



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

LOCAL GOVERNMENT AND REGENERATION COMMITTEE

Monday 24 November 2014

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LOCAL GOVERNMENT AND REGENERATION COMMITTEE
30th 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:

Councillor David Alston (Highland Council)

Sandra Holmes (Highlands and Islands Enterprise)

Patricia Jordan (The Nevis Partnership)

Sarah-Jane Laing (Scottish Land & Estates)

Steve Macfarlane (Lochaber Chamber of Commerce)

Duncan Martin (Oban Community Council)

Rachael McCormack (Highlands and Islands Enterprise)

Alasdair Nicholson (Voluntary Action Lochaber)

CLERK TO THE COMMITTEE

David Cullum

LOCATION

Lochaber High School

Scottish Parliament

Local Government and Regeneration Committee

Monday 24 November 2014

[The Convener opened the meeting at 17:13]

Community Empowerment (Scotland) Bill: Stage 1

The Convener (Kevin Stewart): Good evening and welcome to the 30th meeting in 2014 of the Local Government and Regeneration Committee, at Lochaber high school in Fort William. I ask everyone present to switch off mobile phones and other electronic equipment as they affect the broadcasting system. Some committee members might consult tablets during the meeting because we provide meeting papers in a digital format.

I thank the organisations and individuals who have helped the committee to organise today's event. I particularly thank the staff at Highland Council and the staff and students at Lochaber high school, including the principal, Jim Sutherland. I also express my gratitude to the folks from the Sunny Lochaber United Gardeners who kindly talked to the committee about their work earlier today.

At the end of today's formal meeting, we will have a short, informal question-and-answer session for those of you who are watching from the public gallery. That will be an opportunity for you to question the committee on what has been discussed today. I will speak more about that later on in the evening.

We have received apologies from Alex Rowley MSP and Stuart McMillan MSP, who are unable to attend the meeting today.

Agenda item 1 is our final oral evidence session on the Community Empowerment (Scotland) Bill. We have two panels of witnesses giving evidence this evening. In the first panel, I welcome Councillor David Alston, the deputy leader of Highland Council; Steve Macfarlane, a board member of Lochaber Chamber of Commerce; Sarah-Jane Laing, the director of policy and parliamentary affairs at Scottish Land & Estates; Rachael McCormack, the director of strengthening communities at Highlands and Islands Enterprise; and Sandra Holmes, the head of community assets at Highlands and Islands Enterprise. You are all very welcome. Would any of you like to make an opening statement?

17:15

Councillor David Alston (Highland Council): I hope that it is clear from our written evidence that we support the direction of travel and spirit of the bill, and that we hope that our comments are seen as constructive and show ways in which the bill could be improved in detail.

I draw attention to the general comments section at the end of our submission. We have added something about community councils, which are not in the bill. Highland Council operates across a wide geographical area with 140-plus community councils. We see community councils as one of the building blocks of community empowerment. What those community councils do varies a lot. The best are very much part of their communities and of the empowering of the community.

The comments that we have made in our submission are comments that we have made at every opportunity when there has been a consultation on community councils over the past 12 years. It would be nice to see some movement on them. Our main concern is that community councils are not corporate bodies. That means that when the community wants to do something that involves large sums of money and when it wants to take control, it has a choice. Either it forms another organisation and the same people become members of it, which means additional bureaucracy, hassle and expense, or it runs the risk and acts as an unincorporated body that owns assets and employs people but is not given the protection that people who are giving something to their community should be able to expect. If community councils were made into corporate bodies, it would help to solve the problem.

I know that part of the issue is that these bodies operate quite differently in different parts of Scotland, but we hope that our comments can be taken on board as part of the solution for the Highlands.

The Convener: Thank you. As nobody else wants to make opening comments, we will move on.

To what extent will placing community planning partnerships on a statutory basis be helpful?

Rachael McCormack (Highlands and Islands Enterprise): The provisions in the bill on CPPs are positive. Our written evidence highlights the fact that there could be benefit in having a degree of flexibility about the composition of CPPs. Statutory provision is powerful, but a further positive step would be to have local flexibility and the ability for partners to identify the most appropriate composition of CPPs and, within that, the most appropriate form of representation of communities and the third sector.

Sarah-Jane Laing (Scottish Land & Estates):

We support the provisions on community planning. We are slightly concerned that they do not go far enough but, to be honest, that is not to do with community planning. Community planning is not just about the statutory framework. It is about relationships, dialogue and involving all members of the community. The bill is a good starting point, but we have to have commitment to guidance, support and assistance that will give us a properly functioning community planning process. Lots of things in the policy memorandum probably cannot be put in statute and we would like to see how those are going to be implemented in future.

Councillor Alston: We believe that there should be a defined core membership, with the flexibility to add members to it. The defined core membership is important because, although it does not matter when everybody is willing, and although we have a very good community planning partnership in Highland, it is important for everybody to be at the table and to take on the responsibilities, including the responsibility to put something into the pot of resources.

The Convener: We will find out from community representatives later whether they think that the CPP works well or not.

Steve Macfarlane, do you think that business has a good enough input into the community planning partnership and the formulation of the single outcome agreement?

Steve Macfarlane (Lochaber Chamber of Commerce): I have no comment on that, unfortunately, as that is not an area in which I have got involved.

Sarah-Jane Laing: I could comment on that from a land-based business point of view. There are some very good examples, and we referred to one in a previous consultation response. The Scottish Borders Council's working countryside group proactively encouraged businesses to be involved. That included changing the whole format of the dialogue and having meetings at different times and in different locations.

There are businesses of all sorts that are not involved in community planning. I support the need for a core group, but we have to consider what other people can bring to the party when it comes to community planning. Core groups still seem to be very public agency focused and organisationally focused.

The Convener: The bill lists those folks who will be involved on a statutory basis. David Alston mentioned that that should be the core group, and that others could be added. Should any other groups be added to the community planning partnership framework on a statutory basis?

Councillor Alston: We value the involvement of the third sector interface at the core level.

We are working across a very big geography in Highland, and there has been a discussion about the community planning partnership as a Highland-wide body. There are different questions about how things operate at a local level. That needs to be cashed out, considering the different methods and subject matters at local level. At the core level, the involvement of the voluntary sector is important.

I can understand that point about the involvement of the business sector. Perhaps that is part of the flexibility that we need in considering how we expand from the core membership.

The Convener: Does anyone else wish to comment on that? Should there be any expansion?

We have heard today from a number of folks from the Lochaber area. We have also heard from folks from Argyll and Bute, but I will concentrate on Highland. Highland has a large landmass, and you have already explained about the 140 community councils that you have. How does Highland Council ensure that community voices are heard and that what they view as being the most important priorities fit into your single outcome agreement?

Councillor Alston: To be honest, we struggle with that. At the moment, we are trying to get the community planning partnership to be more effective at a local level.

In the past, in some areas such as community safety, there have been some very good working practices at local level. As part of our integration with the national health service, we created bodies called district partnerships, where people could come together—not as part of the governance but as solution-focused local groups where people could bring things that were causing problems. We are now in the process of adding the Scottish Fire and Rescue Service and Police Scotland to the district partnerships. The meetings are held in public, with opportunities for the public to get things on to the agenda, to have them discussed and, at the end of meetings, to be part of the public discussion.

We are trying different things with different bits of the community planning partnership. The council has an area committee structure. Ward forums have been important, although they work better in some areas than in others. We are finding slightly different solutions in different parts of the Highlands to the question of how the community gets a voice. It is by no means perfect, and we have a long way to go.

Mark McDonald (Aberdeen Donside) (SNP):

The convener has touched on where I was going to go, but perhaps you could expand on this point. The committee has taken evidence in different places, including the Western Isles. When people there talk about a centralisation agenda or a centralisation of power, it is not Edinburgh or London that they talk about but Stornoway. Here, we have found that it is not Edinburgh or London but Inverness. Is that a criticism that Highland Council and the other agencies here acknowledge and accept? If so, do the provisions in the bill allow for some of that to be addressed and altered?

