working) (Scotland) Act 2014 made organisations think about not just the whole local authority planning area but much smaller levels of community. That should happen more widely; it happens in some community planning partnerships.

John Wilson: Mr Glover mentioned the public interest test, which is important in the context of community applications for asset transfer. Who should apply the public interest test? Mr Glover referred to land that has been set aside or banked by a housing developer or large retail supermarket. Who is the final arbiter of whether it is in the public interest to transfer such an asset to the community or retain the right of the housing developer or other entity to bank the land?

The Convener: May I stop you there? That is outwith the scope of the bill, because you are talking about land that is owned by private authorities. The witnesses could answer the question while forgetting the bit about land banking by private developers.

John Wilson: May I turn the question round, then? If a local authority has decided that land that it owns would be better used for a private housing development, who should decide what is in the public interest?

The Convener: You turned the question round well.

Linda Gillespie: The decision should be made by the elected members of the local authority.

John Glover: I agree with Linda Gillespie.

I hope that I am not going outwith the scope of the bill when I say that it is worth considering the question in the context of what are sometimes called arm's-length companies, which are wholly owned by a public authority. Such companies are called "publicly-owned companies" in the bill.

I have been speaking with one of my stakeholders about a site in Edinburgh that is in that situation, and we have come to the view that the bill is perhaps wrong in its treatment of publicly

owned companies. As the bill stands, parts 3 and 5 will apply to such a company only if it has been specified in a statutory instrument. Our consideration has led us to think that it should be the other way round. The default position should be that parts 3 and 5 apply to publicly owned companies unless they have been excepted by statutory instrument, because it is not possible for communities to identify all the right companies, whereas it is possible for companies to put their hands up and explain why they should not be subject to the provisions of the bill.

Maggie Paterson: The role of our organisation is to support community bodies to seek whatever recourse is available to them, so we would not comment on that.

Robin Parker: I do not think that I have a view on that point about parts 3 and 5.

Martin Doherty: If the process has been designed with the assistance of the local community, I agree with Linda Gillespie that the fundamental decision should lie with the elected members of the local authority.

The Convener: Thank you for your evidence, folks. It has been extremely useful.

11:59

Meeting suspended.

12:07

On resuming—

The Convener: We move on to our final panel—my notes say "this morning", but it is now the afternoon.

I welcome Dewi Morgan, chair of old Aberdeen community council; Ryan Currie, project manager at Reeltime Music; Teresa Aitken from Glenboig Neighbourhood House; Alice Bovill from St Mary's centre in Dundee; and Yvonne Tosh from Douglas community open spaces group in Dundee.

I understand that some of you said to the clerks that there was a lot of gobbledegook earlier. That is a big bugbear of mine, so I agree with you. If we move into that sphere, feel free to intervene and slap our fingers for it.

Would any of you like to make an opening statement?

Dewi Morgan (Old Aberdeen Community Council): First, I am not the chair of old Aberdeen community council but the web administrator and newsletter and general letter writer.

The Convener: I beg your pardon.

Dewi Morgan: We applaud the Scottish Government's wish to encourage subsidiarity and local decision making, but although the bill could open up new avenues for community involvement, there is a real fear at community council level that it might simply be used and abused by local authorities to offload their costly facilities and services to an unpaid and largely unwilling community group on the basis of local authorities saying, "Take this over or we're going to close it."

With particular reference to the participation opportunity, will local authorities or development bodies really be prepared to consider the basically parochial opinions and desires of local communities? The record so far is pretty abysmal.

Teresa Aitken (Glenboig Neighbourhood House): I am really disappointed that there is no representative from North Lanarkshire Council here today. This is a really important time for us in North Lanarkshire because we are just about to develop the community asset transfer policy, and it was really important for someone to be here to represent us.

The Convener: Thank you for that comment. It is on the record, and we will write to North Lanarkshire Council about the situation today.

Does anybody else want to contribute at this time?

Alice Bovill (St Mary's Centre Dundee): I will give a quick introduction. I am here today representing an organisation that has already worked with the community to have a community facility built in an area where the council was refusing to build one. I can talk about the tried-and-tested community engagement that we had to go through for that to take place, and also other community engagement for other services in the area.

The Convener: Thank you for your comments, which are much appreciated. Some of us had an opportunity to hear more about that engagement when we visited Dundee, but we will be grateful for anything that you wish to add.

I start with a question on the existing powers. Do public bodies adhere to what they should be doing at present, without the provisions in the Community Empowerment (Scotland) Bill being in place? Mr Morgan, I turn to you first because you previously wrote to the committee about issues that you felt the local authority was not addressing properly.

