



Consultation on the Proposed Community Empowerment and Renewal Bill

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland

For information only to England, Northern Ireland and Wales

Key Issues

- The Scottish Government have issued a consultation paper on the proposed Community Empowerment and Renewal Bill
- The Consultation paper outlines a range of unconnected ideas and proposals to encourage enterprising community development
- The consultation paper identifies proposals/ideas which address a number of policy themes which include:
 - Strengthening Participation
 - Enterprising Community Development
 - Renewing Communities
- Within the consultation is a set of proposals which address community led design and delivery. This is potential development which is similar to the community right to challenge that exists in England via the Localism Act 2011.

1. Introduction

1.1 The Scottish Government have issued a consultation paper seeking responses to ideas for the proposed Community Empowerment and Renewal Bill which has been designed to support communities to achieve their own goals and aspirations through independent action and by having their “voices” heard in the decisions that affect their area.

2.0 Background

2.1 The Scottish Government in their respective Programme for Government proposed a Community Empowerment and Renewal Bill. The proposed Bill will seek to:

- Make it easier for communities to take over the unused and underused public sector assets

- Introduce measures to help communities deal more effectively with vacant and unused property in their areas
- 2.2 The Scottish Government suggested in their consultation that these proposals will compliment the need for enterprising community development which will help achieve sustainable economic growth. The proposals that may be included in the Bill are linked to:
- The Scottish Governments Economic Strategy
 - The work of the Christie Commission specifically the need to strengthen the participation of communities in the planning and delivery of services
 - The joint review of Community Planning which concluded that effective arrangements for community planning are the heart of public service reform, in particular public service integration and continuous improvement in order to achieve improved outcomes for communities.

3.0 **Content of the Proposed Bill**

3.1 The proposed Bill contains the following policy themes:

- Strengthening Participation
This section details a range of ideas which extend to:
 - (a) Structures
 - An overarching duty on all partners to engage in community planning
 - The role and purpose of Community Councils in relation to community planning and engagement
 - The role and purpose of the third sector in relation to community engagement and planning
 - (b) Quality and Accountability for Participation
 - National standards for community engagement
 - Community Engagement/Planning
 - Audit arrangements for community engagement
 - Appointing a lead officer for community participation in a given local authority area
 - (c) Community-led Design and Delivery
 - Tenants "right" to manage
 - Community service delivery (including community right to challenge)
 - Community directed spending – participatory budgeting
- Unlocking enterprising community development
 - (a) Community Right to Buy
 - Community Asset Transfer
 - Common Good Fund(s)
 - Asset Management
 - Allotments
- Renewing Communities

- (a) Leases
 - Maximising use of public sector assets
 - Encouraging temporary use agreements
- (b) Dangerous and Defective Buildings
 - Compulsory Purchase
 - Power to enforce sale or lease of empty property

5.0 **APSE Comment and Conclusion**

5.1 The Scottish Government's consultation on the proposed Community Empowerment and Renewal Bill represents a list of initial ideas and proposals which are largely unconnected at this stage. This is only the first stage in a process and there is no draft legislation at this stage. In addition, there is no one "big idea" or headline proposed. The consultation represents a host of proposals and ideas which aim to address the issues of engaging/empowering communities. APSE considers that some of the measures identified within Strengthening Community Participation section are worthy of further exploration. However, APSE does have a concern about the development titled "community service delivery" which would appear to be similar to the "community right to challenge" which is reflected in the Localism Act 2011 in England¹. A number of the ideas floated will only be successful if they are aligned with the principles of the Christie Commission report which requires "services to be built around people and communities". To deliver this, communities need to be at the forefront of any such change not simply being involved or participating. Reforming Community Planning is an important area and it is encouraging that the proposed Bill picks up on this.

APSE has some concerns about the proposed "urban right to buy". However, the ideas to reform common good assets and enhance asset management policies and process are broadly welcomed subject to the detail.

If the proposed Bill is to have a meaningful impact, it will need to be supported with adequate support and resources with particular regard to assets. The consultation document welcomes responses to a total of 49 questions. APSE on behalf of its membership will make a full response and challenge and influence as appropriate aspects of the proposed Bill. The consultation ends on 29th August 2012.

Andrew Spowart
Principal Advisor

¹ The Community Right to Challenge under the Localism Act 2011, gives community groups, parish councils, charities and staff mutual the right to express an interest in taking over the running of any relevant services.