

# Community Empowerment and Renewal Bill Scottish Government Consultation

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## City of Edinburgh Council

20 September 2012

### 1 Purpose of report

To refer to the Council in terms of Standing Order 53, recommendations of the Policy and Strategy Committee on the Council's draft response to the Scottish Government's consultation on the Community Empowerment and Renewal Bill.

### 2 Background

The Council had approved a motion by Councillor Chapman agreeing to receive a draft response to the Community Empowerment and Renewal Bill which highlighted existing participatory and engagement projects as exemplars of community empowerment, identified other key opportunities for the Council to further engage and empower communities, and outlined the required legislative changes that would enable such opportunities to be explored (such as urban right to buy).

### 3 Main Report

**3.1** On 4 September 2012, the Policy and Strategy Committee considered the attached report by the Director of Services for Communities on the Council's proposed draft response to the Scottish Government's consultation on the Community Empowerment and Renewal Bill.

#### 3.2 Motion

- a) To note the Scottish Government's proposals and timescales for progressing the Community Empowerment and Renewal Bill.
- b) To approve the Council's draft response to the consultation as detailed in Appendix 1 to the report by the Director of Services for Communities.
- c) To discharge the motion by Councillor Chapman.

- moved by Councillor Burns, seconded by Councillor Child.

### 3.3 Amendment

- a) To note the draft response and thank officers for the considerable work that had gone into pulling this together.
  - b) To agree the general thrust of the response, with the following exceptions:
    - Community engagement with the community planning and planning systems is not yet fit for purpose (questions 2, 5)
    - Community Councils could be strengthened and should not just be vehicles for delivery of Council policy (questions 6,7,8)
    - Community Control of local budgets (questions 18, 19)
    - Community asset transfer and management of Common Good assets requires further thought (ie not simply about 'problem' assets, guidelines for CG management) (questions 22-26)
    - issues of too much bureaucracy involved in growing community food (questions 31, 32)
    - Action on empty properties need to be bolder (questions 42-43)
  - c) To agree to continue this item to the September Full Council meeting to allow time for the above points to be considered for inclusion or alteration.
- moved by Councillor Chapman, seconded by Councillor Burgess.

### 3.4 Voting

The voting was as follows

For the motion	–	11 votes
For the amendment	–	2 votes

### 3.5 Decision

- (a) To approve the motion by Councillor Burns.
- (b) **In terms of Standing Order 53, the requisite number of members required that the decision be referred to the Council as a recommendation.**

#### 4 For Decision

The Council is invited to consider the recommendations of the Policy and Strategy Committee.

**Carol Campbell**  
Acting Head of Legal, Risk and Compliance

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<b>Appendices</b>	Report by the Director of Services for Communities
<b>Contact/tel</b>	Natalie Hoy, Neighbourhood Manager, Tel: 469 5198 e-mail: <a href="mailto:natalie.hoy@edinburgh.gov.uk">natalie.hoy@edinburgh.gov.uk</a>  Bill Miller, Property Management and Development Manager, Tel529 5932 e-mail: <a href="mailto:william.miller@edinburgh.gov.uk">william.miller@edinburgh.gov.uk</a>
<b>Wards affected</b>	
<b>Background Papers</b>	Minute of the Policy and Strategy Committee of 4 September 2012.

# Community Empowerment and Renewal Bill Scottish Government Consultation

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## Policy and Strategy Committee

4<sup>th</sup> September 2012

### 1 Purpose of report

- 1.1 To inform Committee of the Scottish Government's consultation on the Community Empowerment and Renewal Bill and present the Council's draft response for approval (included as Appendix 1).
- 1.2 To respond to the motion presented to Council on the 28 June 2012 by Councillor Chapman and the Administration requesting further information on existing participatory and engagement projects as exemplars of community empowerment.

### 2 Summary

- 2.1 The Scottish Government has issued a consultation document to all local authorities in Scotland seeking their views on the proposed new Community Empowerment and Renewal Bill.
- 2.2 The proposed Bill follows on from the Christie Commission recommendation that the Scottish Government considers ways to strengthen the participation of communities in the planning and delivery of services.
- 2.3 This report highlights the numerous issues / proposals raised by the Scottish Government in each of the sections within the consultation document and attaches, under Appendix 1, a copy of the Council's draft response to the Scottish Government.

### 3 Main report

- 3.1 The Scottish Government is consulting on the proposed Community Empowerment and Renewal Bill, which takes forward a manifesto commitment and forms part of the Scottish Government's plans for public service reform. The proposed aim of the Bill is to:

*"strengthen opportunities for communities to take independent action to achieve their own goals and ensure communities are*

*able to have a greater role in determining how their local public services are delivered.”*

- 3.2 The exploratory consultation proposes a wide range of ideas, from new statutory rights and duties to smaller amendments to existing legislation, separated into three parts:
- Strengthening community participation
  - Unlocking enterprising community development
  - Renewing our communities
- 3.3 A summary of the key issues and exemplars of current Council activity in relation to each of the sections are provided below. Appendix 1 shows the collated comments within the response format provided by the Scottish Government. In producing the response, views have been sought from across the Council. The deadline for responding to the consultation is 26 September 2012.
- 3.4 A separate response is being prepared by the Edinburgh Partnership. The opportunity to respond directly to the Scottish Government on the consultation has been widely promoted, including across the Neighbourhood Partnership network, to community councils and the Edinburgh Tenants Federation (ETF). Support has also been provided to Edinburgh Voluntary Organisations' Council for its 'ThinkSpace' event on 23 August 2012 and, in addition, further sessions will be offered to the Edinburgh Association of Community Councils and ETF.
- 3.5 The Scottish Government will use the responses to inform the draft Bill, which will be subject to further consultation in spring 2013, with the legislation likely to be introduced in autumn 2014.

### **Part 1 - Strengthening Community Participation**

- 3.6 This part of the consultation explores ideas designed to strengthen community participation in the planning and delivery of services. In presenting ideas, the current landscape and good work being taken forward by public sector organisations to support community engagement is acknowledged. The recent commitment by COSLA and the Scottish Government to retain and develop community planning and SOAs as the vehicle for the outcome based approach to public sector reform is also emphasised.
- 3.7 Within this context, the consultation focuses on ways of building on existing processes and practice to achieve better outcomes for communities, with three areas explored as follows:
- Structures for participation – views are sought on the effectiveness and ways of improving community engagement within community planning processes, the role of community councils in the design and delivery of services and the contribution of the voluntary sector in involving communities.
  - Quality and accountability for participation – ideas are proposed to improve the accountability and consistency of standards of practice across the public sector in engaging communities, including placing a duty on public

sector agencies to follow the National Standards for Community Engagement and increasing the significance of community participation as part of the audit of best value and community planning.

- Community led design and delivery – focuses on how communities might take their own action and decisions on how their needs can be met. Ideas are explored in relation to improving tenant management rights, and community groups access to public service delivery contracts, providing communities with the right to challenge service provision and increasing the role of communities in deciding on the spend and management of budgets.

3.8 Edinburgh is recognised as having a successful model for community engagement and participation, particularly that delivered through the community planning arrangements in the city. The success of local partnership working is exemplified through the work of Neighbourhood Partnerships, who work with communities to achieve tangible improvements in outcomes and the development of a partnership performance framework. This work is described in the Neighbourhood Partnership Update Report considered by the Policy and Strategy Committee in February 2012 (Appendix 2). This report also emphasised the key role communities have in shaping and designing better local outcomes and identifies the range of engagement approaches used.

3.9 There is a wealth of good practice in engaging and empowering communities in the city, examples of this activity include:

- scope for communities through their involvement in the Neighbourhood Partnerships to influence resources devolved to Neighbourhood Managers, under the Scheme of Delegation. This involves schemes such as the Neighbourhood Environment Programme, a city wide budget of over £3million top sliced from the Council Housing and Roads capital budgets, and the Community Grants Fund, with a city wide budget of £423k.
- the piloting of participatory budgeting initiatives in two Neighbourhood partnerships, which enables communities to have a greater say in decision making on spending priorities. The most recent event 'Leith Decides' in February 2012 attracted over 700 people, and the initiative is now a finalist for an APSE 'Local Democracy' award.
- development by the Volunteer Centre of time banking initiatives across the neighbourhoods which is an effective tool in developing social networks and building social capital.

3.10 The important role community councils and tenants have in influencing service delivery and direction is also recognised. Community councils already provide the community representation on Neighbourhood Partnerships and a range of support is provided to assist them in fulfilling this role. The Council has recently published a revised Tenant Participation Strategy for 2012 to 2015 recognising the importance of tenant participation in Edinburgh. The purpose of the strategy is to improve the ways tenants can participate on decisions on housing and related services, in the neighbourhoods and across the city.

- 3.11 Many of the ideas proposed in the consultation document are consistent with the Council's current approach and would have the potential to strengthen the already successful model for community engagement and participation. Other areas however, particularly in relation to community led design and delivery, are less straightforward and have potentially significant governance and accountability, legal, resourcing and operational implications. A further key issue is how 'communities' and 'community groups' are defined in the legislation, as the definition can vary depending on the context in which it is being used.

## **Part 2 - Unlocking Enterprising Community Development**

- 3.12 The consultation explores whether the community should have the right to buy public assets; the transfer of public assets to the community; the use of empty and underused public assets by the community and the role of the Common Good Assets. It focuses on the following five areas:

- Community Right to Buy - The Scottish Government recognises that there has been a long history in Scotland of supporting asset ownership and development, particularly in rural communities, and in its manifesto has promised to make legislation easier and faster to use, this includes the community right to buy. The consultation is seeking the Council's view on whether or not it would support a community right to buy for urban communities.
- Community Asset Transfer - It is recognised that there is a need to obtain the maximum benefit from the public sector estate in Scotland. The Scottish Government wishes to ensure that the legislative framework promotes a best value approach to asset management. This part of the consultation focuses on ways on which used or underused public assets could achieve better outcomes by transferring these assets to the communities themselves.
- Common Good - Over recent years, there has been a growing interest from the community on the status of Common Good assets and questions have been raised as to whether or not these assets should continue to be looked after by local authorities. This section of the consultation seeks views on the future control of these assets as well as investigating whether or not the current legislation or rules act as a barrier to their effective use.
- Asset Management - This section focuses on the importance of providing more and better information on both public and private property assets. The consultation exercise seeks views on the types of information which should be included within public sector asset registers. It also seeks views on whether or not this information should be made available to the public.
- Allotments - Current allotment legislation dates back to 1892. The Scottish Government's manifesto is committed to increasing the land available for allotments by using unused or underused public sector land for this purpose. It also seeks to ensure that allotments and "grow your own" projects are strategically supported. The consultation welcomes the Council's views on what, if any, changes should be made to existing legislation.

