

Summary

We welcome the policy driving the Community Empowerment Bill and believe this legislation can help enable more community empowerment.

- A starting point for any debate on community empowerment should be acknowledging that governments, public sector bodies, politicians and third sector organisations don't empower communities. Communities empower themselves
 - The role of all the agencies involved with this agenda should be a supportive one that does not seek to direct or control
 - The omission of participatory budgeting from the Bill is a serious oversight. In light of the levels of participation seen in the independence referendum and the public's clearly expressed appetite for greater involvement in decision making, this would be a missed opportunity to offer greater powers to people and communities
- We welcome the proposals in the Bill that will enable communities to take greater control of land and buildings. Coupled with the Strengthening Communities programme, legislation in this area will enable more communities to empower themselves
- If strengthened, the measures outlined in the Bill that legislate for community engagement could be a positive force for change. However, it should also be clear that involving people in public sector agendas is not community empowerment and can in many instances be disempowering
 - Successful community empowerment cannot be driven by a top-down approach, it must be encouraged to develop from the grassroots up
 - For the Bill to be successful it must be part of a comprehensive strategy, with the necessary support and resources made available for communities to empower themselves

Beyond legislation

The Community Empowerment Bill is one small part of the change needed to enable more empowered communities. It is vital that this Bill is considered in those terms and not seen as the totality of the approach that is required. It is our view that the impact of the Bill itself on community empowerment will be minimal unless there is a wider strategy adopted. We support the statement from the Minister in the debate on 12 September 2013: "We are talking about culture, leadership, and the practical support that can be provided to deliver community empowermentⁱⁱ."

Engagement and empowerment

The Bill includes a mix of legislation that has been brought forward to achieve different purposes. This can make the policy objectives of the Bill seem at times incoherent. By mixing legislation on land reform and asset transfer with measures on community planning and public service reform, the Bill adds to the confusion that exists between community empowerment and community engagement. If it is done well, we support people and communities having a greater say in the improvement of public services and other decision making processes. However, involving people in top-down public sector-led agendas is not community empowerment and can in many instances be disempowering.

Part 1 National outcomes

We are generally supportive of the proposal to embed Scotland Performs and the National Performance Framework in legislation. This could improve accountability of reporting mechanisms while offering greater opportunity for more people to become involved in the process of deciding outcomes. The key to the success of this proposal is the process that is developed to implement it and how participative and inclusive it is. We welcome the recommendationⁱⁱⁱ from the local Government Committee that an annual report be published showing the extent to which outcomes have been achieved. However, we would also like to see this proposal strengthened to ensure that a wide range of stakeholders, including third sector organisations and communities, participate in the process of revising the National Performance Framework.

Part 2 Community planning

We question the relationship between these proposals and community empowerment. As it stands it is difficult to see how the proposals for community planning outlined in this Bill will empower communities as they mainly concentrate on tightening up and enshrining in legislation processes which have proven to be unsuccessful in improving outcomes or engaging communities. The recommendations^{iv} made by the Local Government Committee to improve legislation in this area are helpful and we welcome their statement: “Overall we are not convinced this Bill goes far enough to move CPPs from their current top-down approach and recommend further statutory provision is made to ensure this is both clearer and measurable.” We look forward to the Scottish Government bringing forward amendments at Stage 2 to strengthen this part of the Bill. However despite any improvements, legislation in this area can only go so far. Our view is that improving community planning can best be achieved by building on good practice examples of partnership working which can be replicated across CPPs. We hope the outcomes from the new ‘What Works Scotland’^v centre will contribute to this.

Part 3 Participation requests

There may be some value in legislating for this process. Allowing organisations to initiate a process to improve services could open up discussions between communities and public bodies. However, if not covered correctly in guidance, we are concerned that this process might disrupt the positive ways that third sector organisations and public bodies already work together. The formal process that has been proposed might disrupt positive interactions which already take place if it becomes the main route for engaging the sector in improving public services. We support the recommendation of the Local Government Committee in their Stage 1 report that non-constituted bodies should also be able to submit a participation request and take part in the process. This would allow more informal groupings to have their say and contribute their ideas without creating a constituted group. The omission of participatory budgeting from the Bill is in our view a serious oversight. In light of the levels of participation seen in the independence referendum and the public’s clearly expressed appetite for greater involvement in decision making, this is a missed opportunity to offer greater powers to people and communities.

