Community Empowerment and Renewal Bill

RESPONDENT INFORMATION FORM

<u>Please Note</u> both pages of this form **must** be returned with your response to ensure that we handle your response appropriately.

1. Name/Organisation

Organisation Name

Scottish Community Development Network

Title   Ms ☒   Mrs ☐   Miss ☐   Mr ☐ Dr ☐   *Please tick as appropriate*

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2. Postal Address

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3. Please indicate which category best describes your organisation (Tick one only).

Executive Agencies and NDPBs	☐
Local authority	☐
NHS	☐
Other statutory organisation	☐
Representative body for private sector organisations	☐
Representative body for third sector/equality organisations	☐
Representative body for community organisations	☐
Representative body for professionals	☐
Private sector organisation	☐
Third sector/equality organisation	☐
Community group	☐
Academic	☐
Individual	☐
Other – please state…Member led organisation for Community Development practitioners in Scotland.	☒

4. Permissions - I am responding as…

Individual / **Group/Organisation**

Please tick as appropriate

Individual ☐   Group/Organisation ☒

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☒ Yes ☐ No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate ☒ Yes ☐ No

Please ensure you return this form along with your response.

Thank-you.

Community Empowerment and Renewal Bill

Introduction

The Scottish Community Development Network is a member led organisation, which provides a forum for community workers/ community development workers, paid or unpaid, full or part time, from the community, voluntary and public sectors that support the principles and practice of community development. We are grateful for the opportunity to contribute to the discussion on the Community Empowerment and Renewal Bill. In the development of this response we have consulted with all of our individual and organisational members

Community Empowerment and Renewal Bill

CONSULTATION QUESTIONS

PART 1:   STRENGTHENING COMMUNITY PARTICIPATION

Community Planning

Q1.   What would you consider to be effective community engagement in the Community Planning process? What would provide evidence of effective community engagement?

Effective community engagement would ensure that the **definition** of community engagement,(*Developing and sustaining a working relationship between one or more public body and one or more community group, to help them both to understand and act on the needs or issues that the community experiences)* is central. This would include engaging with **organised community groups** where possible. The National Standards for Community Engagement provide a valuable quality standard framework.

Effective community engagement would develop effective processes for engagement which involve on-going dialogue rather than quick fix one off events or the creation of structures which do not take account of the way in which communities organise.

Effective community engagement would invest in Community Development support to ensure that communities are organised and able to effectively engage. Community Development also provides skills in facilitating effective dialogue.
(The key purpose of community development work is collectively to bring about social change and justice, by working with communities to:
  • *Identify their needs, opportunities, rights and responsibilities*
  • *Plan, organise and take action*
  • *Evaluate the effectiveness and impact of the action all in ways which challenge oppression and tackle inequalities.)*

A tool already exists which would facilitate the planning and evidence based evaluation of community engagement – VoiCE (Visioning Outcomes in Community Engagement). CPPs should invest in training and support across partnership agencies on using VOiCE. Ultimately the effectiveness of engagements should be assessed in relation to the extent to which communities have influenced decisions. Community groups should be involved in assessing the impact of their engagements.

Utilising Audit Scotland's Best Value Toolkit at strategic level within CPPs should gather data on all engagement taking place at all levels in order to analyse the quality of engagement and identify areas for improvement. And more importantly CPPs MUST be able to evidence the full extent of a communities involvement.

Q2. How effective and influential is the community engagement currently taking place within Community Planning?

The term "the Community Planning process" suggests there is some degree of consistency in community planning structures and the ability and commitment of CPPs toward the engagement of communities in the decisions that are subsequently made on their behalf. Across Scotland there are many incarnations of community planning; some more effective in engaging and empowering communities than others.

In some ways inconsistency in both the approach and delivery processes of Community Planning structures, have made it more difficult for communities to engage where the real decisions are being made. Opportunities should be created to enable community engagement in meaningful decision-making at local level.

There is a pre-occupation with structures as opposed to the quality of the process.
Feedback from community members has highlighted that there are a number of areas which require improvement:
- Communities note involved in the larger more strategic decisions
- Communities input is often overlooked or undervalued
- There is little experience of mutual respect
- Timescales are often unrealistic
- Communities are rarely involved at the beginning of decision making processes

Involving communities in, community engagement has to be the first consideration in the process. It is important for communities to identify the need. Outcomes of Community Planning and communities may be similar. However, indicators may need to be improved and communities are best placed to provide detail on "why" and " how" in order to shape services which will provide a real, long term, positive impact on the improvement agenda for communities.

Q3. Are there any changes that could be made to the current Community Planning process to help make community engagement easier and more effective?

CPPs should invest in skilled Community Development (CD) support for communities on an on-going basis to enable communities to understand, analyse and collectivise needs, issues and aspirations and to effectively engage

CPPs should resource CD to develop the important relationship between representative and participatory democracy.

The focus should not necessarily be on making community engagement easier but to make it more effective in terms of the extent to which CPPs work with communities to respond to community need.