Dewi Morgan: I think that the local authority adheres to the rules of what it has to do, and that is it—it will not go a step further. On planning applications, it will send out the weekly form because that is what legislation says it shall do,

but it will do no more. We have to do all the running.

The Convener: Ms Aitken, do you have a view on that?

Teresa Aitken: I think that authorities do just what they have to do. There is no consistency, and I totally agree that we have to do all the running. We can meet officers and there can be deadlines for information to come back, but the community has to do the running and the deadlines are not met. There is no consistency or accountability.

The Convener: Is common sense shown?

Teresa Aitken: From the community, yes. [*Laughter.*]

Ryan Currie (Reeltime Music): I have limited experience in the area, but I echo my colleagues. Public bodies do just enough to get by, and it does not always seem to be joined up to anything greater. The work is very much done on a piecemeal basis.

Yvonne Tosh (Douglas Community Open Spaces Group): We are different in Dundee. We are quite lucky in that we get a lot of help. Sometimes we have to fight to get the right people to help, but in the long run we usually get help quite easily and it is sustained, so that is a big help.

Alice Bovill: I feel that local bodies should be led by communities. If communities are inundated with lots of information that they have not asked for or training that they do not require, they can drown in it, and in that way they lose their volunteers. We want to keep volunteers and treat them as responsible people who can make decisions. They should not be bombarded with education from those bodies, although it can be great to have more information.

As my colleague Yvonne Tosh said, we are quite lucky in Dundee as we can access people, through communities officers, who will help us with every individual aspect of what we are trying to do.

The Convener: Those of us who visited Dundee heard about certain things that go on there. Earlier, Mr Hosie mentioned the forum that meets every three months, I think, which seems to be pretty community driven. That clearly leads to the exporting of good ideas and probably creates camaraderie so that you can get what you want for your communities. Does that work well? Would it work well in other parts of the country?

Alice Bovill: It could, but communities have to do some work on the issue themselves and make their voices heard. They cannot just go along to a forum and not speak up for themselves. They have to speak up and say what they require. If it is

something to do with the environment, they need to tackle that with the relevant person who is there. If it is to do with education, social work or the NHS, they should tackle that with the people who are sitting round the table. They should take a note of the person's name so that, outwith the three-monthly meetings, they can contact them and say, "You said at the meeting that you'd do this for us, so we're keeping you to that." That is a good way of contacting people.

The Convener: You have talked before about the importance of names, so that accountability continues.

Alice Bovill: Yes.

Yvonne Tosh: I totally agree with that. In the local partnership, if we have a problem in our community, we go to the committee and we will speak directly to the people who are in post in the different departments. As Alice Bovill says, we get a note of their names and then we get back to them if they do not get back to us in a reasonable time. We say, "You were meant to come back to us—why haven't you?" If there is a good reason, that is fair enough but, if they have just forgotten, we will phone them again, and we keep going.

The Convener: Good. Mr Currie, do you have a view on that? It seems that Dundee does things slightly differently from other areas.

Ryan Currie: What specifically are you referring to?

The Convener: I am talking about bringing communities together and having the level of accountability that has been talked about. If you feel that you cannot answer the question, that is fine.

12:15

Ryan Currie: In the papers for a previous committee meeting, I read comments about sharp-elbow syndrome. That really struck home because, in my experience, over time, the same faces are usually involved in the processes.

In some cases, the wrong thing is perhaps being incentivised. For example—again, this is just my opinion—with community learning and development partnership meetings, the incentive is just to have the meeting and not to be accountable for the results of actions that are set in those meetings. We tend to find that organisations are asked to go along to certain meetings just for the sake of it. Nobody who works for a public sector body thinks how much that costs. The difference is that those who work in the voluntary sector or other areas, such as everybody here, could say how much that costs and how much it impacts on an organisation to go along to such meetings.

Teresa Aitken: Dundee has a great thing going. When I heard the evidence earlier, I thought that the forums are a good idea.

We find that there are too many layers and that people do not know about all the layers that they have to go through to get to the partnership. Some community groups maybe do not have the knowledge and understanding to take them up to the level and find the person whom they have to speak to. Because we have been around for a long time, if we do not get a reply and people do not come back to us, we keep going back to them and, if we do not get that accountability, we probably eventually use our elected members. Community groups that have not been around for a long time do not know what the platforms are and what stages they have to go through. That has to be made clearer at community level.

Dewi Morgan: I agree with Ms Aitken on that.

