



Community Planning Update

Committee Strategy and Programmes

Date of meeting 29 January 2016

Date of report 20 January 2016

Report by Assistant Chief Executive (Operations)

1. Object of report

The object of this report is to:

- Update the Committee on developments in Community Planning, specifically developments following the introduction of the Community Empowerment (Scotland) Act 2015¹; and,
- Recommend the Committee note the position regarding requests for funding from Community Planning Partnerships (CPPs).

2. Background

The Scottish Government has been working to strengthen Community Planning arrangements to ensure public sector agencies work more closely to deliver better outcomes for communities. As part of this process, the Community Empowerment Bill received Royal Assent and became an Act in July 2015. The Act aims to give people in communities, and those supporting them in the public sector, new ways to help deliver improved services. In addition, as members will be aware, all CPPs have been reviewing their approach to joint resourcing of initiatives to achieve their outcomes. SPT has been actively involved in dialogue with CPPs regarding this, and will occasionally receive requests to financially support initiatives and specific projects.

3. Outline of proposals

Community Empowerment (Scotland) Act

- 3.1 The Community Empowerment (Scotland) Act identifies lead authorities for Community Planning and further enhances the statutory footing of Community Planning Partnerships (CPPs). Overall, the Act aims to empower community bodies through the ownership or control of land and buildings, and by strengthening their voices in decisions about public services.
- 3.2 The different parts of the Act are likely to come into force at different times. In most cases secondary legislation (orders and regulations) and guidance need to be

¹ <http://www.legislation.gov.uk/sdsi/2016/9780111030059>

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developed before the legislation can come into effect. This will be done through a process of engagement with people affected by the legislation. More information about this process will be provided at future Committees, but it is expected most parts of the Act will come into effect by summer 2016. Those aspects of the Act with particular relevance to SPT include:

- **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. SPT and other organisations that carry out public functions must have regard to the national outcomes in carrying out their devolved functions.
- **Community Planning:** Places CPPs on a statutory footing and imposes duties on them around the planning and delivery of local outcomes, and the involvement of community bodies at all stages of community planning. Tackling inequalities will be a specific focus, and will have to produce “locality plans” at a more local level for areas experiencing particular disadvantage. Given the cross boundary nature of public transport this may provide a challenge for SPT.
- **Participation Requests:** 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. SPT already works closely with Community Transport Groups and it may be this sector that would be the likeliest to make such requests.
- **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. Relevant authorities, including SPT, will be required to create and maintain a register of land which they will make available to the public.
- **Participation in Public Decision-Making:** A new regulation-making power will enable 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. The aim is to involve people and communities in making decisions that help build community capacity and also helps the public sector to identify local needs and priorities and target budgets more effectively. A number of local authorities across Scotland have already adopted this approach in relation to decisions about budget priorities.

3.3 The Scottish Government is currently developing the orders, regulations and guidance for the Act. As part of this process the Scottish Government recently met with representatives from Regional Transport Partnerships to discuss the implications of the Act for RTPs and to seek their views so as to inform the development of best practice Guidance for implementing the Act, likely to be published in February 2016.

3.4 The Scottish Government is also beginning to draft regulations in relation to the requirement under the Act for “relevant authorities” to publish a register of the land they own or lease. Ministers can regulate to specify types of land that do not need to be included in the register. The Scottish Government plans to exclude roads, since they are very unlikely to be targets for asset transfer and on the same basis, would propose to exclude railways, including the Subway. Any exclusion would cover only the essential operational land and structures such as tunnels, depots and maintenance

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sheds. SPT will be required to list other land or buildings which could be sold, leased or managed separately.

- 3.5 As the elements of the Act come into effect they will each have implications for SPT and other public bodies and will create an enhanced and more formalised level of engagement with community groups, and therefore a greater call on staff time and resources.

Requests for support from SPT for CPP projects/initiatives

- 3.6 SPT actively engages with all CPPs within its area and this on occasion can result in requests to support specific projects and initiatives. Such support can range from transport planning advice, service re-design and financial support. SPT actively engages when such requests are received. In the event that a request for financial support is received this will be assessed in terms of whether the project demonstrably supports the objectives and outcomes of the Regional Transport Strategy, the Delivery Plan, the Transport Outcome Reports prepared annually with constituent councils, and is consistent with SPT's statutory and legal functions and duties as well as the affordability.

4. Conclusion

- 4.1 The introduction of the Community Empowerment (Scotland) Act will have implications for SPT in a number of areas including participation requests, asset transfer requests and greater participation in public decision-making. The Scottish Government has commenced the process of developing the orders, regulations and guidance which will inform the practical application of the Act.
- 4.2 Given the current financial challenges being faced by many Community Planning partners, and the ongoing focus on joint resourcing of projects/initiatives, it is likely SPT will see an increase in the number of requests for funding support. As noted above in 3.6, SPT will consider these requests within strict criteria, including affordability and the statutory/legal framework within which SPT operates.

5. Committee action

The Committee is recommended to:

- Note the contents of this report;
- Note the update in relation to the Community Empowerment (Scotland) Act; and
- Note the position regarding requests for funding from Community Planning partners.

6. Consequences

Policy consequences

In line with the RTS.

Legal consequences

SPT is a statutory Community Planning Partner and is a listed authority under the provisions of the Community Empowerment (Scotland) Act.

Financial consequences

The specific requirements of the Community Empowerment (Act) Scotland 2016 are likely to have costs but these are not quantifiable as yet.

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Personnel consequences	<i>Elements of the Community Empowerment (Scotland) Act will require additional staff time.</i>
Equalities consequences	<i>Tackling inequalities will be a focus for CPPs who will be required to produce “locality plans” for areas experiencing particular disadvantage.</i>
Risk consequences	<i>None</i>

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