Organised communities should have access to strategic decision making within community planning – not marginalised and left as an afterthought when developing strategic outcomes.

Communities should be viewed as valuable partners and as such have access to all of the information, have on-going skilled and impartial CD support and receive feedback on the impact of their engagement.

Recognising that community engagement and community capacity building are the twin pillars of community development could well encourage effective resourcing of effective community engagement processes.

Effective community engagement approaches should be embedded in training programmes for ALL managers and elected members.

Empowerment legislation should include, within implementation plans, support work with public sector agencies to encourage effective community engagement approaches. People will see the value more, if they are involved in the change process.

Robust direction should be built into Single Outcome Agreements in order to qualify how community partners will be included by right in the full process of community engagement and just how their involvement will contribute to planned outcomes as well as, how the results of that engagement will contribute to the achievement of SOA and national outcomes and targets.

An overarching duty to engage

Q4.   Do you feel the existing duties on the public sector to engage with communities are appropriate?

No. Many public agencies are not sufficiently equipped to effectively engage. Any duties to engage would require resourcing training and support for agencies that are required to engage

Existing duties are very varied and may not encourage engagement – many duties could only be described as consultation.

A mapping exercise of existing duties could identify where those duties go beyond consultation and encourage effective engagement. A clear statement which clarifies existing duties would also be helpful.

Q5.   Should the various existing duties on the public sector to engage communities be replaced with an overarching duty?

Yes ☒ No ☐

Please give reasons for your response below.

In many ways there already exists an overarching duty on public agencies within the Local Government Scotland Government Act and guidance on community planning. However, clearly defined strategies need to be in place to ensure services are aware of their statutory obligation to engage with the "community groups".

Duties on all public agencies should be raised to the standards of the best practice and should not reduce the overall duty of individual agencies and services to engage...

Duties should also include requirements to ensure that engagements involve excluded communities and groups.

To be of real public benefit, there is a need to ensure that continuity of understanding, interpretation and delivery of community engagement is happening across all public and third sector departments and organisations.

If you said 'yes' to Question 5, please answer parts a. and b. –

    a. What factors should be considered when designing an overarching duty?

Developing a National Community Engagement Strategy and local (CPP level) Community Engagement strategies would provide a framework within which all public agencies can effectively plan and evaluate their engagement. Such strategies would set out community engagement aspirations in relation to the definition of community engagement as a developing a relationship between public agencies community groups. Strategies should also clearly state commitment to investment in qualitative engagement processes, to utilising the national standards for community engagement and in the provision of skilled impartial CD support.

    b. How would such a duty work with existing structures for engagement?

CPPs would be responsible for developing community engagement strategies, as outlined in a. above.

Build on the most effective approaches to engagement which ensure that those who are most likely to be affected by any decisions are involved.

Consideration should be given to more localised decision making and any structures (existing or new) should take account of the natural boundaries of communities.

Community Councils

Q6. What role, if any, can community councils play in helping to ensure communities are involved in the design and delivery of public services?

Arrangements for Community Councils should note that communities also organise as communities of interest, particularly around equalities issues such as disability, ethnic minority. These communities are not always involved with/represented on Community Councils.

Community Councils can play a role in ensuring communities are involved in the design and delivery of public services. However, recognised community anchor organisations may be able to play a role such as tenants and residents Associations and local community groups and associations. They can play a key role as well as other voluntary sector organisations in the design and delivery of services.

There is perhaps a need to modernise community councils and consider re visiting legislation on Community Councils.
CCs could potentially provide an internal scrutiny of the community engagements which are undertaken by community planning and community planning partners.
There may be a need to map anchor community organisations in localities that represent the views of the wider community.
Skilled CD practitioners could advise on the most appropriate 'anchor organisations' within each geographical and interest communities and could assist these organisations to develop and maintain effective processes for the wider involvement of communities.

Q7. What role, if any, can community councils play in delivering public services?

If Community Councils are to become deliverers of services this might compromise their role as a representative voice of the community.

Community Councils might have a role in working with Councils, etc. to facilitate future input to future delivery, including formation of new organisations to do that.

Community Councils across Scotland are in the main (9 out of 10 appointed by uncontested ballot) with approximately 20% suspended through lack of interest; not necessarily truly representative of their communities and those that do exist, do so with limited powers. Any Organisations purporting to truly represent the community must be able to evidence that they have engaged sufficiently with the residents/members of their community in order to develop an arguable vision of what it is that the community wants to achieve. This is not always the case for community councils.

Q8. What changes, if any, to existing community council legislation can be made to help enable community councils maximise their positive role in communities

The current set up of Community Councils does not necessarily encourage broader engagement of the communities they represent. If community councils are to be given a central role within strategic decision making, they should be given skilled CD support to develop effective processes for wider engagement of communities and to set up effective representative approaches and to work to the national standards for community engagement.