Part 4 Community Right to Buy land

We support changes to the Land Reform legislation which would extend the Community Right to Buy to all communities in Scotland. We appreciate that there will be different opportunities and challenges in urban communities that require further investigation but we see no reason why they should not enjoy the same rights as rural areas. The recommendations made by the Rural Affairs, Climate Change and Environment Committee in the Stage 1 report have been helpful in identifying where improvements can be made. We would like to see the Scottish Government draft amendments which address the issues identified around the use of the term ‘neglected and abandoned’ land.

Part 5 Asset transfer requests

SCVO supports the transfer of assets to communities, provided that the community has an active desire to take ownership of them. Whilst recognising the benefits of asset ownership, we welcome the Bill’s support for management of assets, which will hopefully ensure the most appropriate model is available to each community. We support the proposal in the Bill to introduce of a single, clear process for the transfer of public sector assets to communities. We support the recommendation of the Local Government Committee in its Stage 1 report to impose a six-month time limit on the process of an asset transfer and welcome the Scottish Government’s commitment to bring forward amendments at Stage 2 which compel public bodies to maintain and publish an asset register.

Part 6 Common good property

We support the introduction of an asset register and proposals to consult on the disposal and use of common goods assets. These assets are valuable to communities, so we support provisions which would create greater involvement from communities in the decisions made about these assets. However, we recognise the limitations of the approach being taken by the Bill and the expectation that the forthcoming Land Reform Bill will make substantial changes in this area.

Part 7 Allotments

We support the concerns raised by the Scottish Allotments and Gardens Society in their five point [proposition](#) for the legislation relating to allotments. We would like to see the Bill introduce a 'Fair Rent' clause, as there is under current legislation, because this will ensure that access to allotments is available to all and does not exclude people on low incomes.

Financial memorandum

We note the Finance Committee's comments on the Financial Memorandum raised in the Stage 1 report on the need to satisfy the requirements of Standing Orders by providing best estimates of costs. Nonetheless, in reminding the Scottish Government of the Committee's needs and concerns through the Stage 1 Report, and in potentially eliciting further information, we are strongly of the view these concerns should not prevent the Bill from proceeding and would urge Parliament to support its passage to Stage 2.

Conclusion

We welcome the central role that community empowerment now occupies in public policy. However, we have concerns about the priority given to community engagement. Culture and attitude must be addressed and support provided to communities to help them achieve their own ambitions. The primary role for government and the public sector in this agenda must always be a supportive one which enables community empowerment but does not direct or control it. We are supportive of the introduction of proposals for transferring assets to communities from public bodies. Bringing Community Right to Buy legislation to all communities, introducing a Right to Buy without a willing seller and improving the processes involved in the Land Reform Act is an important step. The omission of Participatory Budgeting from the Bill would be a missed opportunity to give people a greater say in decision making in their area.

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About us

The Scottish Council for Voluntary Organisations (SCVO) is the national body representing the third sector. There are over 45,000 voluntary organisations in Scotland involving around 137,000 paid staff and approximately 1.2 million volunteers. The sector manages an income of £4.4 billion. SCVO works in partnership with the third sector in Scotland to advance our shared values and interests. We have over 1300 members who range from individuals and grassroots groups, to Scotland-wide organisations and intermediary bodies. As the only inclusive representative umbrella organisation for the sector SCVO:

- has the largest Scotland-wide membership from the sector – our 1300 members include charities, community groups, social enterprises and voluntary organisations of all shapes and sizes our
- governance and membership structures are democratic and accountable - with an elected board and policy committee from the sector, we are managed by the sector, for the sector brings together
- organisations and networks connecting across the whole of Scotland

SCVO works to support people to take voluntary action to help themselves and others, and to bring about social change. Our policy is determined by a policy committee elected by our members. ¹ Further details about SCVO can be found at www.scvo.org.uk

References

Scottish Voluntary Sector Statistics 2010, SCVO

www.scvo.org.uk/evidencelibrary/Home/ReadResearchItem.aspx?f=asc&rid=1078

- i
- ii <http://www.scotland.gov.uk/Topics/Built-Environment/regeneration/community/strengthening-communities>
- iii http://www.scottish.parliament.uk/S4_LocalGovernmentandRegenerationCommittee/Reports/IgR-15-02w.pdf
- iv http://www.scottish.parliament.uk/S4_LocalGovernmentandRegenerationCommittee/Reports/IgR-15-02w.pdf
- v http://www.scottish.parliament.uk/S4_LocalGovernmentandRegenerationCommittee/Reports/IgR-15-02w.pdf
- <http://whatworksscotland.ac.uk/>¹ SCVO's Policy Committee has 24 members elected by SCVO's member organisations who then co-opt up to eight more members primarily to reflect fields of interest which are not otherwise represented. It also includes two ex officio members, the SCVO Convener and Vice Convener.