Councillor Alston: The answer is yes to both questions. We would accept it as a criticism and we think that the provisions in the bill can help. It is fundamentally when communities find the opportunities to take control themselves that their voice becomes more powerful and it plays a part in the system.

It is still in the very early days, but we have created something that we have called the community challenge fund. We have said to communities that, if there is a council service that they feel they could run better at a local level, we will look at transferring the budget to them, and we have a capital sum that we can put in to ease the transition. We are looking at what we hope are creative ways of empowering communities, and I think that the provisions in the bill will be of great assistance.

Rachael McCormack: We absolutely understand the suggestion that things are Inverness centric. The structure of Highlands and Islands Enterprise has, over time, consciously rooted a significant number of offices and a significant number of staff within the communities and close to the businesses that we support, and we are committed to that. We recognise that, across the region, we have diverse local economies and communities with wide-ranging ambitions and aspirations, and it is imperative that we are close to them and accessible.

In addition to our area teams, we have other locally based teams, so, wherever someone is in the Highlands and Islands, they are not terribly far from HIE staff. The majority of those teams have strengthening communities teams based within them, as well as economic development teams. The reach of our agency in terms of our dual remit of economic and social development is very much spread across the region.

We measure, record and feed back our investment to the Government annually, and part of the reporting that we do looks at the split between our investment in our urban or built-up areas and our investment in our fragile areas. Although about 13 per cent of our population stay

within our fragile, most remote and socially and economically challenged areas, about 20 per cent of HIE investment over the past three years has been targeted to those areas. That disproportionate per capita investment recognises the over-and-above challenges that are faced by some of our most rural communities.

Sarah-Jane Laing: One problem that we have had in the past and have at the moment is that local flexibility and local priorities are seen as costly complicating factors. I hope that the bill will allow us to move to a stance where they are seen as solutions and not as problems. As soon as we move to that, communities understand the part that they can play.

The biggest thing—again, it is not statutory—is communication. Lots of communities across Scotland have felt that their engagement and feedback have not been recognised and valued. They probably have been taken on board, but the communication by local authorities and nationwide agencies has possibly not been that effective, so people have got to a stage where they are not sure whether there is any value in being involved in community engagement or feedback to Highland Council or other organisations.

17:30

We have to encourage people to understand that, when it comes to policy setting and priorities at the regional level, you have to do the hard yards. I know that that is a bit of a hard sell, but people can have much more of an impact if they are involved in setting policies than when they get down to individual decisions. If people are involved in setting the policy for new housing or new enterprise in Highland Council, they will have much more of a say than they will if they are just dealing with one application from someone who wants to build a house at the end of their garden. Making people understand how their voice can make a difference in rural Scotland is something that we all have to play a part in.

Mark McDonald: Mr Macfarlane, do you have anything to say on that?

Steve Macfarlane: The opportunity for business to be involved in some of the discussions here seems to be distinctly lacking.

Mark McDonald: That feeds into my next point. Some of the discussions at the events that we had earlier were about who is at the table in community planning partnerships. Councillor Alston talked about business, but community bodies and community groups would like to be much more embedded in the process. The bill talks about “appropriate” community bodies, but the difficulty is how we define what an appropriate community body is.

Councillor Alston spoke about the 140 community councils in the area, which presumably operate at various levels of functionality. Some communities do not have a community council, but they have other groups or organisations that, in effect, fulfil that role and function. How does Highland Council determine who are the best people to be either at the table or engaged with as part of the community planning process?

Councillor Alston: At the high level of the community planning partnership which, at the end of the day, directs the work of the chief officers of all the public agencies, we use the third sector interface. It is extremely difficult to find a mechanism at that level to involve somebody who can claim to represent communities. Therefore, the more direct involvement with communities is at a lower level.

We have community councils throughout Highland. If they are given more responsibilities, they will have more chance of becoming the bodies that we can count on as the first port of call for community representation. That happens within the community, at ward level, where we hold ward forums, and by feeding into the district partnerships that I mentioned. It also happens through things such as the ability to petition the council through our petitions committee and the ability to input into the overall umbrella of the community planning partnership through the third sector interface.

Mark McDonald: Is there anything to prevent local authorities from taking a more empowering approach to community councils at present? Is legislation required for that to happen, or could local authorities do that anyway within their current powers?

Councillor Alston: Legislation is required to give community councils corporate body status so that the individual members have protection. In the community where I live, the community council employs people and owns assets, and it has taken a conscious decision to do that rather than set up separate bodies. That is for a whole bundle of reasons, but one is about keeping things simple and allowing the effort to go into the activity rather than into the creation of the infrastructure of organisations. Community councils deserve the protection of corporate body status, which protects the individual members, and that requires legislation.

Mark McDonald: There is obviously more to empowering community councils than the issue of corporate body status. Is there anything to hold back a local authority from, for example, changing the way in which it allocates funding to community councils to give them a bit more flexibility and to empower them a little more at local level?

Councillor Alston: We do that in two ways. We have ward discretionary budgets, and community councils are one of the main groups that bid into those for local projects. We also have the community challenge fund, which involves asking communities whether they think they could take over a service, which could be grass cutting or grounds maintenance, although some communities are looking at bigger things. I do not want to give the wrong impression. We are on a journey, and we are aligned with what the bill is trying to achieve. There are things that we can do at our own hand, but the bill will help us.

Mark McDonald: You mentioned that you ask community councils whether they can take on X, Y or Z. The bill will allow for participation requests, which are less about a council asking communities whether they can take on X, Y or Z and more about communities saying that they want to be involved in X, Y or Z or they would like the council to deliver something that is not currently delivered. That strikes me as the flip-side of what you suggested, because it is more about the community being empowered in relation to what is happening than the council shovelling things towards the community councils or communities that they might not wish to take on but which they may have to take on as hostages to fortune.

Councillor Alston: No—we are certainly not shovelling things towards the community. The process is very much that, when a community feels that it can do something better and more effectively, we will consider transferring control of the budget to that community.

The Convener: The ward budgets, which you mentioned, also came up earlier today. In Highland, they are controlled by councillors, whereas in places such as Dundee we have found that budgets go to the communities, which are then allowed to spend the money, with some restrictions but not a huge amount. Why did you decide that local elected members, rather than communities, should be able to decide where the discretionary moneys go?

Councillor Alston: Actually, the budget holder is the ward manager, although they take advice from local members. We decided to take that approach partly because we wanted to make the ward budgets work. They are a new creation and, in some ways, a building block. At the moment, if we simply divvied up the money among the 143 community councils, some would find it easy to deal with that and others would not. I cannot speak for the council in this regard, because we do not have a policy on the issue, but personally I am certainly keen on finding a way of devolving budgets further to community councils. I am sorry to go on about this, but corporate body status is important in that regard. If we are to push down

budgets to a lower level, people will be taking on more responsibility, so they will need the protection of corporate body status.

The Convener: It seems, however, that other local authorities can deal with the issue at present without community councils becoming corporate bodies. Perhaps we can pass you the information from Dundee, which you might want to consider.

Cameron Buchanan (Lothian) (Con): Councillor Alston has mentioned incorporating community councils, and that is referred to in Highland Council's written submission. How would you define the core membership, which would be different in each region? Would there be any disadvantage to incorporating them?

Councillor Alston: I am sorry—do you mean incorporating the community planning partnerships?

Cameron Buchanan: It is community councils, really, and community planning partnerships.

The Convener: I think that it is both.

Cameron Buchanan: Yes, I meant both. I am sorry. They are two different things, but I meant both.

Councillor Alston: I think that I have made the point about community councils.

On community planning partnerships, the important issue is the core membership and ensuring that everybody is not just at the table but is there with an obligation to deliver outcomes at the end of the day. When I said that I thought that we had a good community planning partnership in Highland, I meant that it is good at that level. By and large, we have excellent commitment from across the public sector. There is no feeling in the community planning partnership that its becoming a corporate body would have any particular advantages or disadvantages. That has not been on our horizon.

Cameron Buchanan: Would the situation vary among regions, or would each have the same sort of membership and structure?

