

Conference Report

Community Empowerment Act Conference

Kintore Arms Hotel, Inverurie
1st October 2015





The conference was jointly organised by Aberdeenshire Voluntary Action and The Garioch Partnership and was attended by a good mix of voluntary/community organisations and statutory agencies. 80 participants attended on the day.

The programme for the day is attached as Appendix 1.

David Rodger, Chief Executive of Aberdeenshire Voluntary Action welcomed everyone to the conference and introduced Marco Biagi MSP, Minister for Local Government and Community Empowerment who delivered the keynote speech.

The main points from the Keynote Speech:

- Only 22% of people feel able to influence community decisions. What does it feel like to be part of disempowered 78%?
- Future of Service = space they live in
Decisions → What was important before is urgent now.
- Difference between Consultation and Participation. People meet at the start rather than involving people when plans have been drafted.
- Democracy: everybody has a voice.
- Government should be done with people not to people government as PARTNERSHIP. This is what is at the heart of Scottish approach to Community Empowerment.

- The Act has 10 parts with linking thread
Participatory Budgeting - Financial decisions taken directly by community relevant to scale and size of these communities. The involvement of people breaks down barriers between governing and those who govern.
- Challenges Organisation
- People more involved/more aware/better connected.
- Participation Requests - Unchallengeable moral right to take part in decision making. e.g. design of service/area → through to perhaps taking over service.
- NOT about community challenge, about IMPROVEMENT and doing things better.
- Community Asset Transfer - A community ownership can release a spirit of community, people getting involved. Can release funding. Connections.
- Guidance being developed, in place next summer (2016)
- Scottish Election may have impact
- £10m in Additional Community Funding
- It's about reaching out to empower the disempowered not just more of the same. Work like this is already happening. TRAILBLAZER.
- People don't have to be super human should be possible for group of people to be involved
- Reach out and TALK to each other....
- Better informed
- Better connected
- To take forward the ACT → TRUST people to deliver on the ambitions

Questions to the Minister

Q. £10m - how is it being distributed?

A. 'People and Communities Fund' 2nd tranche. 1st tranche the amount available met criteria – funded all

It's about Strengthening Communities - more volunteering – taking on staff – more enterprising



Q. Local Government structures has moved from local people/decision making any thoughts to reform.

A. Scottish unitary authorities are larger than comparable countries
We need to empower Community Councils
Look at structures
Community Planning Partnerships can work at local level
Upfront costs can lead to saving. Would need to have strong belief that structures can change things.

Q. There is an expectation that volunteers are superhuman – they need to speak the language we have to use... We have good connection with local area team but there it seems to stop. Obstacles seem to be put in our way.

A. The Act gives some extra tangible powers once process has started-----
Participation requests
ADVERSARIAL relationships suggest ACT is not working.
Build relationships
Public bodies judged through their scrutiny.



Workshops

A range of workshops were then delivered with participants previously having selected two workshops to participate in. Participants chose one workshop in the morning and one in the

The workshops were:

- Community Asset Transfer
- The Impact on Community Planning
- Community Access to Allotments
- Participatory Budgeting
- Participation Requests
- With Community Asset Transfer and Participatory Budgeting being offered twice.

The slides and notes from each of the workshops are attached as Appendix 2.



The final activity of the day was a Question & Answer panel chaired by Jim Savege, Chief Executive, Aberdeenshire Council and including Alasdair McKinlay, Scottish Government, Mike Ogg, NHS Grampian, and David Rodger, Aberdeenshire Voluntary Action.

A selection of questions and answers are reproduced below:

Q. What are the opportunities for your agency?

Mike Ogg: Recognise longevity
Self-Management
Well and part of vibrant community
Collective/Partnership approach

David Rodger: Collective approach
TSI is there to support organisations
Gather grass roots evidence and feed this to TSI

Alasdair McKinlay: Provide framework
Help everyone achieve goal – better for more people
Encourage partnership

Jim Savege: Achieve as much as we have
Commitment/passion and ambition helps us work together

Q. Day has been informative but disappointed that Community Council cannot take on ownership of assets.

Alasdair McKinlay Working group looked at this and considered if constitution should be changed – decided no but Community Councils have leadership role and have set up groups that have taken on this role

Jim Savege: Maintain focus on values

Q. On the panel and also in the room range of organisation/forums, etc. What would you do to make things simpler/easier to use?

David Rodger: Ensure groups are represented

Mike Ogg: Health & Social care Integration have looked at how things can be taken forward and how we involve people decision making Equal partners, TSI and Community groups

Alasdair McKinlay: We focus on structures. - When is it about relationships? Recognise compellability but may focus on making it clear what is available

Jim Savege: Keep it grounded/focused. Working with people locally and making it happen locally. Whatever framework is put in place nothing is clear – the key is community - how they want their voice heard.

Alasdair McKinlay: The community - What do they want to change?

David Rodger: There is a cluttered landscape declutter but maintain knowledge

DTAS

- Providing your community
- Beyond the usual suspects
- Asset transfer route maps
- ensure voice is effective

Jim Savege: It's about how people can have their voice heard.