CCs do not have the capacity to generate income, therefore reducing their ability to provide effective anchor organisations.

For CC's to be considered truly representative of community and an effective arbiter of their communities interests they should be granted powers similar to their English counterparts (The parish Council) which would allow them to raise and disburse funds; appoint employees to undertake areas of work apportioned to these bodies; Acquire and manage resources and property for an on behalf of the community etc.

Third Sector

Q9. How can the third sector work with Community Planning partners and communities to ensure the participation of communities in the Community Planning process?

The third sector should be recognised as extremely broad and encompassing sometimes conflicting aspirations.
There may be a difference between third sector organisations and community groups who are rooted in communities. Public agencies should ensure that accountability to the wider community (geographical or interest), is evidenced. The equalities agenda should be vital particularly in relation to disadvantaged neighbourhoods

Voluntary org's and community organisations have raised that as they move to contracts and project funding, often what is not allowed for in that is the more general community development/participation work, in particular responding to emerging issues that are not encompassed by funding bids.

If CP partners in their funding arrangements gave recognition for this work it would help.

The voluntary sector can and does provide support for communities. CPPs should undertake, as part of their planning and evaluation of engagement, undertake an audit of CD resources to assess the extent to which communities are receiving the level and quality of support which they require to effectively engage and the extent to which support agencies are able to develop and support strong independent anchor organisations.

National Standards

Q10. Should there be a duty on the public sector to follow the National Standards for Community Engagement?

Yes ☒ No ☐

Please give reasons for your response

The duty should begin with developing an understanding of the definition of community engagement, utilising VOiCE and then utilise the national standards as a best practice guide.

Community engagement plans

Q11. Should there be a duty on the public sector to publish and communicate a community engagement plan?

Yes ☒ No ☐

Please give reasons for your response

There should be a duty to develop and publish a community engagement **strategy** which would:

- Have key strategic importance, central to the community plan and community planning processes
- Outline commitments to principles and approaches and encourage the use of VOiCE to plan engagement.
- Provide a framework within which all public agencies could plan their engagement at all levels.
- Be co-produced by public agencies and community appropriate community organisations

While a strategy or plan in itself is not a guarantee of better community engagement, we believe that this duty could provide a focus for community planning partners and make them more accountable to communities.
It would be helpful if communities were involved in assessing the overall engagement by CP Partners in their area, for example, as part of Best Value Audits. It may be worth having delayed or flexible start to this, e.g. in reviewing CE plans/strategies the first round of plans as a result of the Bill.

Agreements as to the role of individual partners, including any community structures should also be developed and published.

Any plans should be open and flexible enough to allow people to respond to matters emerging from the community after the plan been written. It would be counterproductive to have situations where officers were told not to engage (or not able to access/use resources) to respond to something because it was 'not in the plan'

There should be a requirement to publish evaluation reports of engagements.

If you said 'yes' to Question 11, please answer part a. –

> a. **What information would be included in a community engagement plan?**

Confirmation that partners are committed to developing effective community engagement processes with the definition of community engagement, as outlined within the National Standards, as the over-arching and central commitment.
Community engagement should be planned using VOiCE and should consider the following:

- Who, how, what, when, & why
- Guideline for resources allocated to support community engagement
- Resourcing skilled impartial CD support for disadvantaged communities of geography and interest
- Appropriate community engagement methods
- Requirement to address inequalities including poverty.
- A rationale for levels of engagement planned –e.g. informing,

> consultation, joint decision making, co-production etc. public services should be encouraged to support an ambitious range of opportunities for people to engage
> - How impact of engagement activity on decisions made by public services will be assessed
>
> Plans should be public documents and community planning partnerships should be required to assess progress on an annual basis.

Auditing

Q12. Should community participation be made a more significant part of the audit of best value and Community Planning?

> Yes. CPPs should utilise Audit Scotland's Best Value toolkit to gather intelligence and evidence of engagement at all levels. This should look at what engagement has taken place, how the findings of that were considered, changes to plans and services arising from the engagement. What measures have been taken to help community groups engage effectively and gather and represent the priorities of their wider community?
>
> Each CCP should develop ways in which the impact of community engagement can be assessed with the effective involvement of organised and supported communities.
>
> A crucial element in assessing the effectiveness of engagement should be an element of scrutiny by community groups.

Named Officer

Q13. Should public sector authority have a named accountable officer, responsible for community participation and acting as a primary point of contact for communities?

Yes ☐ No ☒

Please give reasons for your response

> The disadvantage of having a single point of contact would be that services would feel that the responsibility to engage was removed from them. One of the key words in the definition of engagement in the national standards is 'relationship': we think it is better that communities can develop relationships with the relevant managers for their particular interests and concerns, rather than going through a central point.
>
> However, it might be helpful to have a named very senior officer; with responsibility for making sure a strategy and arrangements for engagement are in place. A Community Engagement (or Empowerment) Champion. Part of their role might be in putting in place arrangements for learning and support for managers and planners with a role in engaging. This responsibility needs to be both owned at the highest level, and yet be informed by community development values and approaches. Such a role would need to be carried out so as to allow flexibility to respond to issues emerging from the community, which often would be out with any plan. A named senior officer may also be given the responsibility to lead an

inclusive monitoring process of the community engagement plan. E.g. provide an annual public report of progress?

