

**REPORT TO:** Cabinet

**MEETING DATE:** 11 September 2012

**BY:** Executive Director (Support Services)

**SUBJECT:** East Lothian Council's Response to the Scottish Government's Consultation on the Proposed Community Empowerment and Renewal Bill

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## **1 PURPOSE**

- 1.1 To present the basis for the response from the Council to the Scottish Government's consultation on the Proposed Community Empowerment and Renewal Bill.

## **2 RECOMMENDATIONS**

- 2.1 Cabinet endorses the general comments in paragraphs 3.3-3.12 as the basis for the Council's detailed response to the Scottish Government's consultation on the Proposed Community Empowerment and Renewal Bill which will be submitted by the Chief Executive following approval by the Council Leader.

## **3 BACKGROUND**

- 3.1 The Scottish Government published a consultation paper on the Proposed Community Empowerment and Renewal Bill on 6<sup>th</sup> June 2012. The original deadline for responses to the consultation paper was 29<sup>th</sup> August 2012 but this was extended to 29<sup>th</sup> September 2012.
- 3.2 This is the first stage of the process and there is no draft legislation at this stage. The paper includes over 40 questions and over 20 sub-questions. The consultation paper is far reaching and covers a wide range of issues which are largely unconnected, including:
- Strengthening community participation with an 'overarching duty to engage'; extending the powers of Community Councils; tenants right to manage; community service delivery; and, participatory budgeting

- Unlocking enterprising community development through the community right to buy; community asset transfer; Common Good; asset management; and, allotments
  - Renewing our communities with leases and temporary uses of unused or underused assets; changing powers in relation to dangerous and defective buildings and compulsory purchase; and the power to enforce sale or lease of empty property.
- 3.3 The consultation paper gives the impression of the government having a series of initial ideas without a coherent thread. It can be criticised for taking a centralising approach to perceived problems. It proposes the introduction of a range of new duties on local government and powers and rights to ‘communities’ and ‘community groups’ which could place major pressures on local authorities at a time when they are facing other substantial changes and pressures.
- 3.4 Many of the questions are poorly formulated and appear to give little recognition to what is already good practice and common practice in local government. Many questions seek a straightforward ‘Yes’ or ‘No’ response to complex issues which do not lend themselves to this approach.
- 3.5 East Lothian Council has been, and remains committed to exploring and supporting options for devolving powers down to citizens and community organisations; for example, devolving the management of Community Centres to local management committees, providing Community Councils with Local Priority Scheme funds and exploring the option of Community Partnership Schools. Community engagement is one of the cross cutting themes of the Single Outcome Agreement and the Council recently adopted a strategy to strengthen and enhance consultation and engagement with citizens and community organisations. The Council Plan 2012-2017 includes a commitment to establish Local Area Partnerships to give local communities, Community Councils and local groups more say in local services and to devolve decision making and budgets.
- 3.6 The Council is supportive of the principle of extending ‘community empowerment’ and taking measures to support and bring about sustainable community renewal. However, the Council is not convinced of the merit of the proposals contained in the consultation paper.
- 3.7 The consultation paper proposes that local authorities should be given a range of new duties, including to:
- engage with communities
  - follow the National Standards for Community Engagement
  - publish and communicate a community engagement plan
  - have a named accountable officer, responsible for community participation

- make their asset registers and asset management plans available to the public
  - have an officer to co-ordinate engagement and strategy on community asset transfer and management.
- 3.8 The Council already engages with communities, endorses and attempts to follow the National Standards for Community Engagement, has a consultation and engagement plan and is developing an asset register and asset management plan. However, the imposition of new duties would be unwelcome and potentially restrictive.
- 3.9 The consultation paper promotes the concept of community empowerment by posing a series of questions suggesting that communities, community groups and/ or Community Councils should be given a wide range of new powers, including:
- a role in delivering public services
  - making it easier for tenants and community groups to manage housing services in their area
  - the right to challenge service provision
  - the right to request to manage certain areas of spending within their local area
  - the power to request the public sector transfer unused or underused assets
  - the right to use or manage unused and underused public sector assets
  - the right to request a local authority use a compulsory purchase order on their behalf.
- 3.10 Citizens and community groups already have the right to request that their local authority improves services, considers different forms of service delivery, transfer the management or ownership of assets. Local authorities already have the power to work with local groups and the third sector in the way that is suggested in the consultation paper.
- 3.11 However, the implication of the questions as framed in the consultation paper is that communities would have the right to have their requests granted and that local authorities would have little or no discretion over these matters. There are major implications in relation to resources and finance that do not appear to have been given any consideration. For example, whilst the Council might support the use of compulsory purchase orders to bring vacant properties back into use much more detail would need to be provided on how 'communities' would be involved in this process. There could be significant financial implications relating to the compulsory purchase and subsequent renovation of derelict property and then significant revenue costs associated with using

the property for community use. Local authorities should retain the discretion to judge requests from communities for changes in service delivery, asset transfer etc on their merits and against competing demands for resources. It should also be noted that on occasions there can be competing and contradictory view or demands from communities.

- 3.12 East Lothian Council is supportive of community management and ownership of assets and is committed to working with the enterprising third sector and encouraging the development of social enterprises to provide services such as home care. The Council also supports the concept of participatory budgeting and devolving decision making and budgets. Whilst not being supportive of all the proposals in the consultation paper the Council welcomes the further consideration being given to how local authorities can support community empowerment and renewal. The Council would be willing to take part in helping to develop these concepts and ideas in a constructive dialogue with the Government and East Lothian's communities and enterprising third sector.

#### **4 POLICY IMPLICATIONS**

- 4.1 This report provides the Council's response to a Consultation paper on ideas and proposals that might be contained in a future Community Empowerment and Renewal Bill. It has no direct policy implications.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial - none  
6.2 Personnel - none  
6.3 Other - none

#### **7 BACKGROUND PAPERS**

- 7.1 A Consultation on the Proposed Community Empowerment and Renewal Bill; Scottish Government, June 2012  
<http://www.scotland.gov.uk/Publications/2012/06/7786>

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