

### **Empowering Communities in the Scottish Borders Implications of the Community Empowerment (Scotland) Act 2015**

#### **Introduction**

The Community Empowerment (Scotland) Bill was developed over a number of years through bottom-up consultation. In the Scottish Borders, the Borders Third Sector Partnership (BTSP) contributed to this consultation process, involving local communities and third sector organisations. Having been passed by the Scottish Parliament in June, the Bill became an Act on 24<sup>th</sup> July 2015. The Scottish Government will be going through further bottom-up consultation on the orders, regulations and guidance, before each section is brought into force by a Commencement Order. Most sections should be in effect by summer 2016.

The legislation will bring about a 'step change' in community empowerment. We recognise that the richness and variety of communities of the Scottish Borders is due in no small part to the efforts of local volunteers and third sector organisations over many years.

BTSP will focus attention on maximising the scope this legislation brings to unlocking further potential in our communities. We are confident that this Act will bring about a more community-driven and collaborative agenda, leading to better outcomes for people and communities across the Scottish Borders. We will continue to work in partnership with our Community Planning Partners, the Third Sector Forum and individual third sector organisations to achieve this goal.

#### **Main elements of the Bill**

##### **Part 1 National Outcomes:**

As the Borders TSI, BTSP will support local third sector organisations to contribute to Scottish Government consultations on national outcomes that will impact on the future of community planning.

##### **Part 2 Community Planning:**

BTSP has played a full part in the community planning partnership and is pleased to note that CPPs have been placed on a statutory footing. We welcome the on-going involvement of community bodies at all stages of community planning and the focus on areas experiencing socio economic disadvantage.

A start is already being made in developing a pilot locality approach in the Cheviot area. BTSP would be happy to work with others to ensure a strong partnership approach exists between public agencies and the third sector, building on our long-standing capacity building support for local communities. BTSP will continue to focus on bringing people and groups together to create positive local outcomes, as evidenced by the growth of local development trusts working on plans for the future of their communities. We provide proactive support for the engagement and empowerment of communities across the Scottish Borders.

### **Part 3 Participation Requests:**

BTSP welcomes the opportunities this legislation brings for community participation in improving local outcomes. It will be necessary to look at the barriers to such participation and to identify the nature of support needed to enable communities to participate effectively in the processes of service design and delivery.

BTSP will continue to work closely with Borders communities to provide a wide range of development support and connections for volunteers, voluntary organisations and social enterprises. We welcome the progress already made in developing community benefit within procurement and will continue to encourage our social enterprises to work together to take on contracts for the delivery of local services. A number of successful examples show that this is very achievable.

### **Part 4 Community Rights to Buy Land:**

BTSP has experience of assisting community bodies in this respect and will ensure that bodies in Galashiels and Hawick, now able to take advantage of the legislation, are made aware of this. The changes in respect of abandoned or neglected property have the capacity to make a big difference to environmental well-being in our larger communities. We are pleased to note that eligible community bodies can now have alternative legal structures including a SCIO and a community benefit society, which we raised in our consultation responses.

### **Part 5 Asset Transfer Requests:**

BTSP welcomes the duty imposed on relevant authorities to publish a register of land. This will be very useful to communities in assessing which assets they could make use of to meet their needs.

Asset transfer may relate to transfer of ownership or a lease and we would draw attention to the limitations that certain funders place on funding improvements to leased property. Decisions on agreeing to the asset transfer request must take into account the impact on economic development, regeneration, public health, social wellbeing, or environmental wellbeing, or whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage. We further note that the relevant authority must agree to the request unless there are reasonable grounds for refusing it and that community bodies have a right of appeal to Scottish Ministers.

BTSP will continue to provide capacity building support in developing appropriate legal structures and robust business plans for bodies interested in asset transfer. We acknowledge the recent successful asset transfers at nil value to third sector organisations in Newlands (land for new Community Centre), Chirnside (Community Centre), Jedburgh (McDonald Dryburgh Room), which have brought inward investment to regenerate their communities. This builds on the very many village hall transfers at nil value carried out by the District Councils in the past, which gave ownership of local assets to our rural communities. These Halls have continued to be the focus for voluntary activity, contributing to the quality of life in our rural areas and are now the focus for partnership working to support resilient communities.

