



# **Agenda Item**

**7**

**Community Empowerment Update**

Falkirk Council

**Title:** Community Empowerment Update  
**Meeting:** Executive  
**Date:** 12 June 2018  
**Submitted By:** Director of Corporate and Housing Services

**1. Purpose of Report**

1.1. The purpose of this report is to update the Executive on the work undertaken by the Council to ensure we are fulfilling our obligations as set out in the Community Empowerment (Scotland) Act 2015 (the Act).

**2. Recommendations**

**2.1 It is recommended that the Executive:-**

- (1) Notes the work being undertaken on locality planning in the east and the plans to roll this out across the District;**
- (2) Note that locality planning will be aligned and undertaken where practical with the Health and Social Care Partnership (HSCP) to improve health and wellbeing outcomes;**
- (3) Agrees that a report outlining options on our approach to Participatory Budgeting is presented to Members later this year and in time for any decisions to be taken at the meeting of the budget in 2019 and;**
- (4) Agrees that a consultative draft Community Food Growing Strategy be presented for consideration by the Executive in autumn 2018.**

**3. Background**

3.1. The Act was passed by the Scottish Government on 17<sup>th</sup> June 2015. The Act was drafted in response to recommendations in the Christie Commission Report that highlighted one of the best ways to improve well-being and tackle deprivation was to involve people and communities in decisions that affect them. Overall the Act hopes to empower communities through the ownership and control of land and buildings and by strengthening their voices in decisions about public services.

3.2. The Act is a wide ranging piece of legislation designed to further devolve power from local and national government to local communities. There are 11 topics covered by the Act:

- A. National Outcomes;
- B. Community Planning;
- C. Participation Requests;
- D. Community Right to Buy;

- E. Asset Transfer Functions;
- F. Delegation of Forestry Commission Functions;
- G. Supporter Involvement in Football Clubs;
- H. Common Good,
- I. Allotments;
- J. Participation in Public Decision Making including Participatory Budgeting and
- K. Non Domestic Rates.

3.3. Some of the above have significant implications for the Council which officers have been working to deliver over the last year. This report provides an update on each of the elements noted above and highlights any issues of note.

3.4 This report updates the Executive on most of the items above with the exception of items F and G.

#### **4. National Outcomes**

4.1. The Government has for a number of years published a national performance framework. This framework is underpinned by a set of national outcomes with performance measures. Recently these outcomes have been revised in line with the aspirations of the Act.

4.2. In reviewing these outcomes Government and latterly Parliament has sought comment from a range of organisations including the Council. The Government has also sought to link the outcomes to the United Nations Sustainable Development Goals. The revised national outcomes are currently before Parliament. Information on this can be found in the attached link.

[http://www.parliament.scot/S5\\_Local\\_Gov/Inquiries/Updated\\_National\\_Outcomes.pdf](http://www.parliament.scot/S5_Local_Gov/Inquiries/Updated_National_Outcomes.pdf)

4.3. Once the outcomes are approved these will be used to measure how Scotland is performing on those issues that are key. They are also used to guide the development of policy and strategy across the public sector. While the Council is not directly affected by the national performance framework per say, given the importance of the national outcomes importance in influencing policy and strategy it will impact on our local area.

#### **5. Community Planning**

5.1. The Act established a change in the responsibilities and obligations on the public sector with regards community planning. It shifted responsibility from local authorities to lead and co-ordinate community planning to being a shared endeavour with clear expectations on all participants to provide participate and provide resources etc. to deliver on this.

5.2. The underpinning guidance set out very clearly the expectations on community planning partnership with regards to having a Local Outcomes and Improvement Delivery Plan and locality planning.

- 5.3. To deliver on this the Falkirk Community Planning Partnership has agreed a framework for delivering locality planning that links the need to deliver on strategic priorities with meeting the needs of local communities. Work has started on locality planning in the east of the area.
- 5.4. A core group of senior officers from across the partnership has overseen the development of local profiles that give a clear picture on each area. This has been put in context with an extensive consultation process including the use of the Place Standard – a national engagement tool, supplemented by local workshops etc. This group reports to the Community Planning Executive and Board on a regular basis.
- 5.5. This work has allowed the partnership to identify areas where we need to further engage with the community, partners etc. in looking for solutions to challenges etc. The Community Planning Partnership has agreed to undertake an extensive community action planning process in the Grangemouth area of the coming months, starting with a community conference in June 2018. This conference will feed back to the community on the findings of the consultation and engagement work that has been undertaken to date and seek to identify those issues that are of importance in addressing going forward. To oversee this work a stakeholders group is being established. A separate meeting will be held with local Elected Members' to update and inform them of this work.
- 5.6. In addition the partnership has agreed to roll out locality planning in September to the west of the area and then to the centre of the district in April 2019. Work has started to prepare for these exercises with profiles for each community being developed and consultation will take place in each area prior to each exercise commencing.
- 5.7. The outcome of this work should include:
- Identifying key issues that need to be addressed in each area and solutions to these issues;
  - Identifying public sector assets in each area and potential for rationalization;
  - Securing better outcomes for local people and communities, with a focus on decreasing inequalities;
  - Ensuring that locality planning is integrated with partner's transformation programmes, e.g. Council of the Future;
  - Delivering improvement in public services within localities, securing savings and efficiencies where possible;
  - Helping to meet the outcomes and principles of the Christie Commission; and
  - Meeting the statutory provisions of the Act regarding locality planning.
- 5.8. **Integration of Health & Social Care**  
Falkirk Health & Social Care (HSCP) is developing integrated locality structures and will be engaging with communities to identify how to improve health and wellbeing outcomes. As a CPP partner the HSCP proposes that community engagement and locality planning is undertaken together where practical. This will maximise the opportunities for communities to co-design

