

Community Empowerment Bill consultation response
Report by Kenneth Lawrie**1 Purpose of Report**

The aim of this report is to seek approval for the attached response to the Scottish Government, which was submitted as required on Monday 27th January 2014, subject to final Council approval.

2 Background

- 2.1** Scottish Government proposes to legislate this year to strengthen the role of communities across Scotland in the design, planning and delivery of services. A set of measures ranging from right to buy land and requirements on councils to provide allotments , through to strengthening statutory obligations placed on public sector bodies to work through community planning partnerships, and requiring greater public and voluntary sector involvement in the same, are included in the draft Bill .
- 2.2** A seminar with Community planning partners was held on 9 January at which the Scottish Government's Location Director briefed all partners on the contents of the draft Bill. As each agency was keen to submit their own response, no combined CPP response has been drafted. The Council response has been drafted with input from officers across the Council .
- 2.3** The proposed response is attached at appendix 1.

3 Report Implications**3.1 Resource**

There are no resource implications directly associated with this consultation.

3.2 Risk

Failure to respond could imply lack of interest in or commitment to local community empowerment with consequential reputational damage.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☒ Community safety
- ☒ Adult health, care and housing
- ☒ Getting it right for every Midlothian child

- ☒ Improving opportunities in Midlothian
- ☒ Sustainable growth
- ☒ Business transformation and Best Value
- ☐ None of the above

3.4 Impact on Performance and Outcomes

The response provides detailed suggestions on each of the 69 consultation questions, and generally sets out the commitment of the council to support the intentions of the Bill by engaging with its communities to strengthen public understanding of local government and other public services, co-produce solutions to local issues and realign the balance between citizen's and public service delivery in the face of significant national reductions in public sector finance.

3.5 Adopting a Preventative Approach

Adopting the approach set out in this response will reduce the risk of failure of community asset transfers. Development of local community allotments has the potential to contribute to increasing access healthy diet, increasing physical activity levels and reducing stress and low level depression, as such would support a preventive agenda in health. Community planning has adopted preventative approaches as one of the three key approaches it seeks to see being used across partners. Strengthening the expectations on public sector partners' compliance with Community planning will increase the extent of preventative working undertaken in Midlothian.

3.6 Involving Communities and Other Stakeholders

The draft response has been prepared by staff across the council and has been approved by the corporate management team, but has not been subject to wider consultation. The response by the council supports the principles of the Bill, which has at its centre commitments to engaging with communities and using the co-production cycle of co-investigation, co-design and where appropriate co-delivery. Discussions with community planning partners have concluded that each agency wishes to make a separate response. The third sector has coordinated its response through Midlothian Voluntary Action. Elements of the MVA response have been incorporated in the council response, as there is broad agreement between the council and third sector; particularly on the principles of community planning and community asset transfer.

3.7 Ensuring Equalities

The delivery of local public services through democratically accountable bodies includes statutory duties in respect of equality for ten protected characteristics groups. The Bill aims to strengthen the

rights of community groups to take over the operation of public services, public land and buildings, and to enhance the legal duties on CPP partners to engage with communities in planning services. The Council response includes a request for the definition of community to include community of need / interest as well as geography, this would enable equality groups to be considered “communities “under the terms of the Act.

3.8 Supporting Sustainable Development

Local democracy has a key role in ensuring local development planning takes account of the need to create and support sustainable communities. The Bill proposes to give rights to community groups to acquire derelict land/ buildings / or those deemed surplus to requirements of public bodies. The re-development and re-use of such assets offers the potential to recycle and re-use - two of the three sustainability principles.

IT Issues

There are no IT issues.

5 Recommendations

Council is requested to approve the attached response.

Date 27/1/14

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Background Papers: