

# Scottish Borders Council Training Programme

Session 4 – Your questions, answered!

# SCDC

SCDC is the lead body for community development in Scotland. We work to our vision of an active, inclusive and just Scotland where our communities are strong, equitable and sustainable.

We work directly with:

- Community groups and organisations
- Community development practitioners
- Government and other policy makers
- Local partnerships and agencies across Scotland who want to involve communities in their work



Formed in 1994, we are a charity and Company Limited by Guarantee based in Glasgow. With staff with a wealth of experience and backgrounds, we bring our firm commitment to the values and principles of community development to all aspects of our work.

# What we'll cover today

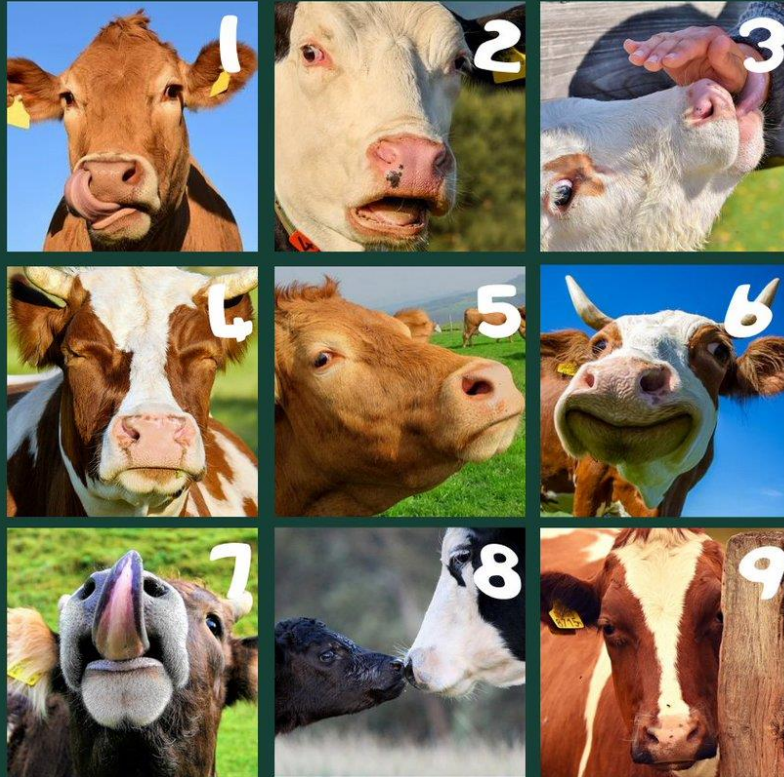
- Introductions and background
- Your questions – the Community Empowerment (Scotland) Act 2015
- Participatory Budgeting – clarifications and more info

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# On this cow scale, how do you feel today?



**FCN** | THE FARMING  
COMMUNITY  
NETWORK

# The Community Empowerment (Scotland) Act (2015)

Andrew Paterson, Scottish Community Development Centre



**(This presentation will be provided by email following workshop)**




Purpose

## Introduce the **Community Empowerment (Scotland) Act 2015**

Particularly in relation to questions from previous sessions

E.g. on community asset transfer, good engagement and impact of failing to engage



# The Community Empowerment (Scotland) Act 2015

**Giving people more say over what happens in their communities through...**

- ownership or control of land and buildings
- strengthening their voices in decisions about public services

Builds on 'key pillars' of public service reform

- participation
- partnership
- prevention
- performance



# What's in the Act?

**National  
outcomes**

Common good property

**Allotments**

**Asset  
transfer**

Participation in public  
decision making

**Non-domestic  
rates**

**Participation  
requests**

**Supporter  
involvement in  
football clubs**

**Community  
planning**



**Community  
rights to buy  
land**

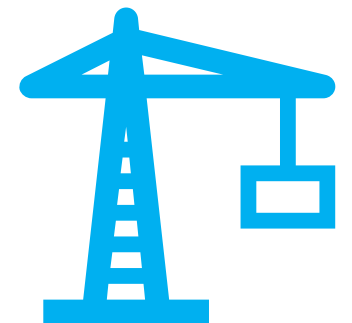
Delegation of forestry  
Commissioners' functions

