
RESPONDING TO THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT – CONSULTATION ON COMMUNITY PLANNING DRAFT GUIDANCE AND REGULATION

Report by SBC Chief Executive

SCOTTISH BORDERS COMMUNITY PLANNING PARTNERSHIP

9 June 2016

1 PURPOSE AND SUMMARY

- 1.1 **The purpose of this report is to consider and agree the response to Scottish Government’s consultation paper on Community Planning Draft Guidance and Regulation.**
- 1.2 At the time the Community Empowerment (Scotland) Act 2015 was passed it was recognised that many parts of the legislation would come into force at different times and that this would involve secondary legislation (orders and regulations) and guidance. It was estimated that this process would be completed by late summer 2016. In March 2016 the previous Scottish Government issued a series of consultation papers on aspects of this secondary legislation and guidance. This included a consultation paper on Community Planning Draft Guidance and Regulation. The report sets out the proposed response to this consultation paper and also highlights other actions that will assist in complying with the Guidance.

2 RECOMMENDATIONS

2.1 It is recommended that the Strategic Board:

- a) Agree the response to the Community Empowerment (Scotland) Act 2015 Part 2 Community Planning Consultation on Draft Guidance and Regulation as set out in Appendix 2.**
- b) Agree that a report is prepared for the Community Planning Partnership Board that would set out the process for implementing the key elements of the draft Guidance. This would include the:**
 - Creation of a plan with timelines for the development and implementation of the Local Outcome Improvement Plan (LOIP) and the five locality plans;**
 - Establishment of a briefing process to ensure that Community Planning Partners are aware of their responsibilities as set out in the draft guidance. This would include briefing notes and presentations to partner governance boards;**

- **Identification of community bodies that represent the interests of people experiencing inequalities of outcome, and the ways in which they may wish to be involved, recognising that not all groups will want to be involved and that some groups may present themselves through the participation request process.**

3 BACKGROUND

- 3.1 The Community Empowerment (Scotland) Act 2015 received Royal Assent on 24 July 2015. The aim of the legislation is to involve and to give greater say to communities in the delivery of public services and to give more power to communities to assist them in improving the well-being of their local areas. The Act consists of a range of varied topics including some which were added to during the legislative phases of the Bill.
- 3.2 There are eleven parts to the legislation which are as follows:
1. National Outcomes
 2. Community Planning
 3. Participation Requests
 4. Community Rights to Buy Land
 5. Asset Transfer Requests
 6. Delegation of Forestry Commissioners' Functions
 7. Football Clubs
 8. Common Good Property
 9. Allotments
 10. Participation in Public Decision-Making
 11. Non-Domestic Rates
- 3.3 At the time the Act was passed in July 2015 it was recognised that many parts of the legislation would come into force at different times and that this would involve secondary legislation (orders and regulations) and guidance. It was estimated that this process would be completed by late summer 2016.
- 3.4 In March 2016 consultation papers were launched by the previous Scottish Government including one on Draft Guidance and Regulation on Community Planning <https://consult.scotland.gov.uk/community-empowerment-unit/community-planning-guidance> (see Appendix 1). The closing date for responses is 13 June 2016.

4 COMMUNITY PLANNING

- 4.1 The Community Empowerment (Scotland) Act 2015 places duties to support shared leadership and collective governance on five named community planning partners, i.e. the local authority, NHS, Police Scotland, Scottish Fire and Rescue Service and Scottish Enterprise. The Act also expands the number of public sector bodies that are subject to community planning duties.
- 4.2 The Community Empowerment (Scotland) Act 2015 places Community Planning Partnerships (CPPs) on a statutory footing and imposes duties on them around the planning and delivery of local outcomes, and the involvement of community bodies at all stages of community planning.

Tackling inequalities will be a specific focus. CPPs are required to:

- Prepare and publish a local outcomes improvement plan (LOIP) which sets out the local outcomes which the CPP will prioritise for improvement,
- Identify smaller areas within the local authority area which experience the poorest outcomes, and prepare and publish locality plans to improve outcomes on agreed priorities for these communities (the outcomes prioritised for improvement in a locality plan may differ from those in the local outcomes improvement plan),
- Review and report publicly on progress towards their LOIP and locality plans, and keep the continued suitability of these plans under review, and
- Identify community bodies that represent the interests of people who experience inequalities of outcome and how they wish to be involved.

- 4.3 The Scottish Government has published the Draft Guidance and Regulation on Community Planning <https://consult.scotland.gov.uk/community-empowerment-unit/community-planning-guidance> . Community Planning Partnerships must have regard to this guidance in undertaking community planning. Other organisations and individuals involved in community planning are also encouraged to take account of this guidance.
- 4.4 The Scottish Government's consultation paper on the Community Empowerment (Scotland) Act 2015 Part 2 Community Planning Consultation on Draft Guidance and Regulation sets out its expectations (see Appendix 1) for Community Planning partners in applying the following key principles of effective community planning which are:
- Shared leadership.
 - Governance and accountability.
 - Community participation and co-production.
 - Understanding the needs, circumstances and opportunities within local communities.
 - Focus on key priorities.
 - Focus on prevention.
 - Tackling inequalities.
 - Resourcing improvement.
 - Effective performance management.
- 4.5 The draft Guidance and Regulation also sets specific requirements for developing and implementing the local outcomes improvement plan and locality plans. The consultation on the draft Guidance comprises nine questions. This includes specific questions on:
- Whether there are common short/medium-term performance expectations which every Community Planning Partnership (CPP) and partner should be expected to meet.
 - Whether CPPs should be required to review and if necessary revise their plans after a specific period of time in every case.
 - The latest date by which CPPs must publish progress reports on their local outcomes improvement plans and locality plans, and
 - The maximum population size of locality plan areas which in the

draft Guidance is up to 30,000.

- 4.6 The draft response is shown in Appendix 2. It is considered that a report is now prepared by the Community Planning and Partnership Manager for the Community Planning Partnership Board that would set out the process for implementing the key elements of the draft Guidance. This would include the:
- Creation of a plan with timelines for the development and implementation of the Local Outcome Improvement Plan (LOIP) and the five locality plans;
 - Establishment of a briefing process to ensure that Community Planning Partners are aware of their responsibilities as set out in the draft guidance. This would include briefing notes and presentations to partner governance boards
 - Identification of community bodies that represent the interests of people experiencing inequalities of outcome, and the ways in which they may wish to be involved, recognising that not all groups will want to be involved and that some groups may present themselves through the participation request process.

5 IMPLICATIONS

5.1 Financial

There are no direct financial implications arising from this report.

5.2 Risk and Mitigations

- (a) There are reputational risks that could occur if the Scottish Borders Community Planning Partnership does not have appropriate arrangements in place to fulfil its responsibilities arising from the implementation of the Community Empowerment (Scotland) Act

5.3 Equalities

- (a) It is too early yet to carry out an equality impact assessment on this work but any new processes and policies associated with the Community Empowerment (Scotland) Act 2015 will need to be equality impact assessed.

5.4 Acting Sustainably

- (a) No decision is required as yet that will have economic, social, or environmental implications.

5.5 Carbon Management

- (a) There are no effects on carbon emissions.

5.6 Rural Proofing

- (a) Rural areas are treated similar to urban areas in the implementation of the Community Empowerment (Scotland) Act 2015.

5.7 Changes to Scheme of Administration or Scheme of Delegation

(a) There are no changes to be made.

6 CONSULTATION

- 6.1 The Community Planning Joint Delivery Team has been consulted on the report and comments received have been incorporated into the final report.

Approved by

Name
Title

Signature

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Background Papers: None

Previous Minute Reference: None

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