

# Community Empowerment and Renewal Bill



## RESPONDENT INFORMATION FORM

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

### 1. Name/Organisation

Organisation Name

Strathblane Community Council

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

Surname

Vass

Forename

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

Executive Agencies and NDPBs	<input type="checkbox"/>
Local authority	<input type="checkbox"/>
NHS	<input type="checkbox"/>
Other statutory organisation	<input checked="" type="checkbox"/>
Representative body for private sector organisations	<input type="checkbox"/>
Representative body for third sector/equality organisations	<input type="checkbox"/>
Representative body for community organisations	<input type="checkbox"/>
Representative body for professionals	<input type="checkbox"/>
Private sector organisation	<input type="checkbox"/>
Third sector/equality organisation	<input type="checkbox"/>
Community group	<input type="checkbox"/>
Academic	<input type="checkbox"/>
Individual	<input type="checkbox"/>
Other – please state...	<input type="checkbox"/>

#### 4. Permissions - I am responding as...

<b>Individual</b>	/	<b>Group/Organisation</b>
<input type="checkbox"/>		<input checked="" type="checkbox"/>

*Please tick as appropriate*

<b>(a)</b>	Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)? <i>Please tick as appropriate</i> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>(b)</b>	Where confidentiality is not requested, we will make your responses available to the public on the following basis <i>Please tick ONE of the following boxes</i>
	Yes, make my response, name and address all available <input type="checkbox"/>
	<i>or</i>
	Yes, make my response available, but not my name and address <input type="checkbox"/>
	<i>or</i>
	Yes, make my response and name available, but not my address <input type="checkbox"/>

<b>(c)</b>	The name and address of your organisation <b>will be</b> made available to the public (in the Scottish Government library and/or on the Scottish Government web site).
	Are you content for your <b>response</b> to be made available? <i>Please tick as appropriate</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>(d)</b>	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? <i>Please tick as appropriate</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Please ensure you return this form along with your response.**

**Thank-you.**

# 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?**

Local communities grouping together and being seen to influence priorities. Communities should be influencing the shape and design of local services. There could be local outcome agreements with all parties including communities signed up. This would provide the evidence.

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

We have significant reservations about how effective the current system is. It works well in some aspects and repeatedly fails in others.

We work through area forums and we have influenced road priorities. We do meet 4 or 5 times a year. However not all partners are really signed up to the partnership and if it is reflected throughout an organisation, not just those who go to partnership meetings. We feel that we are told things are happening after policies have been decided.

As a negative example, after 2 years of difficult and extensive consultation in our community we produced our community action plan and the meetings where we were to present our plan kept getting cancelled as partners were unable to attend meetings. This made us wonder what priority community planning actually had.

As a positive example, the police service is signed up to partnership working; they do not miss an area forum and attend all community council meetings or provide a report. Is this because community involvement is essential to their success?

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

Local forums should be led by local people. Local outcome agreements would give a method of monitoring outcomes.

Reducing jargon would be good and being clear about what may be achieved through community planning. If community planning is to achieve its potential then information about community planning should be provided as part of training packs/handbooks for community groups. Remember community representatives are volunteers who change regularly and have precious little time or resources. There must be an easy way to be kept up to date.

Communities should be given sufficient resources, for example a 'town clerk' or administrator covering a group of communities, to engage properly. This should be independent of the local authority, and funded and administered centrally in Scotland.

At the end of the day, good two way communication and information is the key to success. Communities need to have the opportunity to understand processes and decisions.

All services should be included in the Community Planning processes, even those provided through private suppliers. For example, public transport is a critical service, but is currently outside the community planning framework.

*An overarching duty to engage*

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

Our experience is when pushed or reminded our authorities do engage but it is not embedded in everyday processes "should the community have a view on this?" So we still have instances of bus stops being moved or laybys being removed without any information let alone consultation.

Engagement with service users can be improved too. Budget discussions need to be more inclusive.

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

Yes x No

**Please give reasons for your response below.**

An overarching duty makes it clear to all parties what is expected and by whom. It is not optional!

Importantly for community volunteers' energy can be spent on engaging and consulting their community rather than fighting to rectify problems caused through lack of involvement. Communities will feel that they are proactive not reactive.

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

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

Keep it simple, there should be little extra cost involved. Authorities should be required to demonstrate how communities are involved with communities confirming this (like the social housing charter).

There could be 2 levels, strategic and frontline services.

Communities must have the choice about the level of their engagement. What is right for one community may not be appropriate (or achievable) for another so there should be a menu of involvement to choose from. This should be reviewed regularly as volunteers come and go and skill mixes change.

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

Surely if there is a new duty then the existing structures need to adapt to the duty. If they can't then they may not be required.

## *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?**

Community councils, as the democratically accountable representatives of local communities should have the lead role here. If they don't they will die. Creating some alternative channel or structure would be a waste of time, energy and money, and merely confuse residents and dilute the capacity of communities to participate through volunteering.

Community Councils are in the best position to provide a realistic specification of what is needed for each service, and how best it could be delivered locally.

Although for many community councils, elections are not contested, they are the democratically accountable representatives of the community. They must demonstrate continuously that they reflect the views of their community. Improved participation and volunteering of candidates would follow from improving the role and resources of community councils.

Community councils should be in regular contact with their residents and receive feedback on issues and concerns. Our CC hand-delivers a monthly newsheet to keep our community up-to-date and regularly pursue issues on behalf of residents.

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

Rather than delivering services directly, community councils' main role is in ensuring that services are accountable to local communities.