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# Participation requests



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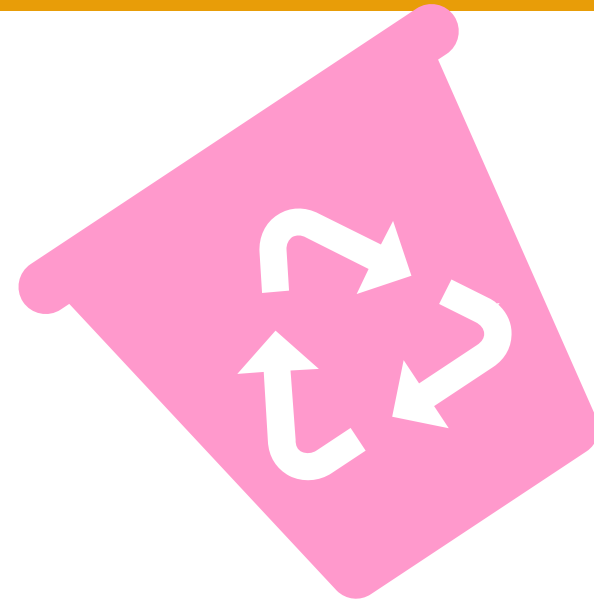


Starting points?

# Ways to participate



Participation requests are **one** way for people to have their say about what improvements they would like to see to public services they use.



# The basics

**A community group**

‘Community participation body’

can ask to have a **discussion** ‘Outcome improvement process’

with **organisations in charge of public services**,  
such as hospitals, schools and transport

‘Public service authorities’

about how to **improve** these services

‘Improving outcomes’



# Can be made to...

- Local authorities
- Health Boards
- Colleges
- National Park Authority
- Police Scotland
- Enterprise agencies
- Scottish Environment Protection Agency
- The Scottish Fire and Rescue Service
- Scottish Natural Heritage
- Regional Transport Partnerships



# How to make a participation request

Fill in a form which will ask you to...



- Show you are the right type of group to make a participation request
- State an **outcome** that you think can be improved
- Then answer some questions about what your group will bring and why you should be involved

# Recap

A **community group**

can ask to have a **discussion**

with **organisations in charge of public services**

about how to **improve** these services



You may be wondering...

**Can't the request  
simply be refused?**

# Not quite...

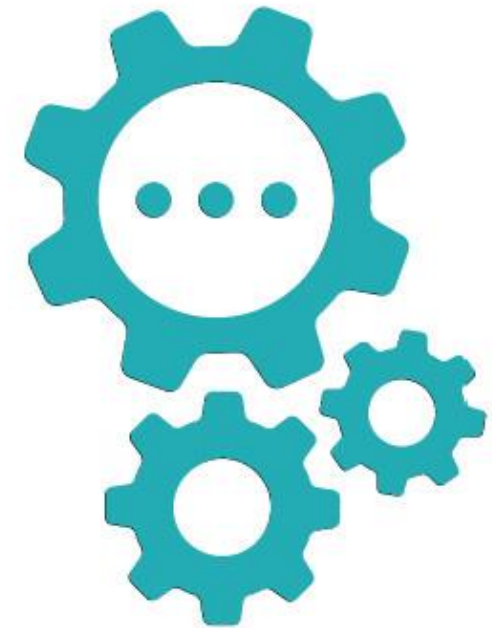
Services should agree or explain why not



# What happens then?

If request is granted then an **outcome improvement process** is set up

**Must be established within 90 days**  
of request being agreed to



# This process can take different forms....

- **Meetings, discussions and actions** to make things better!
- **A pre-existing process**, e.g. community safety partnership
- **A new process**



# Support

Support should be available:

- To help make a participation request
- To take part in resulting meetings etc.