Q. Thanks for today. Where do we go from here? How do we keep the momentum up?

David Rodger: We could have filled the room twice and key is communication. This Act is a reality. How do we make this happen? - , smaller local meetings to follow.

Alasdair McKinlay: Process of talking to people and groups as part of Consultation on Regulations and Guidance. Keep communication going. This is what our department could help with - terms of Engagement and Communication.

Mike Ogg: We need to be united on how we speak to the public (one size does not fit all) What is important to them?

Jim Savege: We need to make sure Community is aware and understand what opportunities are .

- First step – Managing expectations
- Bill of Opportunities
- Find Opportunities – don't block
- Will take time
- Already running hard – already bureaucratic block – we can start to come together to do this

Q. Timeline

Alasdair McKinlay: Guidance for different parts of the Act will come out at different times
CAT - Late this year/early next year - Executed Late Summer.
Don't need to know how to use it, some may not want to know
Enable ownership of assets – not for everyone and that's OK
Equality of Opportunity, may not be ready from the beginning.
Lot of work to empower and build capacity with communities.
But isn't about "giving permission" Don't need to wait – keep on doing what you are doing.

Q. Duty to consider solid economy. May already do impact Assessments.
What will this do?

Alasdair McKinaly: A bill like this could further widen communities
Agencies recommended strengthen the social economic aspect. Pre-use form will be in guidance - reasonable proportionate

David Rodger We have stats but a lot of soft indicators which also need to be fed into planning role for TSI. Already exists Local Development Plan has - Joint and seamless or in conflict?

Alasdair McKinlay: Trust people to be sensible and talk to each other.

Jim Savege: Plans have relationships but different functions but can complement each other.

Q. Community able to buy land. Community Right to Buy

Alasdair McKinlay: Sustainable, Community Right to buy - guidance follows

Q. Will Council play there part and will it be consistent?

Jim Savege: Yes

Closing Remarks

The closing remarks and thanks were done by Jim Savege, Chief Executive, Aberdeenshire Council.

A feedback sheet was included in every participant pack and people were requested to complete this at the end of the day. Approximately 50% of participants completed the feedback form. A summary of the responses is attached as Appendix 3.





The Community Empowerment Bill Conference

Date: Thursday 1st October 2015 10.00 a.m. to 4.00 p.m.

Venue – Kintore Arms Hotel, High Street, Inverurie

Programme

- 10.00 Registration & Refreshments
- 10.15 Welcome & Programme for the Day
- 10.20 Opening Remarks - David Rodger, Chief Executive, Aberdeenshire Voluntary Action
- 10.30 Keynote Speech – Marco Biagi, Minister for Local Government and Community Empowerment
- 10.50 **Workshop 1**– Community Asset Transfer - Diane Campbell, Community Ownership Support Service (COSS), Development Trust Association Scotland (DTAS)
Workshop 2 – The impact of the Bill on Community Planning - Alasdair McKinlay, Head of Community Planning & Empowerment, Scottish Government
Workshop 3 – Community Access to Allotments – Judy Wilkinson Scottish Allotments & Gardens Society.
Workshop 4 – Participatory Budgeting – Kathleen Glazik, Community Empowerment Policy Officer, Scottish Government
- 12.20 LUNCH
- 13.15 **Workshop 1**– Community Asset Transfer - Diane Campbell, Community Ownership Support Service (COSS), Development Trust Association Scotland (DTAS)
Workshop 2 – Participatory Budgeting – Kathleen Glazik, Community Empowerment Policy Officer, Scottish Government
Workshop 3 – Participation Requests – Alasdair McKinlay, Head of Community Planning & Empowerment, Scottish Government
- 14.45 Coffee/Tea
- 15.00 Plenary Q&A session with panel of workshop leaders – Chaired by Jim Savege, Chief Executive, Aberdeenshire Council. Panel – Alasdair McKinlay, Scottish Government. Diane Campbell, COSS, DTAS, David Rodger AVA, Mike Ogg, NHS Grampian
- 15.45 Closing remarks - Jim Savege, Chief Executive Aberdeenshire Council.
- 16.00 Finish


This event is funded by Aberdeenshire Community Planning Partnership

Appendix 2 (i)

Participatory Budgeting

**PARTICIPATORY BUDGETING
POLICY DEVELOPMENT IN
SCOTLAND**

Kathleen Glazik
Community Empowerment Team
1 October 2015



PARTICIPATORY BUDGETING (PB)


- Background
- Progress to Date
- Next Steps
- Contact Details

What is participatory budgeting?

Definition:

"Participatory budgeting directly involves local people in making decisions on the spending and priorities for a defined public budget. PB processes can be defined by geographical area (whether that's neighbourhood or larger) or by theme. This means engaging residents and community groups representative of all parts of the community to discuss and vote on spending priorities, make spending proposals, and vote on them, as well as giving local people a role in the scrutiny and monitoring of the process and results to inform subsequent PB decisions on an annual or repeatable basis."

Or neatly put by a participant in Brazil: *"If it feels like we've decided, it's PB, if it feels like someone else decided, it's not".*



What is participatory budgeting?

- Began in Porto Alegre, Brazil in 1980s – city of 1.5m people.
- Main purpose was a desire to reallocate public money locally and democratically to where it was needed.
- Used in around 1,500 localities around the world
- Around 200 in the UK





What's been happening in Scotland?

