
Report To:	Policy and Resources Committee	Date:	21 March 2017
Report By:	Grant McGovern, Head of Inclusive Education, Culture and Corporate Policy	Report No:	PR/05/17/GMcG/MMcK
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Subject:	Community Empowerment Act Implementation		

1.0 PURPOSE

1.1 The purpose of this report is to update the Committee on progress towards the implementation of the Community Empowerment (Scotland) Act 2015.

2.0 SUMMARY

2.1 The Community Empowerment (Scotland) Act 2015 was enacted in July 2015, however many parts of the Act have been introduced over the last year as guidance and regulations have been published.

2.2 In summary, the main provisions of the Act are:

- National Outcomes
- Community Planning
- Participation Requests
- Taking over assets
- Participation in Public Decision-Making
- Allotments
- Delegation of Forestry Commissioners' functions
- Supporter Involvement in Football clubs
- Non Domestic Rates

2.3 Set out in paragraph 4 below is a summary of progress in implementing each part of the Act.

2.4 The delivery of the Council's obligations under the Community Empowerment Act go a large part of the way towards meeting the issues set out in the CoSLA report 'Effective Democracy: Reconnecting with Communities' which was remitted to this Committee from the Council. This report discharges that outstanding remit for this Committee.

3.0 RECOMMENDATIONS

3.1 It is recommended that Policy and Resources Committee:

- a. Note the progress made in delivering the requirements of the Community Empowerment Act.

Grant McGovern
Head of Inclusive Education, Culture and Corporate Policy

4.0 BACKGROUND

4.1 The Community Empowerment (Scotland) Act as passed is:

'An Act of the Scottish Parliament to make provision about national outcomes; to confer functions on certain persons in relation to services provided by, and assets of, certain public bodies; to amend parts 2 and 3 of the Land Reform (Scotland) Act 2003; to enable certain bodies to buy abandoned, neglected or detrimental land; to amend section 7C of the Forestry Act 1967; to enable the Scottish Ministers to make provision about supporters' involvement in and ownership of football clubs; to make provision for registers of common good property and about disposal and use of such property; to restate and amend the law on allotments; to enable participation in decision-making by specified persons having public functions; to enable local authorities to reduce or remit non-domestic rates; and for connected purposes.'

4.2 Inverclyde Council has been working to deliver on the main provisions of the Act as they have been enacted and as guidance has been published.

4.3 **Part 1: National Outcomes**

Requires Scottish Ministers to continue the approach of setting national outcomes for Scotland. They must consult on, develop and publish a set of national outcomes. They must also regularly and publicly report progress towards these outcomes and review them at least every five years. Public authorities and other persons or organisations that carry out public functions must have regard to the national outcomes in carrying out their devolved functions. This part of the Act came into force 15 April 2016. The National Outcomes will be taken into consideration during the development of the Local Outcomes Improvement Plan.

4.4 **Part 2: Community Planning**

The guidance on Community Planning was published on 20 December 2016, coming into force on that date. Similarly, the sole regulation regarding locality planning also came into force that day, which describes the localities into which CPPs must divide local authority areas for the purpose of carrying out locality planning. It has 2 criteria that such a locality be either an area within the local authority with a population that does not exceed 30,000 or an electoral ward. The guidance can be found at <http://www.gov.scot/Publications/2016/12/8801>.

4.5 The main components of the community planning element that are being developed by the Inverclyde Alliance are the Local Outcomes Improvement Plan (LOIP) and the Locality Plans. Localities have been agreed across all the partners and engagement is planned in order to develop the locality plans in partnership with communities. A launch event will be held on 10 May in the Greenock Town Hall, open to everyone in Inverclyde to attend. This event will feed both the LOIP and Locality Plans. Three further events will be held across May and June in Port Glasgow, Greenock East and Central and Greenock South and South West in community centres, to focus on the specific issues and assets for these communities. Asset based locality plans will be developed from this and agreed with local communities.

4.6 **Part 3: Participation Requests**

This part of the Act provides a mechanism for community bodies to put forward their ideas for how services could be changed to improve outcomes for their community. This could include community bodies taking on delivery of services. Draft guidance on participation requests has been drafted by the Scottish Government and was published on 14 February 2017. The draft guidance can be found here <http://www.gov.scot/Topics/People/engage/ParticipationRequests/DraftParticipationRequestGuidance?refresh=0.775555568628374>. The Scottish Government expect the regulations to be laid in early 2017 and for the provisions to come into force following the parliamentary process on or around the 1 April 2017. Once officers have had time to read and digest the guidance a further report will be made to a future meeting of this Committee.

4.7 **Part 4: Community Right to Buy Land**

Part 4 of the Act amends the Land Reform (Scotland) Act 2003, extending the community right to buy to all of Scotland, urban and rural, and improving procedures. Part 4 also introduces a range of measures to amend, and in some areas, simplify, the crofting community right to buy. Existing processes for community right to buy will be used by the Council, including the provision for abandoned, neglected or detrimental land. For further information on the changes made to community right to buy relating to community bodies a leaflet can be found here <http://www.gov.scot/Publications/2016/02/1852>. Amendments to Part 2 of the Land Reform Act came into force on 15 April 2016.