Mark McDonald: I spoke to both the previous panels of witnesses about the fact that some communities can work out, for example, who they need to speak to and how to go through grant applications, whereas other communities might need a bit of support to do that. What are your experiences of the need for support to get grant applications or to transfer assets? Where did you look for that support, and was it readily available from public bodies?

The Convener: Ms Bovill, as you have gone through the process of establishing something new, do you want to go first?

Alice Bovill: For grant funding, we first thought that we would try the lottery. The need for a community facility in St Mary's was identified through community plans. Before that, flats and houses had been offered, but that was not sufficient for an area as big as St Mary's. We went to the lottery board but, because we were getting help from the council, we were too close to it. Eventually, we got to the judging table, and we expected a yes, but we got a phone call to say that our application had been refused.

We invited some of the people up to Dundee and asked why they had refused the application but, as Yvonne Tosh put it, we got a lot of gobbledygook. However, we pulled them up and said, "It's all right, because we are going to build the centre anyway—we will look elsewhere for funding." That is what we did, and we got European regeneration funding. That is the funding part.

From the very start, however, you have to get volunteers on board and ask the local community, from young people to old people, what shape they see the community facility being. You have to do that before you can apply for funding, because you do not know what size they would want, what is

affordable, what they would like for it and what opening hours they would like. You have to get your community on board immediately for something that they want to get their teeth into.

You must also keep the momentum going with your community rather than just sit back and expect the community to ride along with you. My knowledge of communities, whether they are poor or not, is that they are very interested in things that are going on in their area and that they have very community-based people.

The Convener: Did you get help from the local authority in trying to access the European funding in particular? It is not an easy process.

Alice Bovill: Yes, we did. It was applied for in conjunction with applying for lottery funding, a lot of which was to be for employing administrative workers and advisers. We did not get that funding, so everything is now community run: led by the community, worked on by the community and the community facility opened by the community. Basically, we do everything, including cleaning.

We worked in tandem with European funding. However, I think that we are fortunate in that we are perhaps one of the only places in Scotland that has the Territorial Army on board as well. It has given us a donation of money, and it has the whole top section of the community facility. We can gain access to it but we do not do that, because it is the Territorial Army's property. We would access it only if there was a problem with a power failure, for example.

Not having lottery funding was a loss at the time, but Dundee City Council was very supportive. I remember the very first meeting that I had with a certain person in the council because she said to me, "I don't agree with the community centre and I don't want any more community centres in Dundee to manage, but I'll support you and I'll give you all the help that you need to get it." We therefore had support right from day 1 from the council. I cannot complain about the support that we have had from the council.

The Convener: Thank you. Does anybody else want to pick up on Mr McDonald's question?

Yvonne Tosh: We are the opposite of Alice Bovill in that she has already gone through the process but we are at the very beginning of it. Getting funding has been quite hard for us. We would keep getting told that we fitted the criteria, but when we put in an application we were told that the words were too official. We took it back and wrote it in our language, but it came back to us because we did not fit the criteria. What is that about? That does not make sense.

Getting funding is quite hard. It is said that it is meant to be easier as soon as you get charitable

status, but I think that it is still a fight to get funding.

The Convener: Do you think that the bill might help you get the help that is required to get through the bureaucracy of being told, "Oh, that's too official," or, "That's not enough"?

Yvonne Tosh: It is possible. We have workers from the council who help us with funding, and they are brilliant. We just keep getting funding application forms, filling them out and sending them back, but they keep sending them back to us saying, "No". That is one of the grumbles. As well as the funding, though, you have to get the community on board, as Alice Bovill said. If you do not have the support of the community, you will never get things moving.

The Convener: Okay. Thank you.

Teresa Aitken: I will speak about the support first. We have been involved in trying to gain a community asset for over seven years now. It started with us being asked by the local council to take over the local community centre, which we were quite keen to do. Being based in a small building made up of two old police cottages, with no space basically, we were quite happy to do what the council asked.

We got a feasibility study done, looked at it, went back to the council and discovered that there was not enough parking space planned, so the proposal was blown out of the water. We then identified a piece of land in our area that we could take over, so we went to the lottery and got substantial funding from it to carry out site investigations. We did that and found that we needed £250,000-worth of remediation on the site before we could build on it.

We have gone from fitting the criteria for the vacant and derelict land fund to not fitting it. The council said that it had spent its money for the year but would put us forward for funding the next year, but when the next year came it had already spent its money.

Also, the cost of the land was prohibitive and we had to reduce the scale of the building that we were building. We had to go back to the council and say that we needed a building of that scale to get the car park in, and the council decided that it would lease us a part and sell us a part, which the Big Lottery Fund would not have been interested in.