Around 25 projects in Scotland in the last five years.





What is the Scottish Government's Role?

June to December 2014

- Minister pledges SG support for PB as a tool for community Engagement
- Workshop at CPP Conference
- Survey of PB Activity in Scotland
- Learning Event
- PB Awareness Raising for Councils
- PB Consultancy Support Offer to Councils



Are Councils Engaged?



- Glasgow
- Edinburgh
- Fife
- Midlothian
- West Lothian
- North Ayrshire
- East Ayrshire
- South Ayrshire
- Angus
- Aberdeen
- Aberdeenshire
- Perth & Kinross
- Argyll & Bute
- West Dunbartonshire
- South Lanarkshire
- Highlands
- Western Isles
- Moray
- Shetlands
- Orkney

January 2015 to Date

PB Consultancy Support

SG Part Funded

20 Local Authorities in 2015/16

PB in Action in Scotland

- **Fife Council** – working with the Coalfields Regeneration Trust (CRT) with 20 PB events taking place across Fife £500k devolved to local communities to spend on their priorities.
- **Western Isles** – £600k available for a non statutory bus service to be decided on by local people and £4k small grant pot for young people at four PB events (Lewis, Harris, Uist and Barra)
- **Highlands** - Caithness set aside £30k from the Ward Discretionary Budget for the local community to decide what projects should be funded – examples are organising a dance for young people, a healthy living project, a crime prevention idea, a lunch club for older residents, a community art project.

Any Support Tools?

January 2015 to Date

The Scottish Government has collated examples of participatory budgeting from around Scotland in this report, intended to be a working document that will evolve as PB grows across Scotland.







More Support Tools!

January 2015 to Date

This briefing note explains how PB can work in practice, how it contributes to the work of elected members and how elected members can support PB in their communities.





A leaflet produced by the Scottish Government to provide background information on participatory budgeting (PB) and an overview of developing PB activity and support across Scotland.




Stakeholder Support



PB Working Group

- Fiona Garven
- Angus Hardie
- Dr. Oliver Escobar
- Martin Johnstone
- Felix Spittal
- Alistair Stoddart
- Anil Gupta

PB DIGITAL TOOLS

- Democratic Society exploring digital tools to support PB
- Funded by the Scottish Government

Resource intensive!

Evaluation and Impact

- SG Funding a two year PB Social Research Programme
- Impact on Communities, Services and Democracy
- Relationship between PB and Inequalities
- Informs developing national policy

Building Capacity

- Investigating a Learning Programme for Scotland
- PB Expertise locally available
- Sustainability

PB Website Live Today!

PBScotland.scot



What about the Community Empowerment Bill?

Participation in Public Decision-Making

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.**

 The Scottish Government

Sustainability

A STRONGER SCOTLAND
THE GOVERNMENT'S PROGRAMME FOR
SCOTLAND 2015-16 (1 September 2015)

" We want to ensure the momentum to increase participation and involvement in decision making is maintained. To make that happen we will work with local authorities to develop and pilot council-wide participatory budgeting processes. This will mean that local people will take more decisions about a larger proportion of available budgets".

Contact

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Communities Channel Scotland Website:
www.communityscot.org.uk

Participatory Budgeting Website/Blog
www.PBScotland@scot

 The Scottish Government

Aberdeenshire Third Sector Interface Event – 1 October 2015

PB Workshops Q & A run by Kathleen Glazik

What are the benefits of doing PB?

Engagement. Feeling involved and empowered. By being empowered there is a good chance it will happen in their lifetime!

Gets all agencies around the table. Informs communities about communities.

What does PB add to existing engagement strategies?

More incentive with possible funding. More empowering. Raise profile of project. Increased volunteer support.

The money can bring change.

Will draw more engagement when money is attached.

Actions to deliver – rather than vision.

Actual allocated cash.

Improved health and wellbeing, communication and participation.

How does PB differ from other engagement exercises?

Potential for doing things differently.

People who need and use services have their voice and experiences taken on board. Their 'ideas' are invaluable.

Buy-in. Keep it small. Consultation: opinion no outcome. Survey: no output.

Democratic – can build on current high (er) levels of engagement.

Challenges communities to make decisions with all that implies. You cannot please everyone!

Winners and losers?

More opportunities for local decision making.

What are the benefits to communities engaging in PB?

How do you allocate funding to certain areas?

It addresses local needs.

Empowerment.

Builds understanding between different groups in the community.

People can make informed decisions.

Draws community together.

Reduction in alienation through participation.

Challenges: voting for projects. How do you ensure you reach beneficiaries rather than local people?

People have the opportunity to vote for what's meaningful to them.

Giving communities a central focus.

Re-discovering community spirit.

How can the third sector support communities to engage in PB?

Raising awareness – make sure third sector has the training, knowledge and awareness of PB. To inform communities through CC forums, events meetings.

Signposting. Community planning role to promote greater networking and knowledge of who is out there to work with.

PB Funding – needs clear message that can be understood by all – normal.

