THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015
Group discussion question

• What would it feel like to live in an empowered community?
The Act covers 11 different topics, some of them governing Scottish Government processes and obligations. Others establish a statutory basis for Community Planning or confer specific rights on communities:

- Part 2 – Community Planning (in force 20 December 2016)
- Part 3 – Participation Requests (in force 1 April 2017)
- Part 4 – Community Rights to Buy Land (not in force)
- Part 5 – Asset Transfer Requests (in force 23 Jan 2017)
- Part 6 – Delegation of Forestry Commissioner’s Functions (in force 23 Jan 2017)
- Part 7 – Football Clubs (not in force)
- Part 8 – Common Good Property (not in force)
- Part 9 – Allotments (in force 1 April 2018)
- Part 10 – Participation in Public Decision Making (not in force)
- Part 11 – Non-Domestic Rates (in force 31 October 2015)
Part 1: National Outcomes

• Requires Scottish Ministers to consult on, develop and publish a set of national outcomes.

• Regularly and publicly report progress towards these outcomes and review them at least every five years.
Part 2: Community Planning

• Public bodies work together, and with the community, to make life better for people.

• Each community planning partnership must prepare and publish a local outcomes improvement plan.
Part 3: Participation Requests

- Work with communities to make sure their services do what people need
- To help people
  - start a dialogue
  - contribute to decision-making processes
  - to participate in the design, delivery, monitoring or review of service provision
  - challenge decisions and seek support for alternatives which improve outcomes
Midlothian Council responsibilities

- Must promote the use of participation requests.
- Ensure people who face additional barriers to accessing information are reached.
- Promotion should go beyond established organisations that we are already aware of.
- Should make information on the decision making process available to all.
- Ensure community participation body are engaged in dialogue at an early stage and always before any formal participation request is submitted.
Process

**1. Community Participation Body makes request.**

**2. Communities Team acknowledge request and log it, 30 working days starts from receipt of request as long as all information has been provided.**

**3. Participation request assessed and CMT paper written if necessary.**

**4. Decision notice issued to Community Participation Body and published on website, Communities Team update log.**

**5. Community Participation Body and LA work together to design outcome improvement process within 90 calendar days of decision being made.**

**6. Outcome improvement process finished and we publish a report which summarises the outcomes of the process.**

**7. Log updated and annual report published by 30 June setting out how many participation requests we have received and the outcome.**

**Considerations, is the request likely to promote or improve:**
- Economic development
- Regeneration
- Public Health
- Social or environmental wellbeing
- Tackling poverty

**Establishing outcome improvement process:**
- Describe how the outcome improvement process will operate
- Explain how the community participation body is expected to participate
- Describe how any other persons are expected to participate in the process
Making a Participation Request on line

https://www.midlothian.gov.uk/info/200284/your_community/532/participation_requests
Group discussion question

• Think of an example in your community where a participation request could have led to better services?
Part 4: Community Rights to Buy Land

- Extends the community right to buy to all of Scotland, urban and rural.
- Much easier for communities to buy land.
- The community decide what is abandoned and neglected land.
Action Porty

• Working to develop Portobello Old Parish Church and Halls as a community asset.
• First of its kind in Scotland
• Sept 2017 – received the keys and Bellfield is now in Community Ownership
• Doors open June 2018
Part 5: Asset Transfer Requests

- Provides community bodies with a right to request to purchase, lease (short or long term), manage or use land and buildings belonging to local authorities, Scottish public bodies or Scottish Ministers.

- The Act puts more power in the hands of communities by allowing them to request whatever publicly held property they believe will be most suitable to deliver their objectives.

- The act starts from an assumption of transfer.

- When the price offered in an asset transfer request is less than the market value of the property any decision to transfer an asset must represent good use of public resources.

- A “light touch” approach will be considered for proposals to improve or maintain an area of council land that is less than an acre and there’s no funding requirements.
Midlothian Council responsibilities:

• Should be easy to identify who to contact about asset transfer (Communities Team).

• In discussions with community transfer bodies, officials should be clear about the asset transfer request process and should, for example, avoid making commitments or assumptions about the outcome of any potential request.

• Section 95 of the Act require each relevant authority to establish, maintain and make available a register of land which it owns or leases, “to the best of its knowledge and belief” and review it at least every 3 months.

• Once an asset transfer request has been made Midlothian Council are not allowed to sell, lease or otherwise dispose of the land it relates to until the whole process is complete.

• Information on the process should be made available to the public, including who makes the decision and expected timings for each stage.
CTB identifies community needs

Community Transfer Body (CTB) identifies community needs

CTB identifies suitable building/land, requests information about building/land and submits expression of interest (optional) to Communities Team

Community Management Asset Group (CMAG) meets to assess EOiS. Decision and recommendations discussed with applicant and Communities Team

CTB submits formal Asset Transfer Request to Communities Team. Validation date set (date which last of required information was received). 6 months to issue decision notice.

CMAG meets to assess formal request.
- Economic development
- Regeneration
- Public health
- Social and environmental wellbeing

Decision notice issued. Publish decision notice and inform those who made representations.

CTB submits offer to Council

Negotiation of terms

Contract concluded

CTB submits offer to Council

Appeal if contract not concluded promptly

- Open discussion about objectives and suitability of property
- Seek to make as much information available to the community body as possible,

- Asset transfer request and any documents/information to be made available to view online
- Must directly notify any tenant or occupier of the land
- Notice of request must be put up at site

Community Transfer Body can appeal/seek review
Making an Asset Transfer EOI on line -
https://www.midlothian.gov.uk/info/200284/your_community/487/council_properties
The asset you are interested in

Tell us about the asset (building or land) you are interested in. Refer to the Asset Register (PDF).

Name of asset *(Required)*

Address of asset *(Required)*

The type of transfer you are interested in *(Required)*

- Leasing
- Transfer of ownership

If leasing, what length of lease is required?

What do you want the asset for? *(Required)*

What benefits will this bring to the local community? *(Required)*
Discussion

• From the Community Transfer Body perspective what do you think are the potential opportunities and risks of taking on full ownership of a community building?

• And then from a Midlothian Council perspective?
Part 6: Delegation of Forestry Commissioner’s Functions
Part 7: Football Clubs

- **A right to influence** – to enshrine the rights of supporters to influence their football club.
- **A right to govern** – to give supporters a right to govern their football club.
- **A right to bid** - to give supporters the right to bid for their football club in the case of its sale.
- **A right to buy** - to give supporters the right to buy their football club.
Part 8: Common Good

- Answered by Mr Tom McCabe (17 November 2006): The Common Good originated as revenues from properties belonging to the early Burghs of Scotland.

- Property that local councils have been given to help local people.
Part 9: Allotments

• Maintain waiting lists and take reasonable steps to provide allotments if the waiting lists exceed certain trigger points.
Part 10: Participation in Public Decision Making

- Promote and facilitate the participation of the public in decisions and activities of the authority, including the allocation of resources.
- Participatory budgeting is an example of public decision making.
Part 11: Non domestic rates

• A new power to create and fund their own localised business rates relief schemes, in addition to existing national rates relief.

• Allows local councils to reduce business rates for different types of businesses.

• This will allow councils to better reflect local needs and support communities.
QUESTIONS
Contact us:

• COMMUNITIES TEAM
• Communities.team@Midlothian.gov.uk
• 0131 271 3338