

Community Empowerment and Renewal Bill



The Scottish
Government
Riaghaltas na h-Alba

RESPONDENT INFORMATION FORM

Please Note both pages of this form **must** be returned with your response to ensure that we handle your response appropriately.

1. Name/Organisation

Organisation Name

Cairngorms National Park Authority

Title Ms Mrs Miss Mr Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

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Phone 01479 873535

Email

3. Please indicate which category best describes your organisation (Tick one only).

Executive Agencies and NDPBs	<input checked="" type="checkbox"/>
Local authority	<input type="checkbox"/>
NHS	<input type="checkbox"/>
Other statutory organisation	<input type="checkbox"/>
Representative body for private sector organisations	<input type="checkbox"/>
Representative body for third sector/equality organisations	<input type="checkbox"/>
Representative body for community organisations	<input type="checkbox"/>
Representative body for professionals	<input type="checkbox"/>
Private sector organisation	<input type="checkbox"/>
Third sector/equality organisation	<input type="checkbox"/>
Community group	<input type="checkbox"/>
Academic	<input type="checkbox"/>
Individual	<input type="checkbox"/>
Other – please state...	<input type="checkbox"/>

4. Permissions - I am responding as...

Individual <input type="checkbox"/>	/	Group/Organisation <input checked="" type="checkbox"/>
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<p>(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?</p> <p><i>Please tick as appropriate</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis</p> <p><i>Please tick ONE of the following boxes</i></p> <p>Yes, make my response, name and address all available <input type="checkbox"/></p> <p style="text-align: center;"><i>or</i></p> <p>Yes, make my response available, but not my name and address <input type="checkbox"/></p> <p style="text-align: center;"><i>or</i></p> <p>Yes, make my response and name available, but not my address <input type="checkbox"/></p>	<p>(c) The name and address of your organisation will be made available to the public (in the Scottish Government library and/or on the Scottish Government web site).</p> <p>Are you content for your response to be made available?</p> <p><i>Please tick as appropriate</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
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<p>(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?</p> <p><i>Please tick as appropriate</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
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Please ensure you return this form along with your response.

Thank-you.

Community Empowerment and Renewal Bill

CONSULTATION QUESTIONS



PART 1: STRENGTHENING COMMUNITY PARTICIPATION

Community Planning

Q1. What would you consider to be effective community engagement in the Community Planning process? What would provide evidence of effective community engagement?

Effective community engagement should mean communities are involved at all stages of any engagement process. This means identifying needs, agreeing a plan, and then delivering. Two factors operate in National Parks to achieve this:

- In Scotland's two National Parks, the respective National Park Partnership Plans provide a clear focus and the Park Authorities bring public sector organisations, local community groups and local businesses together on an equal footing to discuss and agree local community needs and priorities. This encourages a more collaborative approach in support of Community Planning.
- In the Cairngorms National Park, Community Action Planning has been achieved by supporting Community Liaison Officers, hosted by voluntary and community sector agencies, who ensure all interest groups are aware and able to participate in the community action planning process, and in project delivery. (In Loch Lomond & The Trossachs National Park there are equivalent arrangements).

Evidence of effective community engagement should include: attendance figures (both by number, demographic and range of interests, geographical area and type represented), collaborative projects being delivered by communities themselves, public sector bodies and others, public benefits being delivered, and levels of funding invested for community projects. The quality of engagement should be measured by positive feedback from local communities in relation to the delivery of public services. An appropriate evaluation model is required.

Q2. How effective and influential is the community engagement currently taking place within Community Planning?

In the Cairngorms National Park community engagement is both effective and influential. A community action planning process 'Our Community ... A way Forward' (supported by a Community Action Planning Toolkit plus the facilitation skills of community liaison officers) has resulted in 18 Community Action Plans being prepared and actively delivered for a total of 21 Park Communities. We have some great stories to tell of meaningful engagement.

During 2011/12 engagement meetings to discuss the National Park Partnership Plan 2012-2017 and the Local Development Plan, attended by

over 400 residents, resulted in all communities producing a community statement of their aspirations which directly influenced the content of both plans. Community Planning Partnerships are reasonably well supported by a range of public, private and community sector partners (though this varies throughout the year) which is helping to agree and better co-ordinate the services delivered. However, collaborative projects are more difficult to achieve.

Q3. Are there any changes that could be made to the current Community Planning process to help make community engagement easier and more effective?

- a) Community Planning Partnerships operating within National Parks should have a statutory duty to fully incorporate the National Park Partnership Plan (a statutory plan, approved by Scottish Ministers) and associated Local Development Plan as the basis for their integrated plans focused on 'place' that affect communities within the Park.
- b) Community Planning partnerships need to further their own culture of working together (ie as public bodies tied to Scottish Government's 16 outcomes) and with communities eg "Team Cairngorms".
- c) The community planning process should include a requirement to support the delivery of the Scottish Land Use Strategy when developing their integrated plans for 'place'. This will ensure environmental requirements are taken into account to allow for sustainable economic growth which balances the needs of the community, environment and the economy.
- d) National Park Partnership Plans are integrated plans for 'place' and have a strong emphasis on bringing public, private and voluntary organisations and individuals to work together to deliver improved outcomes. Community engagement and planning processes have played an essential role in preparing these plans. The approach taken in the Cairngorms National Park should be used to inform the consultation on how to empower communities, reinvigorate participation and how legislation can build on and promote best practice, remove barriers and provide a framework of support where necessary. An excellent example of how this has been delivered is the Tomintoul and Glenlivet Development Trust and regeneration plan.
- e) Effective evaluation models should be in place.

An overarching duty to engage

Q4. Do you feel the existing duties on the public sector to engage with communities are appropriate?

The need for the public sector to engage with communities to agree how public funding and services should be delivered is important and should continue. Public bodies also need to engage effectively with each other. In the Cairngorms National Park feedback from community representatives suggests that we both over consult and do not consult enough before

decisions are made. Concerns about costs, time-delays, inclusivity and transparency of decision making are also raised.

Despite these challenges the duty to engage is understood and welcomed and the engagement activities sponsored by the CNPA are consistently well attended and supported. So particular arrangements are being applied in National Parks – it may be useful to look at these in more detail as part of this consultation.

Q5. Should the various existing duties on the public sector to engage communities be replaced with an overarching duty?

Yes No

Please give reasons for your response below.

A cautious “yes”. Silos of engagement and potential duplication of effort amongst public sector bodies can be frustrating and costly. A co-ordinated and consistent approach, aligned to the SG’s 16 Outcomes would encourage local communities and others to get involved as they know what to expect and how they can best make a contribution. The question is whether an “over arching approach” to community engagement would achieve this . It would probably fall to Local Authorities as lead partners need to ensure this is co-ordinated effectively. As lead partners, LAs should be clear what they would deliver and set out a proportionate expectation of other public bodies.

If you said ‘yes’ to Question 5, please answer parts a. and b. –

a. What factors should be considered when designing an overarching duty?

The duty should incorporate a clear steer from communities on how they wish to be consulted and should follow the National Community Engagement Standards. Community Planning Partnerships should also work in active partnership (across agencies and communities) which in National Parks means they must use National Park Partnership Plans alongside other national and regional strategies and plans as a basis for community planning.

b. How would such a duty work with existing structures for engagement?

Community Planning Partnerships could provide a lead role in co-ordinating community engagement, ensuring it meets the agreed national standards and involves local communities. Some training may be needed to ensure a consistent approach is taken that places communities at the heart of the process.

Community Councils

Q6. What role, if any, can community councils play in helping to ensure communities are involved in the design and delivery of public services?

Community councils can play an essential role if they have the capacity, skills and structures in place to ensure they genuinely represent the views of their community and are able to communicate effectively with all interested parties. CCs should be able to build alliances/partnerships and lobby on behalf of their community and convince stakeholders of their capacity and intent. Critically revenues should exceed expenses. In the Cairngorms National Park considerable investment has gone into capacity building and providing practical support to improve the effectiveness of community councils. In addition, the Association of Cairngorms Communities (AoCC) provides a forum where Park-wide experiences can be shared amongst Community Councils, Associations and Companies. The AoCC led Cairngorms Community Council Planning Representatives provide a useful means to allow better understanding of how the planning system works so that communities can engage in the planning process more effectively and at the right time. Public bodies should respect the CC role and nurture/mentor where possible. Schools should be encouraged to promote responsible citizenship amongst young people and encourage participation in local democracy.

Q7. What role, if any, can community councils play in delivering public services?

Community councils can play an essential communications role between public sector organisations and others with the rest of the wider community. However, this depends on the capacity, skills and structures that are in place to ensure they genuinely represent the views of their community, are able to communicate and can feedback views effectively with all interested parties. Digital communications provides a real opportunity to engage with a wider audience, more quickly, efficiently and cost-effectively. Much of the effective delivery of community aspirations comes through Development Trusts and Community Companies, structures that attract a more entrepreneurial, dynamic approach to project delivery. However some communities have several trust/company structures, and relationships/responsibilities with CCs and the wider community can become unclear with possible conflicts arising as a result. In the Cairngorms National Park these structures have been supported where they can help to deliver the National Park Partnership Plans.

Q8. What changes, if any, to existing community council legislation can be made to help enable community councils maximise their positive role in communities

If used effectively existing legislation can already enable a close respectful relationship between community councils and local authorities who should support community councils to be 'fit for purpose'. Community council members should be well connected with community groups there should be a healthy turnover of members and they should receive proper induction and training about their remit, roles and responsibilities. Public bodies should help communities to refresh their approach.

Third Sector

Q9. How can the third sector work with Community Planning partners and communities to ensure the participation of communities in the Community Planning process?

In the Cairngorms National Park this has worked well. Community Liaison/Development Officers hosted by the third sector and funded through the public sector (CNPA and Local Authority) have provided a 'neutral' resource which brings the public sector, private sector and local communities together to focus on priorities in the community planning process. Third sector organisations can also provide a lot of the capacity building, skills development training and ongoing support to ensure community engagement is delivered at a high standard which genuinely reflects the views of the whole community. The Third sector can also help with the evaluation of community planning. They usually have boards made up of local people that gives them a mandate for working directly with communities.

National Standards

Q10. Should there be a duty on the public sector to follow the National Standards for Community Engagement?

Yes No

Please give reasons for your response

Yes – but with some flexibility to allow it to be used appropriately for the purpose/local needs involved. Generally, in the Cairngorms National Park we have found the standards provide a useful framework to develop a consistent and high quality approach to community engagement and empowerment. Communities also need to understand the Standards and have a mechanism to assess the quality of engagement they receive.

Community engagement plans

Q11. Should there be a duty on the public sector to publish and communicate a community engagement plan?

Yes No

Please give reasons for your response

Community engagement should be carried out in as transparent a way as possible and to be made available to as wide an audience as possible. However, a plan does not of itself achieve this, and it is important that the requirement for a plan is not overly-onerous so resources are diverted to producing a plan rather than delivering its. It is the outcomes that are important – not the production of a plan- and a duty might be better focused on this.

If you said 'yes' to Question 11, please answer part a. –

a. What information would be included in a community engagement plan?

Information to be included should be:

- a) Purpose of engagement (topic & outcome/impact of engagement) including links to SG national outcomes.
- b) Who should get involved & why (how will this benefit them?)
- c) How to get involved (details of all options available to get engaged)
- d) When the consultation will run from and to
- e) What will happen next – how will consultation findings be shared?
- f) Who to contact for further information & support
- g) What communities should expect from public bodies
- h) Evaluation model

Auditing

Q12. Should community participation be made a more significant part of the audit of best value and Community Planning?

Communities should be able to see the real benefits of being involved. It is important to note that we can't make people engage if they do not want to, so any audit needs to consider what level of participation is appropriate and realistic. The audit should focus on ensuring "best practice" has been achieved to ensure quality of engagement, and that the opportunity to engage has reached all interested parties. Finding out why sectors of the community are not engaging is important to ensure that all barriers to participation are removed if possible.

Named Officer

Q13. Should public sector authority have a named accountable officer, responsible for community participation and acting as a primary point of contact for communities?

Yes No

Please give reasons for your response

Yes – this has worked well in the Cairngorms National Park Authority where a single accountable officer is responsible for all community relations as well as our equalities and inclusion responsibilities. This ensures a consistent, co-ordinated, community focused approach and it is essential this officer champions this approach across the organisation and encourages and supports others to do the same.

Tenants' right to manage

Q14. Can the Scottish Government do more to promote the use of the existing tenant management rights in sections 55 and 56 of the Housing (Scotland) 2001 Act?

Yes No

Please give reasons for your response

Yes - as long as this doesn't mean tenants of publicly-subsidised housing have greater influence over decisions affecting their communities than any other (more numerous) members or interest groups of the community.

Q15. Should the current provisions be amended to make it easier for tenants and community groups to manage housing services in their area?

Yes No

Please give reasons for your response

See above response.

Community service delivery

Q16. Can current processes be improved to give community groups better access to public service delivery contracts?

Yes No

Please give reasons for your response

Community groups are often intimidated by the procedures of public sector bodies. Community groups need to know that they can access public service delivery contracts (through the community/voluntary sector) and capacity building with community groups should help them to respond to and deliver service contracts effectively.

Q17. Should communities have the right to challenge service provision where they feel the service is not being run efficiently and that it does not meet their needs?

Yes No

Please give reasons for your response

Yes – if this is done through an effective community council which genuinely reflects the views of the local community and if there is some evidence to support the challenge.

Community directed spending – participatory budgeting

Q18. Should communities have a greater role in deciding how budgets are spent in their areas?

Yes No

Please give reasons for your response

Yes – if this is done through an effective community council which genuinely reflects the views of the local community.

Q19. Should communities be able to request the right to manage certain areas of spending within their local area?

Yes No

Please give reasons for your response

Yes – if this is done through an effective community council or development trust which genuinely reflects the views of the local community.

If you said 'yes' to Question 19, please answer parts a., b. and c. –

a. What areas of spending should a community be responsible for?

Communities *could* be responsible for a wide range of areas of spending: community buildings/assets (village halls, allotments/gardens, woodlands, path networks); local tourist attractions (heritage trails, community run accommodation, caravan sites); community care particularly of the elderly.

b. Who, or what body, within a community should be responsible for making decisions on how the budget is spent?

An effective community council or community development trust which genuinely reflects the views of the local community

c. How can we ensure that decisions on how the budget is spent are made in a fair way and consider the views of everyone within the community?

Community council legislation and monitoring/auditing of how funding decisions are made and how funding is spent

Definitions for Part 1

Q20. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 1. Please also give us examples of any definitions that you feel have worked well in practice

We have used three definitions for “communities”:

- Geographical (by settlement)
- Of interest (based around an interest or issue)
- Of identity e.g. young people, people with disabilities (helpful when identifying groups that might have specific needs for effective engagement and empowerment)

PART 2: UNLOCKING ENTERPRISING COMMUNITY DEVELOPMENT

Community right to buy

Q21. Would you support a community right to buy for urban communities?

Yes No

Please give reasons for your response

N/A as the Cairngorms National Park is a rural area.

If you said ‘yes’ to Question 21, please answer parts a., b. and c.:

a. Should an urban community right to buy work in the same way as the existing community right to buy (as set out in Part II of the Land Reform (Scotland) Act 2003)?

N/A

b. How should an 'urban community' be defined?

N/A

c. How would an urban and rural community right to buy work alongside each other?

N/A

Community asset transfer

Q22. The public sector owns assets on behalf of the people of Scotland. Under what circumstances would you consider it appropriate to transfer unused or underused public sector assets to individual communities?