3.13 Community asset transfer has the potential to deliver benefits to the Council by:

- Encouraging partnership working;
- Improving the provision of services within communities;
- Delivering health, social, economic and environmental benefits;
- Developing alternative delivery mechanisms for Council services;
- Contributing towards efficiency savings;
- Helping to restore iconic buildings;
- Acting as a catalyst for investment by others;
- Solving building management problems and lowering operating costs;
- Bringing back into beneficial use, properties deemed surplus to requirements or underperforming.

3.14 The Council must provide transparency on what subsidies are provided when letting or disposing of Council properties or land, especially when at less than market value. Officials are currently preparing a report on Concessionary Lets and Community Transfer Policies. This report will cover the wider issues of Community Asset Transfer referred to in the Bill. Consultation on this report is underway and proposals will be submitted to the Finance and Resources Committee for approval later in the year.

3.15 Community Asset Transfer does not necessarily mean the Council disposing of property at less than market value. Nor does it have to involve an outright transfer of ownership. Many successful projects have been delivered by the Council in partnership with VCO's based on leasing property rather than selling it.

3.16 Housing Revenue Account (HRA) land and assets are treated differently by government policy. Disposal of HRA assets requires consultation, and in some cases approval, with tenants, and approval from Scottish Government ministers. The Scottish Government has introduced significantly enhanced scrutiny of HRA disposals as a result of pressure from tenants groups suggesting that HRA assets were not being disposed of in their best interests.

3.17 The responsibilities of community groups who take on ownership of public sector assets needs to be set out clearly so that they are fully aware of the responsibilities and obligations that come with taking on the ownership of these assets.

3.18 Over the past few years, the Council has been successfully engaging with the community in relation to each of the five areas and the following projects are some examples of where this has been successful:

- The transfer of land at Ainslie Park, under a long lease, to the Spartans Community Football Academy which unlocked external funding to provide community football facilities for North Edinburgh.
- The transfer of land, again on a long lease, at the Inch Park to the Inch Park Community Sports Club where external funding was secured to construct a new multi sport community clubhouse and upgraded sports facilities. Court



of Session approval was granted to lease this land as it is held on the Common Good Account.

- The lease of James Craig House on Calton Hill, a Grade A Listed Common Good Asset which had been lying empty and unused for many years. The property has been totally renovated to provide residential holiday accommodation by the Vivat Trust.
- The lease of land at Gilbertstoun / Daiches Brae to PEDAL – Portobello Transition Town for use as a Community Orchard.
- The Edinburgh Community Backgreens Association (ECBA) is a community run organisation which seeks to regenerate tenement backgreens and improve the amenity and environmental sustainability of tenement households in Edinburgh. In 2009, ECBA developed a six week Grow Your Own course, which it teaches from a tenemental site in Leith leased from the Council. The Council supported this initiative by promoting the project to those on the allotment waiting list in the area.
- The principles of "Grow Your Own" are enshrined in the Council's Allotment Strategy (Cultivating Communities: A Growing Challenge), and have resulted in the recent creation of allotments and community gardens across the city, including Wester Hailes, Stockbridge, Leith, Craigmillar and the City Centre. Several allotments and community gardens are now being constructed each year, and the Council has made a commitment to support the use of vacant and un-used land where there is a demand for local food-growing.

### **Part 3 - Renewing our Communities**

3.19 It is recognised that properties that are empty over a long period of time can blight areas and lead to increased social costs for local authorities. The Scottish Government is keen to consider ways to encourage owners to bring their empty and unused properties back into use. Part 3 of the consultation focuses on the following four areas:

- Leases and temporary uses - Leases and temporary use agreements can be used to help bring unused assets back into use or maximise the use of underused assets. The Scottish Government is keen to hear whether or not there is a desire within local authorities for communities to have a right to use or manage these assets. This could also extend to the temporary use of land in private ownership with communities being allowed to make use of this land until such time as it is developed by the owner. To facilitate this, the Scottish Government is suggesting changes to Planning Policy or changes to legislation.
- Dangerous and Defective buildings - Views are sought on what changes should be made to Scottish Local Authorities powers to recover costs for work they have carried out in relation to dangerous and defective buildings under the Building (Scotland) Act 2003.
- Compulsory Purchase - Local authorities have existing powers to compulsory purchase vacant or unused properties where owners either fail to bring them back into use or owners cannot be identified. These powers are not however often used and the consultation is seeking views on whether or not

communities should have the right to request local authorities to use their powers on behalf of the community and, if so, should communities have a right to take over a property that has been purchased in this manner.

- Powers to Enforce Sale or Lease of Empty Property - The Scottish Government has indicated that it wishes to consider the enforced sale or lease of long term empty privately owned properties, both residential and non-residential, where it is in the public interest to do so. The consultation document seeks to ascertain the Council's views on whether or not local authorities should be given additional powers to force owners to sell or lease these properties and whether or not the local community should have a "first right" to buy or lease these properties.

#### **4 Financial Implications**

- 4.1 There are no financial implications at this stage and the consultation will be contained within existing budgets.
- 4.2 The potential financial implications of any asset transfer at less than market value will be considered on the merits of individual cases.

#### **5 Equalities Impact**

- 5.1 A consultation in terms of the Equalities and Rights Action Plan will be undertaken as part of the impact assessment process and reported on in full. This will be used to influence the final recommendations.

#### **6 Environmental Impact**

- 6.1 A full appraisal will be undertaken as part of the consultation response.

#### **7 Conclusions**

- 7.1 This consultation response offers opportunities for the Council to review its current operations.

## 8 Recommendations

8.1 It is recommended that the Committee:

- a) notes the Scottish Government's proposals and timescales for progressing the Community Empowerment and Renewal Bill;
- b) approves the Council's draft response to the consultation, attached as Appendix 1;
- c) discharges the motion by Councillor Chapman.

**Mark Turley**  
Director of Services for Communities

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Appendices	Appendix 1 - Officer Response to Consultation Questionnaire Appendix 2 - Neighbourhood Partnerships Progress Update report – Policy and Strategy Committee February 2012
Contact/tel/Email	Natalie Hoy, Neighbourhood Manager. Tel. 469 5198 e-mail – natalie.hoy @edinburgh.gov.uk  Bill Miller, Property Management and Development Manager Tel 529 5932 e-mail – <a href="mailto:william.miller@edinburgh.gov.uk">william.miller@edinburgh.gov.uk</a>
Wards affected	City-wide
Single Outcome Agreement	1 - Edinburgh's economy delivers increased investment, jobs, and opportunities for all 2 - Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health 3 - Edinburgh's children and young people enjoy their childhood and fulfil their potential 4 - Edinburgh's communities are safer and have improved physical and social fabric
Background Papers	None

# Community Empowerment and Renewal Bill



## RESPONDENT INFORMATION FORM

Please Note both pages of this form **must** be returned with your response to ensure that we handle your response appropriately.

### 1. Name/Organisation

Organisation Name

THE CITY OF EDINBURGH COUNCIL

Title Ms  Mrs  Miss  Mr  Dr  *Please tick as appropriate*

Surname

Forename

### 2. Postal Address

WAVERLEY COURT

4 EAST MARKET STREET

EDINBURGH

Postcode EH8 8BG

Phone 0131 200 2000

Email

3. Please indicate which category best describes your organisation (Tick one only).

Executive Agencies and NDPBs	<input type="checkbox"/>
Local authority	<input checked="" type="checkbox"/>
NHS	<input type="checkbox"/>
Other statutory organisation	<input type="checkbox"/>
Representative body for private sector organisations	<input type="checkbox"/>
Representative body for third sector/equality organisations	<input type="checkbox"/>
Representative body for community organisations	<input type="checkbox"/>
Representative body for professionals	<input type="checkbox"/>
Private sector organisation	<input type="checkbox"/>
Third sector/equality organisation	<input type="checkbox"/>
Community group	<input type="checkbox"/>
Academic	<input type="checkbox"/>
Individual	<input type="checkbox"/>
Other – please state...	<input type="checkbox"/>

#### 4. Permissions - I am responding as...

<input type="checkbox"/> Individual / <input checked="" type="checkbox"/> Group/Organisation	
<i>Please tick as appropriate</i>	
<p><b>(a)</b> Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?</p> <p><i>Please tick as appropriate</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><b>(c)</b> The name and address of your organisation <b>will be</b> made available to the public (in the Scottish Government library and/or on the Scottish Government web site).</p> <p>Are you content for your <b>response</b> to be made available?</p> <p><i>Please tick as appropriate</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>(b)</b> Where confidentiality is not requested, we will make your responses available to the public on the following basis</p> <p><i>Please tick ONE of the following boxes</i></p> <p>Yes, make my response, name and address all available <input type="checkbox"/></p> <p>or</p> <p>Yes, make my response available, but not my name and address <input type="checkbox"/></p> <p>or</p> <p>Yes, make my response and name available, but not my address <input type="checkbox"/></p>	
<p><b>(d)</b> We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?</p> <p><i>Please tick as appropriate</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

**Please ensure you return this form along with your response.**

**Thank-you.**

# Community Empowerment and Renewal Bill

## CONSULTATION QUESTIONS



### PART 1: STRENGTHENING COMMUNITY PARTICIPATION

#### *Community Planning*

#### **Q1. What would you consider to be effective community engagement in the Community Planning process? What would provide evidence of effective community engagement?**

The City of Edinburgh Council recognises the importance of community involvement in the community planning process and particularly the need for involvement at the grass roots level. Processes need to be transparent and inclusive, with people being clear about the scope of their involvement/influence from the outset. Engagement needs to take place on a number of levels – from providing information, to consultation and to more active participation. Local people need to have a say about services and be able to influence decision making, and be involved in agreeing the outcomes for their area and identifying how these can be met.

Evidence of effective engagement should include demonstrating the link between engagement, responses from service providers and outcomes. The strongest evidence of effective engagement is high levels of satisfaction with public services and improved outcomes for service delivery.

#### **Q2. How effective and influential is the community engagement currently taking place within Community Planning?**

In Edinburgh community engagement is embedded within the community planning process. The Neighbourhood Partnerships strengthen local democracy by providing opportunities for local people to have a say about services and to influence what happens in their area. Neighbourhood Partnerships provide the framework by which service providers and communities come together to agree local outcomes, priority actions to be delivered and resources required, setting these out in a Local Community Plan. This provides the mechanism to develop links and co-ordinate joint partner activity, with locally identified actions contributing directly to the delivery of the Single Outcome Agreement (SOA3).

The involvement of communities is vital to the success of this approach and the Neighbourhood Partnerships have been effective in building relationships with communities and links between locally managed services and communities. Community representatives are actively involved in all the Neighbourhood Partnership structures, including chairing thematic sub groups and forums, and in the decision making and governance processes.

Neighbourhood Partnerships carry out a wide range of activities aimed at involving the whole community including surveys on street and in mobile facilities such as the Children's Library Bus; 'roadshow' programmes including attendance at local events, gala days and community meetings; holding of themed events, such as 'Let's Get Together' in Portobello & Craigmillar NP, 'Young People's' event in Forth NP, Cramond Community day; holding of 'Weeks of Action' on local priority themes such as the environment or community safety. In addition to these traditional approaches community involvement has been further enhanced with the introduction of social media tools. The use of social media channels has been recognised as beneficial in generating 'online' engagement activity from people not previously known to be in direct contact, together with generating 'offline' activity with a number of people having attended NP public events publicised through Twitter.

There has been a steady growth in the size of these online communities providing more opportunities for residents to engage on local issues.

Additionally, recognition is given to the need to develop and improve the joint working and practice of partners with a number of activities delivered including service specific joint staff training and a recent programme of courses by the Consultation Institute for key partnership staff to develop a centre of excellence for consultation and engagement, supported by the development of a consultation framework to further embed this approach across all services.

The range of good and innovative practice actively to engage communities through the Neighbourhood Partnerships has led to real improvements in the targeting and delivery of local services across the city as evidenced through the positive trends in the levels of satisfaction of residents with neighbourhoods and specific services.

Whilst the Neighbourhood Partnership approach has proven effective, it is recognised that continuous improvement is needed to realise the benefits of the approach. A key area of work is to consolidate and further develop an integrated approach to community engagement across all partners and to strengthen the influence and linkages between the local and strategic city wide community planning decision making processes and structures. This is in line with the current thinking as described in the Statement of Ambition as part of the national review.

**Q3. Are there any changes that could be made to the current Community Planning process to help make community engagement easier and more effective?**

The Council recognises that public sector agencies could make further progress in joining up their approach to community engagement. An integrated approach will make better use of stretched resources, ensure engagement is streamlined, co-ordinated and consistent and avoid unnecessary duplication. Consideration should be given to increasing the focus on community capacity building to better support this agenda.

*An overarching duty to engage*

**Q4. Do you feel the existing duties on the public sector to engage with communities are appropriate?**

The Council considers that there is scope to strengthen the duties on the public sector to engage as part of the public sector reform programme.

**Q5. Should the various existing duties on the public sector to engage communities be replaced with an overarching duty?**

Yes  No

**Please give reasons for your response below.**

The City of Edinburgh Council considers an overarching duty may bring benefits but there are concerns that replacing existing duties could lead to a diminution of focus on the key priority areas currently covered. A more appropriate option might be to strengthen the duty on all partners to engage through the community planning process by having an engagement framework in place tied to the National Standards for Community Engagement.

However, from the planning perspective, an overarching duty to engage is unnecessary and is not supported. Community engagement is already comprehensively built into the

statutory land use planning system. This was a deliberate decision by the Scottish Government of the time as it was seen to be a much better and workable alternative to third party rights of appeal. An overarching duty is likely to cause confusion as to what takes priority. If it was to replace existing statutory duties as suggested it would require a significant overhaul of the planning legislation which has only recently come into operation. This would be complex, unnecessary and a waste of public resources for no ultimate benefit.

**If you said 'yes' to Question 5, please answer parts a. and b. –**

**a. What factors should be considered when designing an overarching duty?**

**b. How would such a duty work with existing structures for engagement?**

### *Community Councils*

**Q6. What role, if any, can community councils play in helping to ensure communities are involved in the design and delivery of public services?**

Community councils already act as an interface between communities, local authorities and other public sector agencies. There is scope to further develop proactive partnership working and engagement between community councils and the people they represent.

In Edinburgh, community councils are recognised as the representative body on Neighbourhood Partnerships and as such have a role in influencing the design and delivery of public services. For this role to be effective they need to have the capacity to engage successfully with their local community and fairly represent their views.

**Q7. What role, if any, can community councils play in delivering public services?**

It is not clear to what extent community councils would wish to take on this additional responsibility. Where community councils do wish to take this forward, additional capacity building support may be required. Consideration also needs to be taken of governance and accountability and service sustainability issues.

The Council recognises the scope for community councils to contribute to the delivery of localised initiatives. For example, in Edinburgh community councils are already actively involved in a range of neighbourhood activities, particularly environmental initiatives such as community clean ups and winter weather volunteering. These are additional activity rather than a substitute for mainstream service delivery.

**Q8. What changes, if any, to existing community council legislation can be made to help enable community councils maximise their positive role in communities**

The Council recognises the significant and positive contribution community councils make in Edinburgh.

There may be scope to strengthen the legislative framework in which community councils



operate, particularly in relation to governance and accountability.

Consideration could be given to place a duty on community councils to demonstrate how they are engaging with the wider community e.g. a requirement to report to the local authority on activity undertaken and establish appropriate accountability to ensure compliance with existing and/or any additional duties or responsibilities.

Community councillors should not be deterred from carrying out their role by the perception that they might be held financially liable for their actions. A change of legal status for community councils to be separate legal entities would provide such a safeguard.

Community Councils could be more tightly regulated, examples could include;

1. reporting back to the local authority on projects undertaken;
2. reporting back to the local authority regarding use of resources;
3. being obliged to adhere to the Scheme for Community Councils and signing the constitutional documents prescribed by the local authority;
4. the Council having more power to disqualify members, or administer other sanctions, for not adhering to the Scheme or constitutional documents.

Tighter regulation as described above would enable the Council to use the Community Councils as more powerful and effective vehicles in engaging with the community.

It should also be made clear within the legislation what type of legal entity a Community Council actually is. At the moment there is insufficient regulation on how assets should be dealt with during the dissolution process of a Community Council. Community Council members may be unwilling to take the risks needed in order to successfully implement projects in aid of the community. In order for Community Councils to be able to maximise their roles within a community it would seem sensible for them to become separate legal entities with distinct legal personality.

From a planning perspective, there would considerable benefit in developing further ways for community councils to be more representative of their communities. Experience is that there can be variation between community councils in this respect. People are not always aware of the comments being put forward on development plans or planning applications on their behalf and may not have been given an opportunity to input. As community councils have a statutory role in the planning process, it is important that they are supported to adequately represent their areas.

### *Third Sector*

#### **Q9. How can the third sector work with Community Planning partners and communities to ensure the participation of communities in the Community Planning process?**

The Council recognises the significant contribution the third sector makes in the city, and has an established working relationship with the sector through the Edinburgh Compact.

The sector presents a major resource in engaging with the community and could, with other partners, be a key player in delivering an integrated approach.

A further suggestion would be to build community engagement activity into the requirements of the third sector commissioning process.

## National Standards

**Q10. Should there be a duty on the public sector to follow the National Standards for Community Engagement?**

Yes  No

**Please give reasons for your response**

The City of Edinburgh Council considers that in principle, a duty would appear to represent a good way forward. However, account must be taken of resource requirements, the need for effective monitoring and reporting processes, and allowing sufficient lead in time for implementation. Public sector organisations could be held to account separately and jointly through the community planning process.

Local authorities could include a clause relating to this in any Council reports in a similar way in which equalities and environmental impacts are currently referenced in reports to the City of Edinburgh Council.

From a planning perspective, it is considered that this is unnecessary. In Planning there is considerable guidance on Community Engagement in Planning Advice Note 3/2010 and it is clear that authorities are expected to adhere to the National Standards. Failure to do so will be exposed through the development plan examination process. There is no need to burden the process with additional legislation. The challenge in planning is to get the applicant to adhere to the same standards during pre-application consultations.

## Community engagement plans

**Q11. Should there be a duty on the public sector to publish and communicate a community engagement plan?**

Yes  No

**Please give reasons for your response**

The City of Edinburgh Council supports this in principle, and takes the view that this should be an equal duty across all public sector partners. All public bodies need to be accountable to communities, and report on the impact of this involvement. A single engagement plan, however, would need careful consideration if it is to be meaningful and encapsulate the needs of diverse communities.

There is no need for this from the planning perspective as there are already such requirements in planning legislation, e.g. the participation statement in the development plan scheme and report of conformity.

**If you said 'yes' to Question 11, please answer parts a. –**

**a. What information would be included in a community engagement plan?**

It is suggested that any plan should include community profile information, engagement purpose and principles, process maps and how feedback will be provided. This could be supported by an action plan, detailing the specific responsibilities of partners.

## Auditing

**Q12. Should community participation be made a more significant part of the audit of best value and Community Planning?**

The City of Edinburgh Council supports this approach.

Named Officer

**Q13. Should public sector authority have a named accountable officer, responsible for community participation and acting as a primary point of contact for communities?**

Yes  No

**Please give reasons for your response**

The Council's view is that community engagement should be embedded throughout the organisation. There are potential risks in making one officer accountable as it is unlikely that one person could effectively act as the primary point of contact for communities across a wide range of complex issues and functions.

A potentially more useful approach would be to designate an engagement champion at a senior level within the organisation, to drive forward improvement and performance.

Tenants' right to manage

**Q14. Can the Scottish Government do more to promote the use of the existing tenant management rights in sections 55 and 56 of the Housing (Scotland) 2001 Act?**

Yes  No

**Please give reasons for your response**

There are already a significant number of different ways to promote the use of the existing tenant management rights. Scottish Government and local authorities invest in a range of tenants' organisations at national, local and neighbourhood level.

Any further promotion of existing tenant management rights needs to take cognisance of the structures and organisations already established and funded to do this.

**Q15. Should the current provisions be amended to make it easier for tenants and community groups to manage housing services in their area?**

Yes  No

**Please give reasons for your response**

Current legislation and regulation already provides a wide range of duties and powers that support tenants to directly manage and influence services. These duties and powers include tenant participation, tenant management, stock transfer, community planning and a range of regulatory requirements on landlords to involve and consult their customers. These duties and powers in housing are already significantly more extensive and far reaching than in any other areas of public service. For example, in health, education and transport there are no similar powers for users of those services to take control of services or be consulted on their delivery.