Councillor Alston: Do you mean within the Highland Council area?

Cameron Buchanan: Yes—within Highland.

Councillor Alston: We work with one umbrella community planning partnership, and we are trying to get it to operate according to the themes that relate to the key outcomes, such as community safety. We are trying to get that down to local level. There has to be flexibility at local level to get the right people at the table, because places differ. It is not just the geography that is different; there are different cultures and different key players in each community, so we have to keep flexibility

when we get down to the organisations that are nearer the community.

The Convener: Does business have an input at local level? Does business manage to get its say on community planning in Lochaber?

Steve Macfarlane: It is hard for me to comment on some things without having knowledge of the background, which unfortunately I do not have. All I will say is that in the last wee while we have formed a new chamber of commerce and are in the stages of bringing it together, and it will build in strength. I have no way of commenting on that today, but rest assured that the next time we meet I will have more to say.

The Convener: I look forward to that.

Steve Macfarlane: That is probably the safest way I can put it at the moment.

The Convener: From an HIE perspective, what is the situation at local level? Let us take Lochaber, since we are here. Is there enough business input in formulation of the local plans that feed into the SOA?

Rachael McCormack: There could always be more business input, and the same is true of the community and social enterprise sides. One of the things that we did internally as the bill was being produced was consider its implications for HIE and our role as a community planning partner. We often lead across our local authority area partnerships on the economy and employment subgroups or strands, but we recognise that we can make a greater contribution to CPPs from the point of view of our community and social enterprise input. However, more real-time economic intelligence and information from businesses is required as well.

As one of my colleagues here remarked, though, it is incumbent on us to ensure that information comes back out of that process as well, and that it is not just linear input from businesses into the CPP, so that information is more complete.

Sarah-Jane Laing: There is input from businesses, but it is limited to feeding in views on what HIE, Highland Council or other agencies are doing. There is a failure to recognise that businesses can be the delivery mechanisms for much that is in the single outcome agreements or for localised priorities. That is where the frustration tends to come from in community planning: it still feels like something that is done to communities.

Anne McTaggart (Glasgow) (Lab): I thank the panel for having us along here tonight and I also thank the audience.

The bill requires that

"A community planning partnership must ... make all reasonable efforts to secure the participation of ... community bodies"

that it considers

"are likely to be able to contribute to community planning".

To what extent will the bill's proposals allow meaningful participation by communities in the community planning process? Does more need to be done in that regard? Can you give examples to show what meaningful participation by communities looks like?

The Convener: Who will have a crack at that first? I am going to pick on somebody if nobody puts their hand up. Councillor Alston, do you want to have a go first?

Councillor Alston: Right. It is a very big question.

The Convener: It is.

Councillor Alston: But it is a very important question. My observation is that community ownership of land and other assets is very often the key step that a community takes that gets people involved in the running of something. For example, we had examples of communities that owned and ran their village halls while the council owned and ran other village halls. We decided some years ago—it was not popular with some communities, but it was the right decision—that all village halls had to be taken over by communities.

That was a good move and it is a very small example, but if communities can move from that to extending what they have control over, that is when they get involved and take power. Empowerment can sometimes sound as if it is about the council sitting in Inverness handing out power. Of course we have to be willing to let go, but it has to be about the communities taking control themselves. It is about communities owning assets, running projects and seeing the outcomes of what they do, and getting the hunger to do more.

17:45

The Convener: Okay.

Sarah-Jane Laing: Anne McTaggart's first point was that the provision is limited to community bodies that

"are likely to be able to contribute to community planning".

For me, a decision on that will still be subjective, and it will be taken by the CPP perhaps without it having real knowledge of what the community body is capable of and can achieve. I am therefore not sure that the wording is right in that provision in the bill. I do not have a suggestion as to how it might be changed, though.

To pick up on Anne McTaggart's other point about community participation, as David Alston said, community ownership is only one part of that. Opportunities for participation are limited if people feel that it is just about ownership and transfer of assets. There are community bodies out there that want to get involved in running services and activities but do not want to go down the route of community ownership. We must ensure that their views and aspirations are as valid as those of people who want to pursue full community ownership.

Rachael McCormack: What is key to participation by not only communities but social enterprises and businesses is the mechanics of community planning partnerships. A chief executive in the fire service, police service or health service has a clear remit to be the conduit for all things within their ambit that come in and go out, but community bodies by definition focus on what is local. They might be communities of interest and have a broader geographic reach, but they focus on specific areas and interests.

There is a dichotomy in terms of the nature of the entities that we are trying to bring round the table. The key will be in designing a mechanism through which the community voice can be heard, and which will be a powerful conduit between communities and social enterprises and businesses that can be, as Sarah-Jane Laing said, at the heart of delivering the objectives in single outcome agreements. However, we must draw together the macrostrategic public bodies and the need for businesses, communities and social enterprises to contribute.

Anne McTaggart: I thank you for your comments.

Transport is significant in this area of the Highlands. How would you get the community to participate in discussion on that issue? Would you ask for their views? For example, would you ask a community if it would be harmed by a change to a particular transport link? What would you view as meaningful participation in that regard?

Rachael McCormack: In our experience, meaningful participation is when communities identify an issue in, for example, transport, healthcare or elderly care, and talk to partners about ways in which they can take on the responsibilities themselves or take over services that are centralised in order to decentralise them back to communities, with support and investment by agencies for capacity building.

Our community body—as an HIE account-managed body—in Helmsdale on the other side of the Highlands prioritised care for elderly people who would otherwise have to be transported to Inverness. The community body also prioritised

community transport because it was not happy with a service being lost, it prioritised local social housing because it understood that it was needed, and it prioritised activities for young people.

True engagement is not about a conversation; it is about creating the conditions that enable a community to be supported and truly empowered to take on things that it has prioritised for itself.

Councillor Alston: There is a very exciting initiative in Lochaber at the moment. Alasdair Nicholson from Voluntary Action Lochaber is on the next panel and he is probably better placed to give you the detail. There is an awful lot of transport about: school minibuses, ambulances, patient transport and so on. That project is looking at how all that transport from across the public sector and the community sector can be pulled together and used much more effectively. That is a very good example of what can happen at tactical level.

Right down at community level, I am aware of quite an interesting example from my ward, where the community council was concerned about the bus service. There were issues with the frequency of the buses and with buses not keeping to the timetable. The timetable was not really working. Instead of just complaining about it, the council got together with the bus company. It said to the bus company, "Look, we're on the ground. We can monitor your service and we can promote it if we know that it is going to be reliable." The community council entered into an agreement with the company. The local community monitored the service and let the company know when the buses were not running to time, so the company was not just reliant on a driver filling in a sheet. The bus company offered to use a mystery shopper. It gave a member of the community who was travelling on the bus anyway free tickets for a number of weeks so that they could check on the service.

The company accepted the community's suggestions about how the timetable could be altered and the community council then went out to people and said, "We've got the timetable altered to suit what you wanted—you've got to use the bus if you want to keep the service." It was an interesting example of a business being involved at local level; it was good for the business, but it was also about trying to make things better for the community.

The Convener: Anne—do you want to come back in?

Anne McTaggart: I think Sarah-Jane wants to add something.

Sarah-Jane Laing: One thing that we probably have to do quite early on is change the language that is used in community participation. People are

often put off because we tend to use policy speak or agency speak. We need to move that dialogue; the recent Scottish Rural Parliament event in Oban was an excellent example of moving away from policy wonk speak to having real conversations.

Some tangible things came out of the workshop on transport. It did not just call for sustainable transport strategies; it also called for a change in how bus passes are allocated, and said that young people should get them, as well as old people. It talked about the need to change significant parts of our approach.

We also need to ensure that we involve not just the people who use the service or who have an interest in it but those who do not use the service. There was a project in Ballater, called Ballater one voice our future, which brought in everyone who might have a stake in the future of Ballater to ask them why they were not using the buses. It was not just about speaking to the people who already used the buses. It was very resource intensive but it was valuable.

The Convener: Anne, do you want to come in now?

Anne McTaggart: I think David wants to come back in first.