Please also answer parts a. to d. below:

a. What information should a community body be required to provide during the asset transfer process?

b. What information should a public sector authority be required to provide during the asset transfer process?

c. What, if any, conditions should be placed on a public sector authority when an asset is transferred from the public sector to a community?

d. What, if any, conditions should be placed on a community group when an asset is transferred from a public sector body to a community?

Q23. Should communities have a power to request the public sector transfer certain unused or underused assets?

Yes No

Please give reasons for your response

Q24. Should communities have a right to buy an asset if they have managed or leased it for a certain period of time?

Yes No

Please give reasons for your response

If you said 'yes' to Question 24, please answer part a:

a. What, if any, conditions should be met before a community is allowed to buy an asset in these circumstances?

Common good

Q25. Do the current rules surrounding common good assets act as a barrier to their effective use by either local authorities or communities?

Yes No

Please give reasons for your response

Q26. Should common good assets continue to be looked after by local authorities?

Yes No

Please give reasons for your response

If you said 'yes' to Question 26, please answer parts a. and b.:

a. What should a local authority's duties towards common good assets be and should these assets continue to be accounted for separately from the rest of the local authority's estate?

b. Should communities have a right to decide, or be consulted upon, how common good assets are used or how the income from common good assets is spent?

If you said 'no' to Question 25, please answer part c.:

c. Who should be responsible for common good assets and how should they be managed?

Asset management

Q27. Should all public sector authorities be required to make their asset registers available to the public?

Yes No

Please give reasons for your response

If you said 'yes' to Question 27, please answer part a.:

a. What information should the asset register contain?

Q28. Should all public sector authorities be required to make their asset management plans available to the public?

Yes No

Please give reasons for your response

If you said 'yes' to Question 28, please answer part a.:

a. What information should the asset management plan contain?

Q29. Should each public sector authority have an officer to co-ordinate engagement and strategy on community asset transfer and management?

Yes No

Please give reasons for your response

Q30. Would you recommend any other way of enabling a community to access information on public sector assets?

Allotments

Q30. What, if any, changes should be made to existing legislation on allotments?

Q31. Are there any other measures that could be included in legislation to support communities taking forward grow-your-own projects?

Definitions for Part 2

Q32. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 2. Please also give us examples of any definitions that you feel have worked well in practice

PART 3: RENEWING OUR COMMUNITIES

Leases and temporary uses

Q33. Should communities have a right to use or manage unused and underused public sector assets?

Yes No

Please give reasons for your response

If you said yes to Question 34, please answer parts a., b. and c.:

a. In what circumstances should a community be able to use or manage unused or underused public sector assets?

b. What, if any, conditions should be placed on a community's right to use or manage public sector assets?

c. What types of asset should be included?

Encouraging temporary use agreements

Q34. Should a temporary community use of land be made a class of permitted development?

Yes No

Please give reasons for your response

Q35. Should measures be introduced to ensure temporary community uses are not taken into account in decisions on future planning proposals?

Yes No

Please give reasons for your response

Q36. Are there any other changes that could be made to make it easier for landlords and communities to enter into meanwhile or temporary use agreements?

Dangerous and defective buildings

Q37. What changes should be made to local authorities' powers to recover costs for work they have carried out in relation to dangerous and defective buildings under the Building (Scotland) Act 2003?

Q38. Should a process be put in place to allow communities to request a local authority exercise their existing powers in relation to dangerous and defective buildings under the Building (Scotland) Act 2003?

Yes No

Please give reasons for your response

Compulsory purchase

Q39. Should communities have a right to request a local authority use a compulsory purchase order on their behalf?

Yes No

Please give reasons for your response

If you said 'yes' to Question 40, please answer part a.:

a. What issues (in addition to the existing legal requirements) would have to be considered when developing such a right?

Q40. Should communities have a right to request they take over property that has been compulsory purchased by the local authority?

Yes No

Please give reasons for your response

If you said 'yes' to question 41, please answer part a.:

a. What conditions, if any, should apply to such a transfer?

Power to enforce sale or lease of empty property

Q41. Should local authorities be given additional powers to sell or lease long-term empty homes where it is in the public interest to do so?