The introduction of the Scottish Social Housing Charter strengthens the commitment of landlords to ensuring effective community empowerment. In Edinburgh this framework will sit alongside the existing Neighbourhood Partnership structure and Tenant Participation Strategy.

Community service delivery

**Q16. Can current processes be improved to give community groups better access to public service delivery contracts?**

Yes  No

**Please give reasons for your response**

While many Local Authorities will be receptive towards this, regard must be had to the constraints placed on them by current procurement legislation.

**Q17. Should communities have the right to challenge service provision where they feel the service is not being run efficiently and that it does not meet their needs?**

Yes  No

**Please give reasons for your response**

Provided there are safeguards in place to ensure this is not exercised in a vexatious manner, e.g. where it imposes a significant burden on Local Authorities, has the effect of harassing them, has no serious purpose or value, is intended to cause disruption to them or is otherwise unreasonable, disproportionate or in such a way that is unduly burdensome upon Local Authorities in the provision of value for money services by them.

*Community directed spending – participatory budgeting*

**Q18. Should communities have a greater role in deciding how budgets are spent in their areas?**

Yes  No

**Please give reasons for your response**

The City of Edinburgh Council already supports the involvement of residents in influencing local budgets, through widespread engagement and the Services for Communities neighbourhood approach to the delivery of services.

For example, through involvement in the Neighbourhood Partnerships communities are able to influence resources devolved to Services for Communities Neighbourhood Managers, under the Scheme of Delegation. This involves the Neighbourhood Environment Programme, a city wide budget of over £3m top sliced from the Council Housing and Roads capital budgets, and the Community Grants Fund, with a city wide budget of £423k. Two Neighbourhood Partnerships in the city have also used a participatory budgeting approach to allocating a proportion of the Community Grants Fund. This enables communities to have a greater say in decision making on spending priorities. The most recent event 'Leith Decides' in February 2012 attracted over 700 people, and the initiative is now a finalist for an APSE 'Local Democracy' award.

Any expansion of existing provisions has potentially significant governance and accountability, resourcing and operational implications and needs to be considered in this context.

This is an area for further consideration as part of the CEC review of governance arrangements and is likely to be considered through the development of the co-operative Council approach.

**Q19. Should communities be able to request the right to manage certain areas of spending within their local area?**

Yes  No

**Please give reasons for your response**

Whilst some budgets lend themselves to this, for example environmental projects where local knowledge is a key ingredient to success, there are concerns with what this means and how it would operate in practice. The level of support needed to make this workable could be considerable particularly if the community cannot easily reach agreement on specific priorities. There are also issues relating to transparency, accountability and how

this links to existing democratic processes.

**If you said 'yes' to Question 19, please answer parts a., b. and c. –**

**a. What areas of spending should a community be responsible for?**

**b. Who, or what body, within a community should be responsible for making decisions on how the budget is spent?**

**c. How can we ensure that decisions on how the budget is spent are made in a fair way and consider the views of everyone within the community?**

*Definitions for Part 1*

**Q20. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 1. Please also give us examples of any definitions that you feel have worked well in practice**

Traditionally the City of Edinburgh Council has used 'Communities of Place' and 'Communities of Interest' to give shape and definition to our engagement and partnership activities. However, it appears likely that these definitions will prove too broad for the potential scope of any new legislation, and the Council would welcome a new and agreed range of definitions linked to the National Standards for Community Engagement.

## PART 2: UNLOCKING ENTERPRISING COMMUNITY DEVELOPMENT

### *Community right to buy*

**Q21. Would you support a community right to buy for urban communities?**

Yes  No

#### **Please give reasons for your response**

The Council would, in principle, support a community right to buy for urban communities as it has the potential to deliver significant benefits to the community, local economy and the environment where their activities are aligned with the Council's own strategic policy objectives. This could have the benefit of:-

- Improving the provision of services within the communities which in turn could contribute towards efficiency savings in the Council.
- Helping to restore historic or iconic buildings.
- Acting as a catalyst for investment by others.
- Solving building management problems and lowering operating costs.
- Bringing back into beneficial use, properties deemed surplus to requirements or those that are under-performing.
- Delivering health, social, economic and environmental benefits.

However there is also a need for the Bill to have a greater focus on and understanding of the Housing Revenue Account (HRA). The HRA is essentially a ring fenced, self-funding account which exists primarily to provide and maintain social rented housing on behalf of tenants. If the proposals in the Bill are fully implemented, there is a concern that the HRA ring fence could be eroded to the possible detriment of tenants.

There are occasions where disposal of HRA assets is appropriate and the Scottish Government/COSLA Capital Finance Working Group has been developing detailed guidance for how such disposals should take place. The draft guidance highlights the importance of all HRA asset disposals being considered within the context of a wider asset management strategy. The Scottish Government should ensure that the Community Empowerment and Renewal Bill does not conflict with the guidance being developed on HRA asset disposal.

Applying a community right to buy to HRA assets could have significant implications for the long-term financial sustainability of the HRA and could conflict with the need to maximise the capacity of HRA resource to support funding the delivery of national housing objectives. This is because the sale of assets might reduce the revenue income on which the HRA is based. It might also have an impact on financial viability and supply if it disproportionately affects particular types of stock.

As a result, the community right to buy for HRA assets should only apply where the local authority has already determined that the asset(s) should be disposed of as part of their wider asset management strategy. This should be accompanied by detailed guidance on how this should be managed and prioritised in order to support the long-term sustainability of the HRA and to avoid a negative impact on the investment potential for core housing activity.

It is important that new owners take on full responsibility for the management, maintenance and investment in HRA assets once they have been purchased by the community. Those proposing a community purchase would need to demonstrate that they will make good use of the asset and that they can manage and maintain it in the long term.

Safeguards would need to be put in place to ensure that developers who may have failed in previous attempts to develop land do not try to use a community as a 'front' to take forward their proposals under community right to buy.

Local Authorities would still require to demonstrate that they are achieving the best value for their assets, transfers would need to be at open market value (with appropriate clawback mechanisms if it was at undervalue), safeguards would be essential to prevent land banking and that the community

body was in fact taking the acquisition forward as envisaged and, finally, regard would have to be had as to how these provisions would apply to common good land.

**If you said 'yes' to Question 21, please answer parts a., b. and c.:**

- a. Should an urban community right to buy work in the same way as the existing community right to buy (as set out in Part II of the Land Reform (Scotland) Act 2003)?**

This would be a useful starting point, provided the current protections for rural land transfers were put in place here, and subject to the comments raised elsewhere in this response.

- b. How should an 'urban community' be defined?**

If this is to be by postcode, appropriate consideration would have to be given to the amount of diverse groups there are likely to be in urban locations purporting to represent the community.

- c. How would an urban and rural community right to buy work alongside each other?**

Rural community rights would have no bearing on areas such as Edinburgh which are at present excluded by The Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2009.

*Community asset transfer*

**Q22. The public sector owns assets on behalf of the people of Scotland. Under what circumstances would you consider it appropriate to transfer unused or underused public sector assets to individual communities?**

Where a property which is owned by a local authority and it is empty or un-used, there are on-going costs to the Council for repairs, maintenance, insurance, rates, utility bills and security. The transfer of this property to the community would not only remove these costs but also bring the property into a beneficial use, quite often by providing a service that would normally be provided by the Council itself. There is a particular issue for HRA assets. Disposal to community groups at less than market value could reasonably be viewed as council tenants subsidising wider community initiatives. There are a few occasions where transfer at less than market value could be appropriate and have positive implications for wider strategy. Where this is the case the balance of community benefits against any tenant disadvantage needs to be clearly laid out.

Community (including tenant) engagement is essential in achieving this balance. The Scottish Government is urged to engage national tenant's organisations prior to developing any legislative proposals involving the HRA and its assets.

As outlined in questions 14 and 15, the right to purchase by the community should be available where the asset management strategy identifies assets as suitable for disposal. There needs to be a very careful definition of "unused or underused" in relation to HRA assets. For example, it is highly likely that vacant and/or cleared land assets will be held on HRA balance sheets to support future investment or development activity as part of a long-term approach to HRA business management.

**Please also answer parts a. to d. below:**

**a. What information should a community body be required to provide during the asset transfer process?**

- Name of applicant
- Address of applicant
- Contact details
- Full address of Council owned property which the applicant is interested in.
- Description of proposed use.
- Details of any other property the applicant currently occupies.
- Details of the estimated project costs and a breakdown of funding sources within an indication of the status of all funding e.g. grant application submitted but not approved.
- Project timescales including a project for containing consents and construction works.
- Highlight key dates and deadlines.
- Confirmation, with supporting evidence, that the proposed lease or purchase promotes or improves:-
  - (i) economic development or regeneration within the Council's boundaries.
  - (ii) health within the Council's boundaries
  - (iii) social well-being within the Council's boundaries
  - (iv) environmental well-being within the Council's boundaries
  - (v) either the whole or part of the Council's area.
  - (vi) any residents or persons within the Council's boundaries
  - (vii) any other community benefits outwith the categories above.
- Confirmation of whether the organisation is a registered charity and, if so, what is the number.
- Copies of all relevant documents such as Articles of Association and the Constitution of the organisation.
- Estimates of what income, if any, would be generated from the use of the property.
- Does the organisation provide services to the Council on a contract basis.
- Are there any paid members of staff?
- Are there any members of staff employed on an unpaid voluntary basis?

It should be noted that there may be a particular issue for HRA assets. Disposal to community groups at less than market value could reasonably be viewed as council tenants subsidising wider community initiatives. There are a few occasions where transfer at less than market value could be appropriate and have positive implications for wider strategy. Where this is the case the balance of community benefits against any tenant disadvantage needs to be clearly laid out.

Community (including tenant) engagement is essential in achieving this balance. The Scottish Government is urged to engage national tenant's organisations prior to developing any legislative proposals involving the HRA and its assets.

As outlined in questions 14 and 15, the right to purchase by the community should be available where the asset management strategy identifies assets as suitable for disposal. There needs to be a very careful definition of "unused or underused" in relation to HRA assets. For example, it is highly likely that vacant and/or cleared land assets will be held on HRA balance sheets to support future investment or development activity as part of a long-term approach to HRA business management.

HRA assets will be subject to the same considerations regarding best value and a desire to prevent land banking by transferees. In addition, the Crichton Down Rules (in CPO cases this is the obligation to sell back to the previous owner may prevent sales by Local Authorities.