We have been having that fight for years. We are up against officers, and when we take the matter up to the top of the council we get sent back down to the same officer again. We feel that we are running up against a brick wall. The elected members cannot seem to get through, either.

The Convener: Let me stop you there for a second. Do you think that it would be helpful to have participation requests and the community being able to influence and ask for the reasoning behind decisions about, for example, the derelict land fund?

Teresa Aitken: Yes, I do. The participation will give us a stronger voice and enable us to ask questions that we cannot ask just now. It will make people accountable.

The Convener: That will happen instead of you being sent from pillar to post and back to the original officer.

Teresa Aitken: Yes, I think that it will. That is only part of my story, but I will let somebody else speak now.

Dewi Morgan: We do not have as much experience of seeking grants, but we recently created the friends of Seaton park group, because the park was falling into heavy disrepair. There seemed to be no drive at all to help us with grants, which may be partly because the group did not have the skills to go banging on the doors of either the grants company or Aberdeen City Council. Things may change now that there has been a change in the management group.

It seemed as though the council was happy to have the group because the park looked good for the Britain in bloom competition—there was a little rubber stamp for it—but nobody said, “It’s great that you’ve started; now, here are all the tools you can have.” There was no outward giving, really. It was a pat on the head and, “Off you go.”

The Convener: I apologise for being a bit parochial again, but a local group was formed around a park in Sunnybank and much more help seems to have been given to that group. Do you think that participation requests would be helpful if they enabled you to find out what that group got, why you have not got that and the reasoning why you have not received the same level of service?

Dewi Morgan: The Sunnybank park group was led by a council officer who had the inside track—he knew the systems and the people to talk to, and he knew how to do it.

The Convener: We should make it clear that it was a council officer not acting as a council officer but doing it in his spare time.

Dewi Morgan: Yes. The Seaton park group has no council officers on it. Although I was instrumental in getting the group started, it was important to me that, as a member of the community council, I did not run the friends group because it would have become almost a one-man band. I thought that if the group of friends who said that they wanted us to save the park were not prepared to stand up and run it, so be it. The issue

is what people are available to run and what their skills are, and those things can be limited.

Mark McDonald: That builds on my earlier point about who the best people are to give that support. Have you found, on occasion, not a lack of willingness by the local authority but a view that the local authority cannot be seen to be supporting a group while, at the same time, negotiating with a group? Has that issue come up, or do you see that becoming a pitfall if the support is not available?

Dewi Morgan: My experience is that it feels as though the council is trying to control the group. It is saying, “We want you to do this amount and that’s all. Go and paint this. Go and weed this. We’ll put your name on this.” It is the opposite of providing support.

Teresa Aitken: Sometimes, if people are after a piece of land or an asset but they are not managing to progress the matter, they wonder whether the council plans to use the land or the asset for something else. If the council has other ideas, we would ask it please to tell us, so that we are not wasting our time. That is what we have come up against.

12:30

Alice Bovill: In Dundee, the council has community officers working in regeneration areas city-wide. The officers are designated specific areas—mine is Strathmartine. All the officers meet—monthly, I think—and they meet the chief executive regularly, too. They take forward the needs and wants of the volunteers whom they speak to in the area. Support for each area is evenly divided; one area is not preferred to another.

The Convener: You have all those forums and you have community officers. Those officers feed up to the very top, to the chief executive, who has a major role to play in the community planning organisation. Is that right?

Alice Bovill: Yes.

The Convener: It would be interesting for the committee to write to the other community planning partnerships to find out whether they are at that level.

Does Yvonne or Ryan want to respond to Mark McDonald’s question?

Yvonne Tosh: All that I can talk about is the land that we hope to get successfully, which is sited where an old school was knocked down. The council wanted to use the site for housing, but the community wanted it for its own use. In the beginning, the council was very adamant but we got the land because we stuck up for ourselves.

Ryan Currie: We are at quite an interesting stage—the very early stages of asset transfer. For a period of perhaps seven or eight years, we as a small charity knew that we had outgrown our physical resources. However, whenever we inquired about possible consultation with North Lanarkshire Council about asset transfer, the result was a dead-end meeting with someone in property who said, “You’re not getting that, because we would make too much money from selling it.” We were at cross-purposes—it was clear that their department’s purpose was completely different from what we were looking for.

The Convener: Aye.

Ryan Currie: That is a fundamental point. In the past, no individual was directly responsible for community asset transfer and that was a problem. How does someone access an entire authority? At what level do they go in and what phone number do they call? Also, the person who made the approach was almost seen to be disrupting the local authority’s activity, whereas the new process is systematic and they are no longer seen to be a peculiar case.

The Convener: That is very useful.