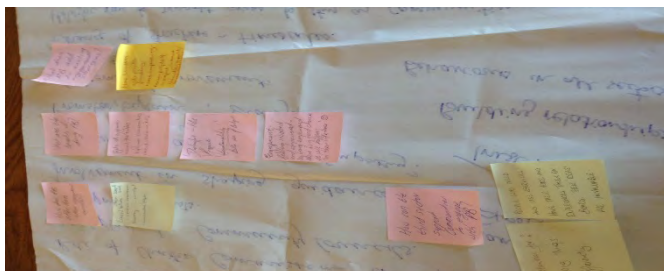
Promote cultural inclusion to overcome language and literacy problems.

Community empowerment Aberdeenshire Facebook page to connect all groups from this event together.

Facebook page. For example the Men's Shed set up which helps promote community projects but also provides a platform for other organisations to get information on PB.

Help in identified areas to set up and promote basic computer classes/link with school pupils (links to local learning partnership).

When events like this are arranged it would be good to promote and share social media platforms.



Appendix 2 ii

The impact of the Bill on Community Planning

Alasdair McKinley - Works in Scottish Government – Public Development Reform

Many people from different backgrounds coming together.

Using events to be more interactive, talk to person in the room “YOUR EXPERIENCE OF COMMUNITY PLANNING”

The Act (some Q of detail have still to be resolved) Guidance and regulations still to be resolved. Act comes into place next summer.

Community Planning

Opportunity for Q.

Small Groups -

YOUR EXPERIENCE OF COMMUNITY PLANNING – 10 minute discussion

Feedback –

- Structure is confusing for layman
- The word planning
- The word community
- Aberdeenshire is further ahead than the old Community Planning
- Resourcing and Delivering things together. - Real difference between rhetoric and reality
- GOOD RHETORIC but perhaps HUGE POTENTIAL but emerging process and lots more to do
- Danger the powerful becoming more powerful, needs to do more around participation involvement, not about strengthening those who are already powerful.
- Knowing who to talk to (feeling blocked) - Lack of transparency
- Long way to go but getting better at it
- Different sides/different stances - Acknowledge individual experiences
- Want to engage our Communities If you want to influence have your voice heard -NHS: Public
- 17.000 IN Grampian NHS - Patient focused Public Improvement Groups. Themed groups

ACT – Alasdair McKinlay

Sometimes as Health and Social Care Integration – are they working together/where do they fit together?

Level of knowledge

Hands up (1) don't know muchthrough to..... (6) Well informed

Legislation – MANIFESTO COMMITMENT

Don't empower people by legislating

Had Conversation with lots of people about what to put into legislation

Initial Consultation (this is what we heard)

Attended events/talked to people

Timescale to draft legislation (not only legal speak)

ACT

REGULATIONS AND GUIDANCE (easier to change than if on the face of the act)

PROCESS of THE ACT

Specific DUTIES Community Planning

Peter Peacock led on 2003 Community Planning Act

2003 says little about community rather about asking agencies to plan.

Services to think strategically

Define Community Planning Partners

These will be:

About improving outcomes (support community groups who want to be included)

Planning for improving outcomes

5 Public Agencies to be involved not just Local Authorities

APPLIES NATIONALLY

About CLARITY AND TRANSPARENCY

(Law does not promote good practice but national audit report)

A lot of issues are not the responsibility of one agency...

Agency need to work together

- Agree how (plan)
- Review
- Report
- Involve

Locality Plans

Socio-economic issues

NOT the already powerful but becoming more powerful

Focus on EQUALITY

Things more EQUAL

Has to work for PEOPLE

Consultations will be around regulations and guidance (where indicated in the ACT)

Audit Scotland believes it answers some of the issues.

CROSS SECTOR WORKING GROUP (link to reality)

Single Outcome Improvement Plan

RHETORIC V REALITY

Duties on Community Planning Partners to resolve the plan (Local Outcome Improvement)

Is there help to tackle bureaucracy, pointers on how to tackle paperwork.

Focusing on Outcomes

Requirement to have these OUTCOMES and focus on achieving these

“PROCEED UNTIL APPREHENDED”

Engagement
Leadership

Do we understand our own, how bureaucracy works - many rules are designed to respond to that. 1 in 1000 who may break the rule.

Q Bottom up V Top down

Where is the balance approach

Scottish Recovery consortium People in recovery
Leading their own recovery a grass roots approach
Neither top down or bottom up has to be both.

Works when there is a SENSE OF PURPOSE
What is the motivation in what we are trying to do

Who has a role?

How do you create an equality of Partnership?

Exclude by e.g. 6 months planning and not resourced to attend

£30B spent = how to spend it better

Wayne Gault gave example of Vibrant Community Forum - Participatory Budgeting
People felt trusted
Self-directed innovations - community Cafes
3 year delivery plan has buy in from Corporate shareholders. Don't do things in isolation

Community gaps as an asset people to invest in Mediation approaches/Facilitation

TOP DOWN ----- BOTTOM UP

“we are all people” - Culturally can we get to that place

Invest in the ability to develop staff and development worker

Other small grants/in-kind support

Do we know how many staff is supporting community organisations

Need To - Collective resource

Not about public services (GOOD) Community Sector (BAD)

“Othering”

“Them and us”

Are you in your own mind creating barriers?

