



The Church of Scotland

Church and Society Council

Official Response

SUBJECT: Community Empowerment (Scotland) Bill – Stage One
REQUESTED BY: Local Government and Regeneration Committee, the Scottish Parliament
REFERENCE: OR-2014/05
DATE: 5 September 2014
SUBMITTED BY: Graham Blount, Secretary gblount@cofscotland.org.uk

The Church of Scotland has a commitment to, and an active presence in, every parish community in Scotland; in particular, the Church has prioritised work in Scotland's most deprived and vulnerable communities, recognising the commitment of resources required to support and sustain that work. In many of these communities we are happy to work in partnership with Faith in Community Scotland and the Poverty Truth Commission (welcoming the part played by the PTC as in the Bill's reference group). The Church's structure has always been rooted in local, community-based decision-making through Kirk Sessions.

The Church's original submission to the Scottish Government's consultation on this Billⁱ came from that commitment and engagement, and our reflections now, on the Bill as presented to Parliament, come from reading the Bill in light of that experience and our earlier submission.

The Church's General Trustees will also submit evidence on matters relevant to their remit in relation to church properties.

1. To what extent do you consider the Bill will empower communities, please give reasons for your answer?

While retaining some reservations about the effectiveness of legislation in bringing about the culture change we believe is needed to move from tokenism to real partnership, we broadly welcome the Bill. In shifting the emphasis from consultation to participation and empowerment, the Bill lays down a significant marker for change.

Because we believe in the importance of a clear consideration of values, we welcome the clear opening statement in the policy memorandum of the principles underpinning the Bill as "subsidiarity, community empowerment and improving outcomes", although we would also prefer to see an explicit aim of tackling inequalities running through the Bill rather than an occasional reference to that as a by-product.

We agree with the Poverty Alliance and others that a power for Ministers to create statutory regulations for engaging and empowering communities, which all public bodies must follow and report on, would help move from expectations which are patchily fulfilled to real empowerment across the board. The aim must be to ensure communities are embedded in the design of services in

their areas. There remains a risk in the working of CPPs with two tiers of “partners” and “participants”.

A significant limit to the effectiveness of the Bill lies in the neglect of provision for building capacity, both in community bodies and in established public bodies. The financial memorandum anticipates extra administrative costs but appears to expect no additional funding need for building capacity (see further below). Without this funding, other measures may prove ineffective.

We welcome the recognition of the role of communities of interest as well as of place, while recognising that CPPs etc. continue to work with a geographic focus.

2. What will be the benefits and disadvantages for public sector organisations as a consequence of the provisions in the Bill?

People are the greatest asset of any community, not a hurdle to be overcome; and community bodies are key resources, not competitors to traditional public bodies. Genuine engagement in the design and delivery of services will improve outcomes.

3. Do you consider communities across Scotland have the capabilities to take advantage of the provisions in the Bill? If not, what requires to be done to the Bill, or to assist communities, to ensure this happens?

Empowering communities has to mean more than opening a few doors into existing structures while only expecting some extra administrative costs. While some community bodies and individuals can readily slot into these ways of working, others will not. This is partly about building capacity – for which there would be clearer provision than the hope that it “may” happen (Scottish Government response to the LG&R Committee question 39 re s9(3) of the Bill) – but also about developing new models and practices of decision-making.

4. Are you content with the specific provisions in the Bill, if not what changes would you like to see, to which part of the Bill and why?

Our major concern is in the absence of specific provision in the Bill for participatory budgeting. In responding to the LG&R Committee, the Scottish Government has pointed out that the Bill will “strengthen the involvement of communities in setting priorities for public services, which is closely related to how budgets are spent” and that “a participation request under Part 3 of the Bill ... may also address how budgets can be spent more effectively”. We believe that the Bill would be significantly strengthened by going further in making clear provision for participatory budgeting, such as in the Poverty Alliance’s suggested requirement for CPPs to set aside 1% of their annual budget to be decided by some appropriate community participation process, to kick-start the process of embedding this in practice by demonstrating its value. While we welcome the establishment of a working group on Participatory Budgeting as a step in the right direction, and legislation may – as the Government states - not be “necessary to make participatory budgeting (PB) effective”, to fail to give a clear impetus through this Bill would be a missed opportunity.

We broadly welcome the sections on Community Right to Buy Land and Asset Transfer requests. In particular, we welcome the recognition that “ownership is not always the best answer; leasing, or managing a site on behalf of the owner, may be a better solution which allows for a division of responsibilities and costs”. A flexible set of tools, combined with flexible responses on rents, rates etc. and appropriate professional support, is important to empowering communities here (as is reflected, for example, in the evidence to the Committee from *Love Milton*). In addition to those

already stated, we support the amendments proposed together by the Poverty Alliance, Oxfam, Barnardo's and others.

5. What are your views on the assessment of equal rights, impacts on island communities and sustainable development as set out in the Policy memorandum?

The lack, at this point, of a published equality impact assessment is a concern, especially as there are some expressed hopes for tackling inequalities. As indicated above, we believe this (tackling inequality) should have been one of the key principles underpinning the Bill, in order to keep that focus throughout.

In relation to sustainability, we particularly welcome the requirement for local authorities to prepare and keep under review a food-growing strategy. Our work towards finding ways forward "beyond food banks" sees this as an important dimension of putting the need for food banks behind us.

ⁱ <http://www.actsparl.org/media/138602/or-cos-proposed%20community%20empowerment%20and%20renewal%20bill-sept12.pdf>