Abandoned, neglected or detrimental land

Part 4 of the Community Empowerment (Scotland) Act 2015 introduces a new provision for community bodies to purchase land which is abandoned, neglected or causing harm to the environmental wellbeing of the community, where the owner is not willing to sell that land. This is if the purchase is in the public interest and compatible with the achievement of sustainable development of the land. A consultation paper was also published on the community right to buy abandoned, neglected or detrimental land, at <https://consult.scotland.gov.uk/community-land-team/abandoned-land>. This section is expected to come into force in summer 2017.

4.8 **Part 5: Asset transfer requests**

Provides community bodies with a right to request to purchase, lease, manage or use land and buildings belonging to local authorities, Scottish public bodies or Scottish Ministers. There will be a presumption of agreement to requests, unless there are reasonable grounds for refusal. Reducing inequalities will be a factor for public authorities to consider when making a decision. Relevant authorities will be required to create and maintain a register of land which they will make available to the public.

This part of the act came into force on 23 January 2017. Inverclyde Council has published its register of land on the Council's website here <http://www.inverclyde.gov.uk/council-and-government/register-of-land>. Work is ongoing between Legal, Property and Community Learning and Development as to how asset transfer requests will be managed.

4.9 **Part 6: Delegation of Forestry Commissioners' functions**

This part of the Act allows for different types of community body to be involved in forestry leasing. This opportunity is available under the new Community Asset Transfer Scheme (CATS) for Scotland's National Forest Estate. There are no major implications for the Council in regard to this part of the Act.

4.10 **Part 7: Supporter Involvement in Football clubs**

The Scottish Government is committed to the principle that supporters should have a role in decision-making, or even ownership when the opportunity arises, of their football clubs. The Act provides powers for Ministers to make regulations to facilitate supporter involvement and give fans rights in these areas. A consultation on this issue closed in January 2016, and the Scottish Government is currently considering the responses. There are no major implications for the Council in regard to this part of the Act at this time.

4.11 **Part 8: Common good property**

The Act places a statutory duty on local authorities to establish and maintain a register of all property held by them for the common good. It also requires local authorities to publish their proposals and consult community bodies before disposing of or changing the use of common good assets. Inverclyde Council has published its register of

common good property here <http://www.inverclyde.gov.uk/law-and-licensing/commongood>. Existing processes will be used to fulfil the Council's duties from this part of the Act.

4.12 **Part 9: Allotments**

This part of the Act updates and simplifies legislation on allotments. It requires local authorities to take reasonable steps to provide allotments if waiting lists exceed certain trigger points and strengthens the protection for allotments. Provisions allow allotments to be 250 square metres in size or a different size that is to be agreed between the person requesting an allotment and the local authority. The Act also requires fair rents to be set and allows tenants to sell surplus produce grown on an allotment (other than with a view to making a profit). There is a requirement for local authorities to develop a food growing strategy for their area, including identifying land that may be used as allotment sites and identifying other areas of land that could be used by a community for the cultivation of vegetables, fruit, herbs or flowers.

4.13 A Green Network has been established with representation from a wide range of local environmental groups and including Council officers. This group is keen to take forward the development of a food growing strategy for Inverclyde. Inverclyde Council has been working to identify where additional allotments might be located to respond to any waiting lists. Resource will be required to fulfil the duties in the Act under this part. Guidance in relation to this part of the Act is still awaited.

4.14 **Part 10: Participation in Public Decision-Making**

This is a new regulation-making power enabling Ministers to require Scottish public authorities to promote and facilitate the participation of members of the public in the decisions and activities of the authority, including in the allocation of its resources. Involving people and communities in making decisions helps build community capacity and also helps the public sector identify local needs and priorities and target budgets more effectively. Further information and guidance is awaited prior to any action being undertaken in regard to this part of the Act.

4.15 **Part 11: Non Domestic Rates**

This part of the Act provides for a new power for councils to create and fund their own localised business rates relief schemes, in addition to existing national rates relief, to better reflect local needs and support communities. This part of the Act came into force on 31 October 2015.

This is not a power the Council has used yet. A report was submitted to the Environment and Regeneration Committee last January shortly after this was introduced highlighting that the Council now had the power. There would be cost implications should the Council exercise this power. The report can be found at Item 11 at this link <https://www.inverclyde.gov.uk/meetings/meeting/1828>.

5.0 **NEXT STEPS**

5.1 As further guidance and regulations are published the Council will continue to identify action to be taken to meet the requirements of the Act.

6.0 **IMPLICATIONS**

6.1 Financial Implications - One off Costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
n/a					

Financial Implications - Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if applicable)	Other Comments
n/a					

6.2 Human Resources: none at present

6.3 Legal: none at present

6.4 Equalities: none at present

6.5 Repopulation: none at present

7.0 CONSULTATIONS

7.1 N/a

8.0 CONCLUSIONS

8.1 Officers of the Council are continuing to keep a watching brief on the guidance and regulations being issued by the Scottish Government and will develop services accordingly.

9.0 LIST OF BACKGROUND PAPERS

9.1 <http://www.gov.scot/Topics/People/engage/CommEmpowerBill>