Shared Endeavour and what you each bring into it

Q LEADER ?? Genuine Engagement? Side lines?

National Standard of Community Engagement

PARTNERSHIP

Have we got the skills and relationship to rebuild relationship if you have fallen out in the past

MENS SHED, Development officer

Empower disenfranchised men - bottom up has to be joined with top down

Working well - community approach

Social return on Investment

Empathy - Can you put yourself in another's shoes

Small voluntary organisations/1 paid staff

etc all thought good job but had to pay full cost of property

Create ENEMY

Community Economic Development

Policy Decision THIS IS HOW THE COUNCIL DOES IT
Balanced

Strengthening Communities working through trusted partners

BIG LOTTERY ROUND TABLE DISCUSSIONS

New funding - more communication with people less paperwork

TSI- What is it? Who guides you and who do you need to talk to?

Why should I want to? – NOT EVERYONE WANTS TO

“I’ve found a way in”

Mutually supporting/learning together share leadership capacity

Examples:

GLASGOW HOUSING ASSOCIATION

Say yes if tenants ask for something fairly simple
JUST DO IT

Staff morale

Tenant satisfaction

Saving money

We used it as Council permission for everything

Talk to people (LA)

Face book

Take a bag to the and bin it

Local Authority - How can I help?

INCREDIBLE EDIBLE

Ted Morgan Lancashire

If you eat you are IN

Planted flowers

Planted again

Until Council said activate this is OK and plant MAIZE outside??

Food movement -----

FROM Sense of PRIDE COLLECTIVE ENDEAVOR

Discretionary “less than market value”

Aberdeenshire has an ASSET Policy - Consult On

ASSET – TRANSFER – POLICY

Register of land (public ownership)
Common Good Asset

Annual reports on asset transfer request

VIDEO

- Community requests
- Public bodies
- Advisors

Workshop Q&A

Q If requests declined (under 2010 regs)
What is process of resubmitting?

A May depend on reason for decline and unless what comes forward after appeal has

1. 2 Year time lapse
2. Substantial changes (will be under new x)

Q Guidance of who decides

A Four process of assessment
Social economic, etc
Community strength
Work across Partners (not just individuals) reporting on this

Hope that Guidance will inform
Best value
Reasonable decision making

Q Important to have CROSS PARTY representation

A Groups get through the process at this time it is not easy
Hope: honest and trustworthy discussions cultural change will not happen quickly

Perhaps not sharing Assessment Criteria

In spirit of partnership ACT may not have to be brought in

Less than market value – accountability - audited by – Audit Scotland

Q Involved in decision making

A Role for Community Council (not defined in ACT)
Gathering information of community supportive include participatory request
but not asset transfer- have INPUT

Community Transfer Body

Community of Interest community that supports what you are doing

Local Outcome Improvement Plan – Kircubright Character? may involve CIS Set
replace Single Outcome Agreement

Property department does not own. They are held by Aberdeenshire Council for the
good of the Community.

Economic
Asset
Protection
Clawback

Define period of time to use asset or – economic burden may be forever

Risk DTAS
29th October
Asset in Tongue old day care centre
• bought building

- tripled no. of volunteers
- tripled no. of people coming to lunch club
- buying land to extend

Appendix Two iii



Outline of this Session

- Journey to the Act
- What is the current position of the Act
- Overview of all Parts of the Act
- Part 4: Community Right to Buy
- Part 5: Asset Transfer

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Journey to the Act

- 2008 The Financial Crisis
- 2009 Community Empowerment Action Plan
- 2010 Disposal of Land by Local Authorities (Scotland) Regulations

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2010 Disposal of Land Regulations

This gave:

*“discretionary powers to LAs to dispose of land to community organisations **at less than best financial consideration** provided a local authority is satisfied that it is achieving “best value” through economic, social, environment, health or social benefit”*

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Journey continues....

- 2011 The Christie Commission
- 2012 Regeneration Strategy
- 2014 Land Reform Review
- 2014 Changes to the Public Finance Manual

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2014 Changes to the Scottish Public Finance Manual

“Where there are wider public benefits consistent with the principles of Best Value to be gained from a transaction, disposing bodies should consider disposal of assets at less than Market Value. This includes supporting the acquisition of assets by community bodies, where appropriate.”

SPFM 2014

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Culminating in Community Empowerment (Scotland) Act

Aims:

- To help to empower community bodies through the ownership of land and buildings
- To strengthen their voices in the decisions that matter to them
- To improve the process of Community Planning leading to better outcomes for communities
- Ensure partnership working between service providers and communities

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Current position of Act

Bill became enacted in July 24th 2015 BUT!

- The different parts of the Act are likely to come into force at different times.
- In most cases secondary legislation (orders and regulations) and guidance need to be developed before the legislation can come into effect.
- This will be done through a process of engagement and co-production with people affected by the legislation.
- It is expected that most parts of the Act to come into effect by summer 2016.

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Several Parts to the Act: 1-4

- **Part 1: National Outcomes** - provides a statutory basis for the use of "National Outcomes".
- **Part 2: Community Planning** - contains a number of reforms to the system of community planning.
- **Part 3: Participation Requests** - allows community bodies to become involved in delivery of public services.
- **Part 4: Community Right to Buy** - makes a range of changes to the community right to buy land, amending the Land Reform (Scotland) Act 2003 including extending to urban areas.

