



Supporting best practice in community development

SCDC briefing no. 1/17

Update on the Community Empowerment (Scotland) Act

February 2017

After three years in the making, the Community Empowerment (Scotland) Act was given royal assent in summer 2015. Over the following year, regulations (additional legislation required to put the Act in place) and statutory guidance (guidance which public authorities must have regard to) was developed. Now the Act is coming into force and this quick summary should help you to get started on finding out how you can use the Act, whether you are a practitioner or a community member.



The Act's main provisions

Part 1: National Outcomes

Requires Scottish Ministers to consult on, develop and publish a set of national outcomes, and regularly and publicly report progress towards these outcomes and review them at least every five years. Public authorities and other persons or organisations that carry out public functions must have regard to the national outcomes in carrying out their devolved functions. **Came into force April 2016.**

More

[Scotland Performs webpage](#) contains the current National Performance Framework (NPF). We will try to share news of any future Scottish Government consultations on national outcomes through our [e-bulletin](#).

Part 2: Community Planning

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, and CPPs will have to produce "locality plans" at a more local level for areas experiencing particular disadvantage. **Community planning provisions came into force in December 2016 and CPPs are expected to publish both Local Outcome Improvement Plans and locality plans by 1 October 2017.**

More

The [guidance](#) for community planning has now been published, and the [Plain English guide](#) may be a good start for those who are unfamiliar with community planning. [This page](#) on Scottish Government website sums up the main provisions around community planning.

Part 3: Participation requests

Provides a mechanism for communities to have a more proactive role in having their voices heard in how services are planned and delivered. By making a participation request, community groups can start a dialogue with a public service provider about issues that are important to them, which should help to improve outcomes. **The draft guidance for participation requests is now available and the planned implementation date for participation requests is 1st April 2017.**

More

The draft statutory guidance for participation requests is available [here](#), with further support material to be developed. Summaries and other information are contained on the Scottish Government [webpage on participation requests](#).

Part 4: Community rights to buy land

Extends community right to buy (Land Reform Act 2003) to urban and rural, and changes some procedures. Also introduces a new provision for community bodies to purchase land which is abandoned, neglected or detrimental to the environmental wellbeing of the community, where the owner is not willing to sell that land. **Changes to land reform act came into force on 15 April 2016 and other provisions likely to be implemented by spring 2017**

More

Information leaflets and other guidance on community right to buy are contained on [this Scottish Government page](#).

Part 5: Asset transfer

Introduces a right for community bodies to make requests to all local authorities, Scottish Ministers and a wide-ranging list of public bodies, for any land or buildings they feel they could make better use of. They can request ownership, lease or other rights, as they wish. **The asset transfer legislation came into force on 23 January 2017.**

More

The final guidance for both communities and authorities is [available here](#) along with a summary guide. A good source of support on asset transfer and community ownership more generally is the [Community Ownership Support Service \(COSS\)](#). You can find a quick run through of the asset transfer process on the [COSS website](#), including this [handy asset transfer route map](#).



Other provisions

- **Part 6: Delegation of Forestry Commissioners' Functions** - allows for different types of community body to be involved in forestry leasing. This opportunity will be available under a revised National Forest Land Scheme which will be published after the Asset Transfer Requests provisions come into force.
- **Part 7: Football Clubs** - The Act paved the way for future legislation to make it easier for football supporters to have a role in decision-making, or even ownership when the opportunity arises, of their football clubs. A consultation on this issue is now closed, and the Scottish Government states it is considering the responses.
- **Part 8: Common Good Property** - Places a statutory duty on local authorities to establish and maintain a register of all property held by them for the common good. It also requires local authorities to publish their proposals and consult community bodies before disposing of or changing the use of common good assets.
- **Part 9: Allotments** - Updates and simplifies legislation on allotments, particularly around waiting lists, protecting allotments, fair rents and enabling tenants to sell surplus produce grown on an allotment (other than with a view to making a profit). This section also places a requirement on local authorities to develop a food growing strategy for their area, which must identify land that may be used as allotment sites as well as land that could be used by a community for the cultivation of vegetables, fruit, herbs or flowers.
- **Part 10: 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 (an example is [participatory budgeting](#)).
- **Part 11: Non-Domestic Rates** - Provides for a new power for councils to create and fund their own localised business rates relief schemes, in addition to existing national rates relief, to better reflect local needs and support communities. Came into force 31 October 2015

Further info

- For more general and up to date information and contacts a good general page is the FAQ page on the Scottish Government website
<http://www.gov.scot/Topics/People/engage/CommunityEmpowermentBillFAQs>
- Read the Act in full at <http://www.legislation.gov.uk/asp/2015/6/contents/enacted>
- [Sign up here for future updates from SCDC](#), including developments around the Community Empowerment Act.

If you have any questions or suggestions regarding the above, please contact Andrew Paterson at SCDC, phone 0141 222 4837 or email andrew@scdc.org.uk

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