

Consultation on the Community Empowerment (Scotland) Bill

Response Questionnaire

Chapter 3 - Proposals with draft legislation

Please read the draft Bill provisions before you answer these questions. You do not need to answer all the questions in this questionnaire, only answer the questions that you have an interest in. Separate questionnaires are provided for each chapter of the consultation paper.

Please make sure you also return the Respondent Information Form with your response, so that we know how to handle it.

3.1 Community Right to Request Rights in Relation to Property

Please read Part 1 of the draft Bill (Annex C pages 1 to 9) before you answer these questions:

Q1 Do you agree with the definition of community body at section 1?
Yes No

Do you have any changes to suggest?

Possibly replace the word “company” with “corporate body” to include different legal structures.

Q2 Do you agree with the list of public bodies to be covered in this Part at Schedule 1 (Annex C page 21)?

Yes No

What other bodies should be added, or removed?

The list might also cover additional public bodies such as the National Museums Scotland, National Galleries Scotland and VisitScotland and perhaps the SQA and SDS and other smaller bodies.

Despite the different legal status of universities, there is perhaps scope to include universities within the provisions of the Bill.

Q3 What do you think would be reasonable timescales for dealing with requests, making an offer and concluding a contract, in relation to sections 5(6), 6(2)(c) and 6(6)?

Q4 Do you agree that community bodies should have a right of appeal to Ministers as set out in section 8?

Yes No

Are there other appeal or review procedures that you feel would be more appropriate?

There should be consideration given to setting up an open and independent appeals process, through an existing or new organisation, rather than The Scottish Government.

Q5 What form of appeal or review processes, internal or external, would be appropriate in relation to decisions made by local authorities and by Scottish Ministers?

As Q4.

Q6 Do you have any other comments about the wording of the draft provisions?

There may be scope to incorporate a “right to try”, whereby there is a phased trial process for community organisations to take on assets.

Q7 What costs and savings do you think would come about as a result of these draft provisions? Please be as specific as you can.

These provisions have huge potential in terms of reduced costs for public sector agencies, by appropriately transferring assets to community organisations.

This should of course be in a way that empowers the community in a fair and cost efficient way and is not used simply as a way of disposing of unwanted assets.

The key driving force should be outcomes in terms of social and environmental benefit, not organisational interest.

3.2 Community Right to Request to Participate in Processes to Improve Outcomes of Service Delivery

Please read Part 2 of the draft Bill (Annex C pages 9 to 14) before you answer these questions:

Q8 Do you agree with the definition of community body at section 11? Yes No

Do you have any changes to suggest?

Just clarity needed where a community body may be taking part in more than one of the activities: Request to Participate in Processes to Improve Outcomes of Service Delivery, Asset Transfer and Community Right to Buy. Is a single definition needed to cover these instances?

Q9 Do you agree with the list of public bodies to be covered in this Part at Schedule 2 (Annex C page 21)?

Yes No

What other bodies should be added, or removed?

As Q2.

Q10 Do you agree with the description at section 13 of what a participation request by a community body to a public service authority should cover?

Yes No

Is there anything you would add or remove?

There could perhaps be a statement that any decision made by a public authority will be specifically made in the interests of the community and social/environmental outcomes rather than organisational interests.

Q11 Do you agree with the criteria at section 15 that a public service authority should use when deciding whether to agree or refuse a participation request?

Yes No

Are there any other criteria that should be considered?

Yes but there doesn't seem to be an appeal process if a public service authority refuses a request. This should be to an existing or new, independent body.

Q12 Do you have any other comments about the wording of the draft provisions?

Q13 What costs and savings do you think would come about as a result of these draft provisions? Please be as specific as you can.

3.3 Increasing Transparency about Common Good

Please read Part 3 of the draft Bill (Annex C pages 14 to 16) before you answer this question:

Q14 Do you think the draft provisions will meet our goal to increase transparency about the existence, use and disposal of common good assets and to

increase community involvement in decisions taken about their identification, use and disposal?

Yes No

What other measures would help to achieve that?

Yes to a certain extent, though any register should be produced in partnership with relevant local community interests, to ensure that it contains, with as much certainty as possible, all relevant common good assets.

It would be helpful to have a fair and clearer criteria about relevant “community bodies” in terms of consultation, rather than the proposed “...as the Scottish Ministers think fit.”

3.4 Defective and Dangerous Buildings – Recovery of Expenses

Please read Part 4 of the draft Bill (Annex C pages 17 to 19) before you answer these questions:

Q15 Do you agree that the cost recovery powers in relation to dangerous and defective buildings should be improved as set out in the draft Bill?

Yes No

Q16 Do you agree that the same improvements should apply to sections 25, 26 and 27 of the Building (Scotland) Act 2003?

Yes No