# Result?

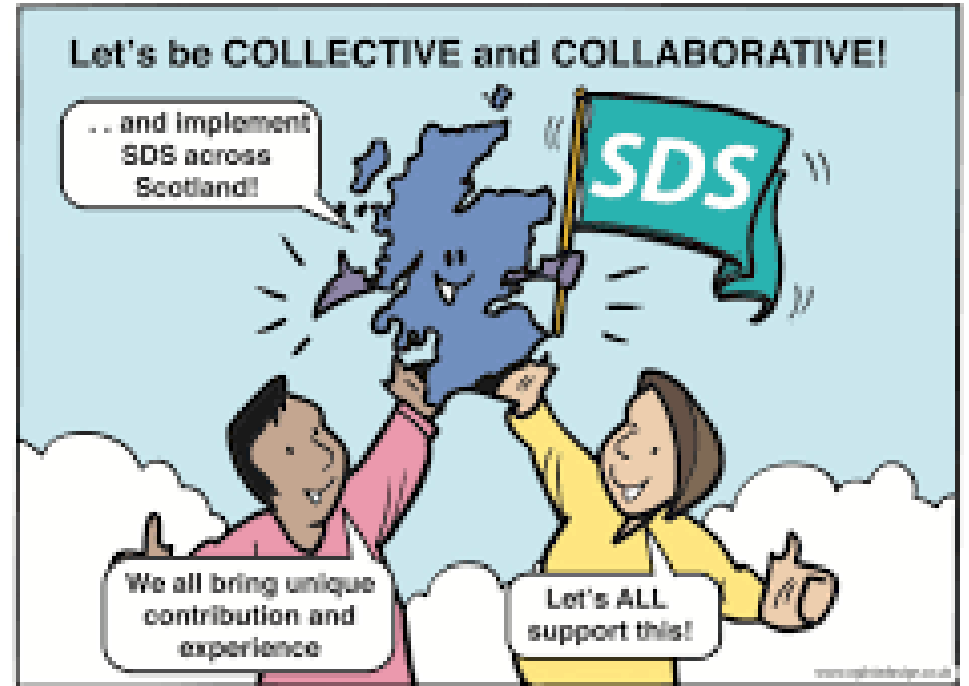
A **conversation**, not a **guarantee**



- The public service authority must **report on the process** once completed
- And also **report annually** on the participation requests they have received.

# Example: SDS Borders Forum

SDS Borders Forum is a group of people with lived experience of self-directed-support (SDS) in the Scottish Borders



In May 2019, the forum made a participation request to Scottish Borders Council after the local authority decided to introduce pre-payment cards without what the forum saw as adequate consultation.

# Self Directed Support payment options



People will be offered 4 choices on how they can receive their social care

1



Person has a direct payment

2



Person directs the available support

3



Local authority arranges support for the person

4



A mix of options 1 to 3



# What happened?

Scottish Borders Council agreed to the request on the 9<sup>th</sup> July 2019

Forum had to work hard to ensure resulting process was meaningful and for equality impact assessment to happen



In January, was agreed that options appraisal meetings would be held in March 2020, and that all SDS payment options would be considered as part of the outcome improvement process.

# Result

After delays due to Covid-19, the process got going and eventually led to decision this year to give people choice as to whether they used pre-payment cards

The forum has also been asked to be involved in the planning process for implementing the use of pre-payment cards.



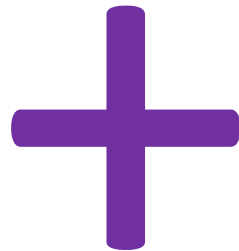
“ An interesting outcome of the process has been an increased respect from the LA for the SDS Forum and a greater willingness to involve us in anything to do with SDS and to see that as positive. ”

SDS Borders Forum

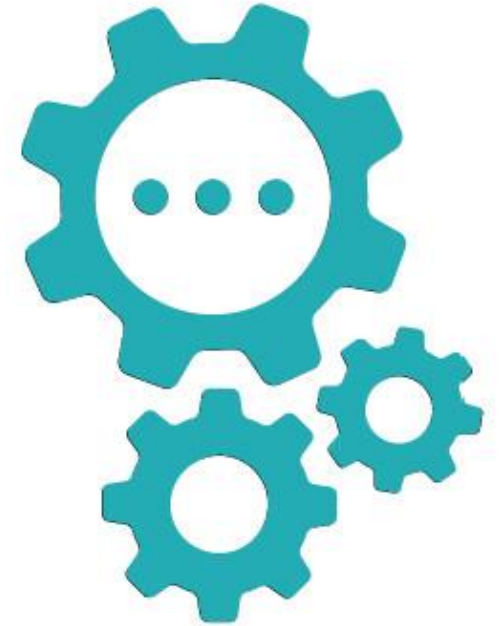
# But what if... Public body fails to engage?