### **Part 6 Delegation of Forestry Commissioners' Functions:**

This legislation allows for different types of community bodies to be involved in forestry leasing and is a welcome extension for communities of interest.

### **Part 7 Football Clubs:**

This has limited significance in the Borders, however many local residents who support professional teams elsewhere may find this to be of great interest.

### **Part 8 Common Good Property:**

Property is held for the Common Good if it was originally owned by the Burgh or was gifted as a result of community philanthropy. We welcome the inclusion of community bodies as statutory consultees in any proposed disposal or change of use relating to common good assets and look forward to hearing how this will be implemented in respect of decision-making on common good grants.

### **Part 9 Allotments:**

There is an increasing interest in the development of local allotments. Where there has been no local authority provision (eg in Yetholm, Kelso and Philiphaugh/Bannerfield), new Allotments Societies have been formed with support from BTSP and are already active and productive, having acquired land from local Estates/landowners. The Act updates and simplifies legislation and requires local authorities to take reasonable steps to provide more allotments if waiting lists exceed certain trigger points. These changes will make it easier for local people to take on allotments, which provide obvious benefits for health and well-being particularly for those on low incomes. We believe there are significant opportunities for community development in bringing together individual allotment holders on local authority-provided sites to work together in community, following the example of community-led allotments.

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

This 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. This section of the Act is likely to lead to greater involvement of people and communities in making decisions, including participatory budgeting. There is an expectation that local public sector bodies will embrace this as an opportunity to build community capacity without the need for regulations, as it will help the public sector identify local needs and priorities and target budgets more effectively. In the Borders, the NHS Healthy Living Network is already trialling a form of participatory budgeting with the community trust in Burnfoot.

### **Part 11 Non-Domestic Rates:**

Local authorities will have new powers to create their own localised business rate relief schemes to better reflect local needs and support communities. However, this will have to be funded locally and other budgets could suffer. BTSP would rather endorse collective action by traders associations to appeal outdated valuations with the Scottish Assessors. The well-being of our High Streets is crucial to the well-being of our towns and communities.

### **The need for a Partnership approach**

“The impact of the Bill will largely be dependent on developing a positive culture where agencies don’t attempt to direct, control or stifle a community’s aspirations” (SCVO – commentary on the Bill at Stage 3).

We know that a great deal of activity that would be covered under the Act is already underway on a voluntary basis by Community Planning Partners; we have every confidence that the CPP Partners will work together to guarantee a positive culture that will maximise the opportunities arising from the new Act.

### **Partners are asked to note the following:**

Information about the Community Empowerment (Scotland) Act 2015 is already being published in our various Newsletters.

We note the information provided by the Scottish Government on lead contacts taking forward the various elements of the Act. This is available online at:

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

From September 2015 onwards, we will be raising awareness of the Act amongst the third sector/community bodies at a range of network events.

We are organising the Borders Community Empowerment Conference to take place at the end of November 2015, with a high profile keynote speaker from the Scottish Government. Details of this event will be forwarded as soon as possible.

### **Recommendations:**

1. CP Partners are asked identify the lead contacts within their respective organisations who are taking forward actions under any of the above listed elements of the Act.

BTSP will also identify relevant contacts within the third sector/local communities to work collaboratively in these areas, going forward.

As a TSI we are tasked with representing the interests of the third sector; however we want to make it possible for communities and third sector organisations to play a much greater part in direct representation, within the limitations of CPP structures. Only then will we have put the Community into Community Planning.

2. Community planning partners will be offered the opportunity to participate actively in the Borders Community Empowerment Conference and we request your support in this respect.
3. Following the conference we would like to work with CPP to review the effectiveness of actions to date and jointly develop a cohesive strategy.

Borders Third Sector Partnership (BTSP) is the Third Sector Interface for the Scottish Borders:  
Partners: The Bridge, Berwickshire Association for Voluntary Service, Volunteer Centre Borders and the Scottish Borders Social Enterprise Chamber

Lead contact: Morag Walker – The Bridge. [morag.walker@the-bridge.uk.net](mailto:morag.walker@the-bridge.uk.net)