**b. What information should a public sector authority be required to provide during the asset transfer process?**

The City of Edinburgh Council would expect a public sector authority would not be required to provide anything more than they would in any other arms length sale to a bona fide 3<sup>rd</sup> party or what they are already obligated to do by statute.

**c. What, if any, conditions should be placed on a public sector authority when an asset is transferred from the public sector to a community?**

Provided the points raised above are addressed, there should be no obligations on public sector authorities once the asset has been transferred.

**d. What, if any, conditions should be placed on a community group when an asset is transferred from a public sector body to a community?**

That it will be used for the purposes intended, kept open and if there is any unintended commercial benefit there will be an appropriate clawback agreement or option to purchase right in favour of the public sector authority. If the premises are not used for specified purposes, there should be a clawback right. Leases would be preferable as a method of disposal as opposed to sales.

**Q23. Should communities have a power to request the public sector transfer certain unused or underused assets?**

Yes  No

**Please give reasons for your response**

In principle, the Council would not object to communities having the power to request the transfer of certain unused or underused assets providing that the final say as to whether or not the assets would transfer rests with the Council.

Prior to the proposed transfer of any assets to the community, the Council would, for example, require to be happy with who the "community" was, what they were proposing to use the assets for, what funding was available immediately, what funding was available in the long term, did they have a formal management structure and do they have the technical knowledge to look after the property indefinitely.

To safeguard the future of the assets, the Council would suggest that any transfer should be by way of a long lease rather than a sale. This would allow the Council to recover a community asset if the organisation runs into financial or management problems in the future. It is easier to control the future use of the asset by way of a lease rather than a sale. The Council also requires to prove "best value" in the disposal of all assets by sale or lease and, if the proposal is at less than market value, the Council would wish to consider the financial implications on the Council's Capital Investment Programme and Revenue income.

In essence, communities should have this right but subject to the comments made elsewhere in this response.

**Q24. Should communities have a right to buy an asset if they have managed or leased it for a certain period of time?**

Yes  No

**Please give reasons for your response**

This answer is similar to the answer to Question 23. The Council, in principle, has no objection to communities buying or leasing assets, whether or not they have been

managed or leased for a certain period of time, providing the disposal is for the right reasons and the community organisations have the financial and technical ability to look after the property indefinitely.

**If you said 'yes' to Question 24, please answer parts a:**

**a. What, if any, conditions should be met before a community is allowed to buy an asset in these circumstances?**

The community would have to clearly demonstrate that the proposed purchase would contribute to the proposed promotion or improvement of one of the following:-

- (a) economic development or regeneration
- (b) health
- (c) social well-being, or
- (d) environmental well-being of the whole or part of the local authority area or any person resident or present in that area.

Other conditions would include the financial ability to look after the property indefinitely, the management structure to continue using the property for the same or similar use indefinitely and the technical ability to look after the future repair and maintenance of the property, including meeting all the statutory regulations and meet all the ongoing operational and insurance costs. The organisation would also have to provide evidence that a long lease would not be possible rather than a purchase.

Communities should have this right but subject to the comments made elsewhere in this response.

*Common good*

**Q25. Do the current rules surrounding common good assets act as a barrier to their effective use by either local authorities or communities?**

Yes  No

**Please give reasons for your response**

Local Authorities should be given an absolute power to dispose of inalienable Common Good land to community groups e.g., Local Authorities should be given an absolute power to dispose of inalienable Common Good land to community groups, e.g. where a lease is proposed, and therefore the prior consent of a court under Section 75 (2) of the Local Government (Scotland) Act 1973 would not be required. This right would be subject to the caveats set out elsewhere in this response, and income should continue to go to the Common Good Account.

They are a barrier, as there is currently uncertainty in relation to the power available to a local authority to appropriate inalienable common good land to another of its statutory functions.

As to whether the rules are a barrier to use by Communities, CEC view is that no, the control in place, set out in the Local Government (Scotland) Act 1973, is not a barrier, merely a mechanism permitting alienation, once the courts have determined that such a disposal is acceptable, and allowing for provision of replacement ground to be a requirement of such permission. Use by communities is presently subject to the assets being otherwise wholly owned by the local authority, and the current rules do not affect the land subject to court consent, so the only obstacle to transfer of a Common Good asset to a community group would be the requirement to satisfy the court that such a disposal was in the interests of the whole community.

**Q26. Should common good assets continue to be looked after by local authorities?**

Yes  No

### Please give reasons for your response

The existing controls are clear as regards disposals (sales / leases), and the relevant case law has clarified in respect of leases what qualifies as a disposal requiring consent.

The principal criteria for determining whether any land is Common Good is its continued ownership by a Local Authority, as the statutory inheritor of all former burgh land. Arguably all land held by Local Authorities is subject to some statutory control, with particular consents required for disposals, depending upon the circumstances.

However, the only land subject to judicial supervision, as such, is Common Good land. This was clearly considered when local government legislation was codified in 1973/75 and it is difficult to see how this same control could be exercised by Local Authorities if the tenure of Common Good land passed to groups of persons who would not necessarily be subject to uniform statutory regulation.

### If you said 'yes' to Question 26, please answer parts a. and b.:

- a. **What should a local authority's duties towards common good assets be and should these assets continue to be accounted for separately from the rest of the local authority's estate?**

Local Authorities' duties should remain as they are at present, subject to the comments above, and such assets should continue to be accounted for separately.

- b. **Should communities have a right to decide, or be consulted upon, how common good assets are used or how the income from common good assets is spent?**

While the particular nature of Common Good assets is recognised, it is considered that any such consultation should be consistent with communities' rights in respect of all other non-Common Good assets, bearing in mind the additional safeguards Common Good assets already benefit from.

### If you said 'no' to Question 26, please answer part c.:

- c. **Who should be responsible for common good assets and how should they be managed?**

### *Asset management*

- Q27. Should all public sector authorities be required to make their asset registers available to the public?**

Yes  No

### Please give reasons for your response

Information on assets held can be obtained through Freedom of Information requests and through the public inspection of the Annual Accounts.

### If you said 'yes' to Question 27, please answer part a.:

- a. **What information should the asset register contain?**

Any disclosure should **not** include details of tenants' names and values placed on assets by valuers.

**Q28. Should all public sector authorities be required to make their asset management plans available to the public?**

Yes  No

**Please give reasons for your response**

The Council believes that all public sector authorities should be required to make their asset management plans available to the public and, in fact, The City of Edinburgh Council's Corporate Asset Management Plan is already published on the Internet.

**If you said 'yes' to Question 28, please answer part a.:**

**a. What information should the asset management plan contain?**

The Council believes that the information contained within its own Asset Management Plan covers all the information required for an AMP. This can be viewed on the Internet.

**Q29. Should each public sector authority have an officer to co-ordinate engagement and strategy on community asset transfer and management?**

Yes  No

**Please give reasons for your response**

It would be sensible for each public sector authority to have an officer who had an overall control and responsibility to co-ordinate engagement and strategy on community asset transfer and management. As this covers such a wide range of interests and Departments, it is likely that there would need to be a team under this level who actually engaged with the community and took forward any proposals.

**Q30. Would you recommend any other way of enabling a community to access information on public sector assets?**

If the Corporate Asset Management Plan and the Asset Register are in the public domain the community should be able to access a substantial amount of information on public assets. Should any further information be required the public have the right under Freedom of Information to request this. Some of this information would be provided under this legislation but there may be information that is restricted due to Data Protection etc.

*Allotments*

**Q31. What, if any, changes should be made to existing legislation on allotments?**

The powers and obligations vested in the Council are to be found in the Allotments (Scotland) Acts of 1892, 1922 and 1950 and the Land Settlement (Scotland) Act 1919. The 1892 Act set out the local authorities duties in relation to allotment provision within its area. There is no definition of the term "allotment" other than by size, a person can only be tenant of an allotment or allotments to a maximum total area of one acre. It is clear however that the 1892 Act envisaged an allotment holder keeping farm animals on the allotment. The 1922 Act introduced the concept of the allotment garden. This is a smaller area of ground to be used mainly for the cultivation of vegetables for consumption by the allotment holder and his/her family.

It would be helpful if a new act could define the size and use of an allotment garden (or plot). There do not appear to be any 1892 defined allotments of one acre in Scotland nor a desire/demand to keep livestock. The 1922 size definition of allotment garden is 40 poles. A new Allotments & Community Food Growing Act could bring things up-to-date by using metric measurement and limiting use to the growing of fruit and vegetables. However,

to encourage pollination and allow the production of honey it should also allow the siting of bee-hives on allotment plots where these are deemed appropriate to the site.

**Q32. Are there any other measures that could be included in legislation to support communities taking forward grow-your-own projects?**

The 1892 Act contains a well defined set of responsibilities, duties and land tenure lease agreements but no time frame for councils to fulfil these. Where representations are made by local residents to the effect that the Council needs to take action in terms of 1892 Act the Council is obliged to take these representations into consideration. Whether through enquiry following on such representations or through other means the Council concludes there is a demand for allotments it is obliged to acquire any suitable land which may be available- to be let as allotments to local residents. It is the lack of a time-frame that is being used as a "loop-hole" by many councils to effectively stop the creation of allotments to meet demands. This loop-hole needs to be closed with an agreed period of time between community representation and construction, or perhaps through a legal obligation of plots per head of population or on the waiting list.

Other than these matters, it is the lack of implementation of the Act, rather than the Act itself that is its principal problem. This is partly a reflection of its age, perhaps a new Act will put Council responsibilities to provide food-growing back on the agenda of local authorities.

The Bill could bring things up-to-date by using metric measurement and limiting use to the growing of fruit and vegetables. It is clear that the 1892 Act envisaged an allotment holder keeping farm animals on the allotment. However, to encourage pollination and allow the production of honey it should also allow the siting of bee-hives on allotment plots where these are deemed appropriate to the site.

Allotments are not for everyone, many communities/people finding that other Grow-Your-Own initiatives provide better food-growing models. As a key barrier to GYO initiatives is access to and security of tenure over land, the proposed community asset transfer/lease/right to buy provisions in the Bill could help to deliver this need, by putting certain areas land under community control. CEC would therefore support these measures where they pertain to community food growing land uses. There could be regulations allowing a local authority or community to take on a vacant/derelict piece of ground to provide temporary (or meanwhile) uses - including food-growing subject to suitable safeguards. However it should be recognised that this may involve financial and community investment in the use of the land, which may lead to potentially community difficulties when and if the land use requires to be changed at the discretion of the landowner.

