

# Community Empowerment (Scotland) Bill

## Introduction

The Community Empowerment (Scotland) Bill has now started its progress through the Scottish Parliament. The aim of the Bill is “to empower community bodies through the ownership of land and buildings and strengthen their voice in the decisions that matter to them and support and increase in the pace of development and scale of public service reform by cementing the focus on achieving outcomes and improving the process of community planning.” While much of the focus has been on local government **all public bodies** are included in the proposals. The Local Government Committee at the Scottish Parliament is now scrutinising the Bill.

## The Bill

Community empowerment will be different for different communities. The policy memorandum states that “some communities will want to take on the ownership or management of land or buildings or delivery of services to members of their community”. The Scottish Government believes that the Bill will help ensure that people can meaningfully participate in decisions that affect their lives. They believe that the processes will not only improve services and communities but those who do participate will gain opportunities to develop skills which will improve their employment opportunities. It is hoped that this will help tackle other a range of issues e.g. poverty and health inequalities. The Bill has 9 parts:

**Part 1:** places a duty on Scottish Ministers to develop, consult on and publish a set of national outcomes for Scotland

**Part 2** places community planning partnerships on a statutory footing and imposes duties on them regarding planning and delivery of local outcomes

**Part 3** Provides a mechanism for communities to have a more proactive role in having their voices heard in how services are planned and delivered

**Part 4** amends introduces a new part to the Land Reform (Scotland) Act 2003 extending the community right to buy to all Scotland and allow community bodies to purchase neglected and abandoned land where the owner is not willing to sell

**Part 5** gives community bodies a right to request to purchase, lease, manage or use land and buildings belonging to local authorities, Scottish public bodies or Scottish Ministers

**Part 6** places a statutory duty on local authorities to establish and maintain a register of all common good property and require local authorities to publish and consult community bodies on proposals to change or dispose of these assets

**Part 7** updates and simplifies allotments legislation

**Part 8** gives local authorities new powers to reduce business rates

**Part 9** makes general provisions relating to the bill e.g. provision for subordinate legislation



## POLICY BRIEFING

### KEY POINTS:

**The Bill will give community bodies the right to request to purchase, lease or manage land or buildings belonging to all public bodies, local authorities and Scottish Ministers.**

**The outcomes approach will give groups rights to take part in service delivery and design**

**The Bill will extend the community right to buy to all Scotland and creates a right to purchase neglected or abandoned land where the owner is unwilling to sell**



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## Key points

While UNISON is generally supportive of involving people in the design and delivery of services and extending the community right to buy particularly round neglected and abandoned land we have a range of concerns about the impact of this Bill on communities, services and the workers who deliver them.

### Staff

UNISON is concerned that both the Scottish and UK governments see community empowerment as a way to deliver services more cheaply. Where outsourcing services has saved money it has been through cutting jobs, wages and the terms and conditions of the staff who deliver those services. Despite concerns raised by UNISON during the earlier consultations the workers, who currently deliver services on/in the land and building that community groups will have the right to ask to takeover, are not mentioned in the Bill. There is a big difference between a community taking over unused public buildings and land and putting them to public benefit than for example taking over the health centre or swimming pool. There needs to be much more clarity about how this will impact on services and the staff who work there.

- Who will the new employer be?
- Will this require new legislation?
- How/will staff transfer to a new employer?
- Will staff still be employed on local authority terms and conditions?
- How will these be negotiated going forward?
- Will staff still be able for example to apply for internal vacancies with the local authority?

### Privatisation

While not along the level of risk of the Localism Bill there is still potential for privatisation of public services. What happens if the community group cannot sustain the service? Can a private provider take over? What happens if a group in future want to sell assets to another body? Public bodies at a minimum need the right to buy back the assets.

### Equalities

UNISON believes that empowering communities through increased participation is not about transferring assets or ownership of services to groups of people but about ensuring that citizens are consulted and listened to at all points of the process. This requires appropriate resources. There needs to be substantial protection for the wider community, particularly those voices that are already less well heard in Scotland, from the well organised well off further controlling asset of influencing services delivery to suit their needs.

### Resources

The Financial Memorandum states that the Bill will not place substantial costs on public bodies and that most costs will be administrative. The Bill will be implemented at a time of severe financial pressure and job cuts in the public sector. Further detail is needed on how public bodies will find the resources to fund the implementation of this Bill.

The Bill proposes more rights for local authorities to reduce business rates but not to increase them. UNISON would prefer local authorities to be given full control of business rates.

### Conclusion

The Bill has the potential to impact of all public bodies in Scotland. While some measures, are welcome others may impact detrimentally on members' jobs and public service delivery.

### Action for Branches

Branches are encouraged discuss the issues raised in the proposed Bill and begin discussion with employers regarding the impact on members' of provisions of the Bill. The Bargaining and Campaigns Team are available to support discussion in branches. **Please contact Kay Sillars 0141 342 2819.**

#### Further info

##### The Bill

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/77926.aspx>

##### UNISON Submission to the earlier consultation

[http://www.unison-scotland.org.uk/response/CommunityEmpowermentBill\\_UNISONResponse\\_Jan2014.pdf](http://www.unison-scotland.org.uk/response/CommunityEmpowermentBill_UNISONResponse_Jan2014.pdf)

##### UNISON Public Works campaign

<http://www.unison-scotland.org.uk/publicworks/index.html>



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