Yes No

Please give reasons for your response

If you said 'yes' to Question 42, please answer parts a., b. and c.:

a. In what circumstances should a local authority be able to enforce a sale and what minimum criteria would need to be met?

b. In what circumstances should a local authority be able to apply for the right to lease an empty home?

c. Should a local authority be required to apply to the courts for an order to sell or lease a home?

Yes No

Please give reasons for your response

Q42. Should local authorities be given powers to sell or lease long-term empty and unused non-domestic property where it is in the public interest to do so?

Yes No

Please give reasons for your response

If you said 'yes' to Question 43, please answer parts a., b. and c.:

a. In what circumstances should a local authority be able to enforce the sale of a long-term empty and unused non-domestic property and what minimum criteria would need to be met?

b. In what circumstances could a local authority be able to apply for the right to lease and manage a long-term empty non-domestic property?

c. Should a local authority be required to apply to the courts for an order to sell or lease a long-term empty non-domestic property?

Yes No

Please give reasons for your response

Q43. If a local authority enforces a sale of an empty property, should the local community have a 'first right' to buy or lease the property?

Yes No

Please give reasons for your response

If you said 'yes' to Question 44, please answer part a.:

a. In what circumstances should a community have the right to buy or lease the property before others?

Definitions for Part 3

Q44. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 3. Please also give us examples of any definitions that you feel have worked well in practice

ASSESSING IMPACT

Q45. Please tell us about any potential impacts, either positive or negative, you feel any of the ideas in this consultation may have on particular group or groups of people?

Genuine empowerment of local communities (if working in the interest of the whole community) could address community needs/services more quickly and potentially more efficiently & cost-effectively. It could build a stronger community spirit and inter-community cohesion and could deliver many social benefits in terms of health & well-being, education, skills development as well as additional jobs and investment into the local community. In the Cairngorms National Park there are already good examples of communities delivering their own services (woodland buy out, community branded services, running their own community businesses). However, if communities do not have the capacity, skills, support or structures in place there is a risk that some interests will be excluded or even disadvantaged, social inequalities may be increased, provision of public services could get worse or cost the public sector more in the longer term. This is why CNPA have a project running to help build community capacity.

Q46. Please also tell us what potential there may be within these ideas to advance equality of opportunity between different groups and to foster good relations between different groups?

If done well this can be achieved and will help to empower communities but if done badly equalities could seriously be neglected/over-looked with some interests dominating the agenda. For communities this is a transition period from being able to access significant amounts of funding to having to potentially generate income and resources themselves. The change needs to be supported by the public, private and voluntary sector so that communities can rise to the challenges this culture shift presents.

Q47. Please tell us about any potential impacts, either positive or negative, you feel any of the ideas in this consultation may have on the environment?

Public sector organisations have a statutory duty to meet stringent environmental impact assessments and standards in everything that they do which may be difficult to transfer onto local communities who do not have the skills, resources or requirements to ensure the environment is cared for. The environment may not be considered to be as important as other areas of interest such as housing, jobs, leisure facilities and conflicting views will be difficult to resolve without 'professional' support and the authority that comes from a public sector body such as SNH. However, local community knowledge of their local environment could be much more intimate than a public sector organisation who operates from a more remote location. There is also a danger that short term and local interests may override longer term benefits and national and regional strategies and plans may not be taken into account when decisions are made e.g. the strategic land use strategy, the National Park Partnership Plan, Single Outcome Agreements.

Q48. Please tell us about any potential economic or regulatory impacts, either positive or negative, you feel any of the proposals in this consultation may have?

Lack of financial viability of public services means there is likely to be a need for public subsidy or support funding making many of the options for community led initiatives difficult to deliver economic benefits directly. However, the public benefits that are delivered could lead to improved economic opportunities. Where public sector assets and/or funding is transferred to a local community, careful regulatory controls need to ensure this delivers best value for money and delivers real public benefits.

Thank-you for responding to this consultation.

Please ensure you return the respondent information form along with your response.