*Definitions for Part 2*

**Q33. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 2. Please also give us examples of any definitions that you feel have worked well in practice**

The definition of vacant land may be problematic should the landowner be resistant to the idea of temporary use.

**PART 3: RENEWING OUR COMMUNITIES**

*Leases and temporary uses*

**Q34. Should communities have a right to use or manage unused and underused public sector assets?**

Yes  No

## Please give reasons for your response

In principle yes, but the community would have to clearly demonstrate that they were in a position to manage these properties and that the proposed use would contribute to the proposed promotion or improvement of one of the following:-

- (a) economic development or regeneration
- (b) health
- (c) social well-being, or
- (d) environmental well-being of the whole or part of the local authority area or any person resident or present in that area.

Other conditions would include the financial ability to look after the property indefinitely, the management structure to continue using the property for the same or similar use indefinitely and the technical ability to look after the future repair and maintenance of the property, including meeting all the statutory regulations and meet all the ongoing operational and insurance costs.

Any land that is loaned to a community group needs to be done so with a lease that sets out conditions of use. To prevent possible conflict when a local authority wants to take back management of an asset and develop/use it, the licence should not give security of tenure to the community group. The licence could make it clear that the community makes no significant financial investment in the land or asset, to avoid groups making any loss when the licence ended.

There are potential issues around health and safety and transfer of risk in relation to allowing community groups to manage/lease assets on a temporary basis. For example, it may not be safe to allow land which had previously been developed to be used for allotments. Where there are major land issues, community groups may not have the funds to address site remediation issues in the same way that larger organisations would. Councils would have to be clear about the level of risk and the extent to which a community group would be able to deal with this prior to any transfer.

This is also subject to the general comments made elsewhere in this response.

## If you said yes to Question 34, please answer parts a., b. and c.:

- a. In what circumstances should a community be able to use or manage unused or underused public sector assets?**

See answer to question 34

- b. What, if any, conditions should be placed on a community's right to use or manage public sector assets?**

See answer to question 34

- c. What types of asset should be included?**

All assets should be considered rather than a particular type but each request should be looked at on its own merit to ensure that the community has the ability and resources to use and manage each asset.

## *Encouraging temporary use agreements*

- Q35. Should a temporary community use of land being made a class of permitted development?**

Yes  No

### **Please give reasons for your response**

In principle, yes. However, any land that is loaned to a community group needs to be done so with a lease that sets out conditions of use. To prevent possible conflict when a local authority wants to take back management of an asset and develop/use it, the licence should not give security of tenure to the community group. The licence could make it clear that the community makes no significant financial investment in the land or asset, to avoid groups making any loss when the licence ended.

There are potential issues around health and safety and transfer of risk in relation to allowing community groups to manage/lease assets on a temporary basis. For example, it may not be safe to allow land which had previously been developed to be used for allotments. Where there are major land issues, community groups may not have the funds to address site remediation issues in the same way that larger organisations would. Councils would have to be clear about the level of risk and the extent to which a community group would be able to deal with this prior to any transfer.

### **Q36. Should measures be introduced to ensure temporary community uses are not taken into account in decisions on future planning proposals?**

Yes  No

### **Please give reasons for your response**

In general, the Council would wish to support temporary uses by local communities on undeveloped sites that would otherwise lie vacant and unused providing they complied with planning policy and were not “bad neighbour” development. There could be considerable benefit if communities could, with the agreement of the landowner, landscape sites and form community parks or even community gardens/allotments.

There are already permitted development rights for the temporary use of land for 28 days with the exception of open air markets and caravan sites. However the suggestion here is that longer term temporary uses would become Planning Development if it was for community use.

Introducing a new category for communities would be problematic as it would be necessary to define “community”, the maximum length of time for the use to be regarded as temporary and what exceptions should be included. These would need to be similar to the current exceptions but may need to be expanded to include for example use by a travelling community. It is important to note that some community activities could cause amenity and traffic problems, etc. placing a burden on other Council services.

Given the length of time that some sites remain vacant, such uses might become long term. There is also the remote possibility that such uses, if continuing for more than 10 years, could become lawful in their own right. This could complicate the situation for the landowner, rather than the planning authority.

The Council considers that the need to obtain planning permission is not likely to be a barrier to achieving temporary community uses, it is achieving the agreement of the landowner. In view of this, it is recommended that the Government continues with the present system that such temporary uses require formal planning consent. Appropriate conditions on the activity can then be imposed along with a suitable time limit. The Council would see no problem with such applications being exempt from any fee.

### **Q37. Are there any other changes that could be made to make it easier for landlords and communities to enter into meanwhile or temporary use agreements?**

This raises an important topic of what is or is not material to a planning decision. There is considerable case law on this issue and it recommended that legal advice is sought before this response is finalised. In the opinion of the Planning Service it would be inadvisable to specify in legislation that a matter is not material as normally what is/is not material is a

matter for the decision maker. Such a move would run counter to the advice given in Circular 4/2009.

### *Dangerous and defective buildings*

#### **Q38. What changes should be made to local authorities' powers to recover costs for work they have carried out in relation to dangerous and defective buildings under the Building (Scotland) Act 2003?**

1. The Building (Scotland) Act would be considerably strengthened by including powers enabling local authorities to apportion costs on an 'equal shares' basis or by means of another nationally agreed statutory method.

2. The reintroduction of 'charging orders' would in some instances provide local authorities with a more cost effective legal means of recovering the costs incurred when remedying dangerous or defective buildings.

#### **Background**

The Building (Scotland) Act does not confer on a local authority any special cost recovery powers, nor does it legislate for the apportionment of costs among owners of buildings in multi-ownership. Local authorities therefore often experience significant difficulty when attempting to recover costs in a way that is agreeable to all the parties concerned. In cases where an agreement cannot be reached, or when owners refuse to pay their share of the costs, local authorities must implement normal debt recovery procedures. Recovering costs in this way is both time-consuming and expensive, and the outcome can be uncertain since it is ultimately open to the Sheriff to apportion costs among the owners in any way he sees fit.

#### **Cost apportionment**

The difficulty inherent in apportioning costs in a way that satisfies the expectations of the co-owners of a building has been largely overcome by legislation that is unique to the City of Edinburgh Council.

The terms of the City of Edinburgh District Council Order Confirmation Act (CEDCOCA) specifically requires the authority to recover costs on an equal share basis regardless of any conditions to the contrary that might be contained in Deeds of Title or in private contracts between the owners.

Allocating costs on an equal shares basis avoids the need to agree an acceptable apportionment with the owners and has proved an effective means of recovering costs. It does not prejudice any right the owners might have under Title or otherwise to subsequently privately reallocate costs. It is simply a mechanism by which the authority can recover monies properly spent.

In contrast, while a local authority can also attempt to recover costs on an equal share under the Building (Scotland) Act, this means of apportionment, and indeed any other, is open to challenge in law. A considerable amount of time and negotiation is therefore usually required before the owners will agree to pay their share of the cost of remedial work on a voluntary basis. Indeed, it is often only possible after an agreement has been reached between individual Loss Adjusters acting in respect of insurance claims made by the owners.

#### **Charging orders**

'Charging order' provisions were contained in the Building (Scotland) Act 1959 Act but withdrawn when the Act was replaced with the Building (Scotland) 2003.

A 'charging order' enabled a local authority to make an order in favour of itself for the



recovery of the costs incurred when taking enforcement action in respect of a dangerous building. The order charged and burdened the building and its site with an annuity to pay the amount of the expenses. The annuity was charged at a rate of 6%, commencing from the date of the order and running for a term of thirty years thereafter.

While the re-introduction of charging orders might not be appropriate in every case, for instance in situations where the financial liability is very small, it would provide an additional alternative method of cost recovery for authorities. The cost of making and recording a charging order is seen as being less than the expense of any court action involved in recovering a civil debt. The prospect of having their property burdened with an annuity will also encourage owners to settle their debts on a voluntary basis.

**Q39. Should a process be put in place to allow communities to request a local authority exercise their existing powers in relation to dangerous and defective buildings under the Building (Scotland) Act 2003?**

Yes  No

**Please give reasons for your response**

Presently, a local authority through its Building Standards or Building Repairs divisions has the statutory power to serve notice on the owners of buildings that are deemed to be defective or dangerous. On a daily basis most of the urban authorities will receive reports from various individuals or organisations that a building is suspected of being in such a state. Local authorities acting within published performance standards respond to these calls by arranging to inspect the buildings and will thereafter take appropriate action in proportion to the assessed state of its repair.

The object of the Building (Scotland) Act is to ensure the safety of the public in or around buildings. It is therefore important that the action taken by a local authority is at all times proportionate to the state of repair of the building.

When taking enforcement action in respect of dangerous buildings, local authorities will firstly consider the safety of the public and secondly the rights and needs of the owner of the building when deciding the form of any remedial work that it might take in cases where the owner cannot or will not act to repair the property on a voluntary basis. The political demands brought to bear by community groups could impose an unnecessary pressure on the objectivity of this decision making process. Community groups would inevitably require local authorities to extend the scope of their statutory powers to include buildings where no danger existed, for instance in situations where buildings were considered eyesores or merely because of their derelict state.

It should be noted that this approach could have significant financial implication for a Local Authority, could this be presented as a community 'right to request' and a Local Authority has the right to decide based on a balanced review of all appropriate considerations.

*Compulsory purchase*

**Q40. Should communities have a right to request a local authority use a compulsory purchase order on their behalf?**

Yes  No

**Please give reasons for your response**

From a planning perspective, this response relates to Compulsory Purchase in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act.

Planning authorities are empowered to acquire compulsorily listed buildings which are not being properly conserved. Compulsory purchase proceedings can be initiated following service of a repairs notice under Sections 42-45 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. A planning authority which is satisfied that a listed building has been deliberately allowed to fall into disrepair in order to justify its

demolition and the redevelopment of the site can, when making a compulsory purchase order, make a 'direction for minimum compensation'.

Community groups are likely to be aware of historic buildings in their area which are vacant and in a state of disrepair. Therefore, it would seem quite appropriate that communities should be able to request that a local authority use a compulsory purchase order to acquire such buildings. There would need to be a duty on the local authority to formally consider such requests and decided whether or not to take action.

It should again be noted that this approach could have significant financial implication for a Local Authority, could this be presented as a community 'right to request' and a Local Authority has the right to decide based on a balanced review of all appropriate considerations.