No official overseeing body  
Can't resubmit the same request



Potential appeals process on the way...



# Taking over assets

# Asset transfer

A community organisation can use this to take over publicly-owned land or buildings...

...in a way that recognises the public benefits that the community use will bring.



# Not just ownership...

Can request to own the land or building outright, but can also apply to **use** or **lease**.





# Can be made to

## Local authorities

Scottish Ministers (including agencies such as Forest Enterprise Scotland and Transport Scotland)

Crofting Commission

Further Education colleges which are incorporated colleges

**Health Boards**, both regional and Special Health Boards

Enterprise agencies

Historic Environment Scotland

National Park Authorities (Cairngorms and Loch Lomond and Trossachs)

Regional Transport Partnerships

Scottish Canals

Scottish Courts and Tribunals Service

Scottish Enterprise

Scottish Environment Protection Agency

Scottish Fire and Rescue Service

Scottish Natural Heritage

Scottish Police Authority (who own all land and buildings used by Police Scotland)

Scottish Water



All must create and maintain publicly available lists of every asset they own



# Rights include...

- To **request information** on any public asset that interests you
- To **request the transfer** of a public asset
- To **acquire that asset** if the public body cannot offer a good reason not to
- To **appeal** any adverse decision



# Public authority must

- **Agree to requests**, unless there are reasonable grounds for refusal
- **Not dispose of asset** once transfer request received (unless already started!)
- Consider **inequality** in reaching its decision
- Take a decision within **six months** of “validation date”

# Who can make asset transfer requests?



- Community of **geography** or community of **interest**
- Open membership/controlled by that community
- Community benefit purpose
- Surplus applied to benefit of community

**May be unincorporated** if no transfer of ownership.

# For transfer of full title, must be

A limited company with a Dissolution Clause

(i) to another community transfer body

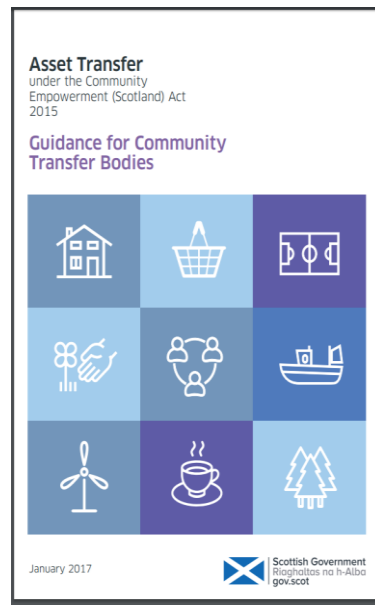
(ii) to a charity.

A Scottish Charitable Incorporated Organisation (SCIO)

A Community Benefit Society (BenComm)

**All with no fewer than 20 members.**

*If a community group can't change its rules to fit the requirements, it can ask the Scottish Ministers to make it a community transfer body by law. This is called being "designated".*



# Thank you!

- Will send slides and links to further info
- Please feel free to get in touch  
07507107585  
[andrew@scdc.org.uk](mailto:andrew@scdc.org.uk)

# Community right to buy land

Allows communities throughout Scotland to apply to register an interest in privately owned **land and buildings**, and the opportunity to buy that land when it comes up for sale.

Extends community right to buy (Land Reform Act 2003) to **urban** as well as rural areas

Enables communities to purchase land and buildings **where the owner is not willing to sell** that land...

- where land is **abandoned, neglected** or **causing harm** to the environmental wellbeing of the community
- and for furthering sustainable development (separate legislation)

# What is Participatory Budgeting and what does it look like?

**Participatory budgeting (PB)** is a process of democratic deliberation and decision-making, in which citizens decide how to allocate part of a municipal or public budget. Participatory budgeting allows citizens to identify, discuss, and prioritise public spending projects, and gives them the power to make real decisions about how money is spent.