Councillor Alston: I gave the example of the community council working with the bus company—that community council now has email addresses for getting on for 40 per cent of its community. There is full compliance with data protection and it uses the addresses only for community council purposes. If an issue comes up and the question is, "What does the community want?" at the touch of a button, the council can reach 40 per cent of the community to ask them.

Anne McTaggart: What happens, though, if the community council then disagrees with the bus company? Where is your role within that, given that you subsidise transport?

Councillor Alston: The services were all non-subsidised services, so what happened was purely on top of what we might be able to lever out through subsidising services. That example was about a direct link between a community and a business. They identified the mutual interest of improving services to the community.

John Wilson (Central Scotland) (Ind): Good evening. Councillor Alston made reference on a couple of occasions to the 140 community councils that exist in the Highlands. Can you give us an idea of how those community councils are established, how the boundaries are set and how many hold annual elections? Are there more nominations than there are places on the community councils?

Councillor Alston: We reviewed the community councils scheme about two years ago. The boundaries are set in that scheme. They vary a lot across Highland—some community councils cover large areas. Wick has one community council, while Nairn has three. It is sometimes to do with the history of the area. If community councils are given more power, we might need to look in more detail at having a bit more uniformity so that they are treated equally.

The scheme now has a system in which elections happen all at the same time. Election is for a four-year term. That gives us the opportunity to promote community councils and election to community councils. You asked about how many councils have contested elections; I am sorry, but I do not have that figure. We can get it.

The Convener: That would be useful.

Councillor Alston: The number is not nearly as high as we would like, but there are contested elections. Obviously, where there are hot local issues, there tends to be contested elections.

John Wilson: Who drew up the boundaries for the community councils? Was there dialogue with the existing community councils and existing communities? You mentioned that having three community councils in Nairn is part of a historical situation. However, what type of dialogue took place two years ago with the communities and the community councils to ensure that the community councils that were recognised by the council were set up around a community's agenda and not the council's agenda?

Councillor Alston: We consulted widely. We asked the community councils themselves to identify anomalies. Since community councils were first set up, places have moved on and in some cases have themselves identified some redrawing of boundaries that would make sense.

As far as I recall, we did not go beyond accepting the suggestions that came from the community councils themselves. We did not try to impose on them a geography that we thought might make more sense.

John Wilson: We might hear more about that later on this evening.

How does HIE interact with communities and how often does HIE interact with community councils? Does HIE see community councils as the main community forum to engage with if it is dealing with potential economic or social investment in a particular area?

Rachael McCormack: From a strengthening communities perspective, community councils are very often part of the mix within a community. We account manage about 50 communities across the region at the moment; those are long-term

relationships. Although community councils are very often part of the mix, we always talk to the community about it setting its own defined boundary that best describes its community. It does not lean towards an administrative boundary unless the community itself brings that forward as a sensible boundary for its community.

I was reminded, in talking about communities and businesses and social enterprises, that sometimes—perhaps more so in more remote and rural areas—you can be talking to a person one day from a community perspective, you can be talking to them the next day about a business growth agenda and you could be talking to them the next day because they sit on the board of a social enterprise.

Across our region, the range of the remit of HIE cannot be subdivided. It would be completely artificial to say that we transact with businesses in a particular way and with communities and social enterprises in a different way because, as I said, it is very often that same person who is involved and there is a bit of a revolving-door scenario.

18:00

The important thing for us is that communities define themselves; they define their interests, and they come to us with their ambitions and their growth plans. We look for where we can support them and where partners can support them, but it is very much the community's choice as to whether to be a community council or another form of incorporated body. That is entirely for the community to determine, and we will support them in pursuing the most appropriate route towards the form that they choose. That would involve consideration of the type of business transaction on which they want to embark, the assets that they want to acquire and the purpose that they want to serve in their community.

John Wilson: On incorporated bodies—Councillor Alston referred to this issue earlier—if there was a community council in a particular village but another organisation or group of individuals in the community were to approach either the local authority or HIE regarding proposals for the area, would any dialogue take place between the community council and the local authority or HIE on those discussions? A question that has come up relates to who the bodies and agencies are engaging with at a local level. Is there any potential conflict if the community council has one agenda while another, smaller group of individuals has a different agenda that they want the local authority or HIE to support or buy into? How would you solve such potential conflicts?

Councillor Alston: I certainly hope that there would be dialogue in that situation. If the council was involved in funding or supporting such a proposal, we would be talking to everybody. Such a situation, in which different groups want to go different ways, can arise in communities.

Community councils are important partly because of the important role of representative democracy and participation at the community level. However, the process works only—as you indicated earlier—if it reaches the point at which people are contesting elections and we can genuinely say that those who are on the community council have stood in front of their community and been elected.

That is the case in some communities, and in such situations it is right to give particular weight to the community council. However, if such a conflict arises, we have to help the community to work through it. If there is still a conflict, the funders have to make the decision at the end of the day about where the funding goes, but we should do all that is possible to overcome conflicts.

Sandra Holmes (Highlands and Islands Enterprise): Within HIE, we respond to whoever makes contact with us. We often engage strongly with community councils, usually at the start of a project.

We have encountered situations in which a community council has not, for whatever reason, completely bought into the idea of a wider development trust as part of its overall priorities. In such a case, we would engage with both parties, and we respond to whoever contacts us. The process is very much community led.

In one particular situation, it was decided—through dialogue that was led by members of the community—to offer the community council a place on the development trust board. In our experience, communities seek to find solutions themselves: they do not look to carry on with conflict.

I reiterate that community councils are often the starting point. We have been invited to many meetings hosted by the community council to get dialogue going, although it does not necessarily see itself as the right organisation to take a project forward.

We will provide support—and often funding—in the early stages, until the direction of the project is clear. If the project goes ahead, the body in question—a community company or whatever—can then work out the right way forward. We certainly treat and respond to community councils in the same way that we would treat other community organisations and businesses.

John Wilson: Councillor Alston, you said in response to my previous question that it would be up to the funders to make the ultimate decision on whether to go ahead with a project and which projects would be funded.

The bill is aimed partly at ensuring that communities are fully engaged in the decision-making process with regard to funding. You said that ultimately the funders would make the decision, but how would you deal with the demand from many communities to be more closely involved in decision making where funding is being spent by the local authority in a particular area, without bodies—the community council, for example—having to become incorporated? Is there no other way in which the council could actively involve the community council or other community groups in making decisions about where funding should go and which developments should go ahead?

Councillor Alston: The issue regarding incorporated bodies relates very much to the question whether a community council wants to take something forward at its own hand. If it is concerned with helping to form the decisions that are being made, it would need to have incorporated body status.

I think that all the bodies that are represented here today have experience of working with communities and of trying as far as possible to get to a consensus. That often takes time, and it is a lot of hard work.

It is important that we can rely on one another and work together as partners. That is one aspect of community planning: it is about all elements of the public sector trying to pool their resources so that where there is something to be worked through, we are not all pulling against one another.

There are many techniques to be used in trying to make a judgment in such a situation. I gave the example of a community council that can now instantly contact 40 per cent of the community. That is a really good start in terms of finding out the community's view on something, but different techniques are needed if the community is trying to work up the solution to a problem itself.

Steve Macfarlane: I am following the list of things that we are going through. We have talked about community ownership, ownership of assets and managing and running services, but I think that I am right in saying that we skipped over the phrase “community right to buy”, although we have been talking about that general area in our discussions. Perhaps I could say a few words on it.

There are some fundamental flaws in part 2 of the Land Reform (Scotland) Act 2003 that I have yet to see corrected in part 4 of the Community

Empowerment (Scotland) Bill. They are not addressed in there yet.

The Convener: Can you indicate what you think those flaws are?

Steve Macfarlane: Certainly. The proposal is for the community—however it is defined, because a community can define itself—to be able to go through the community right-to-buy process and acquire an asset that can be developed and improved to provide community benefit. As I see it, that is the basis of and reason for that proposal.

