



WHAT YOU NEED TO KNOW ABOUT THE COMMUNITY EMPOWERMENT (SCOTLAND) BILL 2015

Background

The Community Empowerment (Scotland) Bill (the Bill) was passed on 18 June 2015 with the backing of 101 MSPs. The Bill is intended to enable the people of Scotland to have greater involvement in local decision making and to make better use of the assets in their communities.

Following the passing of the legislation, Community Empowerment Minister Marco Biagi announced that additional funding will be made available through the Community Ownership Support Service (COSS)¹. The £400,000 fund will be used to raise awareness of the legislation and provide advice to community groups with an interest in community ownership.

What's in the Legislation?

Ownership of Land and Assets

The Bill gives community bodies the right to request to purchase, lease, manage or use land and buildings belonging to local authorities, Scottish Ministers, health boards or public bodies which own significant amounts of land or buildings. Community groups will be able to make a case for taking over an asset, setting out the intended use and the benefits that this would bring to the community. For example, a group may wish to take over an unused building for use as a community centre or sports facility. The public body that owns that asset would then have a duty to assess the benefits of transferring that asset to the community.

Local authorities will have to establish and maintain a register of common good property and to consult community bodies before disposing of or changing the use of common good assets. This measure is intended to increase transparency and to ensure that communities have more involvement in ensuring public assets are used to benefit local people.

Under the legislation, local authorities will also be encouraged to provide additional space for allotments where there is demand from members of the community. This measure may present challenges for some local authorities, especially in built up urban areas where land is in short supply but should help to extend the provision of allotments which can have a positive impact on health, wellbeing and community cohesion.

¹ <http://news.scotland.gov.uk/News/Community-takeover-1a0b.aspx>



The Bill does not just affect land and assets owned by public bodies, the Bill extends the community right to buy land, including privately owned land, across all of Scotland. This right previously only applied to rural communities. This provision will apply in cases where the owner has willingly put the land up for sale.

In a further extension of power over privately owned assets, community bodies will be given the right to buy neglected or abandoned land even if the owner is not willing to sell the land. This power has the potential to transform unsightly, unused land into shared community spaces.

However, there has been much debate around the definitions of “neglected” and “abandoned” land and the rights of ownership. To avoid conflict over the sale of land, detailed guidance must be developed clearly setting out the circumstances under which land can be sold without the consent of the owner.

Decision Making

Provisions within the Bill seek to give communities a more proactive role in shaping how services are planned and delivered by allowing community bodies to request involvement in the design or delivery of public services with a view to improving outcomes. Public service authorities, to which requests for participation can be made, are defined within the Bill and include local authorities. This provision should encourage positive discussions between communities and local authorities about how services are being delivered, if they are meeting local needs and if not, how they can be improved.

Conclusions

The Bill offers clear opportunities for people to become more involved in shaping local communities and the way that services are provided and we welcome this transfer of power. We know the value of engaging tenants in service design and delivery and this legislation should build upon existing relationships between housing organisations and their customers.

We welcome the commitment of additional funding to promote the use of the new powers but only time will tell if the additional resources are enough to really make a difference. Some of the most vulnerable people in our communities stand to benefit from greater engagement with local service providers and helping to create shared community spaces, but these are the people who are likely to need the most support in order to do so.