**If you said 'yes' to Question 40, please answer part a.:**

**a. What issues (in addition to the existing legal requirements) would have to be considered when developing such a right?**

From a planning perspective, these powers are seldom used, the reason for this is partly the very protracted process involved in achieving a CPO. For a building falling into disrepair, an Urgent Works Notice (under Section 49 of the *Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997*), then a Repairs Notice would be served, prior to the CPO. At each stage the owner/occupier has the opportunity to act or, failing that, the Council have the powers to do the work ourselves. When it comes to the final stage - seeking a CPO, the Council will not normally do this unless it has a restoring purchaser to take the building as an end user. This process can take years and is resource intensive in terms of officer time, legal advice and costs. If the process were made easier, without undermining the rights of the owner, it would speed up the process.

**Q41. Should communities have a right to request they take over property that has been compulsory purchased by the local authority?**

Yes  No

**Please give reasons for your response**

In principle, the Council would not object to communities having the right to request taking over assets that have been compulsory purchased providing that the final say as to whether or not the assets would transfer, and the terms of transfer, rests with the Council.

Prior to the proposed transfer of any assets to the community, the Council would, for example, require to be happy with who the "community" was, what they were proposing to use the assets for, what funding was available immediately, what funding was available in the long term, did they have a formal management structure and do they have the technical knowledge to look after the property indefinitely.

To safeguard the future of the assets, the Council would suggest that any transfer should be by way of a long lease rather than a sale. This would allow the Council to recover a community asset if the organisation runs into financial or management problems in the future. It is easier to control the future use of the asset by way of a lease rather than a sale.

The Council also requires to prove "best value" in the disposal of all assets by sale or lease and, if the proposal is at less than market value, the Council would wish to consider the financial implications on the Council's Capital Investment Programme and Revenue income.

Under the Compulsory Purchase rules, the Council is required to pay market value for the purchase of any properties and this will require a budget. If the property is not required by the Council itself for an approved scheme, it should have the right to sell on the property at its market value to recover the original purchase price.

The comments made elsewhere in this response would apply equally to CPOs.

**If you said 'yes' to question 41, please answer part a.:**

**a. What conditions, if any, should apply to such a transfer?**

See answer to question 41

*Power to enforce sale or lease of empty property*

**Q42. Should local authorities be given additional powers to sell or lease long-term empty homes where it is in the public interest to do so?**

Yes  No

**Please give reasons for your response**

Careful consideration would need to be given to the risk of raising unrealistic expectations by the introduction of such powers. Even if powers were to be introduced it is likely that local authorities would expend considerable time and resources in a lengthy legal process to secure the right to sell or lease a long-term empty home in the private sector.

The European Convention of Human Rights (ECHR) sets out a very strong framework that protects individuals' property rights from interference from public sector bodies. Any public interest argument would need to be set out in primary legislation and then in any subsequent cases that were argued in court.

Similar powers have been introduced in England and Wales recently. Before further consideration is made of introducing powers in Scotland, the effectiveness of those new powers in England and Wales should be assessed.

Our experience of other powers, for example CPOs, is that any intervention by a public body like the Council in taking away or interfering with someone's property rights can only be legitimately taken in very rare and unusual circumstances. Such intervention often leads to complex and lengthy procedures and delays.

**If you said 'yes' to Question 42, please answer parts a., b. and c.:**

**a. In what circumstances should a local authority be able to enforce a sale and what minimum criteria would need to be met?**

**b. In what circumstances should a local authority be able to apply for the right to lease an empty home?**

**c. Should a local authority be required to apply to the courts for an order to sell or lease a home?**

Yes  No

**Please give reasons for your response**

**Q43. Should local authorities be given powers to sell or lease long-term empty and unused non-domestic property where it is in the public interest to do so?**

Yes  No

### Please give reasons for your response

Careful consideration would need to be given to the risk of raising unrealistic expectations by the introduction of such powers. Even if powers were to be introduced it is likely that local authorities would expend considerable time and resources in a lengthy legal process to secure the right to sell or lease a long-term empty home in the private sector.

The European Convention of Human Rights (ECHR) sets out a very strong framework that protects individuals' property rights from interference from public sector bodies. Any public interest argument would need to be set out in primary legislation and then in any subsequent cases that were argued in court.

Similar powers have been introduced in England and Wales recently. Before further consideration is made of introducing powers in Scotland, the effectiveness of those new powers in England and Wales should be assessed.

Our experience of other powers, for example CPOs, is that any intervention by a public body like the Council in taking away or interfering with someone's property rights can only be legitimately taken in very rare and unusual circumstances. Such intervention often leads to complex and lengthy procedures and delays.

It should be noted that even though it may be in the public interest to consider these powers, this mechanism may be used by landlords to effectively discharge their own liabilities for a property with the expectation that the Local Authority will then take responsibility and therefore liability for the premises. This in itself could have significant financial implications for the Local Authority involved.

### If you said 'yes' to Question 43, please answer parts a., b. and c.:

- a. In what circumstances should a local authority be able to enforce the sale of a long-term empty and unused non-domestic property and what minimum criteria would need to be met?

- b. In what circumstances could a local authority be able to apply for the right to lease and manage a long-term empty non-domestic property?

- c. Should a local authority be required to apply to the courts for an order to sell or lease a long-term empty non-domestic property?

Yes  No

### Please give reasons for your response

- Q44. If a local authority enforces a sale of an empty property, should the local community have a 'first right' to buy or lease the property?

Yes  No

### Please give reasons for your response

If a local authority enforces the sale of an empty property, it would be obliged to pay market value. There would normally be a presumption that unless the property was required for a particular scheme, the local authority would have no need to retain the property in its ownership. The property would subsequently be advertised for sale to not only recover the capital outlay of the purchase but to allow the property to be brought back into use by

another party.

If there is no recognised scheme behind the purchase then there would appear to be no reason for the community to have “first right” to buy and the property would be sold on the open market at its full value.

**If you said ‘yes’ to Question 44, please answer part a.:**

**a. In what circumstances should a community have the right to buy or lease the property before others?**

Not applicable

*Definitions for Part 3*

**Q45. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 3. Please also give us examples of any definitions that you feel have worked well in practice**

The Council wishes to reserve judgement on this until the draft Bill is published.

## ASSESSING IMPACT

**Q46. Please tell us about any potential impacts, either positive or negative, you feel any of the ideas in this consultation may have on particular group or groups of people?**

We would reference previous responses.

**Q47. Please also tell us what potential there may be within these ideas to advance equality of opportunity between different groups and to foster good relations between different groups?**

In seeking to strengthen community empowerment there is potential for the Bill to positively impact on this agenda. However, this will need to be more fully assessed once the detailed proposals are articulated in the draft Bill.

**Q48. Please tell us about any potential impacts, either positive or negative, you feel any of the ideas in this consultation may have on the environment?**

We would reference previous responses.

**Q49. Please tell us about any potential economic or regulatory impacts, either positive or negative, you feel any of the proposals in this consultation may have?**

We would reference previous responses.

**Thank-you for responding to this consultation.**

**Please ensure you return the respondent information form along with your response.**

## Neighbourhood Partnerships Update Report

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### Policy and Strategy Committee

28 February 2012

#### 1. Purpose of report

- 1.1 To highlight progress in relation to neighbourhood partnerships (NPs), together with details of proposals for taking forward the approach in the coming year.

#### 2. Background

- 2.1 Neighbourhood Partnerships are the local expression of Edinburgh's approach to community planning and form an important element of the neighbourhood approach established by Council in 2007. They provide the framework by which service providers and local people come together to agree local outcomes and priorities and identify how these can be met.
- 2.2 Since their establishment significant progress has been made in meeting the core objective of working together to improve the quality of people's lives through the delivery of more effective, joined up and appropriate services. This report provides information on progress, together with an update on the continuous development programme reported to Policy and Strategy Committee in June 2009. The report is complementary to the 'Review of Neighbourhood Management' reported to Policy and Strategy Committee in November 2010 and the report elsewhere on this agenda regarding the Edinburgh People's Survey 2011/12.

#### 3. Main report

##### Delivering Solutions

- 3.1 A primary focus of the NPs is the development and delivery of a local community plan which, as the overarching strategic plan for the area, identifies the key issues of concern and the actions needed to address these. Each plan identifies priority outcomes for the neighbourhood

based on area profiling and extensive consultation and engagement with the local community.

3.2 The first NP local community plans covered the period 2007-2011 and delivery of these has now been completed. Across the 12 NPs the plans identified a range of outcomes aimed at improving the quality of people's lives, covering priorities such as the environment, making the community safer and healthier, young people, employability and transport. Significant progress was made in addressing these priorities, with improved levels of performance and resident satisfaction, maximisation of resources and increased efficiencies being achieved, for example:

- In the City Centre NP, partnership work between the Council and private sector organisations transformed how fly posting is dealt with during the summer Festival. This joint approach has resulted in estimated savings of £100k and increased satisfaction levels with vandalism and graffiti, with levels rising from 49% in 2007 to 87% in 2011.
- A joint Council, Police and Fire and Rescue Service Bonfires Initiative in Western NP, which has been running for 4 years, has led to a 76% reduction in fire-raising and firework calls to Lothian and Borders Police and 87% reduction in bonfire calls to Lothian and Borders Fire and Rescue service in 2011 compared to 2008.
- In response to the worst history for dental health in the city, Liberton and Gilmerton NP focused on children's oral health, resulting in a dedicated dental service for children, young people and pregnant women being established in the area. Additionally all primary schools in the area now participate in a tooth brushing programme and an early intervention Childsmile programme has been developed.
- The Muirhouse/Pilton area experiences high levels of poor health and premature mortality associated with poverty. In response, the Forth NP developed 'Your Community, Your Health' to provide local people with accessible, quality assured information in relation to their health and well-being. The initiative is delivered in three local venues where local people are supported to access the information by workers and volunteers that have completed the 'health information support roles', training provided by NHS Education Scotland.
- Portobello and Craigmillar NP Extended School Holiday Programme saw SfC and the Children and Families Departments working jointly to extend fun things to do during school holidays. The initiative saw a high number of participants and there was a reduction in youth related calls to the police over the school holidays by 35% over three years.
- Longstone is a community located in the South West NP which has a limited public transport service consisting of the Lothian Regional Transport (LRT) number 20 bus. The service was in danger of being removed, presenting real problems to people



living in the area. Key partners supported a campaign to retain this vital service with the result that continued support by the Council for the number 20 bus was secured and LRT agreed to amend the route to include the servicing of nearby retail and health facilities.