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Several Parts to the Act: 5-8

- **Part 5: Asset Transfer Requests** - provides for community bodies to take on assets from the public sector.
- **Part 6: Delegation of Forestry Commission Functions** - allows for different types of community body to be involved in forestry leasing.
- **Part 7: Football Clubs** – facilitates Supporter Involvement and ownership
- **Part 8 : Common Good** - makes a number of reforms to the system of common good.

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Several Parts to the Act: 9-12

- **Part 9: Allotments** – updates and simplifies legislation
- **Part 10: Participation in Public Decision Making** – promotes and facilitates public participation in Public Sector decisions.
- **Part 11: Business Rates** - allows local authorities to set their own reliefs for business rates.
- **Part 12: General:** other relevant info

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Part 4: Community Right to Buy

Changes to the Land Reform Act 2003 as part of this Bill:

- Ability to purchase abandoned or neglected land without a willing seller.
- Applicability of the right to buy extended to include the whole of Scotland.
- Ability to define 'community' by things other than postcode.
- Extension to the legal entities with a right to buy to include SCIO and community benefit societies (Bencoms)

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Part 4: Community Right to Buy

- Ballot required after the process has been triggered to be paid for by the Scottish Ministers with the ability for a third party to arrange it.
- Extended period for completion of the process.
- Greater clarity around what to include by way of explanation for a late application.
- Counter representation around the valuation of the property
- Ability for Scottish Ministers to recover costs of independent valuation where landowners have removed the land for sale after the valuer has been appointed.

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Part 5: Asset Transfer Requests

Defines:

- what assets can be requested
- To whom a request can be made
- Who can make a request
- What legal structures does a group need to have to make a request
- What does an asset transfer request look like
- What does an asset transfer agreement look like

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Part 5: Asset Transfer Requests

What assets can community bodies request:

- a right to request to purchase, lease, manage or use land and buildings belonging to local authorities and other Scottish public bodies
- The assets do not have to be on a "surplus to requirements" list
- Presumption of agreement to requests unless reasonable grounds for refusal

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Part 5: Asset Transfer Requests

To whom can a request be made:

• A "relevant authority"

Local Authorities and Scottish Public Sector Organisations listed

e.g. a Health Board, Scottish Fire and Rescue, Scottish Police Authority (CPPs)

• and others that might be added by the Scottish Government in the future

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Part 5: Asset Transfer Requests

Who can make a request:

- A "community-transfer body"

Within which there are two distinctions made between:

- what is required to apply for **management/lease**
- what is required for a **full transfer of title**.

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Lease/Management Agreement:

Community-Controlled Body: means a body (whether corporate or unincorporated) which has a written constitution that includes -

- a definition of the community to which the body relates,
- provision that the majority of the members of the body consists of members of that community,
- provision that the members of the body, who consist of members of that community, have control of the body

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Lease/Management Agreement:

- d) provision that membership of the body is open to any member of that community,
- e) a statement of the body's aims and purposes, including the promotion of a benefit for that community, and
- f) provision that any surplus funds or assets of the body are to be applied for the benefit of that community.

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Full Title Transfer:

In addition:

- 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

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What an asset transfer request must contain

A request must specify:

- the land to which the request relates
- the reasons for making the request
- the benefits which the community transfer body considers will arise

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What an asset transfer request must contain

- the price that the community transfer body would be prepared to pay for the transfer of ownership of the land
- In the case of a lease request, they must state the amount of lease and term and any other conditions that they want to include
- any other terms or conditions applicable to the request

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and remember..

- The Act does not say anything about how much a community body would be expected to pay.
- The relevant authority **MUST** agree unless there are reasonable grounds for refusal.
- There are regulations in place to allow disposal by public bodies at less than market value.
- Cannot sell or lease to anyone else until request is disposed of.

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Asset Transfer request decisions

- A reasonable period of time to resolve the issue is set
- In reaching its decision, the authority must take into consideration the following matters—
 - the reasons for the request,
 - any other information provided in support of the request (whether such other information is contained in the request or otherwise provided),
 - whether agreeing to the request would promote or improve: economic development, regeneration, public health, social or environmental wellbeing

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AT request decisions cont.

- whether agreeing to the request would be likely to reduce inequalities of outcome
- any other benefits that might arise if the request were agreed to,
- any benefits that might arise if the authority were to agree to or otherwise adopt an alternative proposal
- how such benefits would compare to any benefits provided by the community proposal

The authority must agree to the request unless there are reasonable grounds for refusing it.

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Part 5: Asset Transfer cont'd

- **Appeals**
 - As part of the Asset Transfer Policy
 - Reviewed initially by another group within the public body
 - To Scottish Ministers in certain circumstances
- **Duty to publish register of land**
 - For all land owned by the public body
 - To be made public, free of charge, in hard copy and via electronic means (e.g. website)
- **Annual reports**
 - Published each year on asset transfer requests and decisions
 - Lays out what should be included in the report

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Contact us



Community Ownership Support Service
1b Washington Lane
Edinburgh
EH11 2HA
0131 225 2080
www.dtascommunityownership.org.uk

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Community Assets (Community Ownership Support Service)

COSS is funded by the Scottish Government and hosted by DTAS (Development Trust Association)

Remit is to;

- Answer the ifs, buts and maybes raised through the transfer processes
- Help community groups and public bodies
- Connect groups with others who have gone through the process

Since being established in 2011, COSS has handled 450 queries and 60 cases have been successfully completed with a positive result (may have included deciding not to go forward).