Any such role must NOT however been seen as the foundation of a 'department of Community Planning and Engagement' but more an adjunct to the community planning partnership operating in the role of monitoring and support to the community engagement process, for the enhanced benefit of the community and the process of equal and shared engagement and participation.

Tenants' right to manage

Q14. Can the Scottish Government do more to promote the use of the existing tenant management rights in sections 55 and 56 of the Housing (Scotland) 2001 Act?

Yes ☒ No ☐

Please give reasons for your response

We welcome in principle the provision for communities to be able to do this if they choose to. Communities may not be aware of the arrangement. This raises the question of who would make communities/tenants aware of this. Landlords may not feel it was in their interest to do so. The issue then is tenant's groups/community groups working on housing issues having access to 'impartial community development support' that could identify these opportunities, and help them explore whether it would be appropriate for them.

Q15. Should the current provisions be amended to make it easier for tenants and community groups to manage housing services in their area?

Yes ☐ No ☒

Please give reasons for your response

The change in the UK benefit system to move to a single benefit payment (Universal Credit) is likely to lead to a major increase in rent arrears (particularly for people with limited budgeting skills, or with people with competing demands on their money, e.g. addictions), with a resulting reduction in the funds available for repairs and improvements.

Tenants would be likely to want some protection from the effects of this, if that is possible.

Community service delivery

Q16. Can current processes be improved to give community groups better access to public service delivery contracts?

Yes ☒ No ☐

Please give reasons for your response

There is an issue here about what is meant by 'community group'. We would argue that the defining factor is that they are run by members of the community they aim to benefit.

The risk in this is that it might simply enable the larger voluntary org's at the

expense of community and smaller voluntary groups. Consideration should be given to the extent to which any restrictions could potentially exclude small locally based groups bidding to deliver at a local level.

Contracts should be available in quite local lots.

Often it is better for community groups to get grants rather than contracts, at least until they are established and have some experience. Contracts would need to be designed with some flexibility to respond to issues and priorities emerging from the community, the extent of the flexibility will depend on the nature of the contract.

It would desirable if contracts were broad enough to allow for general community development activity within the contract. It would also be helpful if factors such as local knowledge, location, and ownership/involvement were including and given significant weighting in scoring for awarding/monitoring contracts.

With the continuing shift towards project funding and contracts, comm. and away from core funding - groups can struggle to maintain their infrastructure. They may need to cover a bigger or smaller proportion of their core costs. 'Full cost recovery' may not even always work: if the group has to recoup all their overheads for premises, management, etc. from a single contract: it may make their bid not financially competitive, unless there is strong weighting for the 'best value' of local groups running services.
 Community groups may wish to form consortia or sub-contracting arrangements. The effectiveness of much of the above is likely to depend on the quality and quantity of community development support. While there are significant business and financial aspects to providing support for community groups in this, these should be provided in the context of skilled impartial community development support that helps the groups make the best choices for them, and build in appropriate involvement of the wider community and service users, etc.

A support fund to supplement investment in local CD resources may be helpful.

Q17. Should communities have the right to challenge service provision where they feel the service is not being run efficiently and that it does not meet their needs?

Yes ☒ No ☐

Please give reasons for your response

In general it would be better if challenges came from community groups, and not simply individuals. However there should be some mechanism for petition by a significant number of community members, if they feel that existing groups have differing interests in the issue.

It would be desirable to have informal processes first for community groups to meet with officers to explore this, rather than going straight into a formal process. Informal processes may actually serve to resolve issues without

the need for a higher tariff process, such as change of provider.

Options for communities to have a say in the running of services without having to take it over should be explored. Often communities just want a say – they don't necessarily want the full responsibility for running services.

Ideally it would be better if community groups were able to engage with their wider community before going making a formal challenge. Many communities, particularly the more disadvantaged ones may require community development support to do this effectively. The proposal in the consultation document to separate any new national duties/guidance on community capacity building from the development of the Bill should be re-considered as the provision of skilled, impartial community development support for disadvantaged communities would ensure that the choices which community organisations make are informed, that their role in service provision aligns with the needs and aspirations of the wider communities and that they are able to develop effective organisational structures and processes.

Community directed spending – participatory budgeting

Q18. Should communities have a greater role in deciding how budgets are spent in their areas?

Yes ⊠ No ☐

Please give reasons for your response

Communities have understanding of local circumstances and needs. Often they will be better able to understand and balance the range of competing priorities from within their community if they have suitable community development support. Communities generally understand the resource constraints public bodies face – being more involved will deepen their understanding of the difficult decisions and balances that have to be made, and build a sense of partnership with public bodies in providing the best services with available resources. Communities will often identify where spending intended to benefit them is not a good use of resources, and can be saved or spent differently.

