

The Community Empowerment (Scotland) Act receives Royal Assent

The Community Empowerment (Scotland) Act received Royal Assent in July. [Bill as passed](#).

This summary of the debate around the final shape of the legislation is drawn from material first published on the website of the Community Development Alliance Scotland, writes ACVO Development Officer **Sandy Mathers**, who says “we will await with interest the commencement of the various sections of the Act”.

National Outcomes: Amendments were passed which require Scottish ministers to consult “persons who represent communities when determining and reviewing the national outcomes”. It was stated that these would include “communities based on common interest, identity or geography”.

Community Planning: Amendments require each Community Planning Partnership to “identify each geographic locality in their area where persons experience significantly poorer outcomes than are experienced by persons who reside in other localities in that area or significantly poorer outcomes than are experienced generally by persons who reside in Scotland”. They must prepare and publish a locality plan for each such locality. They may in fact choose to do this for every locality in their area if they wish (as several already do). According to the Minister “Some might find interaction with health and social care localities to be a sensible approach, while others might choose not to align things in that way—that will be down to local decision making”.

Participation Requests (PRs): Instead of a general right of appeal to Ministers against the refusal of PRs, which had been inserted in earlier debates, the final version gives ministers the power to make future regulations about appeals or reviews of decisions. “We are proposing to make provision for appeals to be introduced on participation requests, if experience shows that they are needed”. These might be carried out “by persons other than the Scottish ministers”, in order, it was argued, to prevent Ministers from becoming involved in purely local issues.

An agreed amendment allows unconstituted groups to be participants but states that they must still be ones “membership of which is open to any member of that community; whose decisions are made or otherwise controlled by members of the group who are members of that community; and any surplus funds and assets of which are to be applied for the benefit of that community”. It will be for the public authority involved to determine whether these things apply. According to the Minister “The information ... might come from leaflets or newsletters, or just through conversations with the group ...”

Community Right to Buy Land: A range of issues over the timing and treatment of community bids to buy land were decided which we shall not summarise here. An interesting general debate was over the new right to buy land that is ‘wholly or mainly abandoned or neglected’. Amendments were added “to widen the definition of eligible land to include land whose use or management ... causes harm ... to the environmental wellbeing of a relevant community.” The Minister said that she wanted this “to have a broad meaning ... and not to be restricted to harm that is caused to just the physical condition of the community. Harm to the community’s environmental wellbeing ... may affect the amenity of the community. That may include cases ... such as the detrimental impact that a group of boarded-up shops, unoccupied housing or algae-filled ponds that are becoming health hazards might

have on the community's environmental wellbeing". There will thus in future be a "Register of Community Interests in Abandoned, Neglected or Detrimental Land".

There was a discussion about whether harm to 'social wellbeing' should also be included. The Minister argued that further consultation would be needed on the extent of such harm and implications of a further change, and the Opposition did not push this to a vote.

Transfer of Public Assets: It had earlier been agreed that there should be a right of appeal if a 'community transfer body' "has been unable to conclude a contract with the relevant authority within a specified period after an asset transfer request has been agreed". The Minister outlined a new appeal process specifically for that purpose.

The Minister clarified that "arms Length Organisations" (ALEOs) are not specifically listed "and are not public authorities, but the Scottish Government has the ability to designate by order additional organisations under certain circumstances" and that "we will seek to ensure that ALEOs fall within the spirit of the bill, in so far as they are bodies that deliver on behalf of the public sector."

Allotments: One of the biggest disputes whilst the Bill was in progress was with the Scottish Allotments and Gardens Society who feared that local authorities were being allowed to get away with meeting their new duties to provide allotments by cutting down on the size of plots offered. After negotiations and apparent agreement of all involved, the Act will now allow individuals to choose a smaller plot if they wish, but otherwise retain their right to wait for and eventually get a larger, standard one.

Football: The Committee had sensationally introduced a new Right for Supporters' Trusts to buy football clubs in certain circumstances. Instead the final Bill gives Ministers power to make future regulations in this area. They promised to "launch a comprehensive consultation on this issue" which might take "two to three years". This ball has perhaps been kicked into the long grass for the time being.