Stuart McMillan: Good afternoon, panel. We heard evidence from the previous panel about having an allocated person to deal with asset transfer. The evidence was conflicting, because some said that there should be no single person and that, rather, the matter should be part of the organisation’s culture. For the future, and with the bill in mind, would it be useful to have such a responsible person in the short or medium term—say for five years or so—and during that time to try to increase the culture in local authorities so that more people are aware of asset transfer, and then for the job to disappear?

Yvonne Tosh: Yes.

Teresa Aitken: I would also say yes—it is vital. We need one person whom we can go and speak to. As Ryan Currie said, we are speaking to a whole authority, and we do not know which person we should speak to. Within the authority and its various departments, people do not communicate with one another, so we have to communicate with all the different departments.

We are at the stage of a pilot for developing a community asset transfer. We have just taken over an asset. We were supposed to take it over in December 2013, but we did not do so until March this year. We got the first management fees in July, only after fighting for them. We do not have a service level agreement, and we still have a draft lease. There needs to be someone who can help us through the process, probably for the longer term.

The Convener: Does the fact that all those things have not fallen into place affect the original business plan that you submitted?

Teresa Aitken: Yes—it affects everything that we are trying to do. We took over a building, and one of the stipulations was that we required the management fees to enable us to run the building, to provide the services that were already being provided there, and to expand and build more services. If the management fees had not been in place, we would have fallen at the first hurdle. That is where we feel we are—we keep getting knocked down at the first hurdle.

Dewi Morgan: I agree that, in a business or engineering sense, if two organisations are working together on a project, there is always an interface engineer. People need to know who to go to, and there needs to be somebody who can disseminate thoughts to the other organisation.

Stuart McMillan: Those comments have been very useful.

Thinking about the bill, has each of your organisations had an increase in interest among people wanting to volunteer and get involved? If so, are they bringing with them additional skills that you do not currently have, which could help with implementation once the bill completes its parliamentary process?

The Convener: In responding, you can be brutally honest and say whether folk actually know about the bill at all. We have tried to disseminate information about it, but there are always difficulties with that.

You are shaking your heads—so, most folk do not know about the bill. The simple answer to Stuart McMillan’s question is that there’s nae been onie additional volunteers, cos nae many folk ken about the bill.

Alice Bovill: Additional volunteers have come forward through word of mouth. There are people who have read the bill and who have taken part in conferences, such the one in Dundee, and they can impart their knowledge.

We are encouraging some young volunteers now—that is the future. They might work for only a couple of hours a week, but there are always new volunteers coming on board. It is good when we talk to them and ask them their opinion about what they would like to see. We explain things to them—we do not just suddenly go into talking about the bill being published and so on. Young people have been at school for all those years, and they do not want all this thrown at them right away. They just want to come in, do their bit for the community, know what is going on and say what they want to do. It is up to people such as me to sit and read what I dare say is boring stuff, and

to impart anything that I pick up from it that is of direct benefit to the community.

The Convener: I make an appeal and put out a wee advert as far as the boring stuff is concerned. It would be really good if you all went back to your respective communities, told them about the bill and asked them to write in and let us know any views that they have. We are still looking for folks' views on the bill, so we would be immensely grateful if you could do that.

Stuart McMillan: I have a final question for Teresa Aitken. You spoke about the frustrations that you had experienced, and you said that you use elected members "eventually". That was an interesting comment. Why do you do that only eventually? Why would you not approach them sooner in the process?

Teresa Aitken: There are processes that we have to follow. If we were to jump right to elected members—well, we are not popular anyway. [*Laughter.*]

I have written down things about co-production, participation and empowerment. We are empowered people in our communities, and we have been doing co-production for many years.

The Convener: Would you use the word "co-production" when you are yapping to folk in your community about what you are doing?

Teresa Aitken: Certainly not.

Before we take an issue to the elected members, we have to allow the person in the post to do their job and provide us with the information. We use the elected members a lot, because we have come up against a lot of barriers over the years in trying to take on land and assets. We have got through the brick wall eventually only because of the elected members, but we do not use them immediately because we like to follow the process. If nothing comes from that, we certainly go to an elected member.

John Wilson: Good afternoon, panel. I am an elected member and have been the chair of Glenboig neighbourhood house for a couple of years, so I am not included in the elected members who Teresa Aitken refers to. She is referring to our local councillors, who we tend to involve if we are having particular problems.

Having made that declaration, I have a question for the panel. Having read the bill, would you add anything to it? Would you like to see anything strengthened in the bill to make it easier for communities to take forward what is proposed in the bill?