### Participation in Democratic Processes

- 3.3 Community involvement is at the heart of the NP arrangement, with a variety of methods being used to ensure the views of all sections of the community are heard. This has led to positive trends in the levels of satisfaction of residents with neighbourhoods and specific services. For example, as evidenced in the Edinburgh People’s Survey in 2007 of those surveyed street cleanliness was cited as number 1 priority for the city with satisfaction levels of 67%. By placing an emphasis on this in neighbourhoods, 5 years later satisfaction levels have risen to 72% and this is now the 3<sup>rd</sup> top priority.
- 3.4 The traditional approaches used, such as surveys, holding of themed events and roadshow programmes, have been further enhanced with the introduction of social media tools. During spring and summer 2011, all six SfC neighbourhood teams set up accounts on Twitter and/or Facebook. The use of social media channels has been recognised as beneficial in generating ‘online’ engagement activity from people not previously known to be in direct contact, together with generating ‘offline’ activity with a number of people having attended NP public events publicised through Twitter. There has been a steady growth in the size of these online communities providing more opportunities for residents to engage on local issues.

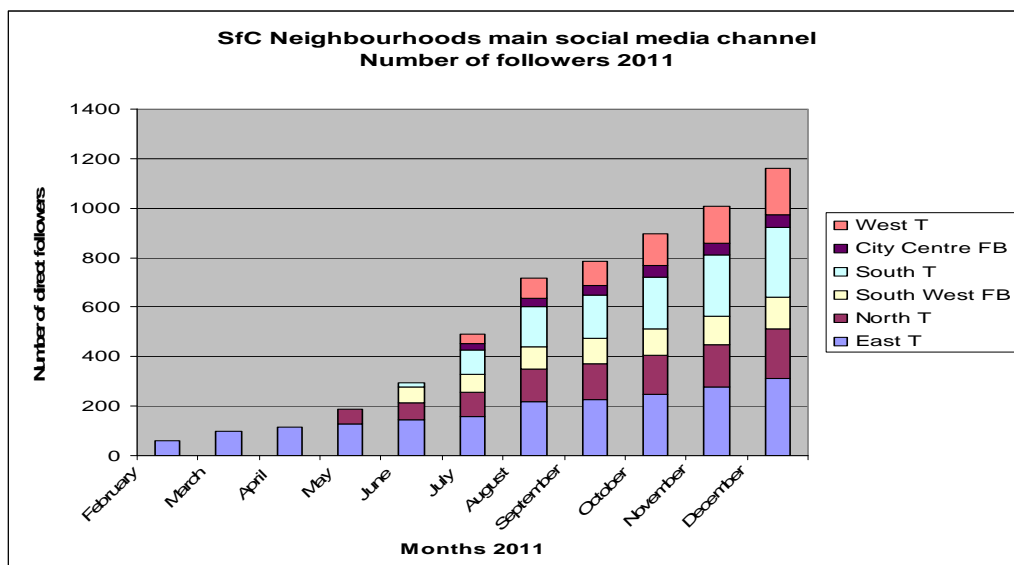


Chart shows the follower figures for each SfC Neighbourhood based on the initial channel identified for online engagement with local people through social media, either Twitter or Facebook denoted in the legend by T and FB respectively. Whilst South West uses both channels, to avoid possible ‘double counting’ only their Facebook account follower figures are shown.

- 3.5 The need to provide a programme of support for community councils to enable them to fulfil their representative role on the NPs forms a key element of the approach to community engagement. A range of support has been provided including a programme of city wide training events and the piloting of new initiatives such as the lite bite session which brought together SfC staff and Edinburgh Association of Community Council members which resulted in the production of a DVD to raise awareness of the role of community councils.

### **Influencing decision making**

- 3.6 Whilst NPs do not have delegated powers to hold budgets there is plenty of scope to influence the use of resources. An example is the Neighbourhood Environmental Programme (NEP) budget which SfC established by top slicing £3.2m from the Housing and Roads capital budgets and disaggregated across the 12 NPs.
- 3.7 In all NPs local communities influence this budget allocation through their involvement in sub groups. For example, in Portobello and Craigmillar NP annual bus tours are undertaken to identify local projects for budget spend before a final list of projects to be supported is agreed at a meeting which any local resident can attend. Across the NPs a wide range of projects have been delivered through this fund. In Inverleith NP park improvements have been carried out in Easter Drylaw Park, sports facilities provided in Wester Drylaw and new access pathways created at Warriston Gardens and Comely Bank Avenue.
- 3.8 In June 2007, the Council agreed to the transfer of the Community Grants Fund Scheme and decision making arrangements to the 12 NPs. This popular fund totalling £434,423 in 2010/11 supported 233 projects across the 12 NPs. Customer feedback from grant recipients is consistently positive, for example, in the Western and Almond NPs, 89% of respondents rated the service as 'excellent' or 'very good'.
- 3.9 The Community Grants Fund has also been used to support successful participatory budgeting pilots in the Leith and South Central NPs. As an approach, participatory budgeting can assist in increasing levels of participation and improving services through providing individuals and communities with a greater say in shaping what happens in their neighbourhood by involving them in taking decisions on spending priorities.
- 3.10 Whilst NPs have significant influence over existing budgets devolved to a local level, budgetary pressures have presented a particular challenge in ensuring the continued development and implementation of community action. To address this, a programme has been developed to enable communities to access non-Council funding streams. The 'Community Funding Support Programme' provides community groups with access to a comprehensive range of information and advice and is delivered across the 12 NPs in the city.

## Building on Success

- 3.11 NPs have a vital role in ensuring local communities continue to increase their influence. As Partnerships enter the next phase of operation, it is critical that they are well placed to meet new challenges.
- 3.12 As part of a process of continuous development, NPs have been implementing measures designed to improve their effectiveness in providing a focus for involving local people, and planning and delivering activities at a local level. This local activity is complemented by a strategic improvement plan at a city wide level. The plan aims to build on what has already been achieved in terms of increased efficiencies, more intelligent resource deployment and the delivery of an integrated approach to community engagement whilst continuously improving the way things are done. Priority areas being addressed include improvements to managing partnership performance, measures to consolidate the approach to community engagement and activity to increase the shared ownership of priorities and delivery of outcomes.
- 3.13 The resources used by all partners to deliver solutions to community concerns and the business justification for the continued allocation of these stretched resources makes it imperative that the NPs develop a business tool to measure their success. Following a review of existing performance reporting arrangements across the NPs, a new Performance Framework has been developed to provide NPs with the tools needed to monitor performance, evidence improvements and to hold providers accountable for the services delivered locally. The Performance Framework uses three products which will be reported to the NPs, their sub groups and local communities:
- Updated Local Community Plans for 2011-14 ([see www.edinburghnp.org.uk](http://www.edinburghnp.org.uk))
  - A Local Community Plan Performance Report produced every six months and tailored to each Neighbourhood Partnership.
  - An annual Partnership Scorecard booklet comparing an agreed set of key indicators across the 12 NPs ([see www.edinburghnp.org.uk](http://www.edinburghnp.org.uk))
- 3.14 The next phase of development is linking the local plans to the new Single Outcome Agreement and the development of action plans setting out what will be delivered jointly by partners and the resources required to achieve the agreed outcomes. These plans will be developed, implemented and monitored through the NP sub group structure.
- 3.15 A further priority is improving the synergies and strengthening the links between the local and strategic levels to ensure local intelligence and priorities informs mainstream resource deployment and service provision. An example of this activity is the development of links to the Employment and the Joined up for Jobs City Strategy where initial discussions with the CEC Economic Development Team have been

very positive and plans are being progressed to link neighbourhood services to the city pipeline approach for employability and access to work. The intent is to ensure strong links to each NP, to reduce duplication and make better use of limited organisational resources.

- 3.16 Whilst action is being taken to develop links between the NPs and Strategic Partnerships, and in particular the Early Intervention, Employability and Health Inequalities partnerships, work is also being progressed to strengthen the relationship between the NPs and the Edinburgh Partnership (EP). Currently the primary link is through the NPs Conveners' Group with the Convener of this group being a member of the EP Board.

## **4 Conclusion**

- 4.1 NPs have made significant progress since their establishment in 2007. With the completion and delivery of the first local community plans, neighbourhoods have benefited from a broad range of service improvements and developments aimed at improving the quality of life locally.
- 4.2 The range of good and innovative practice to actively engage communities has led to real improvements in the targeting and delivery of local services.
- 4.3 Partnership working has delivered positive solutions to community concerns with real outcomes which would not have been achieved by organisations working solely on their own. This report has provided only a sample of these tangible outcomes from partnership activity. As NPs move forward, there is recognition of the need to continue to respond to the needs of communities as well as emerging challenges, with this drive for continuous improvement providing the focus for current and future NP development across the city.

## **5 Financial Implications**

- 5.1 There are no direct financial implications arising from this report.

## **6 Equalities Impact**

- 6.1 Local community planning activity and the work of Neighbourhood Partnerships contributes to the delivery of the Equality Act 2010 general duties of advancing equality of opportunity, eliminating unlawful discrimination, harassment and victimisation, and fostering good relations. This is evidenced through the engagement strategies and plans which involve working with all partners and members of the community, detail how barriers to engagement will be removed and seek to promote buy in across communities to common goals.

## 7 Environmental Impact

7.1 There are no adverse environmental implications arising from this report.

## 8 Recommendations

8.1 It is recommended that the Council notes the report and refers the report to the 12 NPs, Edinburgh Partnership and Edinburgh Community Health Partnership Board for information.

**Mark Turley**  
Director Services for Communities

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Appendices	None
Contacts	Michele Mulvaney, Community Engagement Manager, 0131 469 3541, <a href="mailto:michele.mulvaney@edinburgh.gov.uk">michele.mulvaney@edinburgh.gov.uk</a>
Wards affected	All
Single Outcome Agreement	<p>Supports National Outcome 11 – We have strong, resilient &amp; supportive communities where people take responsibility for their own actions &amp; how they affect others</p> <p>Supports Edinburgh outcome – Edinburgh residents are satisfied with neighbourhoods &amp; decision-making</p> <p>Supports National outcome 15 – Our public services are high quality, continually improving, efficient &amp; responsive to people’s needs</p> <p>Supports Edinburgh outcome – Our services are continually improving &amp; efficient</p> <p>Supports Edinburgh outcome – People’s perceptions of the quality &amp; responsiveness of public services in Edinburgh are improved</p>
Background papers	Neighbourhood Partnership Local Community Plans 2007-2011 Neighbourhood Partnership Local Community Plans 2011-2014