Where that falls down is that there is no protection from people using that particular provision as an aggressive mechanism, and no way to stop it being used against a fully functioning business. There is no mechanism to enable a business to defend itself, other than just waiting and waiting for what may never come. It might come via an inhibition—an inhibition can be put on as a result of an application—which then sits there for five years.

If the asset in question is purely redundant, unused or underutilised, or if it is a relatively small part of the whole and can be used for the betterment of the community but needs some improvement, such a process is understandable. However, it is not understandable where the asset is already fully functioning and operating as a business—it can still be on the receiving end of an aggressive application. There is a fundamental problem in that respect.

The Convener: Okay. We will pass that on to the Rural Affairs, Climate Change and Environment Committee, which is looking at part 4 of the bill for us. We will ensure that it is aware of your comments.

Steve Macfarlane: Can I come back on that? I am with you on the rural affairs issue but, as part 2 of the Land Reform (Scotland) Act 2003 stands, all assets in all areas are affected by that law and are currently at risk.

The Convener: I understand that. The Rural Affairs, Climate Change and Environment Committee is looking at all aspects of part 4. We will pass on your remarks to that committee, and they will feature in what it feeds back to us for the final report. I assure you that that will be done.

Steve Macfarlane: Thank you.

John Wilson: I have a final question. One of the issues that I picked up in the discussions that we had this afternoon related to local planning and strategic planning. There is a feeling at the local level that people are being excluded or bypassed, particularly when community planning partners and community planning partnerships draw up strategic plans. Can you assure me that every endeavour is made to consult communities and

that what communities propose or ask for is fully considered in the strategic planning process? Some communities feel that, despite the engagement that takes place, their voice just gets lost when it comes to the strategic planning process, and that decisions are made regardless of what they might think.

Councillor Alston: Do you have any examples of specific areas of strategic planning in which that is happening, or are you describing a general feeling?

John Wilson: It is a general view. Communities feel that they are excluded from the decisions that are made. Even though they might have concerns, the plans of the various agencies seem to go ahead anyway.

Councillor Alston: That can sometimes happen because it is only when something happens on the ground that the issue emerges and people realise that the point at which they could have had an influence was a bit earlier in the process. All parts of the public sector need to stress the importance of getting in early. The process is not perfect, but an example of the progress that has been made recently is the fact that the Scottish Fire and Rescue Service and Police Scotland plans are all consulted on at ward level. There is a process of reporting back on and renewing those plans. The policing priorities are being set at that level.

John Wilson: You say that the plans are being consulted on at ward level. Who is being consulted—the communities, the elected members or the officers?

Councillor Alston: The plans are consulted on at open public meetings, to which all the councillors in a ward and all the community councils are invited. Those are open public sessions at which the public can speak.

The Convener: Does anyone else want to comment on that?

Sarah-Jane Laing: I commented on consultation earlier. I think that there needs to be a cultural change on the part of those who are consulted. Communities of interest and communities of geography have to understand that they cannot always get what they want when it comes to the consultation process, but they should at least be given a reason why they are not getting what they want. That is what is missing from the dialogue.

The other problem is that we often get plans that are presented as being fully formed. People are simply asked whether they agree with those plans, rather than having any role in their evolution. The fact that people can be involved only at a relatively

late stage means that, realistically, they have little chance of changing anything significantly.

18:15

Mark McDonald: When we were in Dumfries recently, we took evidence on a community asset transfer. The process had been going on for some 18 months without reaching a resolution. When it initially made contact, the organisation concerned had to make about 14 or 15 phone calls to different individuals to find the person who it should have been talking to.

Should public bodies be required to have an identified contact whose duty it is to draw together the various people in the organisation who have responsibility for such matters? Should there be a time limit for dealing with an asset transfer request, at which point a report should be submitted to the board or, in a local authority context, elected members, explaining why the transfer has not been concluded within the required period?

Sandra Holmes: In HIE, we have a community assets team. Our job is to support communities in asset purchases, whether they are purchasing an asset from HIE, an asset that is privately owned and on the open market or an asset that is owned by a local authority. We have not one person but many people throughout all our offices, and it would not take somebody long to find the right person; certainly, they would not require to make 14 phone calls. I cannot speak for what is appropriate for other organisations, but we have that covered.

What was the second part to your question?

Mark McDonald: It was about the length of time that an asset transfer should take and whether there should be a time limit by which a report should go to the board or, in a local authority, elected members.

Sandra Holmes: The reality is that asset transfer, through whatever route, is often measured in years rather than months, and there are often good reasons for that. Having a defined time limit might be difficult, although a target timescale would be helpful.

We managed to do a transfer to a community body in months, but we are also involved in other purchases that are happening over years. There are often good reasons that are external to the community and the organisation why a purchase might take time.

Mark McDonald: That is fine and, in individual cases, years might be required. However, community bodies and organisations are often sitting on time-limited funding from trusts and other organisations that will disappear if the asset

transfer does not take place, with the whole thing falling apart. That is why having some mechanism to ensure that asset transfers do not drag out might be appropriate. I would be interested in views from other witnesses.

Councillor Alston: If a council asset was being transferred, our ward manager would be the key point of contact. I would hope that people would not be bounced around between different officers.

If an asset that had been declared surplus to requirements was being transferred, there would be regular reporting and a clear categorisation of the stage reached. Such transfers are subject to monitoring, so it should be possible to see what is happening.

We often find that the issue is the other way round: people express an interest and then need time to form the body to seek the funds. However, once they know that they can acquire an asset, the transfer needs to move quickly. We would expect it to be reported to ward members at ward business meetings and to be monitored through our resources committee, which monitors all asset transfers.

Sarah-Jane Laing: When it comes to planning and other matters, there is some evidence that, once we introduce an arbitrary timescale for decision making, the likelihood is that the decision will be no. We have to be careful that we do not create a position that prevents Sandra Holmes and others from having the required flexibility.

Mark McDonald: To be clear, I propose not a time limit within which a decision must be made but a deadline by which, if a decision has not been reached, a report should be made on why it has not been reached.

Sarah-Jane Laing: I would fully support that approach.

Cameron Buchanan: The Scottish Land & Estates submission has an awful lot of stuff about “abandoned and neglected land”. I did not follow your line on that. It is a very long submission on that point and full of legalese. Do you approve of the bill’s provisions? The submission was difficult to follow.

The Convener: Again, that concerns part 4, which we are not considering. If you could be brief, Ms Laing, we will feed your response to the Rural Affairs, Climate Change and Environment Committee.

Sarah-Jane Laing: I will have a session with the Rural Affairs, Climate Change and Environment Committee about that next week. We have a number of concerns about the issue, the main one being that we want to see an explicit definition of “abandoned or neglected” in primary legislation.

Cameron Buchanan: Okay, thank you.

The Convener: You will discuss that with the Rural Affairs, Climate Change and Environment Committee next week.

Sarah-Jane Laing: I will.

The Convener: The Highlands and Islands transport partnership has come up on a number of occasions today. How does it fit in with your community planning partnership? Is there a good relationship between the various bodies and HITRANS in the delivery of what local communities want and need?

Councillor Alston: The council and HITRANS have a good relationship but I am not aware of HITRANS being mentioned at the community planning board.

The Convener: It does not take part in your community planning partnership.

Councillor Alston: No, not at the board—our senior—level.

The Convener: What about at lower levels? Does the CPP have a transport committee?

Councillor Alston: HITRANS would work closely with the council. There are a number of situations in which we rely on one partner to feed in views from another organisation. For example, the Forestry Commission does not sit at the table in our community planning partnership, but we expect Scottish Natural Heritage to co-ordinate the expression of views. If we were looking at an economic development issue in which transport was important, we would look to HIE to feed in from the consultation.

The Convener: Should regional transport partnerships have a more prominent role in community planning partnerships? I will ask HIE the same question in a second.

Councillor Alston: I do not know what the right answer is. We have to have a mechanism by which views can be fed in, to help the partnership to work. The approach applies in other areas as well.

The Convener: Does HIE have an opinion?