Alice Bovill: Maybe the only thing that I would encourage is communities having a stronger voice and being included in other committees. I am

fortunate in being on the Dundee partnership management group, so I can go to the top on issues. I am also on other regeneration committees and I have worked in the tenants movement and on a children's panel. I have gained knowledge from all that. However, community members need encouragement and training on public speaking, if necessary, so that it is not always left to two or three people to give evidence to a committee such as this, for example.

Apart from that, I think that we get all the support we need. We have contacts with the right people. If we have a problem, we are not slow in going to them and saying, "This is breaking down." If something has not been done after it has gone to the local community planning partnership meetings, we can follow it through and say, "This has not been done. Your LCPP meetings are not working. What are we going to do about it? We have to do something." We have to get the person concerned to go back to his or her seniors and ask whether he or she can make a decision. Sometimes their hands are tied, too, when it comes to making a decision on something important that we are asking them to do.

The Convener: So even without the bill, things seem to be working pretty well.

Alice Bovill: They are working pretty well, but unfortunately because these things are not in legislation they do not have to be done. The bill will let councils know that they have to do certain things. As I said, we are fortunate in Dundee because the council supports us, but it does not have to. A new council could come in and decide that it did not want to work so closely with the communities and did not want to give them the voice that they have now. We must watch our backs and we must look to the future.

The Convener: Thank you. Teresa, do you want to comment? Things are working in Dundee without the bill. Will the bill help you?

Teresa Aitken: I think that the bill will help. We do not have a community asset transfer policy, but we need that. Greater participation and having a voice will make communities stronger. I think that the bill will definitely help communities to go forward.

The Convener: Does anyone else want to have a crack at John Wilson's question?

Yvonne Tosh: I think that the bill will help. Like Alice Bovill, I wear lots of hats, but the bill can allow someone who does not have so many contacts to help their community. It is good that I have contacts, but the bill will help someone who does not have them.

The Convener: Would you add anything to the bill?

Yvonne Tosh: I would make it shorter. [Laughter.]

The Convener: Less gobbledegook.

Yvonne Tosh: I was going to say that. Put it in plain English.

The Convener: Okey-doke. Does anyone else want to comment?

Dewi Morgan: Yes. I think that there is a problem because the bill is such a portmanteau one. It covers so many issues that it is very difficult for anyone to work out what is going on. It took me several goes at the bill to realise what was there. With the supporting documents, there are about 300 sides of A4 to read through to work out what it all means and which bits are relevant to the community, whatever it is. That is not easy. That is why there is the idiot's guide; that is a bit embarrassing really, so we need something between the idiot's guide and the rest of it.

12:45

The problem is not that we cannot understand the bill. After two or three readings and making notes we all understand what is in the bill, but people in communities do not have time for that. If someone wants to make a planning application, they have to get the documents and find what is needed. If it is a piece of law, they have to find it. They have to find out whether the community council is part of it; they have to dig, dig, dig to find the right route. You do not make it easy for us to understand this stuff.

Could the bill help Aberdeen or our community council? I think that it could, but it depends on how the local authority uses it. It could use it as a tool to give us a harder task.

The Convener: I understand that. The bill is pretty tough going, which is why we have divided it up. I have been told to do another advert and mention a wee video that has been produced for communities. We will send it to you and you can pass it on to others. Unfortunately it means that folk will have to look at my face.

John Wilson: We heard evidence earlier from Barnardo's and other organisations. Barnardo's indicated in its written submission that the community planning partnerships should set aside 1 per cent of the overall CPP budget for community engagement. Are there enough resources to allow communities to participate fully in the decision-making processes that they want to be engaged in? With the exception of Alice Bovill and Yvonne Tosh, who seem to be quite steadfast in their engagement—they might want to comment, too—do the panel members think that there are enough resources to allow them to participate fully? I am not talking about

participating on the edges, but about participating fully in the issues that you want to participate in and in the decision-making structures that are out there making decisions for communities.

Alice Bovill: The resources are there. They are not necessarily money resources, but assistance is available. We identify the internal and external training that we need to take, such as the disclosure and food and hygiene certificate training, for example. We have all those extra things to do. Policies have to be kept up to date every year, so we have to go through training for that.

We could not do all that by ourselves—we need support from community officers. We get support in kind, not in cash, because all our income is grant funded. We get lots of support in kind from other people so that we can bring on our volunteers. I know I said that our volunteers would not all read the bill, but they get involved and they know the policies for a management group running an individual centre with a community-led body.

Teresa Aitken: We are members of DTA Scotland, and resources in kind that are available through DTA have given us a great voice in decision making. What we have learned as part of DTA Scotland over the years has really taken us forward, and other training is available through CLD and different partners.