The Community Empowerment Act which will be in place next year is preceded by;

2008 –The Financial Crisis

2009 – Community Empowerment Action Plan

2010 – Disposal of Lands Regulations (at less than best financial consideration)

2014 – Land Review Act

One of the aims of the act is to strengthen the voice of communities and improve community planning engagement. The Act will split into 4 parts focussing on;

National Outcomes, Community Planning, Participation Requests (Community Right to Buy), Changes to Land Reform Act

The Act also covers Asset Transfer Requests, Delegation of Former Commission Functions, and Football Clubs, Allotments and Business rates and work on identifying the Common Good.

Changes to the Land Reform Act include reference to abandoned or neglected land. Additionally the right to buy now extends to the whole of Scotland, the community is now defined by other than postcode, also extends to a right to buy by SCIOs and community benefit societies.

Community Councils are not covered by the Act i.e. with no obvious right to buy.

Asset Transfer Requests

The Act covers who can make a request, the legal structures that a group needs. Assets don't have to be on surplus lists and a request can be made to any relevant authority e.g. Fire, Councils, NHS, MOD.

The request can be made by a Community Transfer body/Community controlled body, open for membership or with a constitution. This includes SCIOs (2 tier), Limited Companies and Community Benefit Societies.

A request when made must identify the land, identify the benefits for the community and state what they are prepared to pay.

Public bodies will be required to develop a register of properties. There will be no land or property value guideline, so if a reasonable request is made there are no grounds for refusal. No definition of "reasonable".

Inequalities of outcome will need to be taken into account and cannot exclude less advantaged communities e.g. those with a lesser management capability or power to buy. There will be an electronic asset register available. Public bodies will be expected to presume good faith, also to explain reasons for any refusals. ALIOs (Arm's Length Organisations) will be subject to the act, but this will depend on their governance and whether they are wholly owned. Lease options will be accepted too, or lease with an option to buy at a later date. Evidence of financial sustainability will be required.

Most areas will have single point of contact for CAT. A year to 18 months would be a typical time for the process to be completed.

COSS – their function is to "remove emotion from the transaction" and help to bring realism and feasibility checks in.

Notes for AVA workshop Oct 1st 2015

Background

Scottish Allotments and Gardens Society (SAGS) evolved from the Scottish National Union of Allotment Holders, founded after the first world war. SAGS has a long history of campaigning and involvement with the political process. After the first Allotments (Scotland) Act in 1892 the SNUAH campaigned hard for improved legislation in 1922 and 1950, However there was a great decline in allotments across Scotland in the 70's and 80's. When interest in allotments surfaced again in the 90's it was realised that although the 1892 Act laid a duty on local authorities to provide allotments if there was an identified need, there was no mechanism for monitoring the need nor any timescale for providing allotments. SAGS petitioned the Scottish Parliament in 2000. This resulted in an inquiry from the Local Government Committee. The outcome was that COSLA produced recommendation for local authorities and the SPP 11 recognised allotments in their own right rather than "other functional green space" along with churchyards and cemeteries. Then there was a gathering momentum. The Food and Drink policy in 2009 recommended that 'grow your own' should be supported, the (Grow Your Own Working Group) GYOWG was formed and as a result of a report in 2013, the allotments legislation was re-written and has become Part 9 of the Community Empowerment (Scotland) Act 2015.

The main points in the Act are

- 1. Local authority mandate:** Local authority allotments are now secure. Local authorities will be required not only to consult with Ministers prior to closing an allotment site, but will also need to provide a replacement site locally if there is still demonstrable demand.
- 2. Defining the size of an allotment plot:** The size of a standard allotment plot which prospective ploholders can request is now defined as approximately 250 sq. m. This will enable people to choose the size of a plot that suits their needs and not fear that the authorities will offer smaller and smaller plots to cut waiting lists without finding more land.
- 3. Legal duty to provide allotments:** The Act requires local authorities to maintain a central waiting list of people wanting an allotment, and to take 'reasonable steps' to increase allotment provision if the number of people on the waiting list exceeds 50 per cent of the number of existing plots, or if anyone has been on the waiting list for five years or more. Five years is still a long time but it is hoped that as local authorities work together with allotment associations sufficient land will be found close to people's dwellings to satisfy everyone's need.
- 4. Fair rent clause;** The Act states that allotment rents must be calculated on a basis that is fair and reflects the level of services provided and the plot-holder's ability to pay. This clause in the Bill is a key social justice issue, as it ensures that allotments will be affordable to everyone in Scotland and will not simply become a hobby of the middle classes. This would become the case if rents were allowed to rise to reduce demand.
- 5. Food Growing Strategy:** Each local authority must prepare a food-growing strategy that will identify land in its area that they consider may be used as allotment sites, or used by a community for the cultivation of vegetables, fruit, herbs or flowers. This duty has the potential to transform access to land for growing across Scotland.