Rachael McCormack: Physical connectivity and digital connectivity are two long-standing challenges facing our remote and rural areas. Any step towards greater engagement and bringing agencies, whatever their focus, closer to communities' needs is positive.

The Convener: Thank you. I thank you all very much for your attendance and your evidence.

18:23

Meeting suspended.

18:31

On resuming—

The Convener: I welcome our second panel. We have with us Duncan Martin, secretary of Oban community council; Alasdair Nicholson, chief executive of Voluntary Action Lochaber; and Patricia Jordan, chairman, the Nevis Partnership. Would you like to make opening statements before we move to questions?

Alasdair Nicholson (Voluntary Action Lochaber): I would like to, if I may.

The Convener: On you go.

Alasdair Nicholson: I have given your staff a written submission, some of which might be pertinent to the other committees that you mentioned earlier; I hope that the comments might be passed on where they are relevant to other discussions. If I may, I will highlight one or two particular points.

Overall, we do not believe that legislation empowers communities. We believe that communities empower themselves. However, legislation is important in facilitating and enabling communities to do more, particularly taking into account asset transfer and the extension of the right to buy. All of those are important.

Earlier on, you heard evidence about changing the culture of how things are done, and that is important if we want to maximise community benefit in the longer term as these things play out.

We draw attention to the role of third sector interfaces. They should be named bodies in community planning.

Empowerment must be about more than consultation, particularly in tackling rural poverty, marginalisation and regeneration. We welcome the idea of participation requests to enable communities to have a say in the design and delivery of public services, but that should have participatory budgeting as a follow-up requirement to help to give that participation teeth.

I also draw the committee's attention to some of our current activities in Lochaber in partnership with the British Council. That is establishing a cohort of people who have gone through a programme that is about capacity building, helping people to identify need in their area and having dialogue and discussion that enables the participants to look at the development of social action plans. That is a way of delivering real community empowerment to individuals. There is

a transnational element to that, but I will not go into that here.

We believe that empowerment begins with people, their education and their organisation.

Patricia Jordan (The Nevis Partnership): I thank the committee for giving me the opportunity to speak today. As well as being the chair of the Nevis Partnership, I am a community councillor.

Part 2 of the bill places community planning partnerships on a statutory footing. I welcome that, but I feel slightly uneasy at the size of the partnerships being formally defined. I would like some scope for smaller community planning units. In that respect, the committee might be interested to know that around eight years ago the Lochaber area was commended by Audit Scotland for its handling of community planning. We took the plans of all the public bodies, extracted the Lochaber elements, ran a series of community meetings, rewrote the plan and submitted it back to the public bodies. That was real community engagement. At that time, each of the main public bodies had senior staff based here who, as part of the Lochaber partnership, could sit around the table with community activists, and we had a good chance of knowing what was going on and could play our part.

I am therefore disappointed and surprised to find that no community bodies appear in either part 2 or schedule 1, which lists the community planning partners. If you were serious about community empowerment, it would be perfectly possible to include in the bill something along the lines of “any regional association of community councils which is situated in the area of the local authority”, or something similar. In the Highland Council area, that is likely to refer to no more than six or eight community bodies, and given that there is three times that number of public bodies, we could easily be accommodated. That would also give some legitimacy to the creation of the sort of smaller community planning units that I have just suggested. The planning of public services with the community should be the norm, not an add-on.

Overall, it is disappointing that the bill contains no specific proposals to change the status of community councils. We need to invigorate community councils, which after all are the first link with the community. At the moment—as I think we have heard—community councils are a mix of the good, the bad and the thoroughly indifferent. *[Interruption.]* Excuse me, convener—I do not have too much more to say.

Although we have statutory status, we do not have statutory powers, and that is a major reason for our disenchantment. As I am sure you are aware, Scottish community councils are not

eligible for lottery funding. When the United Kingdom lottery legislation was brought in, parish councils in England and Wales were debarred from lottery funding because they were able to raise money through the rates; Scottish community councils were simply swept along with that, even though we were unable to do the same. That injustice needs to be corrected. That is just an example, but I think that having tangible assets and powers would re-energise community councils.

Part 3 of the bill encourages communities to play a stronger part in their communities. Of course, I welcome that, but I would welcome even more some way of recompensing activists—or, indeed, their employers—for having to take time off work, in the same way that jurors are recompensed. As for part 4, which extends community right to buy to all of Scotland, you will be aware of excellent examples of community ownership in Lochaber, and all communities need that kind of encouragement and opportunity.

As I am representing my own community council and the association of Lochaber community councils today, I cannot speak for others but as one of the 200 delegates from community councils, community groups, grass-roots activities and public bodies from the north, south, east and west of rural Scotland who attended the inaugural meeting of the Scottish Rural Parliament from 6 to 8 November in Oban, I can quote from many of those activists who I met over those three days. Their comments included

“No power to exercise local rights”,

“Funding criteria doesn’t always fully fit local needs and timescales are often problematic”,

“Growing distrust of solutions/answers”,

“Lack of meaningful local democracy”,

“No control or influence”,

“Communities need to decide and deliver more for themselves”,

“Please stop using political terms and speak in plain language. No need to use words such as charrette”,

“Are we strengthening or weakening local democracy”,

“Huge disparity among CCs and no young people joining”,

and

“Communities need to express their concerns and ambitions.”

Over the past year, the Scottish rural action group has been engaged in advisory meetings throughout rural Scotland, culminating in the inaugural meeting of the Scottish Rural Parliament in Oban, which was felt by all to be a really important step forward for rural groups. On the Saturday morning, delegates gave a very positive and resounding vote for the action group to go

ahead to create an assembly, recruiting members early in 2015, and to arrange the next Scottish Rural Parliament meeting in 2016. The overarching view was the need to safeguard rural communities.

I have just one more bit to say, convener.

The Convener: I am telling you, Patricia—this is longer than the average MSP speech. On you go, though.

Patricia Jordan: I do not get this kind of opportunity often.

There was overwhelming agreement on our shared concerns for the future and our need for engagement and interaction, strengthened by a single voice. There was also whole-hearted agreement that it is time for a national conversation on local democratic renewal as a first step towards a radical reform of local government that will bring power much closer to local communities. If there is a serious commitment to a radical strengthening of democracy—I believe that there is—I think that that can be achieved only by considering community councils, community associations and community groups as planning partners. May I be so bold as to add that although the Scottish Rural Parliament is only in its early days it, too, should be given consideration.

Thank you very much.

The Convener: Thank you. We will hear from Duncan Martin next.

Duncan Martin (Oban Community Council): We seem to be sticking to a very short agenda, which—if I have understood you correctly, convener—is all about part 4. Is that right?

The Convener: I would prefer it if we did not touch on part 4 to a huge degree.

Duncan Martin: I think that our submission to the committee reflects the fact that our community council is fortunate to have a lawyer and an accountant who is a director of Community Land Scotland. If I move away from what has been written here, I make it clear that I am speaking for myself rather than for my democratically elected community council, which is having by-elections at the moment. I should add that those by-elections are being contested and that most of the candidates are young people, which will substantially reduce the average age of the community council. We are moving forward in that respect.

I found the contributions in the previous session very interesting. As Alasdair Nicholson made clear, empowerment is not something to be given out by those at the top but something that communities need to take. In a democracy, individuals and communities cede powers to the

centre, and they can recall them at any time. The powers are ours to take back if we feel that they are not being used properly.

I note that Argyll and Bute has a community planning partnership, but Argyll and Bute itself is not a community but an administrative area. The same is true of Highland. Technically speaking, Argyll and Bute would have, I think, 67 community councils, if they all existed, but it has more communities than that; some communities share a council. It is very convenient for bureaucrats—if that is the right word—to think about services on Mull. The people of Mull might share a community council, but they do not consider themselves a whole community; the Ross of Mull, for example, is quite separate from Tobermory. The people on the Ross of Mull never go to Tobermory; if they want to go shopping, they come to Oban.