If we were to really take part in decision making, have a voice and free up a lot more time, we would need financial support that is not there at the moment. However, a lot of DTA Scotland's expertise has been valuable to us.

John Wilson: People who have read the bill will see that there are issues around the definition of community organisations that local authorities and public bodies should engage with. Should there be some tightening up of that community body aspect? I am trying to get a definition of who should be able to participate and who should engage in the decision-making policy structures of the council or CPP.

Alice Bovill: In the area that I come from, we have a group that deals with community safety so we know that that is where we direct questions to the police. We have a group that deals with the planning partnership, which is the management board in the centre. We have other groups that deal with churches, so we can get in touch with local churches. We have a group that deals with schools. We identify the different areas that we are working with. If we are working on an issue to do with antisocial behaviour in housing, we know who to go to.

It is a matter of identifying the right person with the right information and getting them to come along to the meeting. I might ask the police to

come along to a meeting about antisocial behaviour, but I might not ask them to come to a meeting on housing improvement; I would do better not to waste their time, because the police are strapped for time, and to invite the right person at the initial stages.

Alex Rowley: Dundee has local community plans and area plans. How engaged are the Dundee groups in them? Are the other organisations that are represented here aware of their local community planning partnerships and engaged in local plans?

The Convener: Let us start with Dundee.

Alice Bovill: I used to live in Ardler, which became a regeneration area, and I did not move up to St Mary's until 2000. I had said that I would not get involved in anything again, but I got involved in getting tenants' and residents' views on their aspirations for the area—a wish list, basically. We were saying to the community, “You write down on a post-it note what you'd like to see and put it up on the board, and we'll write a community plan.”

Way, way back in the early 2000s we wrote the first community plan, which is where the idea for a community facility came from. People wanted lots of other things. Believe it or not, the children wanted tidier gardens in the area; they did not like hanging about in an area that had untidy gardens and insufficient lighting. They were coming out with simple things like that.

We have to consult before we even think about a community plan; the community plan has to be led by the community. I cannot go along and say, “I represent the community and I think people need this and that.” I cannot impose my view of what people want; I have to hear everybody's views.

As I said, our community plan was drawn up way back in the 2000s, before we had LCPPs. LCPPs are quite new—we had regeneration forums before we had LCPPs. Every so often, we take a day to review what has been done, what is still to do and what has not been touched yet, and we create another list of aspirations.

The Convener: Are the other areas that are represented here aware of community planning partnerships and the levels below them? How are you involved?

Teresa Aitken: I am aware of those bodies and I am involved. I can go to the local area partnership meeting once a month and feed in through North Lanarkshire Council community learning and development; there is a partnership through CLD, and a lot of local organisations sit on that. We have a great network in the Coatbridge area. There is a steering group, which involves the

NHS, the council, the police and everyone, and we work well at local level. The reshaping care agenda, which came up earlier, is a great avenue for participation, and North Lanarkshire Council has taken it forward in a good way. The bill builds on that. The progress on reshaping care shows what communities can do to build on structures and develop good projects in their areas.

I am also aware of the community improvement plan and how it works locally.

Dewi Morgan: I do not know of a community plan that is in operation in our area. We get involved in the formal ones—the local area plans, and so on—and go through the formal process of putting comments into those fairly tortuous documents, but I have heard at the community council forum that there is no community council involvement in the central Aberdeen master plan consultation, which is a plan to rejuvenate the whole centre. They have managed to pull that together without any community council input.

Ryan Currie: I am aware of CPPs, outcome agreements and things like that in the North Lanarkshire area. I have seen all the diagrams and the fancy reports, but Reeltime is not involved. While the other witnesses were talking, I was thinking about why that is the case. There is probably a variety of reasons. We are a small charity and, like everyone else, we are just trying to keep our heads above water trying to get funding for our own plans. I can speak only for myself, but it is sometimes quite hard for small organisations to see where they would fit in to a big, complex diagram, or to decide which meetings to go to and at what level they should be discussing things.

Yvonne Tosh: For me, it started off when I went for a nosey, and my involvement just grew. Now, I fit in and I can put my point forward and say, “Right, this is what the community wants, not what the council wants.” If the community wants something, you have got to fight for it. We have been fighting for a long time for our green space. We did a lot of consultations and the matter went to the LCPP, which said that it was a good idea.

Our consultation included five-year-old kids. One wee boy said, “I know what I'd love—a swimming pool.” I said that I did not think we would get a swimming pool in Douglas, but he said, “Yes, but in winter it freezes and we'll get a skating park.” What do you say to a five-year-old in response to that? If you empower children from the beginning, they will go forward.