and co-produce local activity and services and to influence local investment through participatory budgeting.

## **6. Participation Requests**

- 6.1 The Community Empowerment (Scotland) Act 2015 sets out a mechanism for community bodies to put forward their ideas for how services could be changed to improve outcomes for their community. This is called a Participation Request. There is a wide definition of what constitutes a community body for the purposes of submitting a participation request. The definition of outcomes is also broad. This will mean the Council or a public services authority will have a duty to establish and maintain an outcome improvement process. The Council has produced guidance on how to make a request and has posted this on the Councils web site. A process on how to deal with requests is being rolled out across the Council to support any request submitted.
- 6.2 To date no formal request to participate has been made. Only a small number of requests have been made across the whole of the country. It was always felt that if Councils had effective engagement processes then they would little need for formal participation requests. Our locality planning approach is one example of such a process.

## **7. Asset Transfer**

- 7.1 It will be recalled from previous reports that the Asset Transfer provisions contained in Part 5 of the Act came into force on 23 January 2017. This part of the Act sets out how a 'community transfer body' can make a request to buy, lease, manage, or occupy land or buildings belonging to a wide range of Scottish public authorities, including councils.
- 7.2 Executive agreed on 10 January 2017 that it would receive reports from officers on valid Asset Transfer requests and take the decision on the transfer request. Council agreed to amendments to Standing Orders to reflect this on 29 March 2017 and a Community Empowerment Review Committee was also established to deal with any reviews sought of a decision of Executive on this and also on participation requests noted above. To date, one formal asset transfer request has been made under the legislation which was subsequently withdrawn. Eleven requests have been made for negotiated transfer of assets by way of lease but they have not been made under the provisions of the Act.
- 7.3 At the expression of interest stage, the information being sought by the multi-disciplinary officer Asset Transfer Group established to manage requests, includes details of the proposed service to be delivered, type of organisation, previous experience, need for the project, details of community engagement, details of any/all support requested/obtained, business case and cash flow forecast.
- 7.4 In assessing an application for an asset transfer, a significant consideration must be that the group can demonstrate their ability to make the project succeed and achieve sustainability. For the majority of cases where a group is

essentially looking to turnaround a loss making community hall it is always going to be difficult for them to succeed. The provision of additional business planning events to try to resolve this have been well attended, however this is still an area of concern. The transfer of liabilities i.e. properties that need upgrading or an income stream to be sustainable for example is a risk to each application and must therefore lead to questions over of viability and success.

- 7.5 Groups have been generally slow to produce necessary information, in particular business plans and to a lesser extent copies of constitutions making it difficult for the Asset Transfer Group to assess applications.

## **8. Community Right to Buy**

- 8.1 A number of changes to the Land Reform (Scotland) Act 2003 were brought into force by Part 4 of the Act with effect from 15 April 2016. The community right to buy land, which was originally restricted to rural communities, was extended to include land throughout Scotland including urban land. This means that, with limited exceptions, community bodies can require that land which its owner intends to sell be transferred to the community body at market value.

- 8.2 A community body can make application, with reasons given, to the Scottish Ministers to register an interest in land. If an interest is allowed to be registered over Council land, the Council cannot transfer the land concerned except in certain limited circumstances. Registration lasts for 5 years which can be renewed upon application by the community body. The right to buy by the community body is activated only when the Council (as owner of the land) gives notice that a transfer is proposed. To date, none of the Council's land has been subject to the registration of such an interest.

## **9. Common Good**

- 9.1 Late last year, the Scottish Government undertook a public consultation on statutory guidance for local authorities on how to fulfil the requirements of Part 8 of the Act, which places new duties on local authorities in relation to Common Good property such as production of a Common Good register and consulting on plans to change the use or dispose of Common Good property. The Scottish Government will publish final guidance after all responses have been analysed and the draft revised as appropriate.