As has been said, communities are self-defined. Sarah-Jane Laing made it clear in the previous session that it appears to people that community planning and community planning partnerships come from the top down, not from the bottom up. That is the crucial part of the empowerment agenda. In some ways, things are easier in the small communities, where a few activists can start something small; it is probably more difficult in slightly larger settlements such as Oban, where you have to ensure that everyone is on board or that the whole town is enthusiastic about whatever it is. However, it is really the way we have to go.

Solutions to almost every problem lie within the community rather than outside it. As was mentioned earlier, consultation tends to take place after officials have put together options to be appraised and this, that and the next, and they are most unlikely to accept that they have wasted their time creating those options and to start from scratch again with what the community actually wants, needs and feels would deliver a service. We have to get back to basics and grass roots.

18:45

The Convener: Thank you. You have certainly taken up the opportunity with your opening remarks, folks—I give you that. [*Laughter.*]

I am interested in what Patricia Jordan said about the Lochaber partnership plan. Am I right in saying that you said that Audit Scotland praised that plan?

Patricia Jordan: Yes.

The Convener: How long ago was that?

Patricia Jordan: It was eight years ago. It was when we had the—

The Convener: Was it a full Audit Scotland appraisal?

Patricia Jordan: Yes. We had excellent local partnership working with the community. There was—dare I say it?—an element of trust, because everyone was round the table and everyone was talking. There was a real feeling that it was bottom-up working. At present, we are looking at the Scottish Government and the local authority being involved, and by the time it comes down to the community there is an element of “also”.

I think it was stated earlier that organisations and public bodies sit round the table and it is a fait accompli. People feel that they are presented with plans that have already been agreed and decided on and it is just a tick-box exercise to get the community to agree.

The Convener: Can I ask you—maybe you are not a boring anorak like I am—whether you have read any of the Audit Scotland reports on community planning partnerships?

Patricia Jordan: I have to answer that honestly. No.

The Convener: Well, you are a wise woman in some regards. [*Laughter.*] I think that the committee may have to look at the report on Lochaber and compare it with some of the recent reports on community planning partnerships, because there may be some lessons to be learned there.

Patricia Jordan: Yes.

The Convener: John Wilson has a supplementary question.

John Wilson: What has happened in the eight years since the Audit Scotland report? Has the plan been enacted or have things just fallen apart? Do communities feel that they are no longer actively engaged?

Patricia Jordan: Over the years, we have had changes in the ways in which local authorities work. I cannot remember when it was, but there was a change in the way that local areas are run, and that made a big difference.

I think that everyone—the local authority, the councillors and the community councillors—wants to work together and is looking to do that, but somehow the system is broken. That is the best way I can explain it. The communications are lost and we are not having the same meaningful discussions that we had before about community needs.

The Convener: What has changed? Highland Council was in existence eight years ago. Were the area committees in place then?

Patricia Jordan: Lochaber has two wards and we have seven local councillors. They go to meetings in Inverness, where there are 70-odd councillors. The planning structure has changed—

The Convener: But that was happening eight years ago. What has happened in the meantime?

Patricia Jordan: When was the change? I think that it was in 2007. That was—

John Wilson: The change in 2007 was just to transfer from wards with individual members to multimember wards. Was that such a significant change?

Patricia Jordan: I can speak only for Lochaber, but it was a significant change locally. It was almost as if we lost local democracy at that point. Partnership working may have worked for the agencies, public bodies and services, but the community became disengaged from the process. Whether it was because of disenchantment, a feeling of loss of control, a feeling of loss of empowerment or whatever, communities have become disengaged.

At the end of last week, I sat at the table at the district partnership meeting. All the public bodies were there. I think that there were two representatives from the community—me and Alasdair Nicholson. I feel that we are questioning everything that is being said and everything that is being agreed, asking where it has come from, what the reason is for it and why it is being done. It is top down rather than bottom up. That is not always the case, but that is the feeling. That is the perception.

John Wilson: Yes, and you are expressing that perception today. The committee is trying to understand the move away from what the Audit Scotland report said was an excellent example of partnership working with the community. You highlighted that the change in the electoral system changed that partnership regime.

I am trying to understand the difference between the situation before 2007, when you had seven members who went to Inverness and participated in the decision-making process, and the situation in May 2007, when you had seven members who were elected in a multimember ward system who went to Inverness to make decisions. I am trying to fathom how that drastically—in your opinion and your perception—changed the partnership working that Audit Scotland saw as excellent prior to 2007 such that it is now seen as being broken, dysfunctional and not working in the way the communities would wish it to work.

Patricia Jordan: I would not say that it was drastic. Seven years is a long time, and in that time we have had budget cuts, changes in administration, changes in staff and changes in the agency. The community does not change. Everything changes round about it.

John Wilson: So it is about more than just the elections that took place.

Patricia Jordan: Oh, yes.

John Wilson: It is about the budget cuts, the changes in administration and the way it works now compared with eight years ago.

As I said, we are just trying to understand the change from a situation in which you had an excellent report that said that things were working, to a situation now in which the community feels that it is disengaged from the process. Does Alasdair Nicholson or Duncan Martin have a view on that?

The Convener: Can we go to Duncan Martin first? Do you think that the multimember ward system changed things in Argyll and Bute?

Duncan Martin: The Boundary Commission for Scotland, in its wisdom, decided to cut Oban in two. Part of Oban is in one ward and part of it is in another. As I think you are hinting, the issue is not so much multimember wards but that the thinning out of local government structures has meant that there is less empowerment of staff locally, such as in Oban, than there was before. More decisions are being taken at the centre and there is less empowerment of staff locally because there has been a thinning out of the number of layers of management. That may be the issue.

Argyll and Bute is a peculiar place. Highland at least has Inverness as a centre—the black hole into which everything goes. In Argyll and Bute, we have no single centre. Indeed, the council is run from Lochgilphead, which is one of the smaller places. The settlements of Oban, Helensburgh, Dunoon, Rothesay and Campbeltown are scattered round the periphery, and we have no centre. There is an issue to do with local empowerment of council staff.

Alasdair Nicholson: I cannot say what the position was eight years ago because I was elsewhere at that time, but since I have been here, in the past year, my impression has been that the partnership work in Lochaber is probably better than that in other parts of the Highlands. There is quite a strong partnership, certainly on health and wellbeing, and the chamber of commerce, which my organisation is a member of, has been involved in economic development workshops that feed into the local plan—there is a local Lochaber plan.

Of course, all those things can be improved. Apart from the mechanisms, one element on which progress needs to be made is the culture of the interaction between the agencies, the community and other organisations. A lot more work is required to get that right. The engagement of community organisations and—

The Convener: Can I stop you there for a second? Do you think that legislation will change the culture?

Alasdair Nicholson: It will not by itself, but it helps to create the framework. Where it places obligations and duties is part of the change of culture that is required. It takes a long time to make some of those changes. The support that is needed to enable the kind of participation that we require will take a lot more effort and a longer timeframe. We have to move beyond consultation to the bit about participation, public social partnerships and designing and building alternatives with communities. That is even more important in times of austerity.

To pick up on a point from the earlier panel, the transport initiative that was mentioned—

The Convener: Can we come back to transport? I would like to stick to one issue at a time.

Alasdair Nicholson: Okay—fine.

John Wilson: I have no further questions, convener.

Mark McDonald: Based on the evidence that the witnesses have given so far, would it be fair to say that your view is that we need a flexible approach to community planning that takes greater cognisance of rural and remote areas? Although community planning partnerships in fairly compact urban areas such as Aberdeen or Glasgow might be able to incorporate the views of the communities there, in places such as Highland that are extremely sparsely populated and where there are great distances between communities, a more flexible approach to community planning should be taken.

Alasdair Nicholson: Some members of the public who have participated at the Lochaber partnership come from Strontian, Lochaline and other areas that involve journeys of 30 or 40 miles, including using the Corran ferry, which is one of the most expensive sea crossings in Scotland, if not Europe. Those individuals are trying to participate and they are making a big effort.

In my view, the work that needs to go on is below community planning and below the level of the Lochaber plans, so that things are not just jammed in at one level. One of the best ways to encourage and develop community involvement is through some of the other measures in the bill, such as those on asset transfer and the right to buy. A range of things need to be done to enable communities to do more themselves and to have the resources to do that. That requires a lot more capacity building and a lot more support for communities.