In Scotland this looks like:

- **Small Grants PB** - Use of small pots of money/Grants for PB
- **Mainstreaming Participatory Budgeting** - The public decides where public money is spent through a fair and transparent process (including deliberation and voting)



# What is Participatory Budgeting?

## SMALL GRANTS

Familiar process

Project ideas in line with funding topic

Usually overseen by a steering group

Groups apply

Voting event (marketplace, presentations, information events)

Community vote

Successful groups awarded

Process evaluated

### NOTE:

Community Fund money within SBC could be used for small grants PB locally, or to apply for more support and training with PB processes



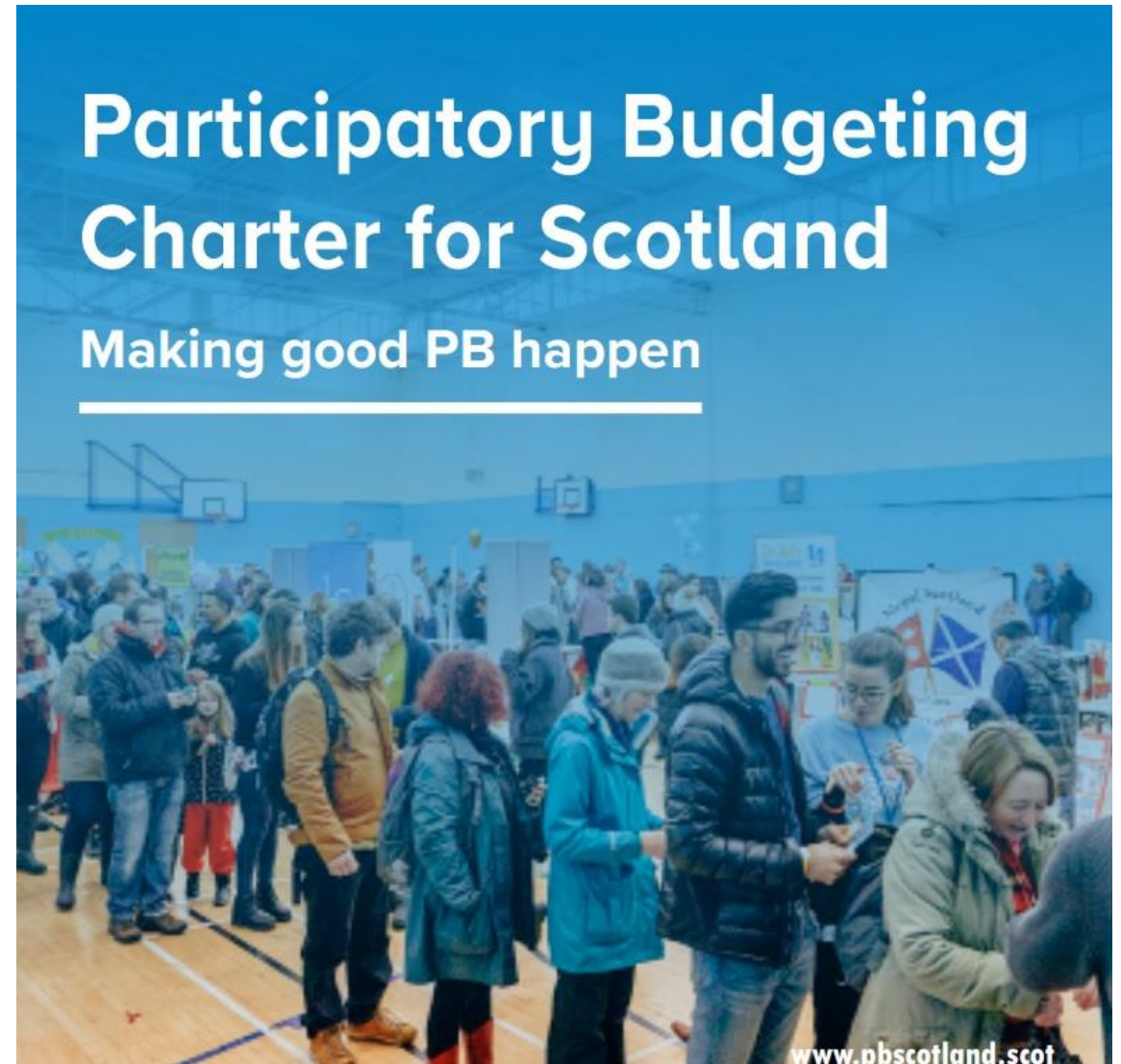
# Benefits and Key Features of PB

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The PB Charter outlines the key principles underpinning PB as follows:

PB should be ...