Questions:

- **The Act applies to local authority sites.** About 30% of allotment sites in Scotland are independent or private and these are not covered by the Act. However because local authorities now have a duty to provide allotments in a given time period they may be willing to support independent sites so their obligations are reduced. The Food Growing Strategy will also put pressure on local authorities to identify land that can be used for all kinds of food growing and all community

growing projects should benefit from this.

- There are only three dedicated **Allotment Officers in Scotland** - in Glasgow, Edinburgh and Fife. In Aberdeenshire responsibility for allotments is split between landscape and housing.

- **Acquisition of Land by local authorities** (Land Reform Bill will also affect this). Local authorities often own land or in any case can lease it but they have to consult neighbours about new sites. Objections can arise because some people have an image of 'shanty towns'. This can be overcome by taking the objectors to well managed sites so they see the creativity and beauty of allotments, a requirement that there are no huts or the huts are of a standard shape and size. The Scottish Allotment Site Design Guide (www.sags.uk) has recommendations on designing a site.

- **Associations or Community Councils, Development Trusts etc buy or lease the land.** The benefits are that the site is self managing, self sustaining and usually forms a strong community. The issues include how to manage long term changes when trusts may lose the connection with the plot- holders, resulting in the sale of the site. This can be overcome by putting an asset lock in the form of the organisation (see later question).

Also as in many community groups conflict can arise. There is usually no external mediator as there would be if a the local authority site. It is recommended that there is an external person on the committee or Board.

- **Forms of organisation:** For insurance purposes and reducing the liability of the committee associations or groups of sites should consider the advantages of becoming a charity (SCIO), a co-operative (Bencom) or a Community Interest Company (CIC)

- **Other models** such as those in Denmark with two kinds of allotments, traditional and Colony with small simple chalets for use in the summer. This would overcome the tension between those who want to release their creativity by building simple sheds and the prime requirement to grow food in an urban environment where in some cases huts could be considered an eyesore.

- **Development plans** - nowadays master plans usually contain areas for Greenspace which would include allotments. However in detailed local plans this may be ignored and the developer is permitted to fill the area with housing. Local authorities should ensure that any development fulfils place making criteria which would include allotments and other spaces for growing.

- **Cost of New sites** - see Scottish Allotment Site Design Guide (www.sags.uk) The requirements for each site will depend on the area and the needs of the plot-holders. If funding is limited a perfectly viable site can be created for very little money. Access roads and fences (particularly if these have to be rabbit or deer proof) and good soil are the major cost. Constituted associations can seek funding for other facilities . Maintenance and administrative costs will depend on the lease and agreement with the local authorities. In Aberdeenshire some associations are completely devolved and are responsible for all aspects of the running and maintenance of the sites.

- **Planning costs** some newly formed associations are being charged for planning permission for change of use and for permission to erect sheds and communal huts. This question has been sent to the Minister for clarification and will be reported through SAGS.

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Appendix 3

Summary of Evaluation Feedback

The need to complete an evaluation form that was included in the participant pack was highlighted several times during the day and approximately 50% of attendees completed the form and returned it.

A summary of responses are as follows:

1. Overall how would you rate the event?

55% - Excellent
38.5% - Good
2.5% - Average
0% - Poor

2. Content and relevance of workshops, rated 1-5 (1 = low, 5 = high)

No-one rated any of the workshops at 1

Community Asset Transfer –

2 – 0% 3 – 11% 4 – 41% 5 – 48%

The Impact on community planning

2 – 8% 3 – 17% 4 – 25% 5 – 50%

Community Access to Allotments

2 – 0% 3 – 25% 4 – 0% 5 – 75%

Participatory Budgeting

2 – 9% 3 – 17% 4 – 48% 5 – 26%

Participation Requests

2 – 0% 3 – 30% 4 – 30% 5 – 40%

There was a range of additional comments on the workshops and a flavour of these is re-produced below:

Great information gathering sessions.

Exciting times ahead!

Some terminology difficult to understand for those not in the professional field.

Timely introduction to the Act.

Well managed and informative

P.B. is still not clear to me.

Community Planning – Great interactive session – V.G. facilitator

Good mix of attendees

Inspirational P.B. video clip

3. Please rate the panel Q&A session according to its usefulness (1 low, 5 high)

No-one rated the panel discussion at 1 or 2

3 – 35% 4 – 47% 5 – 18%

Additional Comments

Very interesting questions and responses

Excellent panel, well chaired

Sound quality could have been better

I couldn't always hear questions from front of room

Respected panel answered well

Comprehensive, clear information about Shire council plans and actions to progress Act.

4. Any further comments/suggestions for future events, etc.

Virtually all comments on the overall event were very positive, with the worst comment being that the noise levels were distracting at times.

Excellent/Very good event/day x 6

Excellent/Very well organised/ helpful x 4

Bringing communities and professional bodies together helps break down barriers.

Most remarks also indicated that people wanted either more of the same or a range of smaller events/ follow-up events:

Will there be more events when the guidance/regulations come out for consultation? x 3

Smaller scale local events x 4

Further conference/conference 1 year on highlighting practical examples