## **10. Allotments**

- 10.1 The Act places a duty on every local authority to prepare a food growing strategy for its area. This must be adopted by April 2020 and, to this end, a group has been established to progress the strategy and assess local demand for allotments and community growing spaces.
- 10.2 As part of this work a "Dig in Falkirk" project has created pocket allotments in Falkirk High Street, cared for by local business and community groups. This partnership project has raised awareness of community growing to get

involved in similar projects across the area and helped the town centre achieve a Gold Award in the Beautiful Scotland Awards 2017.

- 10.3 It is intended to present a consultative draft Community Food Growing Strategy to the Executive in autumn 2018 to initiate a 12-week public consultation in the autumn, reporting back to the Executive in March 2019

## **11. Participation in Public Decision Making including Participatory Budgeting (PB)**

- 11.1 While the Act itself does not explicitly refer to participatory budgeting (PB) the subsequent guidance was explicit about the Governments expectations were in this regard. As such local authorities now must subject at least 1% of its budget to PB by 2020.
- 11.2 This means that the Council must look to go beyond providing small grants and external funding to mainstreaming individual and community involvement in how we use the resources we have – whatever that may be.
- 11.3 In 2017 a PB pilot was launched in three communities – Maddiston, Grangemouth and Bo'ness. This pilot used a small grants scheme to distribute funding allocated through the Government's Community Choices Scheme.
- 11.4 PB is the process by which community members directly decide how to spend part of the public budget. Given the requirement for allocating at least 1% of the budget by PB, we anticipate we will achieve this through a combination of activities including
- Redirecting small grants to support community action planning
  - Seek to identify budgets in local areas that communities could influence the priority for spending
  - Re designing services with individuals and communities to deliver more efficient and effective services that our citizens value.
- 11.5 Members will be aware that we are looking at co-production as a way of reforming what and how we deliver. The definition of coproduction is 'a practice in the delivery of public services in which citizens are involved in the creation of public policies and services. It is contrasted with a transaction based method of service delivery in which citizens consume services only. This redesign if we properly engage with people who need our services then they will by virtue of that have a say of how resources are deployed.
- 11.6 In order to progress PB, we will be undertaking some specific pieces of work over the coming months. This will include
- Articulating which options for PB could be in Falkirk in order to ensure we achieve 1% of our budget being subject to meaningful PB prior to 2020
  - Determining which budgets have a locality focus and therefore could potentially be subject to some form of locality decision making. This

could include budgets such as parks and open spaces maintenance, small grants / external funding.

- Working up options on how we would encourage our communities to become involved in decision making on budgets
- Identifying how other public sector partners can engage in this.

11.7 This work will commence over the coming months with a view to presenting options to Members later this year on PB. It is important that this report is presented to Members prior to taking decisions on the budget in 2019/2020 as it is anticipated that there will be implications to the budget process as well as the funding arising from that work.

## **12. Non Domestic Rates**

12.1 The last part of the Act allows local authorities to vary the amount collected from Non Domestic Rates for short periods and in particular circumstances, with the Local authority making up the difference in collection amounts. Since the introduction of the Act, there has been changes to the rates valuations in 2017 and then new rates relief introduced by the Government in April 2018 that have reduced the potential demand for the use of this power.

12.2 While we will continue to consider opportunities where this maybe beneficial to pursue this, no such situation has been identified as yet.

## **13. Implications**

### **Financial**

13.1 The Council has set aside £100,000 for this year only to help progress locality planning. This money will be used to progress some of the work above particularly around PB.

### **Resources**

13.2 All of the clauses in the have resource implications for the Council by way of officer time and in terms of PB in how resources of the Council are allocated. Individual reports to be brought to Members will detail the resource implications of each clause.

### **Legal**

13.3 The Council has an obligation to progress the Act.

### **Risk**

13.4 There are a number of risks to the Council in undertaking the work noted above. Again each report to be presented to members will detail the risks associated with each aspect of the Act individually.

## **Equalities**

- 13.5 It is important that that prepare an Equality and Poverty Impact Assessment for all aspects of our response to the Act. Particularly taking account of the Fairer Scotland duties, we need to ensure our approach to PB is inclusive and promotes inclusivity. This will allow us to make sure we do not have unintended consequences.

## **Sustainability/Environmental Impact**

- 13.6 The most significant environmental impact will be through the implementation of a new food growing strategy and allotment plan. This will be set out in more detail once the draft strategy has been prepared.

## **14. Conclusions**

- 14.1 The Act is a significant piece of legislation with a wide range of implications. Officers have been seeking to ensure we are taking forward the intent of the Act as well as the requirements in the ways outlined in the report.
- 14.2 A number of the requirement are at the early stages of development and will be progressed over the coming months as outlined in the body of the report. Officers will bring updates to Members on issues of significance as they emerge.
- 14.3 The Council through its Corporate Plan and medium term financial strategy sets out our commitment to a changing relationship with our communities and the people who receive our service. Our response to the Act can help us achieve our priorities while at the same time ensure compliance.

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Director of Corporate and Housing Services

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## **APPENDICES**

**Nil**

### **List of Background Papers:**

None