- Fair and inclusive
- Participatory
- Deliberative
- Empowering
- Creative and flexible
- Transparent
- Part of our democracy



# Evaluation in line with PB Charter



## Participatory Budgeting Review

The following terms are used throughout this document:

- 'We' refers to the leaders or organisers of the PB process.
- 'Partners' are any organisation or group who is involved in planning or delivering the PB process.
- 'Participants' are all of the people or groups who are actively involved at any level throughout the PB process.

Background

How was the Review process carried out e.g. who was involved, where and when did they meet and what evidence was used to judge performance?

How good was our approach to Participatory Budgeting - what worked and what didn't? (score yourself on the 1 to 6 scale and comment)

1	2	3	4	5	6
Unsatisfactory	Weak	Satisfactory	Good	Very Good	Excellent

### Inclusion

How well did we involve the people and organisations that might want to participate in the PB process? For example, did we involve a wide range of participants whose interest might be affected by the PB budget/process?

### Support

How good were we at identifying and overcoming any barriers to participation? For example, were actions taken to remove any barriers and support people to attend or be part of the discussions?

### Planning

How clear were we about the purpose for the PB process? For example, was there a clear plan and theme for the funding? Was there enough time and resources to support the process and allow people to be involved?

### Working Together

How well did we work together to achieve the aims of the PB process? For example, were roles and responsibilities clear and understood for all those involved in planning the process? Did the methods of communication during the PB process meet the needs of all partners involved in planning the process?

### Methods

How good were our PB methods? For example, did we use a variety of methods e.g. online participation, community pitches, community stalls etc to ensure that there were plenty of opportunities for deliberation? Did we obtain feedback on the method(s) to ensure that we are learning and adapting?




### Communication

How well did we communicate with the people, organisations and communities involved in the PB process? For example, was information clear and accessible on the lead up to the PB process? Did we provide feedback to the community on their pitch? Did we highlight alternative funding options to those who missed out on funding? Did we advertise to the wider community those who were awarded funding?

### Impact

How would we rate the immediate impact of the PB process and what has been learned to improve future PB processes? For example, is the community happy that it was a transparent and democratic process? Has PB improved relationships between community groups? How will we assess the long-term impact?

What key lessons have been learned and what will we do next?



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

# What could mainstream PB look like?

- **It's not new money!**
- **It will come from a specific budget – with targets and spend requirements to meet**
- **It will meet local priorities**
- **It may use a range of tools – mini-publics, citizens assemblies, digital tools, already identified community priorities (through Local Outcome Improvement Plans, community action plans etc) and voting**

# What could mainstream PB look like?



## Design Stages

Purpose, Scope, Strategic Design, Facilitation, Participation, Proposals & ideas, Decision-making, Impact

From the forthcoming Elected Members Briefing from COSLA & The Improvement Service

# What could mainstream PB look like?

## **Example – Lands and Parks.**

**Budget of £50k, identified for play equipment within a village. Had to suit ages 5 – 12.**

**PB process – LA worked with the community to form a steering group to help identify local wishes, and decide on what equipment was needed through a range of local consultation exercises in the local nurseries, schools, community groups and at the park itself.**

**The community steering group decided to fundraise for additional money (tripled the budget) to meet their aspirations. They were able to use the ringfenced money as match funding. Then they identified 2 sets of equipment that met the brief and the community needs.**

**The whole community then voted on which option was best – with a high proportion of the community taking part.**

**Procurement for the LA contract meant they were tied to certain contractors for equipment, but their own fundraising gave them some leeway to use local companies for some of the other works needed.**

**The process evaluated well and people felt they had made a difference!**

**Any final questions?**

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