

EAST RENFREWSHIRE COUNCIL

CABINET

21 APRIL 2016

Report by Deputy Chief Executive

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 –

CONSULTATION ON STATUTORY GUIDANCE

PURPOSE OF REPORT

1. To seek approval for the process for responding to the Scottish Government's consultation on its statutory guidance relating to the Community Empowerment (Scotland) Act 2015.

RECOMMENDATIONS

2. The Cabinet is asked to note the timescales for the consultation on guidance and agree:
- (a) The process for approving the Council and Community Planning Partnership's response set out in paragraph 7; and
 - (b) A process for implementing the component parts of the Act, including participation requests, to be put in place once the statutory guidance in finalised.

BACKGROUND

3. The Community Empowerment Act was passed by the Scottish Parliament in June 2015. The Act is an amalgam of requirements on Councils and other public sector bodies. While much of the attention around the Act has focussed on asset transfer, at its core the Act is intended to strengthen community planning and give local communities a stronger role in planning, service delivery and improving outcomes.

4. On 29 January 2016, the Cabinet noted the implications relating to the Act and agreed:

- (a) That Area Forums would cease to operate from April 2016;
- (b) A framework for participation requests would be developed by end of March 2016; and
- (c) Departments will continue to be provided with training, support and tools to engage with communities.

5. The Scottish Government had previously indicated that it would issue guidance in early 2016. It has now indicated that a timescale for issuing finalised guidance will not be until after the Scottish Parliament elections, potentially after recess.

6. While finalised guidance is not expected for some time, between 17-21 March 2016 the Scottish Government published 250 pages of draft statutory guidance relating to five aspects of the Act for consultation purposes. This is the first time Scottish Government guidance relating to Community Planning has been subject to consultation in this way. The guidance is substantially more detailed, prescriptive and ambitious than any previous guidance or requirements relating to community planning. The five documents being consulted on, and the associated hyperlinks and closing dates, are listed below:

Guidance	Consultation Closing Date
Asset Transfer (draft regulations) https://consult.scotland.gov.uk/community-empowerment-unit/asset-transfer-procedures	20 June
Part 2 Community Planning (draft guidance and regulations) https://consult.scotland.gov.uk/community-empowerment-unit/community-planning-guidance	13 June ¹
Participation Requests (draft regulations) https://consult.scotland.gov.uk/community-empowerment-unit/participation-request-regulations	15 June
Community right to buy abandoned, neglected or detrimental land (draft secondary process) https://consult.scotland.gov.uk/community-land-team/abandoned-land	20 June
Crofting community right to buy (proposals relating to secondary legislation) (Please note, it is not intended that East Renfrewshire Council will respond to this consultation as there are no crofting communities in the area) https://consult.scotland.gov.uk/community-land-team/right-to-buy	20 June

KEY MESSAGES

7. The draft statutory guidance focusses of the requirements for CPPs to demonstrate:
- **Shared leadership** through an ambitious, resourced vision that involves all partners; demonstrates collective ownership, leadership and strategic direction of community planning. This must be underpinned by a culture of continuous improvement and effective challenge and scrutiny between partners.
 - **Community participation and co-production.** Partners must ensure that all bodies which can contribute to community planning are able to do so in an effective way and to the extent that they wish to do so. The CPP must have a clear understanding of the distinctive needs and aspirations of communities of place and interest within its area. Community participation must inform:
 - decisions about the CPP"s priorities;
 - how services are shaped and resources deployed;

¹ Note that a short extension has been secured to allow the CPP to submit

- how the CPP manages and scrutinises performance and progress on an on-going basis, and how it revises its actions to meet its ambitions as a result of its performance management; and
 - the effectiveness of its community engagement and community participation support.
- **Focus on key priorities** by setting out how the CPP will add most value. This requires a clear and ambitious vision for the area and improving outcomes for specific communities - reducing the gap in outcomes between the most and least deprived groups and moderating future demand for crisis services.
 - **Focus on prevention.** Partners must provide resources required to support preventative measures to the scale required to fulfil these ambitions. Partners should design services and focus resources where it has greatest preventative benefit.
 - **Tackling inequalities.** The CPP should have particular focus on reducing inequalities, developing locality and thematic approaches as appropriate and including participation from community bodies representing the interests of persons experiencing inequalities. The CPP should build the capacity of communities, particularly those experiencing inequality, to enable them to identify their own needs and opportunities; and support their efforts to participate effectively in community planning,
 - **Resourcing improvement.** The CPP and its partners understand how their collective resources are supporting shared local priorities, and whether together these are sufficient and the right resources to enable the CPP to meet its improvement targets. Partners deploy sufficient resource to meet agreed ambitions for the CPP's local priorities and align them in ways which support its local priorities effectively and efficiently.
 - **Effective performance management** through a deep-rooted commitment to continuous improvement, underpinned by effective processes and skills to understand and scrutinise performance. The CPP acts appropriately to improve performance in light of this understanding and scrutiny.

8. The remaining four elements of the consultation set out the likely requirements and statutory processes around:

- **Asset Transfer.** This introduces a right for community bodies to make requests for any land or buildings they feel they could make better use of. Requests must be assessed transparently against a specified list of criteria, and to agree the request unless there are reasonable grounds for refusal.
- **Participation Requests** – which set out a potential complex process involving multiple partners of between 30-100+ days to complete;
- **Community right to buy abandoned, neglected or detrimental land** gives community bodies the right, in certain circumstances, to buy land without a willing seller, when the land is wholly or mainly abandoned or neglected, or the use or management of the land is causing harm to the environmental wellbeing of the local community. Before submitting the right to buy application the community body must fulfil certain criteria.
- **Crofting Community (Right to Buy)** – which is not relevant to East Renfrewshire.

APPROVAL OF COUNCIL & COMMUNITY PLANNING PARTNERSHIP RESPONSE

9. The Community Planning Team will share the guidance and collate the feedback from departments, elected members and partners over the consultation period. In order to have sufficient time to collate feedback, prepare and secure approval of the response to meet the deadlines above, it is proposed that the Council and Community Planning Partnership (CPP) response is presented to the Council for approval on 15 June 2016.

10. Based on the Scottish Government's original time line the Council had intended to develop a process for Community Participation requests by March 2016. Due to the delay in publishing the guidance and the introduction of a consultation period East Renfrewshire's framework for Participation Requests will now to developed once the consultation period has closed and finalised statutory guidance is received from the Scottish Government.

RECOMMENDATIONS

11. The Cabinet is asked to note the timescale for the consultation on guidance and agree:

- (a) The process for approving the Council and Community Planning Partnership's response set out in paragraph 7; and
- (b) A process for implementing the component parts of the Act, including participation requests, to be put in place once the statutory guidance is finalised.

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