We think this will promote community empowerment, and can improve general satisfaction with public services. Obviously there are different arrangements in place in different places that may be nearer or further from this.

As a community development network we obviously wish to see communities role and influence maximised. We understand that public services may have some reluctance to move towards this, due to budget constraints etc. We propose that in fact this would ensure best use of limited budgets. This may be something that would be started relatively small and developed incrementally.

Participatory budgeting is not new. There is a body of evidence from the UK and elsewhere that shows that it can be an effective vehicle for greater community involvement. The Scottish Executive was looking at these 10 years ago. We would expect the Bill to deliver something concrete on this point.

Q19. Should communities be able to request the right to manage certain areas of spending within their local area?

Yes ☒ No ☐

Please give reasons for your response

This needs to be done in a climate of trust and support from local authority or other public body. They should not dump management of big budget reductions on communities.

Communities should have access to community development support to help them engage their wider communities, consider the pros and cons for them and the wider community of them taking on management of areas of spend.

if you said 'yes' to Question 19, please answer parts a., b. and c. –

a. What areas of spending should a community be responsible for?

We could see this working most easily with budgets that can be most easily disaggregated to local areas, and which have most flexibility, for example local grants, budgets for local environmental repairs and improvements, etc.

This may be something that would be started relatively small. We would wish to see a commitment to and developing this incrementally. – But the potential is huge.

There are good examples of giving young people responsibility for parts of youth work budgets. A positive way of developing young people's involvement in their communities.

There were also good examples within the Better Neighbourhood Services Fund programme.

b. Who, or what body, within a community should be responsible for making decisions on how the budget is spent?

It should be groups that are made of members of the community they aim to benefit, and that the budget is for. Groups should be able to demonstrate that they involve and are supported by the wider community, that they have a mandate to represent the community, and are able to take account of the range of differing interests within the community. It is better to do this with existing groups where possible, rather than create new structures. However there may be issues about the size of area to which budgets can be devolved and whether existing groups cover that whole area. It is better to follow boundaries recognised by the community and reflected in community groups as far as possible.

It should be noted that committees of people already running services (voluntary organisations/community projects) may not have a mandate to manage budgets on behalf of the community, and there may be conflict of interest issues, as those groups legitimately seek money to maintain or expand their project.

c. How can we ensure that decisions on how the budget is spent are made in a fair way and consider the views of everyone within the community?

Refer to comments in b. above. Key consideration should be given to
The group's locus in the community, the representativeness of their members, what they do to engage with the wider community and in particular those most likely to be affected. This involves:

- an assessment of their bid in terms of both the groups' track record and proposals at the point that they are bidding to manage the budget;
Availability of appropriate community development (CD) support to assist the groups to manage that process. Different groups would need different levels of support and CD support would enable groups to do this
The type of support is crucial - community development support would empower the group to have good processes in place, and build their ability and confidence to run it with reducing levels of support. It is proposed that this type of support is better value than simple monitoring.

Definitions for Part 1

Q20. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 1. Please also give us examples of any definitions that you feel have worked well in practice

We understand a **community group** to be made up completely or primarily of members of the community that they aim to represent. This could be a community of place (neighbourhood or larger area), or a community of interest: people that share defining characteristics (such as a particular disability or ethnic minority), common circumstances (such as being a carer or kinship carer) and/or share common issues or goals. Communities of interest often come together over larger geographical areas.

Most people recognise a distinction between community groups and voluntary organisations, although there can be debates about the actual boundary. Voluntary organisations are formed and elected to run services, they are not necessarily made up of people from the community they aim to benefit and do not necessarily have a mandate to represent the community on wider issues. Indeed often there can be conflicts of interest, as voluntary org's may be seeking money for their specific remit, when there are a range of other expressed priorities in the community.

Voluntary organisations often have important roles in community development, for example by helping their users form community groups, for example neighbourhood projects often help community members to form groups and respond to local issues.

The terms **Third Sector** or 'the **community and voluntary sector'** people use to take in Voluntary Org's and community often do so to highlight the key commonality which is being neither part of the public sector or private

sector. However this can gloss over the important differences, and there are challenges for our voluntary sector members in dealing with these differences, and for example, ensuring that the legitimate voice of **voluntary orgs** as **providers of services** does not drown out the voice of (the generally less well resourced) **community groups**, as **users of services.**

In the community development field when we talk about **communities of interest** this implies some equality issue that makes them a priority to support and/or involve in engagement. For example the aristocracy across the UK could reasonably be identified as a community interest, but few people would argue that they should be a priority to ensure they are engaged or that services are reaching them.

We understand the term **community engagement** as defined in the national standards. This means engagement with communities collectively in the form of groups and networks. This is different, and we would argue, of a higher order, than 'engagement' with '**the public'** as individual consumers, for example through surveys. Community groups generally offer a more developed and wider understanding than individual experience. Part of the job of **community development** is to help communities do this in the best way.

