



Community Planning Update

Committee Strategy and Programmes

Date of meeting 27 January 2017

Date of report 5 January 2017

Report by Assistant Chief Executive (Operations)

1. Object of report

The object of this report is to:

- Inform the Committee of Scottish Government guidance on and timescales for the implementation of the Community Empowerment (Scotland) Act 2015 (CESA); and
- Inform the Committee of SPT's proposed approach for complying with CESA.

2. Background

- 2.1 Further to earlier reports¹, members will be aware that CESA was given Royal Assent in July 2015 and since then the Scottish Government has been developing the orders and guidance to bring the Act into force.
- 2.2 The Scottish Government published Guidance² on the Community Planning aspects of CESA, on 20 December 2016. This Guidance sets out how Community Planning Partnerships (CPPs) should, among other issues, approach Locality Planning. Other provisions of CESA have or are due to come into force in 2017, including Asset Transfer Requests (came into force on 23 January 2017) and Participation Requests (come into force late March 2017).

3. Outline of Proposals

3.1 *Scottish Government Guidance on Community Planning -December 2016*

The Guidance sets out a strategic overview of what the Scottish Government believes effective community planning should achieve. It explains the purpose of community planning and what difference effective community planning can, and should, make to improving outcomes and reducing inequality. It also provides additional supporting detail about the principles of effective Community Planning and contains specific

¹ See <http://www.spt.co.uk/documents/rtp091216agenda12.pdf>

² The Guidance is available at: <http://www.gov.scot/Resource/0051/00512027.pdf>

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guidance to assist CPPs develop both their Local Outcome Improvement Plan (LOIP) and locality plan(s).

3.2 *Locality Planning*

The regulations in relation to Locality Planning came into force on 20 December 2016 and CPPs are required to publish their locality plans by 1 October 2017. The regulation describes the localities into which CPPs must divide local authority areas for the purpose of carrying out locality planning. The Guidance states that a 'locality' must be either an area within the local authority with a population that does not exceed 30,000 or an electoral ward, and that Locality Planning areas should be those which face particular social, health, economic and other challenges which require a concerted, integrated approach by partners.

3.3 *Asset Transfer Requests*

The regulations in relation to Asset Transfer Requests came into force on 23 January 2017. Members will recall that this regulation 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. The Act requires those public authorities to assess requests transparently against a specified list of criteria, and to agree the request unless there are reasonable grounds for refusal.

To help community bodies identify assets that may be available through asset transfer, the Act requires each relevant authority, including SPT, to establish, maintain and make available a register of land which it owns or leases, to the best of its knowledge and belief. SPT has published its Register of Land on the SPT website ahead of the 23 January deadline. It should be noted that some of SPT's assets in relation to land and buildings for the operation of transport services is exempt from this regulation and are therefore not included in the Register of Land e.g. the Subway and bus stations.

3.4 *Participation Requests*

The regulations in relation to Participation Requests are due to come into force in late March 2017. Participation Requests are intended to provide 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 responsibility for the delivery of services. As with Asset Transfer Requests, there will be a presumption of agreement to requests, unless there are reasonable grounds for refusal. SPT is in the process of establishing a procedure for such requests and this will be made available on the SPT website.

3.5 Further parts of CESA will come into force over coming months including the setting of National Outcomes by the Scottish Government, parts of the Act relating to Community Rights to Buy Land, and Participation in Public Decision-Making. In relation to the latter, this will provide a new regulation-making power enabling 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.

4. Conclusion

4.1 The introduction of CESA has significant implications for SPT in its role as a statutory Community Planning partner, and also in relation to participation requests, asset transfer requests and enhanced public participation in decision-making.

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4.2 SPT has taken appropriate steps to comply with the provisions of guidance regarding CESA and will continue to monitor further developments to ensure readiness for future changes. Officers will continue to keep the Partnership updated on these as necessary in future.

5. Committee action

5.1 The Committee is recommended to:

- Note the contents of this report; and
- Note the progress and provisions made by SPT in preparation for complying with CESA as outlined in section 3 above.

6. Consequences

Policy consequences	<i>In line with the RTS.</i>
Legal consequences	<i>SPT is a statutory Community Planning Partner and is a listed authority under the provisions of the Community Empowerment (Scotland) Act.</i>
Financial consequences	<i>The specific requirements of the Community Empowerment (Act) Scotland 2016 may have costs but these are not quantifiable as yet.</i>
Personnel consequences	<i>Elements of the Community Empowerment (Scotland) Act will require significant 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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