Some communities might have people who know the system and who can do things, but others are weaker in that regard and might be less well equipped for that, so they will need to go on a longer journey. Some of the effort and support need to be targeted to ensure that smaller communities that do not have the mix of skills that other places have do not fall behind but are encouraged to become active and engaged, so that they can empower themselves and do more.

If we want to combat poverty and tackle all the other issues that exist, we need not just the efforts of one agency but the combined efforts of all the agencies, so we need to get everything pointing in the right direction. Community planning is supposed to do that but, as a whole, it has been far too top down.

Mark McDonald: I am interested in hearing the views of Patricia Jordan and Duncan Martin on that point.

Patricia Jordan: At the end of the day, community planning comes down from Inverness, which is difficult. There is an element of fragmentation in this area. Lochaber was one area with seven councillors, but we are now split into two areas, as there are two wards, which means that we cannot go forward with the united voice that we had in the past.

Mark McDonald: You say that Lochaber was united in the past, but I presume that there were individual council wards in the area, each with its own councillor. You now have two multimember council wards and seven councillors representing them. You have the same number of councillors, but you just have fewer council wards. Hypothetically, that ought to make it easier to present a united front because, rather than seven wards, you have two.

19:00

Patricia Jordan: No, we had one council ward with, I think, eight councillors. We now have two wards with seven councillors. Is that right?

Mark McDonald: No.

Patricia Jordan: How am I putting it wrongly?

Mark McDonald: Pre 2007, there would have been individual council wards with one member for each ward. Since 2007 we have multimember wards.

Patricia Jordan: Okay—I know what you are saying now. Sorry.

Mark McDonald: Let us take councillors out of the equation—to be honest, most people would be happy with that. I am talking about how the community is represented and how community planning relates to communities. Leaving aside the

elected member layer, does community planning as it is done at present take enough cognisance of sparsely populated areas such as Highland, where a huge area is covered by one community planning partnership? Should community planning be more flexible in such areas compared to the approach in places such as Aberdeen, which I represent?

Patricia Jordan: Highland Council covers a massive area with huge diversity in culture and geography, and that needs to be considered. That is one reason why I said that we need to bring back local planning into local areas. In an area as wide as Highland, decisions for the local areas cannot be made from Inverness. We have huge diversity even within Lochaber—we have Fort William, which is urban, as well as islands and remote rural areas. That creates a massive problem with regard to services across the board, such as transport and health. That is one of our difficulties.

One of the most shocking things that I have heard today is that HITRANS is not a member of the community planning partnership.

The Convener: We will come back to HITRANS.

Mr Martin, do you want to comment?

Duncan Martin: I do not have anything to add. Alasdair Nicholson made a lot of points for me, so I will leave it there for the moment.

Mark McDonald: I am aware that we have a lot to get through before we conclude, so I will ask a final question that I posed to the previous panel on points of contact and the time that is taken for community asset transfers. If a community organisation seeks to take on an asset from a council or a health board, should it have an identified officer to contact rather than having to go round the houses? Should there be an expected time that an asset transfer should take, with a report going to the board or to councillors if the process goes beyond that time, to explain why it is taking so long?

Duncan Martin: I have not had any experience of that, but we have one person in the council whom we speak to. I do not know whether there would be a problem if we were to try to negotiate assets from the health board or other organisations such as Scottish Water. I do not have any experience of that, so I cannot say whether it is a problem.

Patricia Jordan: If there is to be meaningful strengthening of community voices and empowerment of communities, it is important to ensure that communities have a contact and know where to go. There has to be clarity about how they are to be empowered. I talked about looking

at the system and the structures that are broken. Having a contact is a big part of the issue. I know that, at times, community councils and the Nevis Partnership need a contact in Highland Council. If we can go immediately to that person and either be directed to somebody else or advised where to go or what to do, that saves time and energy and prevents the frustration and anger that often come from going round the houses. It is important that there is a contact in place and that community activists and groups or community councils are aware of that.

Alasdair Nicholson: As has been mentioned, time and communication and dialogue are important factors. One thing that is missing is identification of assets that might be available for disposal by public bodies such as local authorities and health boards. People should be enabled to get that information. That should be a two-way process. Communities need to be able to inquire about assets that they have already identified an interest in and they need to be able to get a response.

Another issue is that a council that wishes to dispose of a building or a piece of land might communicate with only a very narrow section of the community, and that communication might not be transparent to everybody. I would argue for an accessible online public register. There should be an obligation on public authorities to log or register assets—buildings, land or whatever—that might be available for community use so that communities could get more forewarning and could begin to think at an early stage about whether they could use any of those assets to further their ambitions. At the moment, that is missing from the equation. That would go a long way towards stopping people being dependent on the views and assumptions of one particular officer. That element needs to be given substantially more thought. That could link in to things such as the right to buy.

The way in which the asset transfer process works at the moment is inadequate. I have been discussing with Highland Council a building that is not being used. It might take a considerable time to come up with a business plan for such an asset, particularly if a lot of technical data is required, so I think that there needs to be some flexibility. If I had not noticed that that building was already on sale in the public arena, I would not have known about it. A duty needs to be placed on public bodies such as local authorities to get that information online as early as possible so that the community has access to it, in addition to individuals being able to write to inquire about particular assets. At present, such inquiries may or may not be ignored.

The Convener: The minister has already indicated to us that he is likely to favour a register, so you might get your way.

Cameron Buchanan: At a meeting earlier, we heard that HITRANS is not represented in community planning in the region and that, in many instances, it does not co-operate. Could you comment on that? As far as its role in the integrated transport system is concerned, HITRANS does not seem to be functioning very well and is being criticised.

Alasdair Nicholson: My organisation has been involved—along with HITRANS, Highland Council, NHS Highland and the Scottish Ambulance Service—in a partnership in Lochaber that is aimed at providing more co-ordination, support and advice to people who need transport, who are often people with health needs.

The Convener: What is HITRANS's involvement in that?

Alasdair Nicholson: It is one of the partners on the top-level board. I have represented Voluntary Action Lochaber, and HITRANS has been a partner along with the other agencies that I mentioned. The Inverness board has also discussed transport issues that relate to other initiatives. In a sense, that is a partial public-social partnership. HITRANS has certainly been involved at that level, even if it has not been involved in other community planning initiatives.

Cameron Buchanan: Is HITRANS represented in other planning activities?

Alasdair Nicholson: I can answer only from my knowledge and experience. I know that HITRANS is involved in that piece of collaborative work, so I cannot criticise it on that side of things.

The Convener: I think I know the answer to this question. Do you think that regional transport partnerships should be involved formally in community planning partnerships?

Patricia Jordan: Very definitely, I do—especially when we consider the problems that we have had on the A82 and the work that local groups and the A82 campaign group have done over the past 10 years. There has been single-line traffic on that road for decades.

Duncan Martin: Yes—regional transport partnerships should be involved. In Oban, we are—technically—part of the Strathclyde partnership for transport area, although the A82 falls within the Tayside and central Scotland transport partnership area, in Stirling Council's area. We wander from one transport partnership to another. Admittedly, I have seen Frank Roach from HITRANS in Oban far more often than I have ever seen anyone from SPT. We are a very minor

fish in SPT's pool, so HITRANS is of more relevance to us.

The Convener: The former chair of HITRANS was from Argyll and Bute Council and also sat on the SPT executive, which was an extremely strange situation.

Duncan Martin: Yes. I am not quite sure how Councillor MacIntyre ended up on HITRANS.

We are right at the boundaries, and we do not see much of any of the regional transport partnerships. It is clear that they ought to be involved in community planning partnerships.

Alasdair Nicholson: I am just thinking about the principle of subsidiarity. If that was strengthened and applied, some of the answers would probably follow.

The Convener: I thank the witnesses very much for their evidence, which has been extremely useful.

The next committee meeting will be held at 9.30 am on Wednesday in the Parliament's committee room 1.

Meeting closed at 19:12.

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