PART 2:   UNLOCKING ENTERPRISING COMMUNITY DEVELOPMENT

Community right to buy

Q21.   Would you support a community right to buy for urban communities?

Yes ☒ No ☐

Please give reasons for your response

In the first instance we would suggest **re-wording the heading of** part 2. It is not helpful to use community development in this context, as it could further contribute to misunderstanding of what community development is. We would suggest: *Unlocking Enterprising Communities*

Yes, but with qualifications, as noted below There are risks as well as potential opportunities for communities in owning assets. For example:

- Community organisations might be drawn away from their core purpose work and become preoccupied with the burden of asset management.

- The issue of sustainability. How can communities generate enough money (particularly within very disadvantaged areas), to purchase and maintain ownership of properties?

- Many services/facilities now have to be run as a business to generate funds, and often the level of funding is not available within deprived communities. In addition, it is difficult to generate long term funding from grant sources – often 3 years funding is the maximum.

There may be issues about access to the facility, for example by 'equalities groups'. Community right to buy must be accompanied by clear guidelines for public services and community organisations (see Q22 below)

Some communities will require community development support to take on this level of responsibility. We believe that legislation on this matter must be accompanied by a clear duty on public services to provide both technical and community development support to community organisations that choose to explore this option and/or put their plans into action.

There is also a danger of further deepening inequalities if the more able community organisations from more affluent areas are encouraged and facilitated to take advantage of the right to buy and resources flow to these areas at the expense of more disadvantaged groups and areas.

If you said 'yes' to Question 21, please answer parts a., b. and c.:

> **a.   Should an urban community right to buy work in the same way as the existing community right to buy (as set out in Part II of the Land Reform (Scotland) Act 2003)?**

There can be greater complexity/ ambiguity around the boundaries and ownership. Say for example that a piece of ground or facility was situated close to both a wealthier and poorer communities. The wealthier community may have the capacity and willing to take over that resource and use it in a

way that goes against the priorities of the poorer community, and/or creates barriers to their use of it (for example high charges for use).

b. How should an 'urban community' be defined?

In general urban communities are harder to define geographically than rural communities and can be more complex in their makeup.

That said, it may be possible to provide some broad guidelines in legislation on this but we would be wary of providing too hard and fast a definition. A definition will need to be flexible to allow for both geographic communities and communities interest.

We would be wary of using electoral or other administrative boundaries to define geographic urban communities as they do not always correspond with locally understood community boundaries.

Any definition should recognise that most people will see themselves as being part of several communities at the same time or at different times of their lives.

c. How would an urban and rural community right to buy work alongside each other?

Community asset transfer

Q22. The public sector owns assets on behalf of the people of Scotland. Under what circumstances would you consider it appropriate to transfer unused or underused public sector assets to individual communities?

Most communities will not want to take over buildings or services as a first option. The state still has a key role to provide and support facilities where community activity can take place.

The purpose of legislation should not be to make it easier for public authorities to divest themselves of assets that might be run-down or unviable. Other options for co-production of services should be explored first. For example, some local authorities have already established large Charitable Trusts to manage community facilities but ownership remains within the 'common good' This model is seen to be successful and there may be potential in some communities to promote a 'secondary transfer' of management duties to smaller community-based organisations.

Following the exploration of other options, a thorough audit in partnership with the community should be required to ensure that the needs of the community are being served by the transfer of assets.
A formal and open community impact audit should be carried out by the public agency involved. This audit should include evidence that the transfer option has support from the wider community as well as the organisation involved. This would be useful in identifying the range of community

interests, but should not be so restrictive as to prevent communities from progressing their aspirations.

Some communities will obviously be in a stronger position to benefit from asset transfer than others. How will the legislation address this potential for inequality? One way of doing this will be to enshrine a duty to provide support to community organisations in less affluent areas who wish to explore this option.

We repeat the point that effective community development support can be crucial to making this kind of initiative work. Community asset transfers only succeed if the community organisations involved have the capacity to run assets to their full potential.

Please also answer parts a. to d. below:

a. What information should a community body be required to provide during the asset transfer process?

A clear business plan that includes:
- Evidence of community support for their plans and details of how they engage their community in their plans. It is relatively rare that a community organisation will represent an entire urban community but they should be required to show that they are not a small vested interest and that they operate in an open and inclusive way.
- A skills audit in terms of financial management and governance
- A clear financial strategy
- Details of who they will go to for assistance from the relevant public agency.

b. What information should a public sector authority is required to provide during the asset transfer process?

Every local authority area should have a duty to publish a clear asset transfer policy. This should include:
- How the Council and partners will implement their legislative duties under this Bill
- The conditions under which a community transfer will be considered and how this will contribute to the Council's social outcomes.
- The timescale that will be given to communities to explore asset transfer
- Support available to community groups – financial, technical, community development

c. What, if any, conditions should be placed on a public sector authority when an asset is transferred from the public sector to a community?