The Convener: Absolutely. I probably ended up here because I went for a nosey once upon a time.

Cameron Buchanan: Do the witnesses think that the new powers in the bill will make a real difference to communities?

Teresa Aitken: I do not know. I think that they will be of benefit to us, because of the work that we have been doing in North Lanarkshire and Glenboig over the years. We need something that will make our council accountable, and we definitely need the bill to make our communities stronger and to make not only councils but all public bodies accountable. It will help people who are setting up, and it will help us to help them. If there is a proper document, it makes the council, the NHS or any other body accountable.

We could then go to other small groups that are setting up. It is a big thing to set up a group and take on land, or to start projects and look for funding. We have been there for a long time and we still find it quite scary at times. I think that the bill will help to empower other communities and enable them to go forward.

The Convener: You said to begin with, "I don't know," and then you were pretty positive about it.

Teresa Aitken: Well, I kind of thought about it.

The Convener: Sometimes there is a don't-know factor. Should we revisit the issue as a committee after the act is in place to make sure that it is working as it should for communities?

Teresa Aitken: Yes, because acts come in and are supposed to be operational, but often they just get put in a filing cabinet, so you should revisit it.

The Convener: That is grand. Thank you very much.

Dewi Morgan: I think that the bill will make a fantastic difference for one or two specific cases. In the Western Isles, for instance, there have been situations in which people have been desperate to buy land. It could make a difference for smaller community organisations, but I will have to wait and see how it actually works, because it is in the local authorities' remit to decide whether they deliver or go to the letter. If they go to the letter, not much will happen.

The Convener: Will participation requests deal with some of the difficulties that you have faced? If the facility for participation requests is in place, you might not have to go through the rigmarole of making a participation request, because the council will know that you have that ability. Will councils give you answers sooner?

13:00

Dewi Morgan: We do not want to participate by sitting in committee meetings day after day. There is a lot of that, which is a desperate problem. We do not want to get involved in that way.

At this week's community council forum, someone made the good point that we seem to be moving from a representative democracy to a

participatory democracy. However, we do not want to participate to the ends of the earth, because some of us have day jobs and domestic commitments. We just want the support that we need; we do not want to have to sit on committees unnecessarily. Our forum was asked to sit on a committee for two years to talk about the community council boundaries. That is ridiculous.

Alice Bovill: The bill is useful in advising groups that are starting. I am often asked to talk to people who are trying to set up similar groups to ours, outside my local area, but still in Dundee. It has been handy to take along the bill and refer to it when talking about problems that people might have. What is proposed is down in writing and will become an act, as the convener said. That can be revisited if people do not get the access to officers that we get.

Anne McTaggart: I will reiterate what the convener said. Given how prominent your organisations are in your communities and how hard you work, what plans—if any—did you put in place to gather information for the consultation?

Dewi Morgan: I barely knew that the bill was being considered until the letter to invite us to the committee arrived. I did a little bit of information gathering before, and then an awful lot yesterday. I looked at videos of previous committee meetings, for instance.

Anne McTaggart: Has that made you think about how to inform your communities about the bill?

Dewi Morgan: Yes.

Alice Bovill: I knew what was going on, because I sometimes look at the Scottish Government web pages. I am quite interested in water and sewerage charges, which are our main bugbear at the St Mary's centre. We are £5,000 in debt because of those charges, but we had Alex Salmond up to the centre and he hopes that we will get charitable status. I tend to check on the bills that are going through Parliament and on whether they have become acts, so I knew about the consultation.

Teresa Aitken: I knew about the bill through DTA Scotland, which asked us to comment on it.

Dewi Morgan: Anne McTaggart asked whether we would pass on information to the community. Given what I now know about the bill, I certainly will talk about it. I have already made a note to mention it in the next newsletter for our area. The information and videos all help.

Until when does the committee want feedback? Newsletters are not issued weekly; the process is slow.

The Convener: It would help to have any feedback by 12 November, which is when the minister will appear before us. However, the process is on-going and you have the right at any time to let your elected representatives know what is right or wrong.

We are at stage 1 of the bill process, so there is room for the committee to look at the bill again. Beyond that, the whole Parliament will have the final look at the bill. Do not feel bound to 12 November—if a flash of brilliance comes from somebody in your communities, as often happens, tell them to let us know about it.

I thank the witnesses for their evidence. I know that you are all volunteers; we are grateful to you for giving up your time to speak to us. I hope that we spoke without too much gobbledegook.

13:04

Meeting continued in private until 13:05.

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