Service providers could easily provide reports for communities, based on returns they make already to the local authority and Audit Scotland. Data should be collected and made available on a community council area basis.

As volunteers we are wary of taking on the role of delivering services directly but there are times when it is appropriate for us to coordinate volunteers for local action days and litter picks.

In addition to this we are currently assisting our meals on wheels group to investigate whether it is feasible to take over the provision of meals for the vulnerable from the council as our local residents do not want frozen meals.

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

If government is serious about engaging with communities, there must be a stronger structure in place at the community level. Why should community councils in Scotland have fewer powers and resources than parish and town councils in England?

If community councils were given an appropriately stronger role, and matching resources, residents would see more point in volunteering to stand for election. Too many community councils at present are limited to just commenting on planning applications and being reactive to issues.

Legislation should make local service providers accountable to the communities that use them, through community councils.

Community councils should have corporate body status to incorporate the work that community development trusts currently do. Although we work closely with our trust there is huge confusion in the community about the different roles. It would be much clearer if trusts became an arm of community councils to ensure accountability to the whole community, not just their membership. Charitable status currently enjoyed by the trusts should be assured under any new arrangements.

*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?**

Surely if there is a duty to participate and it is monitored then the partners police it themselves. However the third sector does have useful experience to pass on to communities.

The national body overseeing resources for community engagement (see Q3 answer) could be a third sector body.

*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**

If there are national standards they should be followed or improved upon so there should be a duty. This would give a consistent approach from all planning partners.

We were not aware there was such a National Standard. There is no point in having standards if communities don't know about them! Again they should be in a handbook and easily found online.

*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**

This would clearly set out the levels of engagement and communities would know what to expect.

Communities should of course be involved in designing the plan, always remembering that we are volunteers!

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

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

The plan should be a statement of intent: "we will...."  
It should clearly set out roles, responsibilities and accountabilities and the support and resources that may be available. Timescales in consultations should be clear and take account of holiday periods. There should be options available for communities to pick different levels of engagement depending on their capacity to engage which is dependent on volunteering.

*Auditing*

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

Definitely but it may be difficult to measure the effectiveness although there should be evidence of participation and communities need to verify involvement.

*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**

There should be a named accountable officer to troubleshoot community participation problems, but not a single primary contact which could be a huge job.

Having a single primary point of contact brings a risk that it is only the accountable officer who participates. We need participation to be properly embedded in all procedures. A 'network' approach will be much more effective and efficient than trying to funnel all contact through a special person.

Our experience with Stirling Council is that all officers are amenable to direct contact, and are usually very responsive. The officers closest to the 'front line' also will be best able understand the issues and explain/resolve them quickly.

*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**

Tenants should always be aware that they could manage their own homes if they are dissatisfied.

**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 new housing charter will make it easier for tenants to evaluate if they could do it better but generally tenants pay rent for a service so why should they have to manage the service too.

*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**

Not sure what this means. Is it to be able to review the specification which would be good, or is it to allow communities to bid for contracts?

**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**

We do it now! We feel our views are not taken into account but there is usually a good reason why things are done the way they are but we do sometimes bring a fresh way of looking at things which can be useful.

*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**

We realise that budgets are tight and wish to see the limited money available spent to the best effect in the community.

**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 should be a possibility but again we are wary of then being seen as responsible for cuts.

**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 prefer to say in what areas communities could be responsible, without saying every community should be. A spectrum of arrangements should be possible, allowing for cooperation between local authority and community, rather than 'all or nothing'.

Subject to that, prime candidates for devolved responsibility would be community facilities and maintenance of public areas and footpaths.

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

Community council and hall management committees

**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?**

Community Councils are elected. They have a duty to engage and consult with the community and this in our experience is monitored by the community.

Two-way communication with community members and groups is key. If done correctly, community councils are more accountable day-by-day than local authority councillors. Ideally the two sets of councillors work together, for the benefit of the community.

Modern technologies could be exploited to improve community participation and awareness. Resources and IT support would be required, before community councils can exploit this potential on a broad basis.

*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**

Definitions of 'public services' and 'service provider' should be broad. All services should be included in the Community Planning processes, even those currently provided through private suppliers.

For example, public transport is a critical service, but is currently outside the community planning framework.

**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**

N/A

**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)?**

N/A

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

N/A

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

N/A

*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?**

When it would serve a useful purpose in a community, where they have the capacity to run it and manage it.

**Please also answer parts a. to d. below:**

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

What it will be used for and a business plan

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

Title information and repair history

**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?**

That they will take it back if the community fails

**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?**

That it is for the use specified and is run for the benefit of the whole community.

**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**

**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**

**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?**

That they have a viable business plan

*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**

**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?**

- 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?**

**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?**

We have 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**

**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**

**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?**

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

**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**

This would remove a disincentive for landowners to agree temporary use.

**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?**

**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**

We have a situation where we would like our authority to purchase land to take a path off a busy road

**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**

Presumably this refers to land that has been purchased and then not used.

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

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

Where the purpose of the compulsory purchase has been satisfied or disappeared, leaving the land under used.

*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**

This important in rural areas

**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?**

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

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

Owners need safeguards

**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

In our Green Belt setting, we have virtually no land for new developments, be it residential, community facilities or business space. This threatens our sustainability goals.

Releasing unused property would be very valuable.

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

Important safeguard for owners

**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**

Not automatically, but if the community has put a 'right to buy' option on it.

**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?**

Not automatically, but if the community has put a 'right to buy' option on it, the existing 'right to buy' framework.

*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?**

**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?**

**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.**