They should be required to follow their own asset transfer policy (see b above) and should be accountable for this as part of Best Value audits and HMIe Learning Community inspections

d. **What, if any, conditions should be placed on a community group when an asset is transferred from a public sector body to a community?**

> We would expect groups:
> - to be open and transparent
> - to report progress to the community on a regular basis.
> - to evidence equalities approaches
> - to consider the potential of wider community use (for example if a building were to be used primarily for elderly day care it could be used by other local interest groups in the evening)
>
> These conditions should be mirrored by the relevant public agency.

Q23. Should communities have a power to request the public sector transfer certain unused or underused assets?

Yes ⊠ No ☐

Please give reasons for your response

> However, again there would need to be safeguards against very powerful, unrepresentative and possibly discriminatory organisations forcing public sector organisations to transfer assets. It may be better to provide duties for public sector agencies to give full consideration to the best value approach, including discussions with representative community groups – if those groups are unlikely to be the transferee, As with questions in 22, there are real issues to consider in relation to ensuring that asset transfer does not deepen inequalities.

Q24. Should communities have a right to buy an asset if they have managed or leased it for a certain period of time?

Yes ⊠ No ☐

Please give reasons for your response

> However, the length of time should not be the only consideration. The quality of provision and the impact on the wider community (ies) the asset is designed to serve should also be taken into consideration.

If you said 'yes' to Question 24, please answer part a:

a. **What, if any, conditions should be met before a community is allowed to buy an asset in these circumstances?**

> Evidence of a track record of providing an inclusive and publically accountable service.
> Documented and published reports on the full benefit to the community or NOT of any such asset transfer.
> The long-term benefits or NOT to the community in buying out such assets.
> Qualified agreement from the majority of the community to enter into any such asset transfer.

Common good

Q25. Do the current rules surrounding common good assets act as a barrier to their effective use by either local authorities or communities?

Yes ☐ No ☐

Please give reasons for your response

>

Q26. Should common good assets continue to be looked after by local authorities?

Yes ☐ No ☐

Please give reasons for your response

> There is a strong argument in favour of communities taking back asset responsibilities from Local authorities given that decisions on future operation, development or disposal of these community assets can often rest with authority officers or asset committees who are far removed from the original purpose of the establishment of the common good cause and this in turn can prove to be detrimental to the process of community benefit and / or community engagement.

If you said 'yes' to Question 26, please answer parts a. and b.:

> **a. What should a local authority's duties towards common good assets be and should these assets continue to be accounted for separately from the rest of the local authority's estate?**

> To follow the original conditions established in the formation of the common good asset.

> **b. Should communities have a right to decide, or be consulted upon, how common good assets are used or how the income from common good assets is spent?**

> At all times. Full details of public disclosure should happen as a matter of course. These assets are as stipulated in the name of establishment 'Common goods'

If you said 'no' to Question 25, please answer part c.:

> **c. Who should be responsible for common good assets and how should they be managed?**

>

Asset management

Q27. Should all public sector authorities be required to make their asset registers available to the public?

Yes ☐ No ☐

Please give reasons for your response

>

If you said 'yes' to Question 27, please answer part a.:

> a. **What information should the asset register contain?**

Q28. Should all public sector authorities be required to make their asset management plans available to the public?

Yes ☐ No ☐

Please give reasons for your response

If you said 'yes' to Question 28, please answer part a.:

> a. **What information should the asset management plan contain?**

Q29. Should each public sector authority have an officer to co-ordinate engagement and strategy on community asset transfer and management?

Yes ☐ No ☐

Please give reasons for your response

Q30. Would you recommend any other way of enabling a community to access information on public sector assets?

Allotments

Q31. What, if any, changes should be made to existing legislation on allotments?

Q32. Are there any other measures that could be included in legislation to support communities taking forward grow-your-own projects?

Definitions for Part 2

Q33. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 2. Please also give us examples of any definitions that you feel have worked well in practice

We would suggest re-wording the heading of part 2. It is not helpful to use community development in this context, as it could further contribute to misunderstanding of what community development is.

PART 3: RENEWING OUR COMMUNITIES

Leases and temporary uses

Q34. Should communities have a right to use or manage unused and underused public sector assets?

Yes ☒ No ☐

Please give reasons for your response

Assets should not be 'abandoned' as a knee jerk reaction to lack of public funding, but should be considered in terms of potential to meet needs and provide positive contributions to the quality of community life.

If you said yes to Question 34, please answer parts a., b. and c.:

a. In what circumstances should a community be able to use or manage unused or underused public sector assets?

Effective dialogue should take place between public sector and the relevant representative community organisation(s) to undertake a thorough options appraisal, which could include ceasing to use the asset through to transfer to community management. Serious consideration should be given to co-production which has the potential to provide best value, as the community is tuned in to local needs and aspirations, has skills and knowledge to contribute and could work alongside the technical expertise of public sector officers.

b. What, if any, conditions should be placed on a community's right to use or manage public sector assets?

Groups should be required to evidence that they are made of members of the community they aim to benefit, and that the asset would benefit. Groups should be able to demonstrate that they involve and are supported by the wider community, that they have a mandate to represent the community, and are able to take account of the range of differing interests within the community. It is better to do this with existing groups where possible, rather than create new structures

c. What types of asset should be included?

Encouraging temporary use agreements

Q35. Should a temporary community use of land be made a class of permitted development?

Yes ☐ No ☐

Please give reasons for your response

[ ]

Q36. Should measures be introduced to ensure temporary community uses are not taken into account in decisions on future planning proposals?

Yes ☐ No ☐

Please give reasons for your response

[ ]

Q37. Are there any other changes that could be made to make it easier for landlords and communities to enter into meanwhile or temporary use agreements?

[ ]

Dangerous and defective buildings

Q38. What changes should be made to local authorities' powers to recover costs for work they have carried out in relation to dangerous and defective buildings under the Building (Scotland) Act 2003?

[ ]

Q39. Should a process be put in place to allow communities to request a local authority exercise their existing powers in relation to dangerous and defective buildings under the Building (Scotland) Act 2003?

Yes ☐ No ☐

Please give reasons for your response

[ ]

Compulsory purchase

Q40. Should communities have a right to request a local authority use a compulsory purchase order on their behalf?

Yes ☐ No ☐

Please give reasons for your response

[ ]

If you said 'yes' to Question 40, please answer part a.:

    a. **What issues (in addition to the existing legal requirements) would have to be considered when developing such a right?**

[ ]

Q41. Should communities have a right to request they take over property that has been compulsory purchased by the local authority?

Yes ☐ No ☐

Please give reasons for your response

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If you said 'yes' to question 41, please answer part a.:

    a. What conditions, if any, should apply to such a transfer?

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Power to enforce sale or lease of empty property

Q42. Should local authorities be given additional powers to sell or lease long-term empty homes where it is in the public interest to do so?

Yes ☐ No ☐

Please give reasons for your response

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If you said 'yes' to Question 42, please answer parts a., b. and c.:

    a. In what circumstances should a local authority be able to enforce a sale and what minimum criteria would need to be met?

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    b. In what circumstances should a local authority be able to apply for the right to lease an empty home?

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    c. Should a local authority be required to apply to the courts for an order to sell or lease a home?

Yes ☐ No ☐

Please give reasons for your response

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Q43. Should local authorities be given powers to sell or lease long-term empty and unused non-domestic property where it is in the public interest to do so?

Yes ☐ No ☐

Please give reasons for your response

<div style="border:1px solid #add8e6; height:70px"></div>

If you said 'yes' to Question 43, please answer parts a., b. and c.:

    a. In what circumstances should a local authority be able to enforce the sale of a long-term empty and unused non-domestic property and what minimum criteria would need to be met?

    b. In what circumstances could a local authority be able to apply for the right to lease and manage a long-term empty non-domestic property?

    c. Should a local authority be required to apply to the courts for an order to sell or lease a long-term empty non-domestic property?

                              Yes ☐ No ☐

Please give reasons for your response

Q44. If a local authority enforces a sale of an empty property, should the local community have a 'first right' to buy or lease the property?

                              Yes ☐ No ☐

Please give reasons for your response

If you said 'yes' to Question 44, please answer part a.:

    a. In what circumstances should a community have the right to buy or lease the property before others?

Definitions for Part 3

Q45. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 3. Please also give us examples of any definitions that you feel have worked well in practice

ASSESSING IMPACT

Q46. Please tell us about any potential impacts, either positive or negative; you feel any of the ideas in this consultation may have on particular group or groups of people?

There is a very real danger of the syphoning of resources away from more disadvantaged areas towards more affluent and capable areas, in order to demonstrate meeting requirements within any Empowerment Bill.
A potential positive impact could be national commitment to resource long-term skilled community development support for disadvantaged communities.
The title 'Community Empowerment and Renewal Bill' in itself raises hope and aspiration. It is hoped that appropriate resources are put into the change management of this process in order that leadership and management cultures themselves accept the immediate and long-term responsibilities implied in delivering this process for the communities of Scotland.

Q47. Please also tell us what potential there may be within these ideas to advance equality of opportunity between different groups and to foster good relations between different groups?

There is a very real danger of deepening inequalities between communities, particularly if there is no commitment to providing skilled impartial community development support for more disadvantaged communities.

A potential positive impact could be national commitment to resource long-term skilled community development support for disadvantaged communities.

Q48. Please tell us about any potential impacts, either positive or negative; you feel any of the ideas in this consultation may have on the environment?

Q49. Please tell us about any potential economic or regulatory impacts, either positive or negative; you feel any of the proposals in this consultation may have?

Thank-you for responding to this consultation.

Please ensure you return the respondent information form along with your response.